

04-1230-CD
MELINDA MEANS CARPIN VS PHIL TABONE CONST & PAINTING INC

Melinda Carpin vs Phil Tabone Const
2004-1230-CD

Date: 04/25/2005

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:49 PM

ROA Report

Page 1 of 1

Case: 2004-01230-CD

Current Judge: Fredric Joseph Ammerman

Melinda Means Carpin vs. Phil Tabone Const. && Painting Inc.

District Justice Appeal

Date	Judge	
08/12/2004	Filing: District Justice Appeals Paid by: Phil Tabone Const. & Painting Inc. (defendant) Receipt number: 1884561 Dated: 8/12/2004 Amount: \$85.00 (Cash)	No Judge
	Notice of Appeal, on behalf of appellant, Phil Tabone Const. & Painting, Praecipe to Enter Rule to File Complaint and Rule to File, upon appellee Melinda Means Carpin, filed by Phil Tabone. No Cert. Copies.	No Judge
08/16/2004	Proof of Service of Notice of Appeal and Rule to File Complaint, served certified mail upon District Court 46-3-01 and Melinda Means Carpin, by Phil Tabone. No Cert. Copies.	No Judge
08/17/2004	DJ Transcript filed.	No Judge
09/29/2004	Complaint, filed by Melinda Means Carpin 1 Cert. to Plaintiff.	No Judge
11/04/2004	Certificate of Service, Complaint on Defendant, Served by Constable on Defendant on Oct. 28, 2004. Filed by s/ Melinda Means Carpin, Plaintiff. No CC	No Judge
12/02/2004	Answer and New Matter filed, on behalf of defendant, filed by s/ S. Casey Bowers, Esquire. 1CC Atty Bowers	No Judge
12/20/2004	Filing: Praecipe/List For Arbitration Paid by: Carpin, Melinda Means (plaintiff) Receipt number: 1892345 Dated: 12/20/2004 Amount: \$20.00 (Check)	No Judge
	Request for Arbitration, filed by s/ Melinda Means Carpin. 1CC Plaintiff	No Judge
	Reply to the New Matter, filed by s/ Melinda Means Carpin. 1CC Plff	No Judge
missing 2/3/05 01/04/2005	Motion To Remove Case From Arbitration List, on behalf of Defendant, filed by s/ S. Casey Bowers, Esquire. 2CC Atty Bowers	No Judge
	Notice of Service, original and 2 copies of Interrogatories and Request for Production of Documents, on the 3rd day of Jan., 2005 upon Melinda Means Carpin. Filed by s/ S. Casey Bowers, Esquire. 1CC Atty Bowers	No Judge
01/06/2005	Order, AND NOW, this 5th day of Jan., 2005, upon consideration of the motion to Remove Case from Arbitration list, IT IS HEREBY ORDERED that Plaintiff, Melinda Means Carpin, show cause why the Motion of Defendant should not be granted. Argument on this matter is scheduled for Feb. 9, 2005, at 2:30 p.m. in Courtroom No. 1 of the Clfd. Co Courthouse. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 2CC Atty Bowers	Fredric Joseph Ammerman
01/21/2005	Interrogatories And Request For Production of Documents, on behalf of Plaintiff, filed by s/ Melinda Means Carpin, Plaintiff. 2CC Plff	Fredric Joseph Ammerman
	Answer To Interrogatories and Production of Documents, filed by s/ Melinda means Carpin, Plaintiff. 1CC Plff	Fredric Joseph Ammerman
02/18/2005	Notice of Service, Answers to Interrogatories and Request for Production of Fredric Joseph Ammerman Documents, upon Melinda Means Carpin, filed by s/S. Casey Bowers No CC	
03/01/2005	Order, NOW, this 1st day of March 2005, it is the ORDER of the Court that the above matter is scheduled for Arbitration on Tuesday April 26, 2005 at 10:00 a.m . The following have been appointed as Arbitrators: Richard A. Bell, Esquire, Chairman John R. Ryan, Esquire Gary A. Knaresboro, Esquire. Please report to Hearing Room No. 3. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 5CC to C/A/ for Service	Fredric Joseph Ammerman
03/08/2005	Certified Mail Receipt copy of Arbitration Order received on March 4, 2005 addressed to Melinda M. Carpin	Fredric Joseph Ammerman
03/28/2005	Praecipe to Discontinue Action. filed by Plaintiff. 1 cert. to Plaintiff & Atty. Bowers copy to C/A	Fredric Joseph Ammerman

