

04-799-CD  
JAMES. F. MILCHAK et al. vs. JAMES R. MILCHAK, et al.

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,  
Plaintiffs

vs.

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,  
Defendants

No. 04-799-CD

CASE NUMBER: 04- -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 E. Market Street  
Clearfield, PA 16830  
(814) 765-1581

**FILED**

JUN 04 2004

William A. Shaw  
Prothonotary

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

No. \_\_\_\_\_

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

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 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.

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

No. \_\_\_\_\_

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

COMPLAINT

NOW COMES James E. Milchak and Rosezella M. Milchak, by and through their attorney, R. Denning Gearhart, Esq., who files this Complaint against the Defendants herein named and in support thereof avers as follows:

1. The Plaintiffs are husband and wife and reside at RR1, Box 154, 1607 Ridge Road, Hastings, Pennsylvania (Clearfield County) 16646.

2a. Defendant, James E. Milchak, resides at 1591 Ridge Road, Hastings, PA 16646, and is the husband of Defendant, Rosella E. Milchak.

2b. Defendant, Rosella E. Milchak, resides at 1591 Ridge Road, Hastings, PA 16646, and is the wife of Defendant, James R. Milchak.

3. At all times contained herein the parties were adults.

4. Beginning on or about October, 1998, the Plaintiffs did begin to loan the Defendants certain sums of money. These loans were through a series of transactions, a record of which are kept on a log maintained by the Plaintiffs and attached hereto as Exhibit A. The Defendants had agreed to repay these sums. At present the balance on

the first loan is Seventeen Thousand Eight Hundred Thirty-six and 03/100 (\$17,836.03) Dollars.

5. On or about November of 2001, the Plaintiffs began to loan a second line of credit to the Defendants. This line is reflected in the account kept by the Plaintiffs, and attached hereto as Exhibit B. That the Defendants did agree to repay the sum of money, and at present the sum of Four Thousand Six Hundred Eight and 63/100 (\$4,608.63) Dollars is owed to the Plaintiffs on this line of credit.

6. This indebtedness and the obligation to repay is acknowledged by documents signed by the Defendants and attached hereto as Exhibits. They are:

a. An "Agreement to Purchase Feed" dated December 28, 1998, attached as Exhibit C.

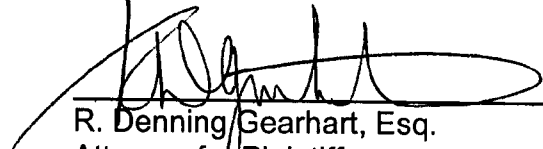
b. An "Article to Repay" dated June 2, 1999, and attached hereto as Exhibit D.

c. An "Agreement to Let Parents Purchase Mill" dated January 16, 2000, and attached hereto as Exhibit E.

7. The demands have been made for the repayment of these sums of money but it has not been repaid.

WHEREFORE, Plaintiffs pray your Honorable Court to enter judgment for them and against the Defendants in the amount of Twenty-two Thousand Four Hundred Forty-four and 66/100 (\$22,444.66) Dollars, together with interest, costs.

Respectfully submitted,

  
R. Denning/Gearhart, Esq.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :  
:  
: SS.  
COUNTY OF CLEARFIELD :

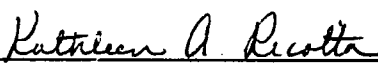
Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared JAMES E. MILCHAK, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

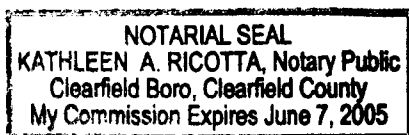
  
JAMES E. MILCHAK

Sworn to and subscribed

before me, this 2

day of June, 2004.

  
Notary Public



COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared ROSEZELLA M. MILCHAK, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

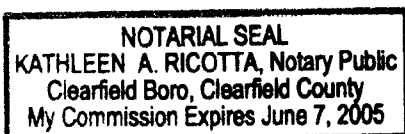
Rosezella M. Milchak  
ROSEZELLA M. MILCHAK

Sworn to and subscribed

before me, this 2

day of June, 2004.

Kathleen A. Ricotta  
Notary Public



Page 1

Page 1

| ACCOUNT NO. Large Loans |                                  | NAME James R. Milchak & Rosella E. Milchak |        |         |                   |         |
|-------------------------|----------------------------------|--|--------|---------|-------------------|---------|
| SHEET NO.               |                                  | ADDRESS                                    |        |         |                   |         |
| DATE                    | ITEMS                            | Folio                                      | DEBITS | CREDITS | DR.<br>OR.<br>CR. | BALANCE |
| 98                      | Balance Kray owed on Heifers     |  |        | 50000   |                   | + 50000 |
| 98                      | Paid on Loan (Bank)              |  | 14100  |         |                   | + 35900 |
| 98                      | Dad's Present                    |  | 4062   |         |                   | + 31838 |
| 98                      | Barb Wire                        |  | 15465  |         |                   | + 16373 |
| 10/13/98                | Pick up Power Saw                |  | 4500   |         |                   | + 11873 |
| 98                      | Worked on Trailer                |  |        | 94000   |                   | + 35873 |
| 9/21/98                 | Loan for School                  |  | 50000  |         |                   | 14127   |
| 11/22/98                | Shells Dad Purchased             |  |        | 2820    |                   | 11307   |
| 98                      | To Get Truck Repaired            |  | 68900  |         |                   | 80207   |
| 12/28/98                | Purchased Dump Truck             |  | 350000 |         |                   | 430207  |
| 98                      | Truck Repairs                    |  | 25000  |         |                   | 455207  |
|                         | "99" 4 1/2 Interest              |  | 18208  |         |                   | 473415  |
| 3/15/99                 | Sawmill Payment                  |  | 48500  |         |                   | 521915  |
| 5/19/99                 | " "                              |  | 54600  |         |                   | 576515  |
| 7/06/99                 | Deposited from Ins. Check (Fire) |  |        | 50000   |                   | 526515  |



Page 2

NAME

James R. Milchak &amp; Rosella E. Milchak

ACCOUNT NO.

