

04-1195-CD
WESTOVER MUNICIPAL AUTHORITY VS THOMAS JAMES

Westover Municipal vs Thomas James
2004-1195-CD

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
JUDICIAL DISTRICT
46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1195-CV

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 WESTOVER MUNICIPAL AUTHORITY		MAG. DIST. NO. OR NAME OF D.J. 46-3-04	
ADDRESS OF APPELLANT 657 Mary Street, P.O. Box 186		CITY Westover	STATE PA
		ZIP CODE 15692	
DATE OF JUDGMENT July 9, 2004	IN THE CASE OF (Plaintiff) WESTOVER MUNICIPAL AUTHORITY vs. THOMAS JAMES (Defendant)		
CLAIM NO. CV 0000074-04 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT Ann B. Wood Ann B. Wood, Esquire		

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

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

Signature of Prothonotary or Deputy

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

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

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

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).
Name of appellee(s)

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

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

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

Date: _____

Signature of Prothonotary or Deputy

FILED

AUG 06 2004

0/11:50/w
William A. Shaw

Prothonotary/Clerk of Courts

COPY TO ATT

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
Cv Name: Hon.	JAMES L. HAWKINS
Address:	251 SPRING STREET P.O. BOX 362 HOUTZDALE, PA
Telephone:	(814) 378-7160 16651-0362

NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF: **WESTOVER MUNICIPAL AUTHORITY**
657 MARY ST
PO BOX 186
WESTOVER, PA 16692

VS.
DEFENDANT: **JAMES, THOMAS**
5300 S. MAIN ST
WESTOVER, PA 16692

WESTOVER MUNICIPAL AUTHORITY
657 MARY ST
PO BOX 186
WESTOVER, PA 16692

Docket No.: **CV-0000074-04**
Date Filed: **6/09/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

☒ Judgment was entered for: (Name) **JAMES, THOMAS**

☒ Judgment was entered against: (Name) **WESTOVER MUNICIPAL AUTHORITY**

in the amount of \$ **00** on: (Date of Judgment) **7/09/04**

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

☐ Damages will be assessed on: _____

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ 00
Judgment Costs	\$ 00
Interest on Judgment	\$ 00
Attorney Fees	\$ 00
Total	\$ 00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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

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

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

7-9-04 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.
7-23-04 Date *[Signature]* District Justice

My commission expires first Monday of January, 2006.

SEAL

ACPC 315-C3

DATE PRINTED: **7/09/04 1:12:31 PM**

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. 2004-1195-CD, upon the District Justice designated therein on (date of service) August 6, 2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Thomas James, on August 6, 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.

SUBORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 6th DAY OF August, 2004

Ann B. Weed

Signature of affiant

Nancy M. Smeal

Signature of official before whom affidavit was made

Title of official

NOTARIAL SEAL
NANCY M. SMEAL, Notary Public
Graham Township, Clearfield Co., PA
My Commission Expires, May 4, 2006

Commission expires on _____

FILED

11:10 AM
AUG 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
JUDICIAL DISTRICT
46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1195-C0

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 WESTOVER MUNICIPAL AUTHORITY		MAG. DIST. NO. OR NAME OF D.J. 46-3-04	
ADDRESS OF APPELLANT 657 Mary Street, P.O. Box 186	CITY Westover	STATE PA	ZIP CODE 16692
DATE OF JUDGMENT July 9, 2004	IN THE CASE OF (Plaintiff) WESTOVER MUNICIPAL AUTHORITY vs. THOMAS JAMES (Defendant)		
CLAIM NO. CV 0000074-04 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Ann B. Wood.</i> Ann B. Wood, Esquire		

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

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

Signature of Prothonotary or Deputy

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

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

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

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).
Name of appellee(s)

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

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

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

Date: _____

Signature of Prothonotary or Deputy

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

AUG 06 2004

Attest.

Ann B. Wood
Prothonotary/
Clerk of Courts

7002 3150 0000 7860 2689

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
WESTOVER PA 16692	
Postage	\$ 40.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$3.50
Total Postage & Fees	\$ 47.92
Sent To Thomas James	
Street, Apt. No., or PO Box No. 5300 S. Main Street	
City, State, ZIP+4 Westover, PA 16692	
PS Form 3800, June 2002 See Reverse for Instructions	

0830 01 Postmark Here
AUG 6
08/06/2004
CLEARFIELD PA 16802
USPS

7002 3150 0000 7860 2672

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
HOUTZDALE PA 16651-0362	
Postage	\$ 40.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 44.42
Sent To James L. Hawkins	
District Justice 46-3-04	
Street, Apt. No., or PO Box No. 251 Spring St., P.O. Box 362	
City, State, ZIP+4 Houtzdale, PA 16651-0362	
PS Form 3800, June 2002 See Reverse for Instructions	

0830 AUG 01 Postmark Here
2004
CLEARFIELD PA 16802
USPS
08/06/2004

FILED

AUG 09 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
CIVIL CASE

PLAINTIFF: **WESTOVER MUNICIPAL AUTHORITY**
657 MARY ST
PO BOX 186
WESTOVER, PA 16692

VS.
DEFENDANT: **JAMES, THOMAS**
5300 S. MAIN ST
WESTOVER, PA 16692

Docket No.: **CV-0000074-04**
Date Filed: **6/09/04**



2004-1195-00

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

☒ Judgment was entered for: (Name) **JAMES, THOMAS**

☒ Judgment was entered against: (Name) **WESTOVER MUNICIPAL A, UTHORITY**

in the amount of \$ **.00** on: (Date of Judgment) **7/09/04**

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

☐ Damages will be assessed on: _____

☐ This case dismissed without prejudice.