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD Co.
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

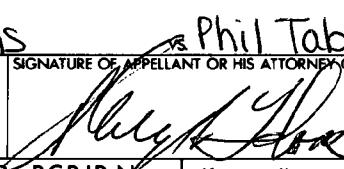
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1230-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	MAG. DIST. NO. OR NAME OF D.J.		
Phil Tabone Const. + Painting Inc	46-3-01		
ADDRESS OF APPELLANT	CITY	STATE	ZIP CODE
723 S. Brady Str	DUBOIS	PA	15801
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)	
7/19/04	Carpin, Melinda Means	vs Phil Tabone Const + Painting Inc	
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV 46-3-01			
LT			
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.			
This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.			
Signature of Prothonotary or Deputy			

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

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon Carpin, Melinda Means, 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 Carpin, Melinda Means, 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: Aug. 12, 2004


Signature of Prothonotary or Deputy

FILED

AUG 12 2004

0/10:50/m

William A. Shaw
Prothonotary

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.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

PHIL TABONE CONST. & PAINTING INC.
723 S. BRADY STR
DUBOIS, PA 15801

VS.

NAME and ADDRESS

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



PHIL TABONE CONST. & PAINTING INC.
723 S. BRADY STR
DUBOIS, PA 15801

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

Judgment was entered against: (Name) **PHIL TABONE CONST. & PAINTING INC.**

in the amount of \$ **1,293.75** on: (Date of Judgment) **7/19/04**

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	\$ 1,200.00
Judgment Costs	\$ 93.75
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,293.75
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.

7-19-04 Date Patrick N. Ford - 8WF, District Justice

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

Date _____, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD CO.
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1230-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT Phil Tabone Const. + Painting Inc	MAG. DIST. NO. OR NAME OF D.J. 46-3-01
ADDRESS OF APPELLANT 723 S. Brady Str	CITY DUBOIS
STATE PA	ZIP CODE 15801
DATE OF JUDGMENT 7/19/04	IN THE CASE OF (Plaintiff) Carpin, Melinda Means
CLAIM NO. CV LT	(Defendant) vs Phil Tabone Const + Painting Inc
SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Phil Tabone</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 Carpin, Melinda Means, 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.

Phil Tabone

Signature of appellant or his attorney or agent

RULE: To Carpin, Melinda Means

(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: Aug 12, 2004

W. L. L.

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 12 2004

Attest.

W. L. L.
Prothonotary/
Clerk of Courts

2004-1230-CD

FILED
m18:33pm
AUG 16 2004
(E6K)

William A. Shaw
Prothonotary/Clerk of Courts

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield ; ss

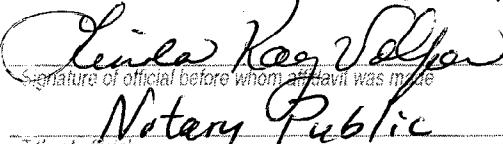
AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 2004-1230-CD, upon the District Justice designated therein on
(date of service) August 12, 2004 by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Carpin, Melinda means, on
August 12, 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 August 12, 2004 by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 13th DAY OF August, 2004


Linda Kay Volpe, President of Corp.
Signature of affiant


Linda Kay Volpe
Signature of official before whom affidavit was made

Notary Public

Title of official

My commission expires on May 29, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

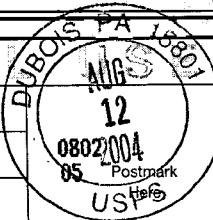
Linda Kay Volpe, Notary Public
Sandy Twp., Clearfield County
My Commission Expires May 29, 2007