Large Loan deleted

ADDRESS

SHEET NO.

(Page 2)

| DATE     | ITEMS                                       | Folio | DEBITS | CREDITS | DR.<br>OR.<br>CR. | BALANCE<br>owed |
|----------|---|-------|--------|---------|-------------------|-----------------|
|          | 2000 4% Interest (48-99)                    |       | 21061  |         |                   | 547576          |
| 1/18/00  | Courtesy Motors (Truck)                     |       | 560000 |         |                   | 1107576         |
| 1/31/00  | Case Credit (Eileen Borrowed)               |       | 102880 |         |                   | 1210456         |
| 2/16/00  | " " PA #5295 (Phone PMT)                    |       | 48486  |         |                   | 1258942         |
| 2/24/00  | " " Chge because Ipd. 1038.80 By Phone      |       | 500    |         |                   | 1259442         |
| 3/15/00  | PA Truck Loan #247                          |       |        | 560000  |                   | 699442          |
| 5/10/00  | Purchased Lowe's - Chain Link Fence         |       | 22896  |         |                   | 722338          |
| 6/22/00  | Belts                                       |       | 6110   |         |                   | 728448          |
| 07/07/00 | Sold Brink Bulk Tank Washer                 |       |        | 50000   |                   | 278448          |
| 8/02/00  | Coble's Service Station (Inspett Dump)      |       | 2650   |         |                   | 681096          |
| 8/15/00  | Pleasantfield Industrial Brake              |       | 2500   |         |                   | 683596          |
| 9/26/00  | Ourwens feed & tele. Bill                   |       | 6415   |         |                   | 690013          |
| 10/2/00  | Keystone Financial Bank (Eileen's Car Plan) |       | 47343  |         |                   | 737356          |
| 10/15/00 | Cash 100. to go to Harrisburg (schooling)   |       | 10000  |         |                   | 747356          |
| 1/108/00 | PA on Saw mill                              |       | 97699  |         |                   | 845055          |

|                     |  |         |                                       |         |                   |                 |
|---------------------|--|---------|---------------------------------------|---------|-------------------|-----------------|
| ACCOUNT NO.         | Large loans  | NAME    | James R. Milchak & Rosella E. Milchak |         |                   |                 |
| SHEET NO.           | Page 3   | ADDRESS |                                       |         |                   |                 |
| DATE                | ITEMS  | Folio   | DEBITS                                | CREDITS | DR.<br>OR.<br>CR. | BALANCE<br>owed |
| 2000                |  |         |                                       |         |                   |                 |
| 11/12/00            | Pd on money to go to Harrisburg                        |         |                                       | 30.00   |                   | 8420.55         |
| 11/14/00            | Curwensville Feed (Deer)                               |         | 239.60                                |         |                   | 8660.15         |
| 9/21/00             | Check wrote out, couldn't cash until later (bank)      |         |                                       | 115.65  |                   | 8544.50         |
| 12/15/00            | Pd on Sawmill (Sonia) #5508                            |         | 484.26                                |         |                   | 9028.76         |
| 12/21/00            | Bakers Lumber Co.                                      |         | 100.00                                |         |                   | 9128.76         |
| 12/27/00            | Mark Graham (Deer Fence)                               |         | 1200.00                               |         |                   | 10328.76        |
| 12/15/00            | Lincoln Supply (2 Tank Heaters)                        |         | 46.17                                 |         |                   | 10374.93        |
| 4/15/00 to 12/31/00 | Barn, Pasture & Home improvement (Deer)                |         | 420.00                                |         |                   | 10794.93        |
|                     | Interest for "2000" (4% yr. end balance)               |         | 431.80                                |         |                   | 11226.73        |
| 2001                |  |         |                                       |         |                   |                 |
| 1/25/01             | Vet Worming Medicine                                   |         | 62.50                                 |         |                   | 11289.23        |
| 2/12/01             | Jr's House Trailer #5550                               |         | 5000.00                               |         |                   | 16289.23        |
| 2/16/01             | Bald & Mule Home Ser. (Change to Natural Gas, Furnace) |         | 84.80                                 |         |                   | 16374.03        |
| 3/01/01             | Hugill's (Dispose of Garbage - large load)             |         | 50.00                                 |         |                   | 16424.03        |
| 4/16/01             | (Purch. 2-26-01) Howe's - Washer & Dryer.              |         | 652.96                                |         |                   | 17076.99        |