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

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

FILED

AUG 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$	
Post Judgment Costs	\$	
Certified Judgment Total	\$	

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

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

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7-9-04 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. -
7-23-04 Date **James L. Hawkins**, District Justice

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

SEAL

FILED
AUG 11 2004
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

FILED
AUG 11 2004
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF ALBANY, NEW YORK

JOHN J. SHAW, Plaintiff, vs. JAMES J. SHAW, Defendant.

Case No. 04-CV-00000

FILED
AUG 11 2004
William A. Shaw
Prothonotary/Clerk of Courts

WESTOVER MUNICIPAL AUTHORITY, : NO. 2004-1195-CD
: :
Plaintiff : Type of Case: Civil Action
: :
VS. : :
: Type of Pleading:
: :
THOMAS JAMES, : CERTIFICATE OF SERVICE
: :
Defendant : :
: Filed on Behalf of:
: Westover Municipal Authority,
: Plaintiff
: :
: Counsel of Record for this
: Party:
: :
: Ann B. Wood, Esquire
: :
: Supreme Court No. 23364
: :
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: :
: (814) 765-5537
: :
: :
: :
: :

AUG 11 2004
0/11:35 (w)
William A. Shaw
Prothonotary/Clerk of Courts

22 C/22

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

CERTIFICATE OF SERVICE

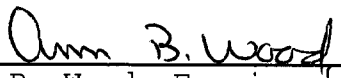
I hereby certify that Certified Copy of Notice Of Appeal From District Justice Judgment with reference to the above captioned matter has been served upon the Defendant, Thomas James, and James L. Hawkins, District Justice, by mailing a true and correct copy of same to them by United States First Class Mail, postage prepaid, addressed as follows on August 6, 2004:

Thomas James
5300 S. Main Street
Westover, PA 16692

James L. Hawkins
District Justice 46-3-04
251 Spring Street
P.O. Box 362
Houtzdale, PA 16651-0362

Receipts For Certified Mail having been filed with Affidavit Of Service on August 9, 2004, signed Green Return Receipt Cards are attached hereto for filing.

BELL, SILBERBLATT & WOOD
By:


Ann B. Wood, Esquire
Attorney for Plaintiff

"Restricted Delivery"

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Thomas James</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Thomas James</i> 8 AUG 2001</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>THOMAS JAMES 5300 S. Main Street Westover, PA 16692</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;"><i>"Restricted Delivery"</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>7002 3150 0000 7860 2689</p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

"Restricted Delivery"

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>James L. Hawkins</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>James L. Hawkins</i> 8-9-04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>JAMES L. HAWKINS DISTRICT JUSTICE 46-3-04 251 SPRING STREET P.O. BOX 362 houtzdale, PA 16651-0362</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7002 3150 0000 7860 2672</p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02</p>	

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 2004-1195-CD

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff

VS.

THOMAS JAMES,
Defendant

CERTIFICATE OF SERVICE

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

FILED

AUG 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WESTOVER MUNICIPAL AUTHORITY, :
: NO. 2004-1195-CD
:
Plaintiff : Type of Case: Civil Action
:
VS. :
: Type of Pleading:
:
THOMAS JAMES, : COMPLAINT
:
Defendant :
: Filed on Behalf of:
: Westover Municipal Authority,
: Plaintiff
:
: Counsel of Record for this
: Party:
:
: Ann B. Wood, Esquire
:
: Supreme Court No. 23364
:
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
:
: (814) 765-5537
:
:
:
:

FILED ^{ICC}
01/13/04 ^{Any Wood}
AUG 25 2004 ^{EAS}
William A. Shaw
Prothonotary/Clerk of Courts

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 5982

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff,
Westover Municipal
Authority

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :

COMPLAINT

AND NOW COMES, the Plaintiff, Westover Municipal Authority, by its attorney, Ann B. Wood, Esquire, and sets forth its Complaint as follows:

1. Westover Municipal Authority is a municipal authority organized in accordance with the laws of the Commonwealth of Pennsylvania, its with principal office located at 657 Mary Street, Westover, Pennsylvania 16692 and a mailing address of P.O. Box 187, Westover, Pennsylvania 16692.

2. Thomas James is an adult individual who resides at 5300 S. Main Street, Westover, Pennsylvania 16692.

3. Thomas James is the owner of certain house located at 52 Hopkins Street, Westover, Westover Borough, Pennsylvania 16692.

4. That on or about January 15, 2002, the Defendant notified the Plaintiff that the subject residence was illegally tapped on to the water service line of another dwelling.

5. At the Westover Municipal Authority meeting of January 15, 2002, Defendant was directed to pay the Five Hundred (\$500.00) Dollar tap fee and billing for the back water bills.

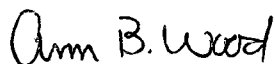
6. That subsequent thereto, on or about March 26, 2003, the Plaintiff agreed to pay the cost of running a new line, which was subsequently done at the expense of the Plaintiff.

7. That pursuant to Ordinance No.72 of the Borough of Westover, as amended, the tap fee to connect a water line is Five Hundred (\$500.00) Dollars.

8. That the Defendant has failed to pay the tap fee for the residence which was originally improperly connected.

9. That the Authority approved proceeding against the Defendant for the unpaid fees at its meeting of April 15, 2004.

WHEREFORE, the Plaintiff requests your Honorable Court to enter judgment in its favor in the amount of Five Hundred (\$500.00) Dollars, plus interest thereon.


