

Michelle Eaton vs Richard Williams
2004-592-CD

04-592-CD
MICHELLE A. EATON VS. RICHARD WILLIAMS

NOTICE OF APPEAL

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

410th

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-592-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.

RICHARD L. WILLIAMS

NAME OF APPELLANT

P.O. Box 24 117 White St. Irvinia

MAG. DIST. NO. OR NAME OF D.J.

PA

16656

ADDRESS OF APPELLANT

CITY

STATE

4-1-2004

Eaton, Michelle A.

(Defendant)

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

4-1-2004

VS.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV

LT

Richard L. Williams

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 RICHARD L. WILLIAMS, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-592-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Richard L. Williams

Signature of appellant or his attorney or agent

RULE: To RICHARD L. WILLIAMS, 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: April 28, 2004

FILED

04-11-2004 Def pd.
APR 28 2004William A. Prothonotary Clerk of Court
Copies to Def.

Signature of Prothonotary or Deputy

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

Signature of affiant

Signature of affiant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS
Address: **251 SPRING STREET**
P.O. BOX 362
HOUTZDALE, PA
Telephone: **(814) 378-7160**

16651-0362

RICHARD WILLIAMS
PO BOX 22
WHITE ST
IRVONA, PA 16656

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

EATON, MANAGER, MICHELLE A
136 S. BLACKBEAR LN
PHILIPSBURG, PA 16866

VS.

DEFENDANT:

WILLIAMS, RICHARD
PO BOX 22
WHITE ST
IRVONA, PA 16656

NAME and ADDRESS

Docket No.: **CV-0000014-04**
Date Filed: **2/27/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT P.I.T.P.

Judgment was entered for: (Name) **EATON, MANAGER, MICHELLE A**

Judgment was entered against: (Name) **WILLIAMS, RICHARD**

in the amount of \$ **1,222.50** on: (Date of Judgment) **4/01/04**

Defendants are jointly and severally liable.

(Date & Time) _____

Damages will be assessed on:

This case dismissed without prejudice.

Amount of Judgment	\$ 1,150.00
Judgment Costs	\$ 72.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,222.50

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

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

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

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.

4-1-04

Date

James L. Hawkins

, 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

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

MICHELLE A.EATON

Plaintiff/Appellant

Vs.

District Justice Appeal

CASE NO. 04-592-C.D.

RICHARD L. WILLIAMS

Defendant/appellee

Type of Pleading:

COMPLAINT

FILED

MAY 17 2004

01/01/04

William A. Shaw

Prothonotary/Clerk of Courts

I Went to Plaintiff

COMPLAINT

NOW, comes the Plaintiff, Michelle A. Eaton who hereby avers as follows:

1. Michelle A. Eaton is an adult individual whose address is 136 South Blackbear Lane, Philipsburg, Pennsylvania 16866.

2. Defendant is Richard L. Williams, an adult individual. Whose address is P.O. BOX 26, White Street, Irvona, Pennsylvania 16656.

3. On November of 2003, I, Michelle A. Eaton became manager of Phair's Apartments which is in Irvona, Pennsylvania, Clearfield County. Upon taken manager position, was to seek restitution for arrears rent, water and sewer bills, electric and stolen appliance. I received copies of letters sent to those whom were in arrears. All letters were sent Certified Return Receipt. Which all return receipts were returned.

Defendant had received antiquate notice to make good on said amount below. Date of letter was May 15, 2003.

4. On February 27, 2004, I, filed a Civil Case for Judgment of 1222.50 for arrears rent of (2) apartments that the Defendant had rented and court cost.

5. Defendant also, removed a refrigerator from apartment which was not his to remove.

6. Defendant also, was responsible for water and sewer bills.

7. On, April 1st, 2004, a Judgment was ordered by Magistrate James L. Hawkins of \$1222.50, which includes Court Cost. Which the defendant did not appear.

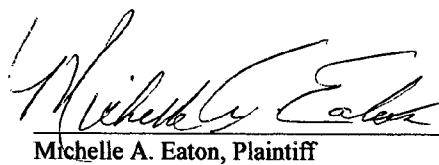
8. A. In a break down of expenses was for Apartment 1B, 1st floor unit, arrears rent \$660.00, for 3 months. Water \$100.00 for 10 months, and Sewer for 4 months \$120.00, less Deposit left a balance of \$630.00.