| NAME                               |   | ACCOUNT NO. |         |         |           |          |
|------------------------------------|---|-------------|---------|---------|-----------|----------|
| James R. Michak & Rosella E Michak |   | Large Loans |         |         |           |          |
| ADDRESS                            |   | SHEET NO.   |         |         |           |          |
|                                    |   | Page 4      |         |         |           |          |
| 2001                               | ITEMS   | Folio       | DEBITS  | CREDITS | DR OR CR. | BALANCE  |
|                                    |   |             |         |         |           | Owed     |
| 4/19/01                            | Cunningham Rebuilders   |             | 13778   |         |           | 1721477  |
| 4/10/01                            | Fullington Buick Old's (Dump Trk)   |             | 1441    |         |           | 1722918  |
| 12/07/01                           | Pd Series (Sawmill pmnt)  |             | 48486   |         |           | 1771404  |
| 12/31/01                           | 9 months Rent (Storage Bldg 20'x60' - 100.00 per mo. 11'x37' - 50.00 per mo.)   |             | 1350 00 |         |           | 19064 04 |
| 12/31/01                           | Deer - Barn, Pasture & feed (Home grown) (Yr)   |             | 480 00  |         |           | 19544 04 |
| 12/31/01                           | Interest 4% per yr.   |             | 781 76  |         |           | 20325 80 |
| 2002                               |   |             |         |         |           |          |
| 3/15/02                            | Credit given for Dump Trk that he pur. on 12/28/98 (ST. 11' x 37' - 50.00 per mo.)  |             |         | 3500 00 |           | 16825 80 |
| 12/31/02                           | 12 mo. Rent for storage (20'x60' - 100.00 per mo. 11'x37' - 50.00 per mo.)  |             | 1800 00 |         |           | 18625 80 |
| 12/31/02                           | Barn, Pasture, Home grown feed for deer 12/31/02  |             | 480 00  |         |           | 19105 80 |
| 2003                               | Interest for 2002   |             | 76423   |         |           | 19870 03 |
| 12/31/03                           | 12 mo Rent for storage (20'x60' - 100. per mo. 11'x37' - 50 per mo.) 12-31/03   |             | 1800 00 |         |           | 21670 03 |
| 12/31/03                           | Barn Pasture & feed (Home Grown) for 1 yr   |             | 480 00  |         |           | 22150 03 |
| 12/1/03                            | Reclaimed House Trailer - Received no payments from time of purchase, also Cal & local Taxes were due if it is set up permanently on our property so we are responsible for it. |             |         | 5000 00 |           | 17150 03 |
| 12/31/03                           | Interest for 2003   |             | 686 00  |         |           | 17836 03 |

| ACCOUNT NO. <i>Small Items</i> |  | NAME <i>James R. Milchak &amp; Rosella E. Milchak</i> |        |         |             |         |
|--------------------------------|--|---|--------|---------|-------------|---------|
| SHEET NO. <i>9 Electric</i>    |  | ADDRESS   |        |         |             |         |
| DATE                           | ITEMS  | Folio   | DEBITS | CREDITS | DR. OR. CR. | BALANCE |
| 11/23/01                       | Charge Card - Mitchell Oil Co.                               |   | 8596   |         |             | 8596    |
| 11/23/01                       | " " Krume nackers 24' Flashing                               |   | 9531   |         |             | 18127   |
| 12/04/01                       | Electric   |   | 6579   |         |             | 24706   |
| 11/07/02                       | "  |   | 8495   |         |             | 33201   |
| 11/14/02                       | Pd Cash (said to take it off 12/04/01 Electric)              |   |        | 5000    |             | 28201   |
| 11/15/02                       | " " ( " " " " " " )  |   |        | 2010    |             | 26201   |
| 12/02/01                       | On paid Keith Specialty store for us.                        |   |        | 3257    |             | 22944   |
| 11/23/01                       | Charge Card (Deer Feed                                       |   | 25400  |         |             | 48344   |
| 2002                           | Interest 4%  |   | 1934   |         |             | 50278   |
| 11/21/02                       | Pd Cash (said to take off Electric) <sup>may</sup> Farabaugh |   |        | 5000    |             | 45278   |
| 11/24/02                       | Pd Cash  |   |        | 5500    |             | 39778   |
| 1/29/02                        | Pd Cash  |   |        | 4000    |             | 35778   |
| 3/02/02                        | Pd Cash  |   |        | 5000    |             | 30778   |
| 2/09/02                        | Electric   |   | 10731  |         |             | 41509   |
| 3/06/02                        | Cash   |   |        | 5000    |             | 36509   |

Page 2

|         |                                       |             |                 |
|---------|---------------------------------------|-------------|-----------------|
| NAME    | James R. Milchak & Rosella E. Milchak | ACCOUNT NO. | Electric &      |
| ADDRESS |                                       | SHEET NO.   | Small Purchases |