Ann B. Wood, Attorney For
Plaintiff

COMMONWEALTH OF PENNSYLVANIA:

: SS.
COUNTY OF :

Before me, the undersigned officer, personally appeared Gene Hagens, who, being duly sworn according to law, deposes and says that he is the SECRETARY/TREASURER of WESTOVER MUNICIPAL AUTHORITY, and that as such officer is authorized to make this affidavit, and further that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Gene Hagens

SWORN and SUBSCRIBED before me
this 24th day of August,
2004.

Barbara A. Korch
Notarial Seal
Barbara A. Korch, Notary Public
Northampton County, Pennsylvania
My Commission Expires July 15, 2006
Member, Pennsylvania Association of Notaries

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

CERTIFICATE OF SERVICE

I hereby certify that Certified Copy of a Complaint with reference to the above captioned matter has been served upon the Defendant, Thomas James, by mailing a true and correct copy of same to him by United States First Class Mail, postage prepaid, addressed as follows on August 25, 2004 :

Thomas James
5300 S. Main Street
Westover, PA 16692

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 2004-1195-CD

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff

VS.

THOMAS JAMES,
Defendant

Complaint

FILED

AUG 25 2004

William A. Shaw
Prothonotary/Clerk of Courts

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

THOMAS JAMES,
Defendant.

No. 2004 - 1195 - C.D.

Type of case: Civil

Type of pleading: Answer, New
Matter and Counterclaim

Filed on behalf of: Defendant,
Thomas James

Counsel for Defendant:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

OCT 08 2004

William A. Shaw

Prothonotary/Clerk of Courts

3 cems to Att'y

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

WESTOVER MUNICIPAL AUTHORITY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 2004 - 1195 - C.D.
	:	
THOMAS JAMES,	:	
Defendant.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or 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
1 North Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

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

WESTOVER MUNICIPAL AUTHORITY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 2004 - 1195 - C.D.
	:	
THOMAS JAMES,	:	
Defendant.	:	

ANSWER

NOW, comes the Defendant, THOMAS JAMES, by and through his attorney,
FREDERICK M. NEISWENDER, ESQUIRE and makes his Answer to Plaintiff's Complaint as
follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part, Denied in part. It is admitted that Defendant was tapped on to another residence owned by the Defendant. It is denied that this line was placed illegally.
5. Admitted.
6. Denied. At a special meeting held on March 25, 2003, Plaintiff agreed to pay all costs associated with installing an additional water line on Defendant's property as required by Plaintiff.
7. Admitted in part, Denied in part. It is admitted that the tap-in fee is Five Hundred Dollars (\$500.00). It is denied that Defendant is required to pay the fee under the facts surrounding this case.

8. Admitted in part, Denied in part. It is admitted that Defendant has not paid the tap-in fee. It is denied that Defendant is required to pay the fee under the facts surrounding this case.

9. Admitted.

WHEREFORE, Defendant respectfully requests this Court dismiss Plaintiff's Complaint and enter judgment in favor of the Defendant.

NEW MATTER

NOW, comes the Defendant, THOMAS JAMES, by and through his attorney, FREDERICK M. NEISWENDER, ESQUIRE and avers as New Matter the following:

10. Defendant restates and incorporates Paragraphs 1 through 9 above as if stated at length herein.

11. Defendant maintains two (2) dwellings at the subject address.

12. Defendant paid a tap-in fee in 1998 when he laid a water line for use at those dwellings.

13. At the time Defendant placed the above-mentioned waterline, he left the line uncovered for inspection as per the Plaintiff's by-laws.

14. No formal inspection was ever performed by the Plaintiff.

15. John Spacht, a member of Plaintiff's Board at the time, installed a meter at one of the dwellings and informed Defendant that the line was in compliance with Plaintiff's specifications.

16. Although Defendant maintained he had done nothing wrong, he paid all back water bills, but refused to pay an additional tap-in fee as requested by Plaintiff on January 15, 2002.

17. At a special meeting held to address this situation on March 25, 2003, Plaintiff agreed to pay all costs associated with installing an additional water line on Defendant's property.

18. Plaintiff's cause of action is barred by the doctrine of accord and satisfaction.
19. Defendant acted with the consent of the Plaintiff.
20. Plaintiff's cause of action is barred by estoppel.
21. Plaintiff's cause of action is barred due to fraud perpetrated by the Plaintiff.
22. Defendant's actions were at all times justified.
23. Plaintiff's cause of action is barred by the doctrine of laches.
24. Defendant acted as a result of license given by the Plaintiff.
25. Plaintiff's cause of action is barred as a result of Defendant's payment.
26. Defendant acted with privilege at all times.
27. Plaintiff's cause of action is barred because Defendant was released from obligation.
28. Plaintiff's cause of action is barred by the statute of frauds.
29. Plaintiff's cause of action is barred by the statute of limitations.
30. Plaintiff's cause of action is barred by the doctrine of truth and waiver.

WHEREFORE, Defendant respectfully requests this Court dismiss Plaintiff's Complaint and enter judgment in favor of the Defendant.

