

04-299-CD
MAHONING OUTDOOR FURNACE, INC. vs. EDWARD DUKES, et al.

Mahoning Outdoor Furn. vs Edward Dukes
2004-299-CD

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

MAHONING OUTDOOR FURNACE, INC. , :
Plaintiff : No. 2004- 299-CJ
:
:
vs. : Type of Case:
: CIVIL
:
EDWARD DUKES a/k/a EDWARD DUKES, JR. : Type of Pleading:
D/B/A DUKES CONTRACTING, : COMPLAINT
Defendant : 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

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or 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.**

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

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

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

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	:	
	:	
	:	

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.

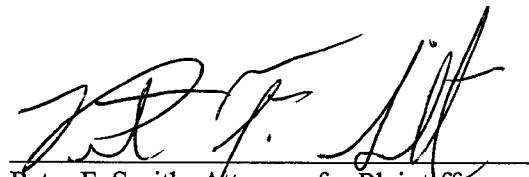
10. Jurisdiction and venue rest in Clearfield County, Pennsylvania.

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,



Peter F. Smith, Attorney for Plaintiff

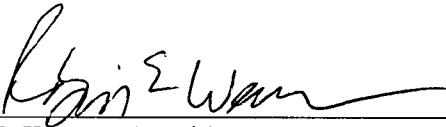
Date: 2/27/04

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

CURRENT	1 - 30	31 - 60	
PAST DUE	PAST DUL		
7851.95	3212.69	0.00	TOTAL DUL 11064.64
OVER 60			=====
PAST 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
INSUL4X100 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
E0005 S/N #4337812 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: DUKES
SHIP DATE: 01/20/04
DUE DATE: 02/19/04
TERMS: ON RECEIPT
CUST. ID.:
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
300S S/N #0402101 Discount On Above	1.00	1.00		4075.0000	4075.00	T
200 BLOWER 3 BOLT	1.00	1.00		72.5000	72.50	T

Edward Duke

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

FILED
10:30 AM
MAR 02 2004
cc: ATTY
100 Shaffer
PFF pd.85.00

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.

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

Sheriff Docket # 15270

04-299-CD

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 May 2004
William A. Shaw

So Answers,

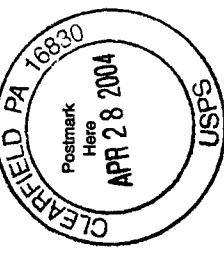
Chester A. Hawkins
by *Markay Hays*
Chester A. Hawkins
Sheriff

FILED

JUN 02 2004 *QAB*
0/8:31 a.m.

William A. Shaw
Prothonotary

CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 60
Certified Fee	
Return Recipient Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.65



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

15mm x 20mm min - 2002

See Reverse for Instructions

0 L 751

PS Form 3800, 2002, 2003, 2004
(revision 1)

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

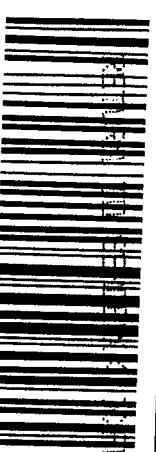
A. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: Edward Dukes a/k/a Edward Dukes Jr. d/b/a Dukes Contracting 2933 Bay City Terrace North Port, FL 34286	
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? <input type="checkbox"/> Extra Fee <input type="checkbox"/> 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



7003 3110 0001 9380 6017

DR. REASON SHOWN
REASON FOR RETURN
TO SENDER
REASON FOR RETURN
TO SENDER

REASON
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

38

✓/N
P.S.L (T'd)
S. 1-04
5/17/09

5/17/09

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

MAHONING OUTDOOR FURNACE, INC. , :
Plaintiff : No. 2004- 299-CD

vs. :
Type of Case:
CIVIL

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

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

MAR 02 2004

Attest.

William L. Ober
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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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	:	
	:	
	:	

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.
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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:

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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.