| DATE    | ITEMS                             | Folio | DEBITS | CREDITS | DR.<br>OR<br>CR. | BALANCE |
|---------|-----------------------------------|-------|--------|---------|------------------|---------|
| 3/11/02 | Cash                              |       |        | 3000    |                  | 33509   |
| 3/15/02 | Electric                          |       | 9306   |         |                  | 42815   |
| 4/05/02 | Cash - Farabaugh                  |       |        | 5000    |                  | 37815   |
| 4/15/02 | Electric                          |       | 7604   |         |                  | 45419   |
| 4/19/02 | Pd for Dump truck Insp. 26.50     |       |        | 2346    |                  | 43073   |
| 5/14/02 | Electric                          |       | 7474   |         |                  | 50547   |
| 6/14/02 | Electric                          |       | 6343   |         |                  | 56890   |
| 7/15/02 | Electric                          |       | 6481   |         |                  | 63371   |
| 7/28/02 | Pd on account #131                |       |        | 10000   |                  | 53371   |
| 8/01/02 | Lowe's (3 rolls of roofing)       |       | 4424   |         |                  | 57795   |
| 8/15/02 | Electric                          |       | 7586   |         |                  | 65381   |
| 8/08/02 | Pd on account check #144          |       |        | 10000   |                  | 55381   |
| 9/02/02 | " " " " #153                      |       |        | 10000   |                  | 45381   |
| 9/09/02 | " " " " #157                      |       |        | 10000   |                  | 35381   |
| 9/09/02 | my chgo card Bobi's (stick nails) |       | 5994   |         |                  | 41375   |

Page 3.

| ACCOUNT NO. <i>Electric</i>      |                               | NAME <i>James R. Milchak &amp; Rosella E. Milchak</i> |   |        |   |         |                   |         |
|----------------------------------|-------------------------------|---|---|--------|---|---------|-------------------|---------|
| SHEET NO. <i>Small Purchases</i> |                               | ADDRESS   |   |        |   |         |                   |         |
| DATE                             | ITEMS                         | Folio   | ✓ | DEBITS | ✓ | CREDITS | DR.<br>OR.<br>CR. | BALANCE |
| <i>2002</i>                      |                               |   |   |        |   |         |                   |         |
| 9/09/02                          | Lowe's Brills of roofing      |   |   | 4424   |   |         |                   | 45799   |
| 9/12/02                          | Electric                      |   |   | 8427   |   |         |                   | 54226   |
| 9/16/02                          | Pd on account #164            |   |   |        |   | 10000   |                   | 44226   |
| 9/21/02                          | " " " #169                    |   |   |        |   | 10000   |                   | 34226   |
| 9/26/02                          | Fowler's Pharmacy             |   |   | 3258   |   |         |                   | 37484   |
| 9/28/02                          | Pd on account #173            |   |   |        |   | 10000   |                   | 27484   |
| 9/27/02                          | Deer Feed                     |   |   | 6850   |   |         |                   | 34334   |
| 10/6/02                          | Pd on account #183            |   |   |        |   | 10000   |                   | 24334   |
| 10/09/02                         | Stamps. Postage               |   |   | 3700   |   |         |                   | 28034   |
| 10/09/02                         | Combined Ins.                 |   |   | 9000   |   |         |                   | 37034   |
| 10/11/02                         | Electric                      |   |   | 7997   |   |         |                   | 45031   |
| 10/12/02                         | Pd on account                 |   |   |        |   | 10000   |                   | 35031   |
| 10/12/02                         | Suttek Saw Shop. (Saw Blades) |   |   | 6784   |   |         |                   | 41815   |
| 10/19/02                         | Pd on account #198            |   |   |        |   | 10000   |                   | 31815   |
| 11/03/02                         | Freezer Paper                 |   |   | 1150   |   |         |                   | 32965   |

NAME James R. Milchak & Rosella Milchak ACCOUNT NO. Electric & Misc Purchases  
 ADDRESS \_\_\_\_\_ SHEET NO. \_\_\_\_\_

| DATE     | ITEMS                   | Folio | DEBITS | CREDITS | DR.<br>OR<br>CR. | BALANCE |
|----------|-------------------------|-------|--------|---------|------------------|---------|
| 2002     |                         |       |        |         |                  |         |
| 11/14/02 | Electric                |       | 7194   |         |                  | 40159   |
| 12/12/02 | Serry's Sport Center    |       | 40719  |         |                  | 80878   |
| 12/12/02 | Electric                |       | 8773   |         |                  | 89651   |
| 11/12/02 | Serry's Sport Center    |       | 30236  |         |                  | 119887  |
| 12/31/02 | 4% Interest             |       | 4795   |         |                  | 124682  |
| (2003)   |                         |       |        |         |                  |         |
| 1/5/03   | Electric                |       | 9532   |         |                  | 134914  |
| 2/13/03  | "                       |       | 10296  |         |                  | 144510  |
| 1/15/03  | Timber Harvester        |       | 3695   |         |                  | 148205  |
| 3/13/03  | Electric                |       | 8357   |         |                  | 156562  |
| 2/06/03  | Dubois Feed (Deer Feed) |       | 3700   |         |                  | 160262  |
| 3/04/03  | Cresson Ridge Diesel    |       | 68200  |         |                  | 228462  |
| 4/14/03  | Electric                |       | 8564   |         |                  | 237026  |
| 4/29/03  | Suffolk Saw Co.         |       | 8162   |         |                  | 245188  |
| 5/11/03  | Pd on Account           |       |        | 200.00  |                  | 225188  |

ACCOUNT NO.

Electric & Small Purchases

SHEET NO.

NAME

James R. Mitcak & Rosella E. Mitcak

ADDRESS

DATE

2003

ITEMS

Folio

DEBITS

CREDITS

DR. OR. CR.

BALANCE

5/15/03

Electric

7172

232360

5/12/03

Combined Ins.