B. Second Apartment, 1E, second floor unit, arrears rent \$500.00, for 2 months. Water \$80.00 for 8 months, and Sewer \$90.00 for 3 months, less Deposit left a balance of \$420.00.

C. A fee of \$100.00 for refrigerator, in which Mr. Williams was not owner of said property.

9. As, a direct disregard for trying to resolve this matter in a timely fashion, which every effort was made by my brother as well as myself the Plaintiff for this matter to collect what is due.

WEREFORE, Plaintiff respectfully ask that a judgment against Defendant in the amount of \$1222.50, Plus interest, and court cost.

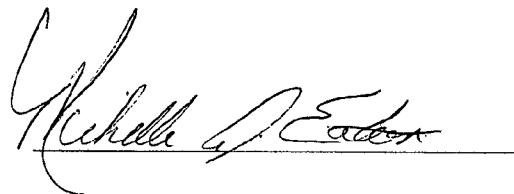


Michelle A. Eaton
Michelle A. Eaton, Plaintiff

136 S. Black Bear Ln
Philipsburg PA 16866
814/342/6137

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. Section 4904 relating to Unsworn Falsification to Authorities.

A handwritten signature in black ink, appearing to read "Michelle P. Eaton", is written over a horizontal line.

FILED

MAY 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS
Address: **251 SPRING STREET**
P.O. BOX 362
HOUTZDALE, PA
Telephone: **(814) 378-7160**

COPY

16651-0362

JAMES L. HAWKINS
251 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA 16651-0362

NOTICE OF JUDGMENT / TRANSCRIPT
CIVIL CASE

PLAINTIFF:

EATON, MANAGER, MICHELLE A
136 S. BLACKBEAR LN
PHILIPSBURG, PA 16866

NAME and ADDRESS

DEFENDANT:

WILLIAMS, RICHARD
PO BOX 22
WHITE ST
IRVONA, PA 16656

NAME and ADDRESS

VS.

Docket No.: **CV-0000014-04**
Date Filed: **2/27/04**



04592-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **EATON, MANAGER, MICHELLE A**

Judgment was entered against: (Name) **WILLIAMS, RICHARD**

in the amount of \$ **1,222.50** on: (Date of Judgment) **4/01/04**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: **FILED**
M/10/3661
MAY 04 2004 *KA*

This case dismissed without prejudice.

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ **William A. Shaw**
Prothonotary/Clerk of Courts

Portion of Judgment for physical damages arising out of residential lease \$ **=====**

Amount of Judgment	\$ 1,150.00
Judgment Costs	\$ 72.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,222.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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

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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.

4-1-04 Date *James L. Hawkins*

, 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.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS

Address: **251 SPRING STREET
P.O. BOX 362
HOOTZDALE, PA**

Telephone: **(814) 378-7160**

COPY

16651-0362

CIVIL COMPLAINT

PLAINTIFF:

NAME and ADDRESS

MICHELLE EATON APT MANAGER
136 S. Black Bear Ln
Philipsburg PA 16866

VS.

DEFENDANT:

NAME and ADDRESS

Richard Williams
P.O. Box 22 White St
IRVONA PA 16656

Docket No.: **CV-14-04**

Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>72.50</u>	<u>2/27/04</u>
POSTAGE	\$ _____	/ /
SERVICE COSTS	\$ _____	/ /
CONSTABLE ED.	\$ _____	/ /
TOTAL	\$ _____	/ /

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1150, ~~cost~~ together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Mr. Williams vacated to Apartments that he was renting in Irvona PA. He has not paid past due rent or water or sewer bill. Mr. Williams was asked to make weekly payments and has not.