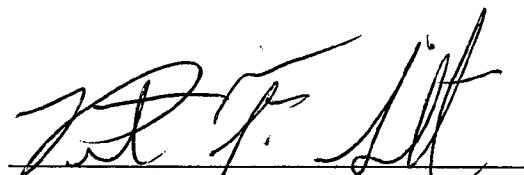
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11. Defendant received and accepted the furnace and other parts without objection.

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,


Peter F. Smith, Attorney for Plaintiff

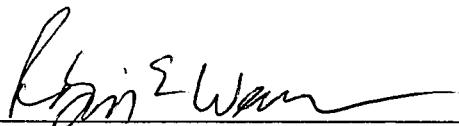
Date: 2/27/04

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

CURRENT	1 - 30	31 - 60	
	PAST DUE	PAST DUE	
OVER 60	3212.69	0.00	
PAST DUE	OPEN CR	TOTAL	
0.00	0.00	11064.64	

TOTAL DUE 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
INSULAX 4" 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. 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 #0327812
Discount On Above
FURNACE IS FOR COMMUNITY ACTION TAX
EXEMPT #75-00790-2

3350.0000
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: **01/20/04**
SHIP DATE: **02/19/04**
DUE DATE: **01/20/04**
TERMS: **ON RECEIPT**

CUST. ID.: **DUKESE**
P.O. NUMBER: **01/20/04**
OUR ORDER NO.:
SALESPERSON: **EDWARD DUKE**

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
300S S/N #0402101 Discount On Above	1.00	1.00		4075.0000	4075.00	T
200 BLOWER 3 BOLT	1.00	1.00		72.5000	72.50	T

Edward Duke

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

EXHIBIT 4

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

MAHONING OUTDOOR FURNACE, INC. : No. 2004-299-CD
Plaintiff :
VS. : Type of Case:
EDWARD DUKES a/k/a EDWARD DUKES, JR. : **CIVIL**
D/b/a DUKES CONTRACTING, :
Defendant : 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

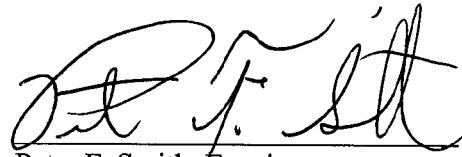


Peter F. Smith, Esquire
Attorney for Plaintiff

AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

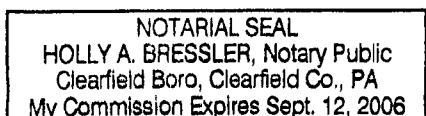
I, Peter F. Smith, counsel for Plaintiff, being duly sworn according to law, deposes and says that the averments of the foregoing Motion for Service of the Writ by Publication are true and correct to the best of his knowledge, information and belief.



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

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

Holly A. Bressler
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 #
04-299-CD

15270

COP

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

So Answers,

____ Day Of _____ 2004



Chester A. Hawkins
Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

MAHONING OUTDOOR FURNACE, INC.

VS.

Sheriff Docket # 15270

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

04-299-CD

COMPLAINT

(Handwritten signature)