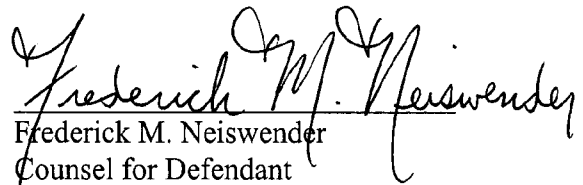
COUNTERCLAIM

NOW, comes the Defendant, THOMAS JAMES, by and through his attorney,
FREDERICK M. NEISWENDER, ESQUIRE and avers as a Counterclaim the following:

31. Defendant restates and incorporates Paragraphs 1 through 30 above as if stated at length herein.
32. Defendant believes and therefore aver that Plaintiff's Complaint is clearly without basis in fact or law, and was filed by Plaintiff solely for the purpose of causing expense, annoyance and harm to the Defendant.
33. As such, the conduct of Plaintiff in commencing litigation as set forth in their Complaint is arbitrary, vexatious and in bad faith.
34. As a result, Defendant has been forced to retain counsel to defend this action, and is entitled to an award of counsel fees pursuant to 42 Pa. C.S.A. § 2503 (9).

WHEREFORE, Defendant demands judgment in his favor and against the Plaintiff.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Defendant

THOMAS JAMES hereby states that he is the Defendant in this action and that the statements of fact made in the foregoing Answer, New Matter and Counterclaim are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 10-5-04


THOMAS JAMES

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

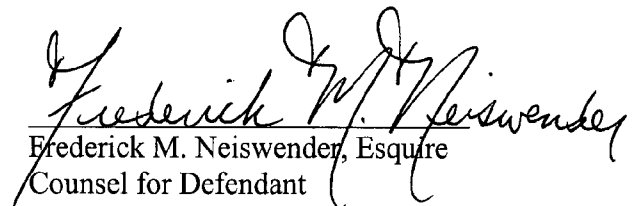
THOMAS JAMES,
Defendant.

No. 2004 - 1195 - C.D.

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Answer, New Matter and Counterclaim was made upon the Westover Municipal Authority, by hand delivery, a true copy to the office of their attorney of record, Ann B. Wood, Esquire, on October 8, 2004, at the following address:

Ann B. Wood, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830


Frederick M. Neiswender, Esquire
Counsel for Defendant
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830



FREDERICK M. NEISWENDER
ATTORNEY AND COUNSELLOR AT LAW

501 EAST MARKET STREET • SUITE 3
CLEARFIELD, PENNSYLVANIA 16830

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

THOMAS JAMES,
Defendant.

No. 2004 - 1195 - C.D.

Type of case: Civil

Type of pleading: Entry of Appearance

Filed on behalf of: Defendant,
Thomas James

Counsel for Defendant:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

OCT 08 2004

0/11:30/12
William A. Shaw

Prothonotary/Clerk of Courts

3 CENT TO ATTY

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

THOMAS JAMES,

Defendant.

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No. 2004 - 1195 - C.D.

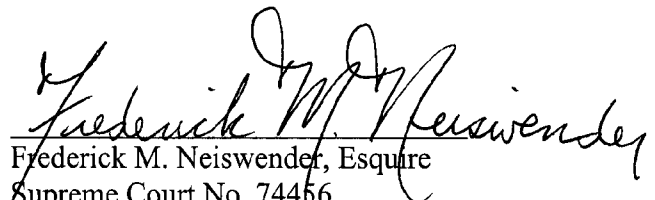
ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance as attorney of record for the Defendant, Thomas James in the
above captioned matter.

Date:

10/08/04


Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

THOMAS JAMES,

Defendant.

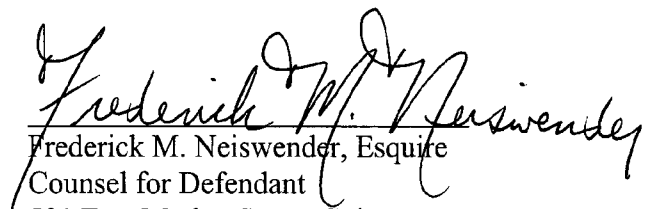
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No. 2004 - 1195 - C.D.

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Entry of Appearance was made upon the Westover Municipal Authority, by hand delivery, a true copy to the office of their attorney of record, Ann B. Wood, Esquire, on October 8, 2004, at the following address:

Ann B. Wood, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830


Frederick M. Neiswender, Esquire
Counsel for Defendant
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

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

WESTOVER MUNICIPAL AUTHORITY, :
 : NO. 2004-1195-CD
 :
 Plaintiff : Type of Case: Civil Action
 :
 VS. :
 :
 : Type of Pleading:
 :
 THOMAS JAMES, : ANSWER TO NEW MATTER AND
 : COUNTERCLAIM
 Defendant :
 : Filed on Behalf of:
 : Westover Municipal Authority,
 : Plaintiff
 :
 : Counsel of Record for this
 : Party:
 :
 : Ann B. Wood, Esquire
 :
 : Supreme Court No. 23364
 :
 : Bell, Silberblatt & Wood
 : 318 East Locust Street
 : P.O. Box 670
 : Clearfield, PA 16830
 :
 : (814) 765-5537
 :
 :
 :
 :

FILED
OCT 28 2004
1cc
Amy Wood

W. John A. Shaw,
Prothonotary, Clerk of Courts

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :

ANSWER TO NEW MATTER AND COUNTERCLAIM

NEW MATTER

NOW COMES the Plaintiff, Westover Municipal Authority,
by its attorney, Ann B. Wood, Esquire, and sets forth its Answers
to New Matter as follows:

10. Plaintiff incorporates herein by reference its
allegations set forth in Paragraphs 1 through 9 of the Complaint as
if stated in full herein.

11. Paragraph 11 of the New Matter is denied as stated
and on the contrary it is averred that the Defendant maintains one
(1) dwelling at 303 West Bridge Street, Westover, Pennsylvania and
one (1) dwelling at 52 Hopkins Street, Westover, Pennsylvania.