9000

241360

5/17/03

Pay on account

20000

221360

5/29/03

Curwensville Feed - Door

4446

225806

6/03/03

Bobik's - Gas Connector

1183

226989

6/13/03

Electric

6853

233842

7/12/03

"

8228

242070

8/13/03

"

11124

253194

9/15/03

"

11949

265143

10/14/03

"

7003

272146

10/27/03

Combined Ins.

39000

311146

10/23/03

N. Cambria Auto Supply

897

312043

10/23/03

PA Automotive Supply

829

312872

10/23/03

Hornick's

2438

315310

9/04/03

Krumenackers (Door Frame)

33920

349230

Page 5



| NAME   |  | ACCOUNT NO.                |        |         |             |         |
|--|--|----------------------------|--------|---------|-------------|---------|
| James R. Milchak & Rosella E. Milchak                        |  | Electric & Small Purchases |        |         |             |         |
| ADDRESS  |  | SHEET NO.                  |        |         |             |         |
| DATE   | ITEMS                                      | Folio                      | DEBITS | CREDITS | DR. OR. CR. | BALANCE |
| 10/28/03   | Heavy Duty Parts                           |                            | 6519   |         |             | 3557.49 |
| 9/24/03  | Fisher Auto Parts                          |                            | 1071   |         |             | 3568.20 |
| 10/27/03   | DA Automotive                              |                            | 6519   |         |             | 3633.39 |
| 11/15/03   | Electric                                   |                            | 5669   |         |             | 3690.08 |
| 12/12/03   | Electric                                   |                            | 7194   |         |             | 3762.02 |
| 12/31/03   | Interest 4%                                |                            | 15048  |         |             | 3912.50 |
| Put Truck Repairs on Separate sheet for J R Milchak Trucking |  |                            |        |         |             |         |
| (2004)   |  |                            |        |         |             |         |
| 1/14/04  | Electric                                   |                            | 7768   |         |             | 3990.18 |
| 12/11/03   | was on chge Card - Bobik's - Roofing Paper |                            | 1421   |         |             | 4004.39 |
| 1/20/04  | Cresson Ridge Diesel Garage                |                            | 461    |         |             | 4009.00 |
| 3/6/04   | Electric                                   |                            | 9471   |         |             | 4103.71 |
| 2/23/04  | Hot Water Heater (Lowe's)                  |                            | 24168  |         |             | 4345.39 |
| 2/26/04  | Mt. Aloysius College (Danielle)            |                            | 20000  |         |             | 4545.39 |
| 3/12/04  | Electric                                   |                            | 11019  |         |             | 4655.58 |



12/28/1998

AGREEMENT TO PURCHASE FEED

I JAMES R MILCHAK & ROSELLA E MILCHAK GIVE OWNERSHIP OF  
YAMAHA BIG BEAR AND HONDA BIG RED TO JAMES E. MILCHAK &  
ROSEZELLA M. MILCHAK FOR HAY AND CORN AND SOYBEAN THAT WAS  
USED TO FEED HEIFERS THAT WE RASIED TO RESELL FOR MONIES  
OWNERSHIP TO BE RETURNED TO JAMES R. AFTER MONEY IS PAID FOR  
THE PURCHASE OF HAY AND CORN AFTER THE SALE OF HEIFERS.  
AMOUNT TO BE PAID AFTER TOTAL USAGE IS DETERMINED.

THANK YOU FOR THE LOAN MOM & DAD.

*James R. Milchak* 12/28/1998  
JAMES R. MILCHAK  
*Rosella E. Milchak* 12/28/1998  
ROSELLA E. MILCHAK

6/2/1999

ARTICLE TO REPAY

I JAMES R MILCHAK & ROSELLA E MILCHAK GIVE OWNERSHIP OF A JOHN DEERE GARDEN TRACTOR TO JAMES E. MILCHAK & ROSEZELLA M. MILCHAK. UNTIL I PAY OF THE MONNIES OWED TO THEM FOR MONNIES OWED TO THEM FOR THEIR PAYMENT OF LUMBER GRADING SCHOOL IN OCTOBER OF 1998 AND THE 2 PAYMENTS THAT WAS MADE FOR ME ON MY SAW MILL. \$2,500.00 ( TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS). OWNERSHIP IS TO BE RETURN UPON FULL REPAYMENT OF SAID LOAN OF MONNIES TO JAMES R MILCHAK. OUR SIGNATURES MEAN THAT WE AGREE TO SAID LOAN.

THANK YOU FOR THE LOAN MOM & DAD.

*James R. Milchak 6/2/1999*  
*Rosella E. Milchak 6/2/99*

1/16/2000

AGREEMENT TO LET PARENTS PURCHASE MILL

I JAMES R MILCHAK & ROSELLA E MILCHAK GIVE OWNERSHIP OF TIMBER HARVESTOR SAWMILL MODEL 30HD. TO JAMES E. MILCHAK & ROSEZELLA M. MILCHAK WHO AGREE TO TAKE OVER THE PAYMENT ON SAID MILL TO PAY OFF MY LOAN THE OWNERSHIP OF THE MILL BELONGS TO JAMES E & ROSEZELLA M. MILCHAK. IF PARANTS DECIDE TO SELL MILL I JAMES R. HAVE FIRST OPTION TO PURCHASE MILL BACK FOR MONNIES THAT PARENTS PAYED ON MILL. COPY OF HOW TO CHANGE BANK DRAFT PAYMENT IS GIVEN TO PARANTS AT THIS TIME.

