

2004-1110-CD
JAMES R. MILCHAK ET AL

VS

JAMES R. MILCHAK ET AL

James Milchak et vs James Michak et al
2004-1110-CD

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1110-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.

| | | | |
|---|--|---|--|
| NAME OF APPELLANT | | 46-3-04 | |
| 1591 RIDGE ROAD | | MAG. DIST. NO. OR NAME OF D.J. | |
| ADDRESS OF APPELLANT | | PA | |
| 7-13-04 | | 16646 | |
| DATE OF JUDGMENT | | ZIP CODE | |
| IN THE CASE OF (Plaintiff) | | MILCHAK, JAMES E. (Defendant) | |
| CLAIM NO. | | VS. | |
| CV | | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT | |
| LT 0000087-04 | | <i>Rosella E. Milchak</i> | |
| <p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p> | | | |
| <p>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.</p> | | | |

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 JAMES E. ROSESELLA M. MILCHAK, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-1110-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Rosella E. Milchak
Signature of appellant or his attorney or agent

RULE: To JAMES E. & ROSESELLA MILCHAK, 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: July 22, 2004

William A. Shaw
Signature of Prothonotary or Deputy

FILED
Def. av.
(01) Slab
JUL 22 2004 85.00
Copies to
William A. Shaw
Prothonotary/Clerk of Courts
Def.

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.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS
Address: **251 SPRING STREET**
P.O. BOX 362
HOUTZDALE, PA

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

16651-0362

ROSELLA E. MILCHAK
1591 RIDGE RD
HASTINGS, PA 16646

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF: **MILCHAK, JAMES E, ET AL.** NAME and ADDRESS

1607 RIDGE RD
HASTINGS, PA 16646

VS.

DEFENDANT: **MILCHAK, JAMES R, ET AL.** NAME and ADDRESS

1591 RIDGE RD
HASTINGS, PA 16646

Docket No.: **LT-0000087-04**
Date Filed: **6/28/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

- Judgment was entered for: (Name) **MILCHAK, JAMES E, ET AL.**
- Judgment was entered against **MILCHAK, ROSELLA E** in a
- Landlord/Tenant action in the amount of \$ **140.00** on **7/13/04**. (Date of Judgment)
- The amount of rent per month, as established by the District Justice, is \$ **.00**.
- The total amount of the Security Deposit is \$ **.00**

| | Total Amount Established by DJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---|-------------------------------|----------------------|
| Rent in Arrears | \$.00 | -\$.00 | \$.00 |
| Physical Damages Leasehold Property | \$.00 | -\$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | -\$.00 | \$.00 |
| | Less Amt Due Defendant from Cross Complaint | -\$.00 | \$.00 |
| | Interest (if provided by lease) | \$.00 | \$.00 |
| | L/T Judgment Amount | \$.00 | \$.00 |
| | Judgment Costs | \$.00 | \$ 140.00 |
| | Attorney Fees | \$.00 | \$.00 |
| <input checked="" type="checkbox"/> Possession granted. | Total Judgment | \$ 140.00 | |
| | Post Judgment Credits | \$.00 | |
| | Post Judgment Costs | \$.00 | |
| | Certified Judgment Total | \$ 140.00 | |

- Attachment Prohibited/
42 Pa.C.S. § 8127
- This case dismissed without prejudice.
- Possession granted.
- Possession granted if money judgment is not satisfied by time of eviction.
- Possession not granted.

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

7-13-04

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.

7-21-04

Date

James L. Hawkins

, District Justice

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** **16651-0362**

ROSELLA E. MILCHAK
1591 RIDGE RD
HASTINGS, PA 16646

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF: **MILCHAK, JAMES E, ET AL.** NAME and ADDRESS

1607 RIDGE RD
HASTINGS, PA 16646

DEFENDANT: **MILCHAK, JAMES R, ET AL.** NAME and ADDRESS

1591 RIDGE RD
HASTINGS, PA 16646

Docket No.: **LT-0000087-04**
Date Filed: **6/28/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **MILCHAK, JAMES E, ET AL.**

Judgment was entered against **MILCHAK, JAMES R** in a

Landlord/Tenant action in the amount of \$ **140.00** on **7/13/04**. (Date of Judgment)

The amount of rent per month, as established by the District Justice, is \$ **.00**.