12. Paragraph 12 of the New Matter is denied as stated
and on the contrary it is averred that in 1998 the Defendant paid
a tap-in fee for a tap to service 303 West Bridge Street, Westover,
Pennsylvania.

13. Paragraph 13 of the New Matter is denied as stated and on the contrary it is averred that when the Defendant installed the water line for use at 303 West Bridge Street, the line was left uncovered for purposes of inspection.

14. Paragraph 14 of the New Matter is denied as stated and on the contrary it is averred that in keeping with the normal practice of the Authority, a Board Member of the Authority did physically check the installation of the 303 West Bridge Street line.

15. Paragraph 15 of the New Matter is denied as stated and on the contrary it is averred that John Spacht, a Member of Plaintiff's Board, did install a meter on the line to service 303 West Bridge Street, which was, at that time, in compliance with Plaintiff's specifications.

16. Paragraph 16 of the New Matter is denied as stated and on the contrary it is averred that after the inspection and installation of the meter at 303 West Bridge Street, the Defendant connected an additional line to the original water line which was connected before the meter installation and ran service to a dwelling at 52 Hopkins Street, Westover, Pennsylvania. It is admitted that the Defendant did pay the back water bills for that additional service; however, it is averred that he has refused to pay the additional tap fee required by the Plaintiff.

17. Paragraph 17 of the New Matter is denied as stated and on the contrary it is averred that at a Special Meeting on March 25, 2003, the Plaintiff agreed to pay all costs associated with the installation of the physical line to service 52 Hopkins Street, but the Plaintiff did not agree to pay for the additional tap fee, which was the responsibility of the Defendant.

18. Paragraph 18 of the New Matter is denied as stated and on the contrary it is averred that Paragraph 18 being a conclusion of law, no answer is required thereto, but if answer is required, it is specifically denied that the Plaintiff's cause of action is barred by the doctrine of accord and satisfaction, as Defendant has failed to pay the Five Hundred (\$500.00) Dollar tap fee.

19. Paragraph 19 of the New Matter is denied as stated and on the contrary it is averred that the Plaintiff never consented to the Defendant's illegal connection of the dwelling at 52 Hopkins Street, Westover, Pennsylvania.

20. Paragraph 20 the New Matter being a conclusion of law, no answer is required thereto, but if answer is required, it is specifically denied that the Plaintiff's cause of action is barred by estoppel.

21. Paragraph 21 of the New Matter denied as stated and on the contrary it is averred that the Plaintiff, in its ordinary course of business, charged the Defendant the normal Five Hundred (\$500.00) Dollar tap-in fee for the additional property.

22. Paragraph 22 of the New Matter is denied as stated and on the contrary it is averred that the Defendant was not justified in illegally tapping the property at 52 Hopkins Street, Westover, Pennsylvania to the waterline for 303 West Bridge Street, Westover, Pennsylvania.

23. Paragraph 23 of the New Matter being a conclusion of law, no answer is required thereto, but if answer should be required, it is specifically denied that the cause of action to collect the Five Hundred (\$500.00) Dollar tap fee is barred by the doctrine of laches.

24. Paragraph 24 of the New Matter is denied as stated and on the contrary it is averred that at no time was the Defendant ever given license to illegally connect the waterline for 52 Hopkins Street to the waterline of 303 West Bridge Street.

25. Paragraph 25 of the New Matter is denied as stated and on the contrary it is averred that while the Defendant did pay the back water bills for the water consumed by the illegal

connection for 52 Hopkins Street, at no time has the Defendant paid the Five Hundred (\$500.00) Dollar tap fee for the proper connection of said line.

26. Paragraph 26 of the New Matter is denied as stated and on the contrary it is averred that at no time did the Defendant have any privilege that allowed him to illegally connect the waterline at 52 Hopkins Street to the waterline of 303 West Bridge Street.

27. Paragraph 27 of the New Matter is denied as stated and on the contrary that at no time was the Defendant ever released from the obligation of paying the additional Five Hundred (\$500.00) Dollar tap fee.

28. Paragraph 28 of the New Matter being a conclusion of law, no answer is required thereto, but if answer is required, it is specifically denied that the Plaintiff's cause of action to collect the Five Hundred (\$500.00) Dollar tap fee is barred by the statute of frauds.

29. Paragraph 29 of the New Matter being a conclusion of law, no answer is required thereto, but if answer is required, it is specifically denied that the Plaintiff's cause of action to collect the Five Hundred (\$500.00) Dollar tap fee is barred by the statute of limitations.

30. Paragraph 30 the New Matter being a conclusion of law, no answer is required thereto, but if specific answer is required, it is denied that the Plaintiff's cause of action to collect the tap fee of Five Hundred (\$500.00) Dollars is barred the doctrine of truth and waiver.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in favor of the Plaintiff with costs and interest.

COUNTERCLAIM

NOW COMES the Plaintiff, Westover Municipal Authority, by its attorney, Ann B. Wood, Esquire, and puts forth its Answer to the Counterclaim as follows:

31. The Plaintiff incorporates its allegations in the original Complaint to Paragraphs 1 through 9 and its Answers to Paragraphs 10 through 30 as though set forth in full herein.

32. Paragraph 32 of the Counterclaim is denied as stated and on the contrary that the Plaintiff, as the operator of the Westover Water Plant, has an obligation to collect the appropriate tap fee for each and every connection to the municipal line.

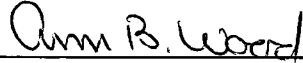
33. Paragraph 33 of the Counterclaim is denied as stated and on the contrary it is averred that the Plaintiff's action in

commencing litigation following the Defendant's refusal to pay the tap fee is justified and normal and part of their ordinary course of business when a party fails to pay the required fee.