I, Michelle Eaton verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

A handwritten signature of Michelle Eaton.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney: _____

Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COPY**CIVIL/LANDLORD TENANT WORKSHEET**Case Name: **EATON, MANAGER, MICHELLE A
VS WILLIAMS, RICHARD**Docket No.: **CV-0000014-04**Hearing Date: **4/01/04**Hearing Time: **9:30 A**

Cross Complaint Filed (Date): _____ Cross Complaint Amount: \$ _____

<input type="checkbox"/> Defendant intends to defend (Date): _____	<input type="checkbox"/> Stayed on (Date): _____
<input type="checkbox"/> Plaintiff so notified (Date): _____	<input type="checkbox"/> Stayed until further notice.
<input type="checkbox"/> Hearing was held on (Date): _____	Defendant appeared at hearing:
<input type="checkbox"/> Defendant did not appear.	<input type="checkbox"/> Not represented.
<input type="checkbox"/> Plaintiff did not appear.	<input type="checkbox"/> Represented by: _____

Residential Lease ? Y N**DISPOSITION**

Default Judgment for plaintiff: _____ (Name) _____

Judgment for defendant: _____ (Name) _____

Judgment entered on (Date): _____ Notice of judgment given on (Date): _____

The amount of rent per month as established by the District Justice, is \$ _____

The total amount of the Security Deposit is \$ _____

Total Amount Established by DJ	Less	Security Deposit Applied	= Adjudicated Amount
Rent in Arrears	\$ _____	— \$ _____	= \$ _____
Physical Damages Leasehold Property	\$ _____	— \$ _____	= \$ _____
Damages/Unjust Detention	\$ _____	— \$ _____	= \$ _____
Less Amt. Due Defendant from Cross Complaint — \$ _____			
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127		Interest (if provided by lease)	\$ _____
<input type="checkbox"/> Defendants are jointly and severally liable.		Amount of Judgment	\$ <u>1150.00</u>
<input type="checkbox"/> Possession granted.		Judgment Costs	\$ <u>72.50</u>
<input type="checkbox"/> Possession not granted.		Attorney Fees	\$ _____
<input type="checkbox"/> Grant Possession if money Judgment is not Satisfied by time of eviction.		Total Judgment	\$ <u>1222.50</u>

Order for Possession Requested

Order for Possession Issued

Order for Possession Reissued

Appeal Filed

Supersedeas Attached

Supersedeas Terminated

Dismissal without prejudice (Date): _____

Transferred to (Date): _____

Settled (Date): _____

Damages will be assessed on (Date): _____ (Time): _____

Levy is stayed for _____ days, or

Objection to Levy has been filed and a hearing will be held on (Date): _____ (Time): _____

Objection to levy denied; sale to be rescheduled

Judgment and cost satisfied (Date): _____
(By whom notified): _____

Continued to (Date): _____ (Time): _____
At the request of:

 Plaintiff Defendant Withdrawn (Date): _____

Notice of continuance given on (Date): _____
generally stayed.

FINAL DISPOSITION MADE BY:

(District Justice)

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

4/6/04

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-592-CJ

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.

RICHARD L. WILLIAMS

NAME OF APPELLANT

PA. ROX 26 117 White St. Trivona

ADDRESS OF APPELLANT

MAG. DIST. NO. OR NAME OF D.J.

PA

16651

4-1-2004

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

4-1-2004

CLAIM NO.

CV

LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Richard L. Williams

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 RICHARD L. WILLIAMS, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 04-592-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Richard L. Williams
Signature of appellant or his attorney or agent

RULE: To RICHARD L. WILLIAMS, 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: April 28, 2004

Willie Williams

Signature of Prothonotary or Deputy

FILED

01/15/04
MAY 05 2004

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 Clearfield ; ss

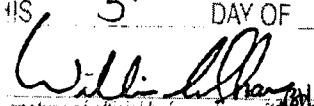
AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-592-CO, upon the District Justice designated therein on (date of service) 4/28/2004, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) RICHARD R. WILLIAMS, on 4/28/04, 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 4/1/04, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SIGNED (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 5th DAY OF May, 2004


Signature of official before whom affidavit was made

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

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.

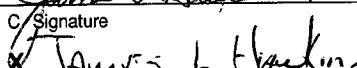
1. Article Addressed to:

District Court 46304
951 Spring St.
P O Box 362
Houtzdale, PA
16651-0362

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) James L. Hadden B. Date of Delivery 4/30/04

C. Signature

 Agent Addressee

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

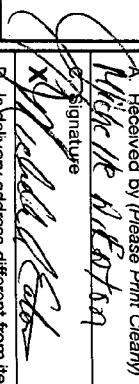
4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Michelle Estow B. Date of Delivery 4/30/04

C. Signature

 Agent Addressee

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

1. Article Number (Copy from service label) 7002 3150 0006 0011 6295

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952