

04-352-CD  
COUNTY NATIONAL BANK vs. KURT WITMER, ETAL.

County National Bank vs. Kurt Witmer et al  
2004-352-CD

~~MAILED~~ COPIES OF APPEAL  
Kia Hand/Doc.  
TO BONNIE WITMAN  
4-14-04 342-1140

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.	
ADDRESS OF APPELLANT		CITY	STATE ZIP CODE
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)
CLAIM NO.	VS. SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV			
LT			

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

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

Signature of Prothonotary or Deputy

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

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

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

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

**RULE:** To \_\_\_\_\_, appellee(s).

Name of appellee(s)

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

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

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

Date: \_\_\_\_\_

Signature of Prothonotary or Deputy

2004-352-CD

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. 04-352-CD, upon the District Justice designated therein on (date of service) 4-16-04, ☒ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) County National Bank, on 4-16-04, ☒ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 15<sup>th</sup> DAY OF April, 2004

[Signature]  
Signature of affiant

[Signature]  
Signature of Notary Public  
NOTARIAL SEAL  
TERESA KAY OMEREK, Notary Public  
College Twp., Centre County  
My Commission Expires June 4, 2004

FILED

APR 19 2004

4/13/2004  
William A. Shaw  
Prothonotary

NO CHG

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 04-352-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <u>Bonnie J Witmer</u>		MAG. DIST. NO. OR NAME OF D.J. <u>46-3-02</u>	
ADDRESS OF APPELLANT <u>224 Water Street Philipsburg</u>		STATE <u>PA</u>	ZIP CODE <u>16866</u>
DATE OF JUDGMENT <u>03-01-04</u>		IN THE CASE OF (Plaintiff) <u>County National Bank</u> vs. (Defendant) <u>Kurt Witmer Et AL.</u>	
CLAIM NO. CV <u>0000362-03</u> LT _____		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>BWitmer</u>	

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

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

\_\_\_\_\_  
Signature of Prothonotary or Deputy

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

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

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

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

\_\_\_\_\_  
Signature of appellant or his attorney or agent

RULE: To \_\_\_\_\_, appellee(s).  
Name of appellee(s)

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

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Prothonotary or Deputy

FILED  
MAR 15 2004  
Def. pd. 85.00  
Certified Copies  
to Def.

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS \_\_\_\_\_

**AFFIDAVIT:** I hereby swear or affirm that I served

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

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

\_\_\_\_\_  
Signature of affiant

\_\_\_\_\_  
Signature of official before whom affidavit was made

\_\_\_\_\_  
Title of official

My commission expires on \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **COUNTY NATIONAL BANK**  
P.O. BOX 42  
CLEARFIELD, PA 16830

VS.  
DEFENDANT: **WITMER, KURT, ET AL.**  
1306C W COLLEGE AVE  
STATE COLLEGE, PA 16801

**BONNIE WITMER**  
**224 WATER STREET**  
**PHILIPSBURG, PA 16866**

Docket No.: **CV-0000362-03**  
Date Filed: **9/05/03**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **COUNTY NATIONAL BANK,**

☒ Judgment was entered against: (Name) **WITMER, BONNIE**

in the amount of \$ **4,764.94** on: (Date of Judgment) **3/01/04**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <b>4,553.44</b>
Judgment Costs	\$ <b>211.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 4,764.94</b>

Post Judgment Credits \$ \_\_\_\_\_  
Post Judgment Costs \$ \_\_\_\_\_

**Certified Judgment Total** \$ \_\_\_\_\_

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**MAR 01 2004** Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

\_\_\_\_\_, Date \_\_\_\_\_, District Justice

My commission expires first Monday of January, **2006**.

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

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

**RICHARD A. IRELAND  
650 LEONARD STREET  
SUITE 133  
CLEARFIELD, PA 16830**

## NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF: **COUNTY NATIONAL BANK**  
P.O. BOX 42  
CLEARFIELD, PA 16830

VS.  
DEFENDANT: **WITMER, KURT, ET AL.**  
1306C W COLLEGE AVE  
STATE COLLEGE, PA 16801

Docket No.: **CV-0000362-03**  
Date Filed: **9/05/03**



2004-352 - CD

### THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) COUNTY NATIONAL BANK,  
☒ Judgment was entered against: (Name) WITMER, BONNIE *224 Warren St  
Phillipsburg PA 16866*  
in the amount of \$ 4,764.94 on: (Date of Judgment) 3/01/04

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

**FILED**

*MA 07 2004*  
*01 11:30 AM*

**William A. Shaw  
Prothonotary**

Amount of Judgment	\$ <b>4,553.44</b>
Judgment Costs	\$ <b>211.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 4,764.94</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**MAR 01 2004** Date Richard Ireland, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**4.16.04** Date Richard Ireland, District Justice

My commission expires first Monday of January, **2006**.