34. Paragraph 34 of the Counterclaim being a legal conclusion, no answer is required thereto, but if answer is required, it is averred that though Defendant has chosen to retain counsel in this litigation, he is not entitled to any award of counsel fees pursuant to 41 Pa.C.S.A. §2503(9), nor on any other basis.

WHEREFORE, the Plaintiff would request your Honorable Court would dismiss the Counterclaim against the Plaintiff and enter judgment in its favor on the complaint issues.

BELL, SILBERBLATT & WOOD
BY:



Ann B. Wood, Esquire
Attorney For Plaintiff

COMMONWEALTH OF PENNSYLVANIA:
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared GENE HAGENS, who, being duly sworn according to law, deposes and says that he is the Secretary/Treasurer of WESTOVER MUNICIPAL AUTHORITY, and that as such officer is authorized to make this affidavit, and further that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.



GENE HAGENS

SWORN and SUBSCRIBED before me
this 26 day of October, 2004.



Notary Public

NOTARIAL SEAL
ROBIN KITCHEN, NOTARY PUBLIC
CHEST TWP., COUNTY OF CLEARFIELD
MY COMMISSION EXPIRES OCTOBER 15, 2005

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

CERTIFICATE OF SERVICE

I hereby certify that Certified Copy of a Answer To New
Matter And Counterclaim with reference to the above captioned
matter has been served upon the Attorney for Defendant by mailing
a true and correct copy of same to him by United States First Class
Mail, postage prepaid, addressed as follows on October 28 :

Frederick M. Neiswender, Esquire
Attorney and Counsellor At Law
501 East Market Street, Suite 3
Clearfield, PA 16830

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

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

WESTOVER MUNICIPAL AUTHORITY, :
 : NO. 2004-1195-CD
 :
 Plaintiff : Type of Case: Civil Action
 :
 VS. :
 :
 : Type of Pleading:
 :
 THOMAS JAMES, :
 : PRAECIPE FOR ARBITRATION
 :
 Defendant :
 :
 : Filed on Behalf of:
 : Westover Municipal Authority,
 : Plaintiff
 :
 : Counsel of Record for this
 : Party:
 :
 : Ann E. Wood, Esquire
 :
 : Supreme Court No. 23364
 :
 : Bell, Silberblatt & Wood
 : 318 East Locust Street
 : P.O. Box 670
 : Clearfield, PA 16830
 :
 : (814) 765-5537
 :
 :
 :
 :

FILED

0 11:21 6K 1CC Atty Wood
MAR 24 2005
Atty paid 20.00

William A. Shaw (OK)
Prothonotary

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

PRAECIPE FOR ARBITRATION

TO: William A. Shaw, Prothonotary, Clerk of Courts,

Please place the above captioned case on the Arbitration
List.

BELL, SILBERBLATT & WOOD
BY:

Ann B. Wood
Ann B. Wood, Esquire

Date: March 24, 2005

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

CERTIFICATE OF SERVICE

I hereby certify that Certified Copy of PRAECIPE FOR ARBITRATION with reference to the above captioned matter has been served upon the Attorney for Defendant by mailing a true and correct copy of same to him by United States First Class Mail, postage prepaid, addressed as follows on March 24, 2005 :

Frederick M. Neiswender, Esquire
Attorney and Counsellor At Law
501 East Market Street, Suite 3
Clearfield, PA 16830

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

FILED

MAR 24 2005

William A. Shaw
Prothonotary

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

CA

WESTOVER MUNICIPAL AUTHORITY :

vs. :

No. 04-1195-CD

THOMAS JAMES :

ORDER

NOW, this 23rd day of May, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, July 19, 2005 at 9:00 A.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

David P. King, Esquire, Chairman

Blaise Ferraraccio, Esquire

Lea Ann Heltzel, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

FILED

019:33/01 @
MAY 24 2005 5 CC
CIA

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

MAY 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Westover Municipal Authority

vs.

Thomas James

No. 2004-01195-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 19th day of July, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

David P. King, Esq.

Blaise Ferraraccio, Esq.

Lea Ann Heltzel, Esq.

David P. King
Chairman
Blaise J. Ferraraccio
Lea Ann Heltzel

Sworn to and subscribed before me this
July 19, 2005

William A. Shaw
Prothonotary

FILED

JUL 19 2005

William A. Shaw
Prothonotary/Clerk of Courts
Notices to Attys.

Wood
Neiswander

AWARD OF ARBITRATORS

Now, this 19 day of July, 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

on Plaintiff's complaint, Judgment in favor
of Defendant. on Defendant's Counter-Claim for
Attorney's fee, Judgment in favor of Plaintiff.
Ferraccio dissents to
Judgment for Defendant.

David P. King Chairman
Lea Ann Heltzel
Blaise J. Ferraraccio

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 19th day of July, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

William A. Shaw
Prothonotary
By _____

FILED

JUL 19 2005

**William A. Shaw
Prothonotary/Clerk of Courts**

 **COPY**

Westover Municipal Authority

Vs.

Thomas James

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2004-01195-CD
:

NOTICE OF AWARD

TO: FREDERICK M. NEISWENDER

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on July 19, 2005 and have awarded:

On Plaintiff's Complaint, Judgment in favor of Defendant. On Defendant's Counter-claim for Attorney's fee, judgment in favor of Plaintiff. Ferraraccio dissents as to Judgment for Defendant.

William A. Shaw
Prothonotary
By _____

July 19, 2005
Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

 **COPY**

Westover Municipal Authority

Vs.