OUR SIGNATURES MEAN THAT WE AGREE TO SAID AGREEMENT.

THANK YOU FOR THE LOAN MOM & DAD.

*James R Milchak 1/16/2000*  
*Rosella E Milchak 1/16/00*

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

JAMES E. MILCHAK and  
ROSEZELA M. MILCHAK, Husband  
and Wife,  
Plaintiffs

vs.  
JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,  
Defendants

COMPLAINT

FILED

JUN 04 2004

*9/10:38 a.m.*  
William A. Shaw  
Prothonotary

*4 cc to [signature]*

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,  
Plaintiffs

vs.

No. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,  
Defendants

CASE NUMBER: 04- 799 -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 E. Market Street  
Clearfield, PA 16830  
(814) 765-1581

FILED

JUN 07 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

No. 04-799-CD

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 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.

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641



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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

No. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

AMENDED COMPLAINT

NOW COMES James E. Milchak and Rosezella M. Milchak, by and through their attorney, R. Denning Gearhart, Esq., who files this Amended Complaint as follows:

1. That a Complaint was filed to the above captioned case on June 4, 2004.
2. That Item 2a of the Complaint incorrectly named the Defendant as "James E. Milchak".
3. That Item 2a should read as follows: "Defendant, James R. Milchak, resides at 1591 Ridge Road, Hastings, PA 16646, and is the husband of Defendant, Rosella E. Milchak."
4. All other information contained in the original Complaint should remain as filed.

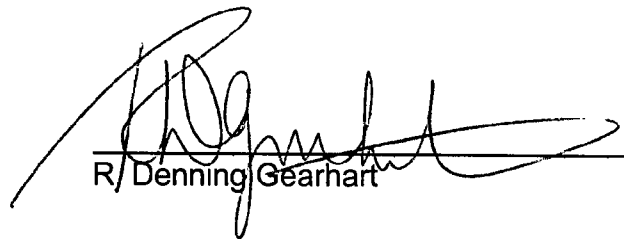
Respectfully submitted,



R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

## AFFIDAVIT

R. DENNING GEARHART, being duly sworn according to law, deposes and says that he is the agent of the Plaintiffs, JAMES E. MILCHAK and ROSEZELLA M. MILCHAK, that said Plaintiffs cannot make the verification to the foregoing Amended Complaint because they were not present on the day and date this Amended Complaint was filed, and further, that the Plaintiffs would not be available until after the day of the filing of this Amended Complaint, and that the facts set forth in the foregoing Amended Complaint are based on information provided to Counsel by the Plaintiffs and based partially upon personal knowledge of the Plaintiffs' Attorney. However, the Plaintiffs verified this information to R. DENNING GEARHART, their counsel, fully aware of the penalties of false statements under 18 Pa. C.S.A., section 4904, relating to unsworn falsification to authorities.

  
R. Denning Gearhart

Sworn to and subscribed

before me this 7 day  
of June, 2004.

  
Kathleen A. Ricotta  
Notary Public

NOTARIAL SEAL  
KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires June 7, 2005

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION No. 04-799-CD

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and wife, Plaintiffs

vs.

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and wife, Defendants

AMENDED COMPLAINT

FILED

JUN 07 2004

William A. Shaw  
Prothonotary/Clerk of Courts

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK,  
Husband and Wife,  
Plaintiffs

vs.

No. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK,  
Husband and Wife,  
Defendants

**FILED**

**JUN 14 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

CASE NUMBER: 04-799-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: AFFIDAVIT OF MAILING

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 E. Market Street  
Clearfield, PA 16830  
(814) 765-1581

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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

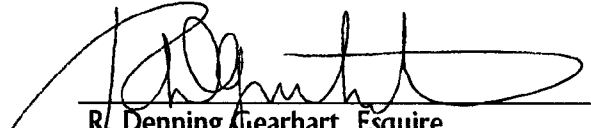
AFFIDAVIT OF MAILING

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

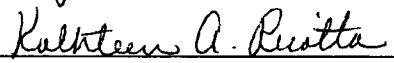
R. Denning Gearhart, Esquire, the attorney for Plaintiffs, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Complaint in Divorce filed in the above action, to the Defendants, at his place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.

  
R. Denning Gearhart, Esquire  
Attorney for Plaintiff

Sworn to and Subscribed

before me this 11 day

of June, 2004.

  
Kathleen A. Ricotta  
Notary Public

NOTARIAL SEAL  
KATHLEEN A. RICOTTA, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires June 7, 2005

**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:

James R. Michalak  
1591 Ridge Road  
Hastings, PA 16646

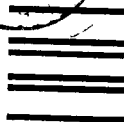
**COMPLETE THIS SECTION ON DELIVERY**

|   |  |                                    |
|---|--|------------------------------------|
| A. Signature<br><i>James R. Michalak</i>  |  | <input type="checkbox"/> Agent     |
| B. Received by (Printed Name)<br><i>James R. Michalak</i>   |  | <input type="checkbox"/> Addressee |
| C. Date of Delivery<br><i>6-9-04</i>  |  |                                    |
| D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No |  |                                    |

|   |   |
|---|---|
| 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? (Extra Fee) <input checked="" type="checkbox"/> Yes |   |

|  |                          |
|--|--------------------------|
| 2. Article Number<br>(Transfer from service label) | 7002 2030 0000 6873 2624 |
| PS Form 3811, August 2001 Domestic Return Receipt  |                          |

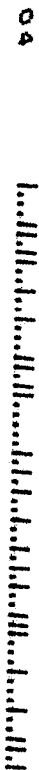
UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box.