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

So Answers,

____ Day Of _____ 2004

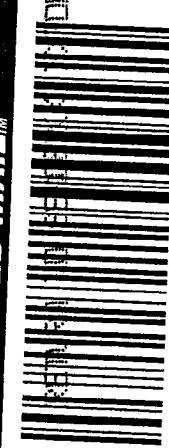
Chester A. Hawkins

Chester A. Hawkins
Sheriff

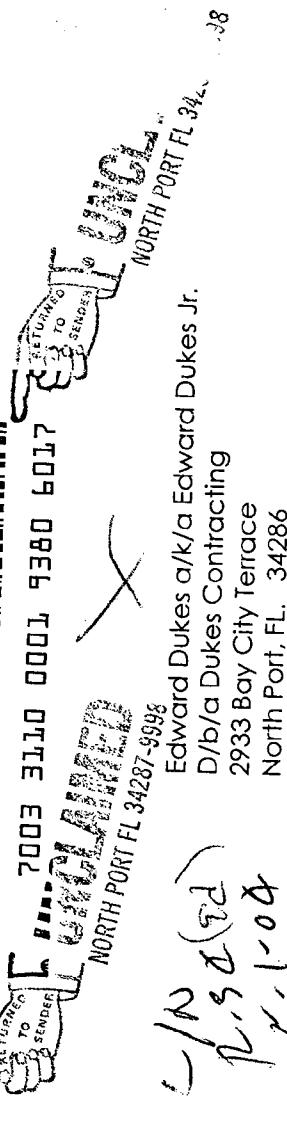
CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
11 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16630



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



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

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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**

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. Meholic, 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. : No. 2004-299-CD
: :
EDWARD DUKES a/k/a EDWARD DUKES, JR. :
D/b/a/ DUKES CONTRACTING :
Defendant :
:

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:

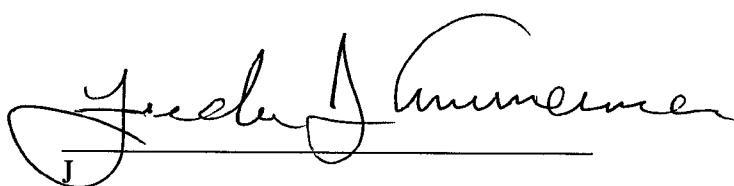
- a. That Plaintiff' s counsel send by First Class Mail postage prepaid with his return address on the outside of the envelope a certified copy of the Complaint; and,
- b. That a certified copy of the Complaint be delivered to the Defendant' s father Edward Dukes, Sr. who resides at R.R. #2 State Route 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

A handwritten signature in black ink, appearing to read "William A. Shaw", is written over a horizontal line. A small capital letter "J" is written below the line to the left of the signature.

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

07/14/04
JUL 14 2004

pls

William A. Shaw

Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

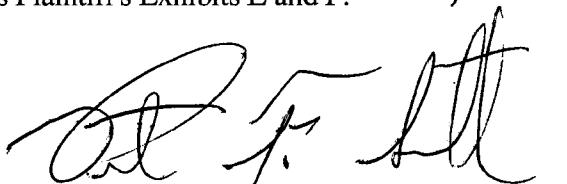
I, the undersigned counsel for Plaintiff, certify that pursuant to this Court's Order dated June 11, 2004, directing special service, I have:

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

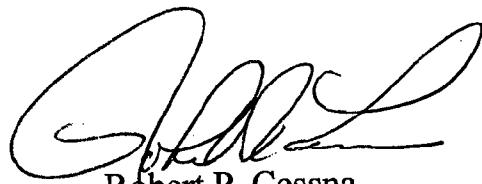
17-04
June 19, 2004

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.



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

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

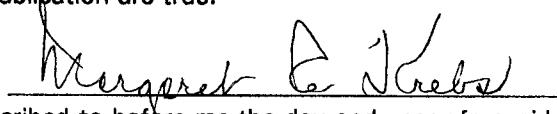
6:19-1d-b

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.



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

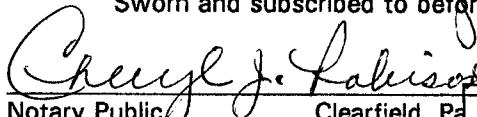

Cheryl J. Robison, COMMONWEALTH OF PENNSYLVANIA
Notary Public, Clearfield, Pa. Notarial Seal
My Commission Expires Oct. 31, 2007 Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007 Member, Pennsylvania Association Of Notaries

EXHIBIT E

PROOF OF PUBLICATION

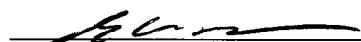
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

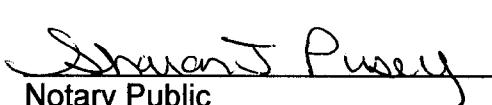
:

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.