Thomas James

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2004-01195-CD
:

NOTICE OF AWARD

TO: ANN B. WOOD

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on July 19, 2005 and have awarded:

On Plaintiff's Complaint, Judgment in favor of Defendant. On Defendant's Counter-claim for Attorney's fee, judgment in favor of Plaintiff. Ferraraccio dissents as to Judgment for Defendant.

William A. Shaw
Prothonotary
By _____

July 19, 2005
Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Arb 7-19-05-900

Law Offices
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
e-mail: bswlaw @pennswoods.net
Writer's direct e-mail: annwood@pennswoods.net

RICHARD A. BELL
ANN B. WOOD
F. CORTEZ BELL, III

(814) 765-5537
fax (814) 765-9730

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-2002

OF COUNSEL:
DANIEL C. BELL

July 8, 2005

RE: Westover Municipal Authority,
Plaintiff vs. Thomas James,
Defendant No.-2004-1195-CD

Marcy Kelley
Deputy Court Administrator
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830

Dear Marcy:

Enclosed please find the original of Plaintiffs' Arbitration Pre-Trial Statement with reference to the above captioned matter.

By copy of this letter, I am forwarding a copy of same to opposing counsel and the Board of Arbitrators.

Very truly yours,

BELL, SILBERBLATT & WOOD

Ann B. Wood

Ann B. Wood

ABW/nms
Enclosures

cc: Frederick M. Neiswender, Esquire w/Encl.
David P. King, Esquire w/Encl.
Blaise Ferraraccio, Esquire w/Encl.
Lea Ann Heltzel, Esquire w/Encl.
Westover Municipal Authority w/Encl.

RECEIVED

JUL 08 2005

**COURT ADMINISTRATOR'S
OFFICE**

HAND DELIVERED

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

WESTOVER MUNICIPAL AUTHORITY,	:	NO. 2004-1195-CD
	:	
Plaintiff	:	Type of Case: Civil Action
	:	
VS.	:	
	:	Type of Pleading:
	:	
THOMAS JAMES,	:	ARBITRATION PRE-TRIAL STATEMENT
	:	
Defendant	:	
	:	Filed on Behalf of:
	:	Westover Municipal Authority,
	:	Plaintiff
	:	
	:	Counsel of Record for this
	:	Party:
	:	
	:	Ann B. Wood, Esquire
	:	
	:	Supreme Court No. 23364
	:	
	:	Bell, Silberblatt & Wood
	:	318 East Locust Street
	:	P.O. Box 670
	:	Clearfield, PA 16830
	:	
	:	(814) 765-5537
	:	
	:	
	:	
	:	
	:	

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JUL 08 2005

**COURT ADMINISTRATOR'S
OFFICE**

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :
 :

ARBITRATION PRE-TRIAL STATEMENT

AND NOW COME the Plaintiff, Westover Municipal Authority,
and sets forth the following Pre-Trial Statement pursuant to Rule
1306(A) :

A. STATEMENT

Pursuant to Ordinance No.72, as amended, of Westover Borough, a tapping fee of Five Hundred (\$500.00) Dollars is required to be paid to Westover Municipal Authority prior to a water line being connected to the Borough water system. The Defendant, Thomas James, maintains a dwelling at 303 West Bridge Street, Westover, Pennsylvania and a dwelling at 52 Hopkins Street, Westover, Pennsylvania. In 1998, the Defendant paid the tapping fee to tap into service for 303 West Bridge Street property. The line to service that property was constructed and a meter installed by the Authority. Subsequent to that time, the Defendant connected an additional line to the original water line, which connection was before the meter installation, and ran service to the dwelling at 52 Hopkins Street, Westover, Pennsylvania. Subsequently, the Defendant did acknowledge the unmetered service

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

WESTOVER MUNICIPAL AUTHORITY, :
 : No.2004-1195-CD
Plaintiff :
 :
vs. :
 :
THOMAS JAMES, :
 :
Defendant :
 :

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Plaintiff's
ARBITRATION PRE-TRIAL STATEMENT with reference to the above
captioned matter has been served upon the following parties by
mailing a true and correct copy of same to them by United States
First Class Mail, postage prepaid, addressed as follows on July 8,
2005 :

Frederick M. Neiswender, Esquire
Attorney and Counsellor At Law
501 East Market Street, Suite 3
Clearfield, PA 16830

David P. King, Esquire - Arbitrator
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Blaise Ferraraccio, Esquire - Arbitrator
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Lea Ann Heltzel, Esquire - Arbitrator
THE HOPKINS LAW FIRM
900 Beaver Drive
DuBois, PA 15801

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

Arb 7-19-05

FREDERICK M. NEISWENDER

ATTORNEY AT LAW

July 12, 2005

Marcy Kelley
Deputy Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, Pennsylvania 16830 **Hand Delivered**

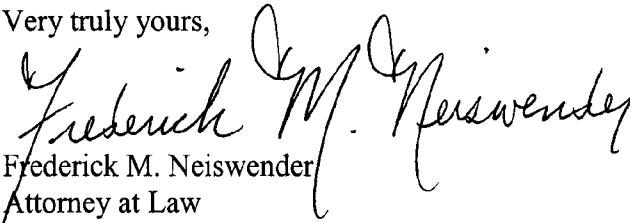
Re: Westover Municipal Authority v. Thomas James, No. 2004-1195-C.D.

Dear Marcy:

Enclosed please find the Pre-trial Statement submitted on behalf of the Defendant in the above captioned matter.

This matter is scheduled for Arbitration on July 19, 2005. I am forwarding copies of all materials herein to opposing counsel and the Board of Arbitrators. Should you have questions, do not hesitate to contact me.