Member, Pennsylvania Association Of Notaries

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ONE MAIL
DU BOIS PA 15801

Postage	\$ 10.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 14.42



08/12/2004

Sent To Melinda Means Carpin
Street, Apt. No.,
or PO Box No.
208 Treasure Lake
City, State, ZIP+4
DU BOIS PA 15801

921 0384 1721
2000 0000 0000
0001 0320 1001

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

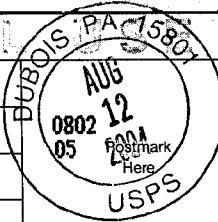
- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

DU BOIS PA 15801

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.42



08/12/2005

Sent To: District Court 46-3-01
Street, Apt. No.: PO Box 452
or PO Box No.:
City, State, ZIP+4: DU BOIS, PA 15801

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain *Return Receipt* service, please complete and attach a *Return Receipt* (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** 15801

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

PHIL TABONE CONST. & PAINTING INC.
723 S. BRADY STR
DUBOIS, PA 15801

NAME and ADDRESS

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



04-1230-QS

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

Judgment was entered against: (Name) **PHIL TABONE CONST. & PAINTING INC.**

in the amount of \$ **1,293.75** on: (Date of Judgment) **7/19/04**

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
M 2204
AUG 17 2004
William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 1,200.00
Judgment Costs	\$ 93.75
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,293.75
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<hr/> 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.

7-19-04 Date Patrick N. Ford - PNF, District Justice

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

Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PLAINTIFF:

NAME and ADDRESS

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
VS.

DEFENDANT:

NAME and ADDRESS

Phil Tabone Painting Inc.
715 S. Brady St.
DuBois, PA 15801

Docket No.: **CV-215-04**
Date Filed: **4-27-04**



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>72.50</u>	<u>4/27/04</u>
POSTAGE	\$ _____	<u>1 / 1</u>
SERVICE COSTS	\$ _____	<u>1 / 1</u>
CONSTABLE ED.	\$ _____	<u>1 / 1</u>
TOTAL	\$ _____	<u>1 / 1</u>

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

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,200.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Entered into contract for applying vinyl wall covering to Eckerd Drug Store on Dec. 16, 2002. Payment of \$1,200.00 was made on Jan. 8, 2003. Remaining balance of \$1,200.00 still owed to Plaintiff. Melinda Means Carpin.

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

The handwritten signature of Melinda Means Carpin.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: _____

Address: _____

Telephone: _____

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

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

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

COMPLAINT COVER SHEET

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin

Plaintiff / Appellee : District Justice Appeal
: CASE NO. 2004-1230-CD

vs.

Phil Tabone Const. & Painting

Defendant / Appellant : Type for pleading:
: COMPLAINT

:
: Files on Behalf of
: PLAINTIFF

:
: Plaintiff's address :
: 208 Treasure Lake
: DuBois, PA 15801
: (814) 375-0631

FILED

SEP 29 2004

012-386
William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO PLAINTIFF

COMPLAINT

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA

Melinda Means Carpin

Plaintiff / Appellee

: :
VS. : : CASE NO. 2004-1230-CD
: :
: : Type of pleading :
: : COMPLAINT

Phil Tabone Construction and Painting

Defendant / Appellant : :

COMPLAINT

Now, comes the Plaintiff, Melinda Means Carpin who hereby avers as follows :

1. Melinda Means Carpin, is an adult individual whose address is 208 Treasure Lake, DuBois, Pa 15801
2. Defendant is Phil Tabone Construction and Painting, with a business address of 715 South Brady St., DuBois, PA 15801
3. On December 16, 2002, Phil Tabone, President of Phil Tabone Painting, signed a contract (exhibit #1) agreeing to pay \$2,400 (Twenty-four hundred dollars) to Melinda Means Carpin for hanging decorative vinyl paper at the new Eckerd Drug store at the Commons in DuBois, PA. As per contract payment in full of \$2,400, was due by Jan.1, 2003.

4. On Jan.8, 2003, Phil Tabone of Phil Tabone Construction and Painting, mailed a check for \$1,200.00 (twelve hundred dollars) with a letter (exhibit #2) stating the balance would be forwarded when the job was completed.