R. Fleming Shearhart, Esq.  
207 E. Market Street  
Clearfield, PA 16830







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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

CASE NUMBER: 04-799-CD

TYPE OF PLEADING: **AFFIDAVIT OF MAILING**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 East Market Street  
Clearfield, PA 16830  
(814) 765-1581

**FILED**

**JUN 16 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants


**AFFIDAVIT OF MAILING**

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CLEARFIELD :

R. Denning Gearhart, Esquire, the attorney for Plaintiffs, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Amended Complaint filed in the above action, to the Defendants, at his place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.

  
R. Denning Gearhart, Esquire  
Attorney for Plaintiffs

Sworn to and Subscribed


before me this 16<sup>th</sup> day

of June, 2004.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Shannon R. Wisor, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Aug. 25, 2007

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |
|--|---|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/>  <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/> <b>JAMES R. MILCHAK</b></p> <p>C. Date of Delivery<br/> <b>6-12-04</b></p>   |
| <p>1. Article Addressed to:</p> <p><b>James R. Milchak</b><br/> <b>1591 Ridge Road</b><br/> <b>Hastings, PA 16646</b></p>  | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |
| <p>2. Article Number<br/> (Transfer from service label)</p>  | <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p> <p><b>7002 2030 0000 6873 2655</b></p>   |

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

EXHIBIT "A"

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
And Wife,  
Plaintiffs,

vs.

JAMES R. MILCHAK and ROSELLA  
E. MILCHAK, Husband and Wife,  
Defendants.

CIVIL DIVISION

No. 04-799-CD

**ANSWER AND NEW MATTER**

FILED ON BEHALF OF:  
DEFENDANT, ROSELLA E. MILCHAK

COUNSEL OF RECORD FOR THIS  
PARTY:

E. J. JULIAN, ESQUIRE  
PA I.D. # 05466

JULIAN LAW FIRM  
71 North Main Street  
Washington, PA 15301

Telephone: (724) 228-1860  
Facsimile: (724) 225-9643

**FILED**

**JUN 24 2004**

William A. Shaw  
Prothonotary, Clerk of Courts

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
And Wife,  
Plaintiffs,

CIVIL DIVISION  
No. 04-799-CD

vs.

JAMES R. MILCHAK and ROSELLA  
E. MILCHAK, Husband and Wife,  
Defendants.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance for the Defendant, Rosella E. Milchak, in the above case.

Respectfully submitted:  
JULIAN LAW FIRM

By:



E. J. JULIAN, ESQUIRE  
Counsel for Defendant  
PA ID# 05466  
Julian Law Firm  
71 North Main Street  
Washington, PA 15301  
724-228-1860 Telephone

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
And Wife,  
Plaintiffs,

CIVIL DIVISION  
No. 04-799-CD

vs.

JAMES R. MILCHAK and ROSELLA  
E. MILCHAK, Husband and Wife,  
Defendants.

**NOTICE TO PLEAD**

TO: JAMES E. MILCHAK and ROSEZELLA M. MILCHAK, Plaintiffs  
c/o R. Denning Gearhart, Esquire  
207 E. Market Street  
Clearfield, PA 16830

You are hereby notified to plead to the enclosed NEW MATTER within twenty (20) days  
from service hereof or a default judgment may be entered against you.

Respectfully submitted:

JULIAN LAW FIRM

DATE: 6/22/04

By:

  
E. J. JULIAN, ESQUIRE  
Counsel for Defendant

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
And Wife,  
Plaintiffs,

CIVIL DIVISION

No. 04-799-CD

vs.

JAMES R. MILCHAK and ROSELLA  
E. MILCHAK, Husband and Wife,  
Defendants.

**ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, Rosella E. Milchak, by and through her attorneys, E. J. Julian, Esquire and Julian Law Firm, and files this Answer and New Matter and in support thereof avers as follows:

1. Admitted.
- 2a. Admitted.
- 2b. Admitted.
3. Admitted.
4. Denied. No such agreement existed between the Plaintiffs and Defendant.
5. Denied. No such agreement existed between the Plaintiffs and Defendant.
6. Denied. No such agreements existed between the Plaintiffs and Defendant.
7. Denied.

WHEREFORE, Defendant requests this Honorable Court dismiss Plaintiffs' Complaint.

**NEW MATTER**

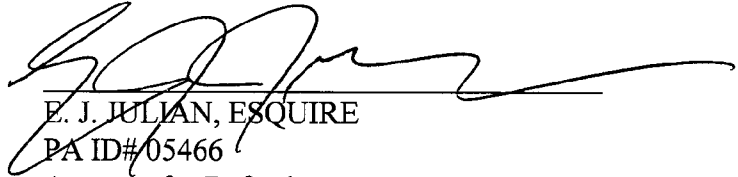
8. Paragraphs one (1) through seven (7) of Defendant's Answer are incorporated herein by reference as though more fully set forth herein at length.