Very truly yours,


Frederick M. Neiswender
Attorney at Law

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JUL 12 2005

**COURT ADMINISTRATOR'S
OFFICE**

Enclosure

cc: Ann B. Wood, Esquire w/Encl.
David P. King, Esquire w/Encl.
Blaise Ferraraccio, Esquire w/Encl.
Lea Ann Heltzel, Esquire w/Encl.
Thomas L. James w/Encl.

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

WESTOVER MUNICIPAL AUTHORITY,
Plaintiff,

vs.

THOMAS JAMES,
Defendant.

No. 04-1195-C.D.

Type of case: Civil

Type of pleading: Pre-Trial Statement

Filed on behalf of: Defendant,
Thomas James

Counsel for Defendant:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

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JUL 12 2005

**COURT ADMINISTRATOR'S
OFFICE**

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

WESTOVER MUNICIPAL AUTHORITY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 04-1195-C.D.
	:	
THOMAS JAMES,	:	
Defendant.	:	

PRE-TRIAL STATEMENT

A. STATEMENT OF THE CASE

Thomas James [hereinafter, "Defendant"] maintains two (2) dwellings adjacent to one another at 303 West Bridge Street and 52 Hopkins Street in the Borough of Westover, Pennsylvania. Defendant paid a tap-in fee of \$500.00 in 1998 when he laid a water line for use at those dwellings. At the time Defendant placed the above-mentioned waterline, he left the line uncovered for inspection as per the Westover Municipal Authority's [hereinafter, "Plaintiff"] by-laws. However, no formal inspection was ever performed.

John Spacht, a member of Plaintiff's Board at the time, installed a meter at one of the dwellings and informed Defendant that the line was in compliance with Plaintiff's specifications. On January 15, 2002, Plaintiff informed Defendant that the 52 Hopkins Street residence was illegally tapped-on to the water system and required Defendant to pay four (4) years of back water bills. Although Defendant maintained he had done nothing wrong, he paid all back water bills, but refused to pay an additional tap-in fee as was also required by Plaintiff.

At a special meeting held to address this situation on March 25, 2003, Plaintiff agreed to pay all costs associated with installing an additional water line on Defendant's property as

Plaintiff had now decided that Defendant's current water lines were improperly laid. In April 2003, Plaintiff held another meeting and reversed their prior decision finding that Defendant should in fact pay another tap-in fee of \$500.00 for the 52 Hopkins Street property. Defendant refused to pay the fee citing Plaintiff's decision at the earlier meeting. Plaintiffs then filed an action with the District Magistrate in June of 2004, whose decision they subsequently appealed.

B. CITATION TO APPLICABLE CASE LAW OR STATUTES

By-laws of Westover Municipal Authority.

C. LIST OF WITNESSES

1. Thomas James;
2. Paul C. Smith;
3. Defendant reserves the right to call additional witnesses with notice to counsel for Plaintiff.

D. EXHIBITS

1. By-laws of Westover Municipal Authority;
2. March 26, 2003 article from The Progress;
3. Various Invoices sent to Defendant by the Westover Municipal Authority;
4. Invoice sent to Defendant by Frederick M. Neiswender;
5. Defendant reserves the right to offer additional exhibits with notice to counsel for Plaintiff.

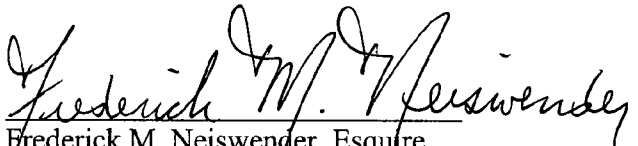
E. DAMAGES

Defendant seeks reimbursement of legal fees in the amount of \$1,750.00. *See attached Invoice.*

F. EVIDENTIARY PROBLEMS

No evidentiary problems are anticipated.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Defendant

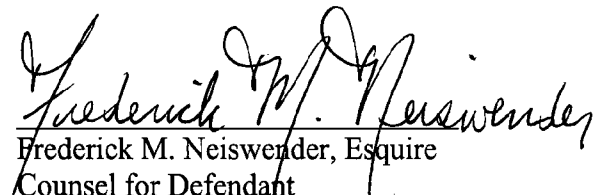
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

WESTOVER MUNICIPAL AUTHORITY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 04-1195-C.D.
	:	
THOMAS JAMES,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Pre-trial Statement was made upon the Westover Municipal Authority, by mailing, first class, postage prepaid, a true copy to the office of their attorney of record, Ann B. Wood, Esquire, on July 12, 2005, at the following address:

Ann B. Wood, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830


Frederick M. Neiswender, Esquire
Counsel for Defendant
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

FREDERICK M. NEISWENDER

ATTORNEY AT LAW

July 12, 2005

Mr. Thomas L. James
5300 South Main Street
Westover, PA 16692

RE: Payment for services rendered in Westover Municipal Authority v. Thomas James,
No. 2004-1195-CD.

INVOICE

<u>DATE</u>	<u>ACTIVITY</u>	<u>HOURS</u>	<u>AMOUNT</u>
07/09/04	Hearing before District Judge Hawkins.	N/A	750.00
07/19/05	Arbitration Hearing.	<u>N/A</u>	<u>1,000.00</u>
	Total Fees	N/A	\$1,750.00
	Total Amount This Bill		1,750.00
	Amount Paid		(1,750.00)
	Amount Previously Due		<u>00.00</u>
	Amount Due		\$00.00

**** PAYMENT DUE UPON RECEIPT ****