SEAL



**FILED**

MAY 07 2004

William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 04-352-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <u>Bonnie J. Witmer</u>		MAG. DIST. NO. OR NAME OF D.J. <u>46-3-02</u>	
ADDRESS OF APPELLANT <u>224 Water Street Philipsburg</u>		STATE <u>PA</u>	ZIP CODE <u>16866</u>
DATE OF JUDGMENT <u>03-01-04</u>	IN THE CASE OF (Plaintiff) <u>County National Bank</u> vs. <u>Kurt Witmer Et AL.</u> (Defendant)		
CLAIM NO. CV <u>0000362-03</u> LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>B. Witmer</u>		

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

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

\_\_\_\_\_  
Signature of Prothonotary or Deputy

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

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

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

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

\_\_\_\_\_  
Signature of appellant or his attorney or agent

**RULE:** To \_\_\_\_\_, appellee(s).  
Name of appellee(s)

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

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Prothonotary or Deputy

**FILED**  
MAR 15 2004  
Def. pd. 85.00  
Certified Copies  
to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts

2004-352-CD

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield, SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 04-352-CD, upon the District Justice designated therein on (date of service) 4-15-04, ☒ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) County National Bank, on 4-16-04, ☒ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

S WORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 15<sup>th</sup> DAY OF April, 2004

[Signature]

Signature of affiant

Signature of official before whom affidavit was made

NOTARIAL SEAL  
TERESA KAY GIEREK, Notary Public  
City of official College Twp., Centre County  
My Commission Expires June 4, 2004

FILED

APR 19 2004

20132206  
William A. Shaw  
Prothonotary

NO CHG

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

COUNTY NATIONAL BANK,  
Plaintiff

vs.

BONNIE J. WITMER,  
Defendant

:  
:  
: No. 2004- 352-CD  
:  
: Type of Case:  
: **Civil**  
:  
: Type of Pleading  
: **Praecipe Striking Appeal**  
:  
:  
: 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**  
10 11 37 AM  
NOV 12 2004

WILLIAM A. CHOW  
Prothonotary

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

COUNTY NATIONAL BANK,	:	
Plaintiff	:	
	:	No. 2004-
vs.	:	
	:	
BONNIE J. WITMER,	:	
Defendant	:	

**PRAECIPE STRIKING APPEAL**

COMES NOW, COUNTY NATIONAL BANK, appellee in the above-captioned matter by its attorney Peter F. Smith who respectfully states;

1. The Appellant Bonnie J. Witmer filed a Notice of Appeal from a Judgment entered in favor of County National Bank and against her and her former husband Kurt Witmer by District Magistrate Richard A. Ireland, Magistratical District 46-32-02 in the amount of \$4,764.94 on March 1, 2004.

2. The Notice on Appeal was filed with the Clearfield County Prothonotary on March 15, 2004.

3. Attached hereto and incorporated herein by reference is a true and correct copy of Ms. Witmer's Notice of Appeal. The bottom proportion requesting that a Rule to file a complaint be entered by a Prothonotary has been crossed out and not completed.

4. No rule to file a complaint was issued which is contrary to PA.R.C.P.D.J. 1004.B. Thus the appeal is defective.

5. The Appellant's Proof of Service states that service of the notice was made on County National Bank on April 16, 2004, and the proof itself was filed on April 19, 2004. A true and correct copy of said proof is attached hereto and incorporated herein by reference.

6. PA.R.C.P.D.J. 1005.B. requires that the Appellant file the Proof of Service within 10-days after filing the Notice of Appeal.

7. In this instance, the Proof of Service should have been filed on or before March 26, 2004.

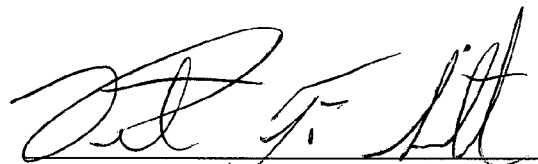
8. Consequently service of the Notice of Appeal and Proof of Service were not timely made thus invaliding the appeal.