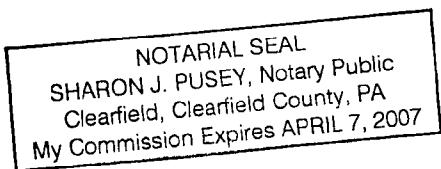


Gary A. Knaresboro, Esquire
Editor

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



Notary Public
My Commission Expires



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 or beginning.

Said description encompasses seventy-five hundred (7,500) 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. : No. 2004-299-CD
EDWARD DUKES a/k/a EDWARD DUKES, JR. :
D/B/A DUKES CONTRACTING, :
Defendant :
:

FILED

AUG 05 2004 (Fees)

6/3/25 (m)

William A. Shaw
Prothonotary

NOTICE TO DEFENDANT
STATEMENT OF ATTACHMENT

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:

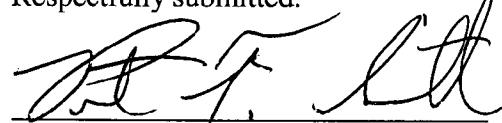
Edward Dukes a/k/a Edward Dukes, Jr.
D/b/a Dukes Contracting
C/o Edward Dukes, Sr.
RR 2 Star Route 36
Punxsutawney, PA 15767

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

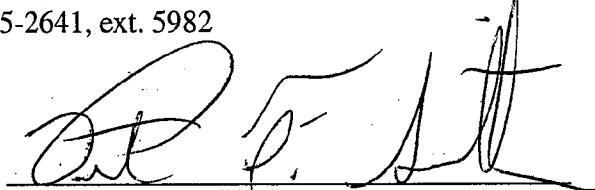
IMPORTANT NOTICE

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	:	
	:	No. 2004-299-CD
vs.	:	
	:	
EDWARD DUKES a/k/a EDWARD DUKES, JR.	:	
D/B/A DUKES CONTRACTING,	:	
Defendant	:	

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. **6-5-04**

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

262
FILED 4cc
013:3661 AttyShope
SEP 09 2004

KENNETH W. BUNGO,
Plaintiff,

*

*

*

vs. * **NO. 04-298-CD**

*

*

*

GLEEANNA BUNGO,
Defendant.

* **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;

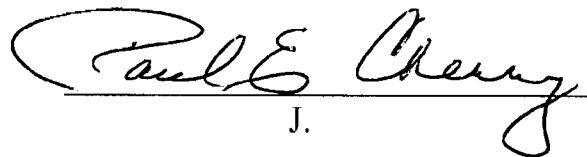
c. The above times and days shall be subject to adjustment by agreement of the parties.

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.

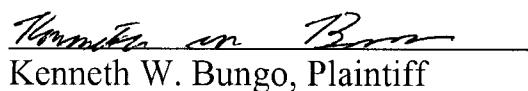
4. The parties shall share custody of the child on the child's birthday and on holidays by agreement.

BY THE COURT:



Paul E. Cherry
J.

The parties consent to the above Order:



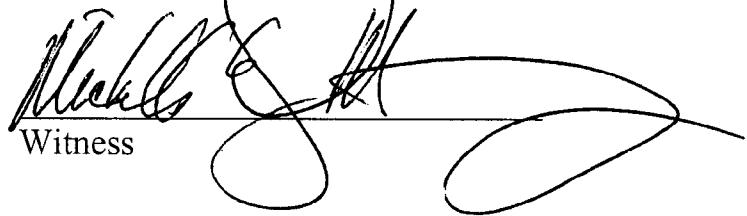
Kenneth W. Bungo
Kenneth W. Bungo, Plaintiff



Gleeanna Bungo
Gleeanna Bungo, Defendant



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



Michael S. Hugney
Witness

Dated: Sept. 9, 2004