5. Melinda Means completed the job approximately Jan. 14, 2003.

6. Monthly statements were sent to Mr. Phil Tabone at Phil Tabone Construction and Painting, with no further payments being made on the outstanding balance of \$1,200.00. As stated on the April 10,2003 (Exhibit #3) statement gave notice that interest of 1.5 percent per month would be charged on the unpaid balance of \$1,200.00. As of this date, Sept. 27, 2004, no further payments have been made.

7. On April 27, 2004, Melinda Means Carpin took civil action against Phil Tabone Construction and Painting at District Magistrate Patrick Ford Mag. No. 46-3-01 Docket No. CV-0000215-04. (Exhibit #4)

8. Phil Tabone or a representative from Phil Tabone Construction and Painting, refused the registered mail as sent by Patrick Ford so notice was served by a constable.

9. On July 19, 2004, Mr. Phil Tabone or a representative from Phil Tabone Construction and Painting failed to show at the Magistrate hearing or prepare a defense. Judgement was made for Melinda Means Carpin in the amount of \$1,293.75. (Exhibit # 5)

WHEREFORE, Plaintiff demands judgement against the Defendant, Phil Tabone Construction and Painting for \$1,293.75 plus interest, court costs and such reasonable costs as the court may allow.



Melinda Means Carpin
Plaintiff

COMPLAINT - VERIFICATION

VERIFICATION

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.



A handwritten signature in black ink, appearing to read "Melinda M. Lewis" followed by "Dyer". The signature is written in a cursive style with a horizontal line underneath the name.

CONTRACT FOR PAPER HANGING

Contractor : Phil Tabone
Tabone Painting *TAC*
715 South Brady St.
DuBois, PA 15801

Subcontractor : Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

This agreement is entered into on Dec. 13, 2002

Melinda Means Carpin , hereby agrees to hang paper at the new DuBois Eckerd store as specified in the blueprints of said building.

Phil Tabone, Hereby agrees to pay Melinda Means Carpin, \$2,400.00 for hanging the above mentioned paper. The payment of Twenty-four hundred dollars will be made payable to Melinda Means Carpin by Jan. 1, 2003.

Contractor :

Phil Tabone

Phil Tabone has date 12/16/02

Subcontractor :

Melinda Means Carpin

Melinda Means Carpin date 12-13-02

Exhibit #1

Tabone's Construction & Painting
715 South Brady Street
DuBois, PA 15801
814-371-9099

January 8, 2003

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dear Melinda:

Please find enclosed a check for half of the wall papering job at Eckerd Drug. The balance will be forwarded at the completion of the job.

Please provide my office with a copy of your social security card or tax identification number for Income Tax purposes.

Thank you,

Philip Tabone

Exhibit #2

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
(814) 375-0631

Invoice date : April 10, 2003
Invoice for : Phil Tabone
715 S. Brady St.
DuBois, PA 15801

Copy

Papering Eckerd drug as per our signed agreement
\$ 2,400.00
January payment 1,200.00

PAST DUE BALANCE \$ 1,200.00

Your prompt payment would be
greatly appreciated. Interest of
1.5 percent per month will be
charged after May 1, 2003 for
this past due balance.

Exhibit #3

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801**

**CIVIL ACTION
HEARING NOTICE**

PLAINTIFF:

NAME and ADDRESS

**CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801**

VS.

DEFENDANT:

NAME and ADDRESS

**PHIL TABONE CONST. & PAINTING INC.
715 S. BRADY STR
DUBOIS, PA 15801**

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	5/24/04	Place: DISTRICT COURT 46-3-01
Time:	9:45 AM	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

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

Pursuant to PA.R.CP.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

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

*Exhibit
#4*

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

**CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801**

NAME and ADDRESS

DEFENDANT:

**PHIL TABONE CONST. & PAINTING INC.
723 S. BRADY STR
DUBOIS, PA 15801**

NAME and ADDRESS

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

Judgment was entered against: (Name) **PHIL TABONE CONST. & PAINTING INC.**

in the amount of \$ **1,293.75** on: (Date of Judgment) **7/19/04**

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	\$ 1,200.00
Judgment Costs	\$ 93.75
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,293.75

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.