The total amount of the Security Deposit is \$ **.00**

| | Total Amount Established by DJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---|-------------------------------|----------------------|
| Rent in Arrears | \$.00 | -\$.00 | \$.00 |
| Physical Damages Leasehold Property | \$.00 | -\$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | -\$.00 | \$.00 |
| | Less Amt Due Defendant from Cross Complaint | -\$.00 | \$.00 |
| | Interest (if provided by lease) | \$.00 | \$.00 |
| | L/T Judgment Amount | \$.00 | \$.00 |
| | Judgment Costs | \$ 140.00 | \$ 140.00 |
| | Attorney Fees | \$.00 | \$.00 |
| <input checked="" type="checkbox"/> Possession granted. | Total Judgment | \$ 140.00 | \$ 140.00 |
| | Post Judgment Credits | \$.00 | \$.00 |
| | Post Judgment Costs | \$.00 | \$.00 |
| | Certified Judgment Total | \$ 140.00 | \$ 140.00 |

Attachment Prohibited/
42 Pa.C.S. § 8127

This case dismissed without prejudice.

Possession granted.

Possession granted if money judgment is not satisfied by time of eviction.

Possession not granted.

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

7-13-04

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.

7-27-04

Date

James L. Hawkins

, District Justice

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1110-CQ

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.

JAMES R & ROSELLA E. MILCHAK

46-3-04

NAME OF APPELLANT

1591 RIDGE ROAD

ADDRESS OF APPELLANT

HASTINGS

CITY

PA

STATE

16646

ZIP CODE

7-13-04

DATE OF JUDGMENT

MILCHAK, JAMES E.

IN THE CASE OF (Plaintiff)

MILCHAK JAMES R & ROSELLA E.

(Defendant)

CLAIM NO.

CV

LT

0000087-04

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Rosella E. Milchak

VS.

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

Satisfied 11/16/04

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 JAMES E. ROSEZELLA M. MILCHAK, appellee(s), to file a complaint in this appeal
 Name of appellee(s)

(Common Pleas No. 04-1110-CQ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Rosella E. Milchak

Signature of appellant or his attorney or agent

RULE: To JAMES E & ROSEZELLA MILCHAK, 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: July 22, 2004

Willie L. Shar

NSD

Signature of Prothonotary or Deputy

04-110-CS

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. 04-1110-CS, upon the District Justice designated therein on (date of service) July 28, 2004; by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Rosella Milchak, on July 28, 2004 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.

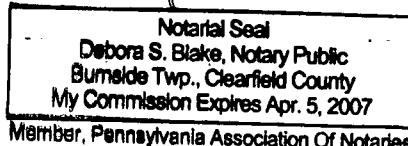
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 28 DAY OF July, 2004

Debra S. Blake
Signature of official before whom affidavit was made

Notary Public
Title of official

My commission expires on April 5, 2004



Rosella E. Milchak
Signature of affiant

FILED
03:25 PM
JUL 28 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**

16651-0362

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

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF: **MILCHAK, JAMES E, ET AL.** NAME and ADDRESS

1607 RIDGE RD
HASTINGS, PA 16646

DEFENDANT: **MILCHAK, JAMES R, ET AL.** NAME and ADDRESS

1591 RIDGE RD
HASTINGS, PA 16646

Docket No.: **LT-0000087-04**
Date Filed: **6/28/04**



04-1110-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment:

- Judgment was entered for: (Name) **MILCHAK, JAMES E, ET AL.**
- Judgment was entered against **MILCHAK, ROSELLA E** in a
- Landlord/Tenant action in the amount of \$ **140.00** on **7/13/04**. (Date of Judgment)
- The amount of rent per month, as established by the District Justice, is \$ **.00**.
- The total amount of the Security Deposit is \$ **.00**

| | Total Amount Established by DJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---|---------------------------------|----------------------|
| Rent in Arrears | \$.00 | -\$.00 | \$.00 |
| Physical Damages Leasehold Property | \$.00 | -\$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | -\$.00 | \$.00 |
| | Less Amt Due Defendant from Cross Complaint | -\$.00 | \$.00 |
| | Interest (if provided by lease) | \$.00 | \$.00 |
| | L/T Judgment Amount | \$.00 | \$.00 |
| | Judgment Costs | \$ 140.00 | \$ 140.00 |
| | Attorney Fees | \$.00 | \$.00 |
| <input checked="" type="checkbox"/> Possession granted. | William A. Shaw Prothonotary/Clerk of Courts | Total Judgment | \$ 140.00 |
| | | Post Judgment Credits | \$.00 |
| | | Post Judgment Costs | \$.00 |
| | | Certified Judgment Total | \$ 140.00 |

- Attachment Prohibited/
42 Pa.C.S. § 8127
- This case dismissed without prejudice

FILED *no cc*

no 02104
02/2004

- Possession granted if money judgment is not satisfied by time of eviction.
- Possession not granted.

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

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7-13-04 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.
7-29-04 Date *James L. Hawkins*, District Justice