9. PA.R.C.P.D.J. 1006 authorizes the Prothonotary to strike an appeal if an Appellant fails to comply with Rule 1005.B. as shown in paragraph 5, 6, and 7 above.

WHEREFORE, County National Bank respectfully requests that this appeal be stricken.

Respectfully submitted,

Dated: 5/3/04

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

Peter F. Smith  
Attorney for Plaintiff

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 04-352-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <u>Bonnie J Witmer</u>		MAG. DIST. NO. OR NAME OF D.J. <u>46-3-02</u>	
ADDRESS OF APPELLANT <u>224 Water Street Philpsburg</u>		STATE <u>PA</u>	ZIP CODE <u>16806</u>
DATE OF JUDGMENT <u>03-01-04</u>	IN THE CASE OF (Plaintiff) <u>County National Bank</u> vs (Defendant) <u>Kurt Witmer Et Al</u>		
CLAIM NO. CV <u>0000362-03</u> LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>BWitmer</u>		

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

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

\_\_\_\_\_  
Signature of Prothonotary or Deputy

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

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

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

**PRAECIPE:** To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

\_\_\_\_\_  
Signature of appellant or his attorney or agent

**RULE:** To \_\_\_\_\_, appellee(s).  
Name of appellee(s)

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

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Prothonotary or Deputy

**FILED**  
MAR 15 2004  
Def. pd. 85.00  
Certified Copies  
to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts

2004-352-CD

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 04-352-CD, upon the District Justice designated therein on (date of service) 4-16-04, ☒ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) County National Bank, on 4-16-04, ☒ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 15<sup>th</sup> DAY OF April, 2004

Teresa Y...  
Signature of affiant before whom affidavit was made

NOTARIAL SEAL  
TERESA KAY CHEREK, Notary Public  
City of official College Twp., Centre County  
My Commission Expires June 4, 2004

William A. Shaw  
Signature of affiant

FILED

APR 19 2004

William A. Shaw  
Prothonotary

NO CH...



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

COUNTY NATIONAL BANK,  
Plaintiff

vs.

BONNIE J. WITMER  
Defendant

No. 2004-

**CERTIFICATE OF SERVICE**

I, Peter F. Smith attorney for County National Bank in the above-captioned matter, hereby certify that I served a true and correct copy of the **PRAECIPE FOR STRIKING APPEAL** filed in this matter on the Defendant, Bonnie J. Witmer by U.S. First Class Mail as follows:


Bonnie J. Witmer  
224 Water Street  
Philipsburg, PA 16866

Respectfully submitted,



Peter F. Smith,  
Attorney for Plaintiff

Date: November 10, 2004

**FILED**   
0 11:38 AM NOV 12  
NOV 12 2004

W. H. PROTHMAN  
Prothonotary

---

04-352-11

BONNIE WITMAN

861-1911 WORK #

CALL BETWEEN

12:00 + 1:00

OR

AFTER

3:30 P.M.

NEVER RECEIVED

COPIES

I, William A. Shaw, Clerk of Courts of Clearfield County, hereby certify that **BARTLEBAUGH, MARTHA**  
(a resident of) BURNSIDE PA 15721

was in attendance at CRIMINAL COURT as a Juror \_\_\_\_\_ days  
during MAY/JUNE Term 2003 and has been discharged

from further attendance during said Term.  
Call Date 05/06/2003 Session 3

  
CLERK

APPROVED

12

\_\_\_\_\_, 20\_\_\_\_ No. Days \_\_\_\_\_ at \$ \_\_\_\_\_ = \$ \_\_\_\_\_

County Commissioners \_\_\_\_\_ Miles direct at \_\_\_\_\_ = \$ \_\_\_\_\_

By \_\_\_\_\_ Total = \$ \_\_\_\_\_

I hereby acknowledge receipt of the above stated amount \_\_\_\_\_

Copies

~~@@@~~

fax

863-6585

2

Clearfield, PA 16830  
Phone: 814-765-2641, Ext. 1330  
Fax: 814-765-7659

**Clearfield County  
Courthouse**

# Fax

**To:** *Bonnie Witmer*

**From:** William A. Shaw

**Fax:** *863-6585*

**Date:**

**Phone:**

**Pages:**

**Re:**

**CC:**

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

**•Comments:**