9. The allegations made in the Plaintiffs' Complaint, which are specifically denied, are barred by the Statute of Limitations governing contracts.

WHEREFORE, Defendant requests this Honorable Court dismiss Plaintiffs' Complaint.

Respectfully Submitted,  
JULIAN LAW FIRM

BY:


  
\_\_\_\_\_  
E. J. JULIAN, ESQUIRE  
PA ID# 05466  
Attorney for Defendant



**CERTIFICATE OF SERVICE**

I, E. J. Julian, Esquire, do hereby certify that on June 22, 2004, I served a true and correct copy of the within Answer and New Matter upon the Counsel for Plaintiffs listed below by United States First Class Mail, postage prepaid:

R. Denning Gearhart, Esquire  
207 E. Market Street  
Clearfield, PA 16830

  
\_\_\_\_\_  
E. J. JULIAN, ESQUIRE  
Attorney for Defendant

**VERIFICATION**

I Rosella E. Mitchak having personal knowledge of the factual statements made in this document verify that these statements are true and correct.

I understand that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4909, relating to unsworn falsifications to authorities.

Rosella E. Mitchak

Date: 6/16/04

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

MILCHAK, JAMES E. & ROSEZELLA M.

VS.

MILCHAK, JAMES R. & ROSELLA E.

Sheriff Docket #

15711

04-799-CD

**COMPLAINT & AMENDED COMPLAINT**

**SHERIFF RETURNS**

NOW JUNE 14, 2004 AT 10:27 AM SERVED THE WITHIN COMPLAINT & AMENDED COMPLAINT ON ROSELLA E. MILCHAK, DEFENDANT AT RESIDENCE, 1591 RIDGE ROAD, HASTINGS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROSELLA E. MILCHAK A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT & AMENDED COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: DAVIS/MORGILLO

**Return Costs**

| Cost  | Description                            |
|-------|--|
| 45.37 | SHERIFF HAWKINS PAID BY: ATTY CK# 7069 |
| 10.00 | SURCHARGE PAID BY: ATTY CK# 7070       |

**Sworn to Before Me This**

13 Day Of July 2004



WILLIAM A. SHAW  
Prothonotary

My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

**So Answers,**

  
Chester A. Hawkins

Sheriff

**FILED**

8:55am

JUL 13 2004

ES

William A. Shaw  
Prothonotary

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

No. 04-799-CD

CASE NUMBER: 04-799-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ANSWER TO NEW MATTER

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 E. Market Street  
Clearfield, PA 16830  
(814) 765-1581

EGK  
**FILED**

Sec  
of 12:50 PM  
AUG 24 2004

Att. Gearhart

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

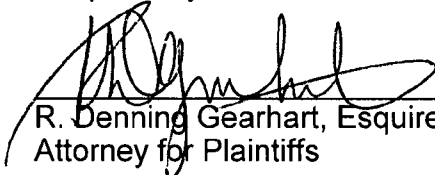
Defendants

**ANSWER TO NEW MATTER**

AND NOW COMES Plaintiffs in the above matter, through their attorney, R. Denning Gearhart, who answers New Matter as follows:

9. Averment is a conclusion on law which requires no answer. To the extent that it does require an answer, the contract at issue was an ongoing contract, a month-to-month lease, which has only recently been terminated.

Respectfully submitted,

  
\_\_\_\_\_  
R. Denning Gearhart, Esquire  
Attorney for Plaintiffs

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

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and Wife,

Plaintiffs

vs.

No. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Answer to New Matter filed in the above captioned matter on the Defendant, Rosella E. Milchak, through Defendant's attorney, E. J. Julian, Esq., and upon the Defendant, James R. Milchak, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

E. J. Julian, Esq.  
71 North Main Street  
Washington, PA 15301

James R. Milchak  
1591 Ridge Road  
Hastings, PA 16646

By:

  
R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

Dated: August 24, 2004

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION No. 04-799-CD

JAMES E. MILCHAK and  
ROSEZELLA M. MILCHAK, Husband  
and wife,

Plaintiffs

vs.

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and wife,

Defendants

ANSWER TO NEW MATTER

**FILED**

**AUG 24 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

**FILED**

MAR 01 2007

m/10:10/

William A. Shaw  
Prothonotary/Clerk of Courts

2 cfrt to

ATTY JULIAN

CASE NUMBER: 04-799-CD

TYPE OF PLEADING: **PRAECIPE TO WITHDRAW COMPLAINT**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 East Market Street  
Clearfield, PA 16830  
(814) 765-1581



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

JAMES E. MILCHAK and,  
ROSEZELLA M. MILCHAK, Husband  
and Wife

Plaintiffs

VS.

NO. 04-799-CD

JAMES R. MILCHAK and  
ROSELLA E. MILCHAK, Husband  
and Wife,

Defendants

**PRAECIPE**

TO THE PROTHONOTARY OF SAID COURT:

Please withdraw the Complaint and Amended Complaint filed to the above  
captioned number, and mark the matter "Settled"



R. Denning Gearhart, Esq.  
Attorney for Plaintiffs

DATE: February 13, 2007

**CONSENT**

I do hereby consent to the above withdrawal.



E. J. Julian, Esq.  
Attorney for Rosella E. Milchak

DATE: 2-23-2007