7-19-04 Date Patrick N. Ford - MNF, District Justice

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

Date _____, District Justice

My commission expires first Monday of January, 2006.

SEAL

Exhibit #5

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin

Plaintiff / Appellee

: CASE NO. 2004-1230-CD

VS.

Phil Tabone Construction and Painting

Defendant / Appellant

:

In the above case, please be advised that I, Melinda Means Carpin, have never been formally served or given NOTICE OF APPEAL from Phil Tabone Construction and Painting.

On Wednesday, September 22, 2004, Phil Tabone, President of Phil Tabone Construction and Painting, encountered my husband, Dennis Carpin, at the Sheetz Store located at 124 North Brady Street, DuBois, PA.

Please note :

Date of "NOTICE OF APPEAL" filed at the Prothonotary Aug. 12, 2004

Date notice was given to Dennis Carpin Sept. 22, 2004, Forty days after
NOTICE OF APPEAL was filed.

Dennis Carpin, has no dealing with this legal action.

Witness to date, time and place "NOTICE OF APPEAL" being presented to Dennis Carpin not

Melinda Means Carpin.

Brenda Weston

1683 Main St.

Coalport, PA 16627

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin :
208 Treasure Lake :
DuBois, PA 15801 :
Plaintiff / Appellee :
VS. :
District Justice Appeal
CASE NO. 2004-1230-CD

Phil Tabone Construction and Painting :
725 s. Brady St. :
DuBois, PA 15801 :
Defendant / Appellant :

FILED NO CC
m/125/04
NOV 04 2004 EB/1
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Melinda Means Carpin, Plaintiff above named, do hereby certify that on the 7 th day of October, 2004, I hired State Constable Llyn A. Hartzfeld to serve a certified copy of the Complaint on the Defendant above named, by hand delivering said certified copy to the Defendant. Constable Hartzfeld served the defendant on October 28, 2004 at the Bobette Motel and Diner , Blinker parkway, DuBois, PA. Enclosed Exhibit #1 PROOF OF SERVICE and Exhibit #2, Invoice from State Constable Llyn A. Hartzfeld , for the above service.

Melinda Means Carpin

Exhibit #1

PROOF OF SERVICE

To whom it may concern:

Now be it known that I, Llyn A. Hartzfeld, one of the Constables within the Commonwealth of Pennsylvania, being duly sworn according to law, does hereby depose and say that on the 28 st. day of October 2004 the original _____

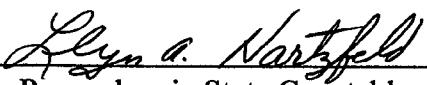
Letter of Complaint

was served upon (name) Phil Tabone

address The Bobette Motel and Diner Blinker Pkwy. DuBois, PA

time 7:35 PM

manner of service: Hand Delivered



Pennsylvania State Constable

Sworn to and subscribed before me on this the

29 Day of October 2004
Patrick N. Ford
Notary

(SEAL)

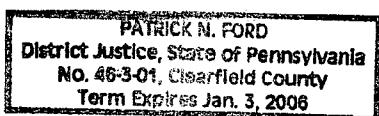


Exhibit #2



PENNSYLVANIA STATE CONSTABLE

Llyn A. Hartzfeld
4463 Golden Yoke Road
P.O. Box 77
Luthersburg, PA 15848

Home: 814-583-5531
Cellular: 814-590-5680
Fax 814-583-5864

INVOICE
For Constable Services Rendered

Date: October 28, 2004

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Reference: Service of Complaint : Phil Tabone

Service Fee: 1 @ \$20.00 20.00

Hourly Fee after first 1/2 hour
hours @

Mileage: 20 miles @ .375 7.50

Return 1 @2.50 2.50

TOTAL \$ 30.00

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

MELINDA MEANS CARPIN, :
Plaintiff :
: No. 04-1230-CD
vs. : Type of Pleading:
: **ANSWER AND NEW MATTER**
PHIL TABONE CONSTRUCTION :
AND PAINTING, :
Defendant :
: Filed on Behalf of:
: DEFENDANT
: Counsel of Record for this Party:
: S. Casey Bowers, Esquire
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: 498 Jeffers Street
: P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

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



FILED ^{EOK}
10:49 AM Atty Bowers
DEC 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN, :
Plaintiff :
: :
: :
vs. : No. 04-1230-CD
: :
PHIL TABONE CONSTRUCTION :
AND PAINTING, :
Defendant :
:

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, PHIL TABONE CONSTRUCTION AND PAINTING, INC., by and through its attorneys, HANAK, GUIDO AND TALADAY, and hereby sets forth its Answer and New Matter averring as follows:

1. Admitted.
2. Denied as stated. The proper Defendant is PHIL TABONE CONSTRUCTION AND PAINTING, INC., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and with a business office located 715 South Brady Street, DuBois, Clearfield County, Pennsylvania, 15801.
3. Admitted and denied. It is admitted that Phil Tabone, as President of Phil Tabone Construction & Painting, Inc., entered into a contract with Plaintiff on or about December 16, 2004. It is further admitted that a true and correct copy of said contract is attached to Plaintiff's Complaint and marked as Exhibit "1". The averments set forth in Paragraph 3 are denied to the extent that said averments are

inconsistent with the terms of the written contract as the contract speaks for itself.

4. Admitted.

5. Denied. As set forth in Defendant's New Matter, Plaintiff did not complete the work required by the subject contract. Further, work that was completed by Plaintiff was not performed in a workmanlike manner.

6. Admitted and denied. It is admitted that Plaintiff directed monthly statements to Defendant. It is denied that any further payments are due and owing to Plaintiff.

7. Admitted.

8. Admitted.

9. Admitted and denied. It is admitted that the District Justice awarded Plaintiff judgment in the amount of \$1,293.75. It is denied, however, that any further payments are due and owing to Plaintiff.

WHEREFORE, Defendant, PHIL TABONE CONSTRUCTION AND PAINTING, INC., demands judgment in its favor.

NEW MATTER

10. Defendant incorporates its answers to Paragraphs 1 through 9 of Plaintiff's Complaint.

11. Plaintiff's claim may be barred by the applicable statute of limitations.

12. Plaintiff breached the subject contract, in that she failed to complete the work required by the subject contract.

WHEREFORE, Defendant, PHIL TABONE CONSTRUCTION AND PAINTING, INC., demands judgment in its favor.

HANAK, GUIDO AND TALADAY, by:



S. Casey Bowers
Pa. I.D. No. 89032
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

VERIFICATION

I, S. CASEY BOWERS, hereby verify that the statements contained in the foregoing Answer and New Matter are true and correct to the best of my personal knowledge or information and belief.

At the time of the signing of this Verification, the Defendant was unavailable. The undersigned has sufficient knowledge to sign this Verification as I am counsel for Defendant and possess a detailed knowledge of the case.

This statement and verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 1 day of December,
2004, I mailed by first class mail, postage prepaid, a true and correct
copy of the within Answer and New Matter to the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801



S. Casey Bowers

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

MELINDA MEANS CARPIN,

Plaintiff

: No. 04-1230-CD

vs.

: Type of Pleading:

PHIL TABONE CONSTRUCTION
AND PAINTING, INC.

Defendant

: **INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS**

: Filed on Behalf of :

: PLAINTIFF

: Melinda Means Carpin
: 208 Treasure Lake
: DuBois, PA 15801
: (814) 375-0631

6th 01/10/2005 FILED *cc* *psf*
JAN 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN

Plaintiff

vs.

No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING, INC.

Defendant

PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO DEFENDANT

TO: PHIL TABONE CONSTRUCTION AND
PAINTING, INC
c/O S. Casey Bowers, Esquire
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Plaintiff, Melinda Means Carpin, hereby propounds the following
Interrogatories and Request for Production of Documents and Things to Defendant, Phil
Tabone Construction and Painting, Inc., C/O S. Casey Bowers, pursuant to Pennsylvania
Rules of Civil Procedure 4006 and 4009, to be answered within thirty (30) days to be
continuing and must be supplemented should information become available to you or
anyone acting on your behalf.

INTERROGATORIES

1. Please identify any and all persons Defendant expects to call as an expert witness at trial. Attach copy of expert report.

ANSWER :

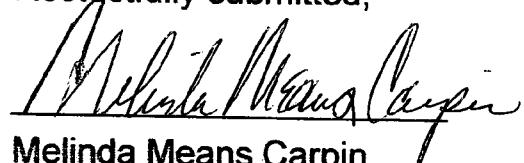
2. Please identify and and all persona not identified in Defendant's response to the previous Interrogatory the the Defendant expects to testify on his behalf at trial and set forth the nature of the anticipated testimony.

ANSWERS:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please provide a true and correct copy of any expert reports prepared by any and all persons identified in the Defendants response to Interrogatory No. 1 herein.
2. Please provide a true and correct copy of any and all exhibits Defendant intends to introduce at trial.

Resctectfully submitted,

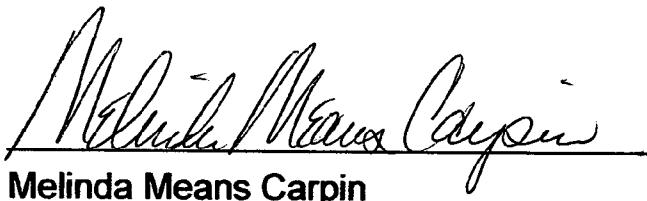


Melinda Means Carpin
Plaintiff

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT ON THE 19 DAY OF
January, 2005, I MAILED BY FIRST CLASS MAIL, POSTAGE PREPAID A
TRUE AND CORRECT COPY OF THE INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS TO THE FOLLOWING:

Phil Tabone Construction and Painting, Inc.
C/O S. Casey Bowers, Esquire
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801



Melinda Means Carpin

Melinda Means Carpin

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVAINA

Melinda Means Carpin

Plaintiff

VS

: Case NO. 2004-1230-CD

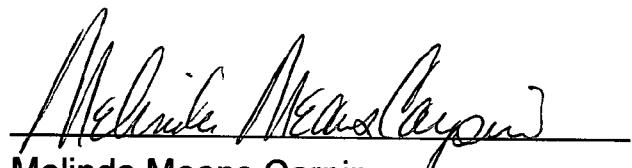
Phil Tabone Construction and

Painting Inc.

Defendant

Please list the above case for arbitration at your earliest convience.

Thank you for your promptness.


Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

FILED ^{ice}
64 01202004 Piff
DEC 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

VS. : No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

ORDER OF COURT

AND NOW, this 5th day of January, 2005, upon
consideration of the within Motion to Remove Case from Arbitration
List.

IT IS HEREBY ORDERED that Plaintiff, MELINDA MEANS CARPIN, show cause why the Motion of Defendant should not be granted. Argument on this matter is scheduled for February 9, 2005, at 2:30 o'clock Pm., in Courtroom No. 1 of the Clearfield County Courthouse, Second and Market Streets, Clearfield, Pennsylvania.

BY THE COURT:

BY THE COURT:

Judith L. Zimmerman

614 **FILED** *acc*
01/06/05 *AttyBowers*
JAN 06 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 2005, upon
consideration of the within Defendant's Motion to Remove Case from
Arbitration List, Plaintiff's response thereto and argument thereon,

IT IS HEREBY ORDERED AND DECREED that said Motion is
hereby granted. The Court Administrator shall remove this case from
the Arbitration List. Once Plaintiff has submitted full and complete
responses to Defendant's discovery requests, Plaintiff may again
praeceipe to place this matter on the Arbitration List.

BY THE COURT:

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

MELINDA MEANS CARPIN,
Plaintiff

No. 04-1230-CD

vs.

Type of Pleading:

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

**MOTION TO REMOVE
CASE FROM ARBITRATION
LIST**

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

S. Casey Bowers, Esquire
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED ^{2CC}
01/11/1960 Atty Bowers
JAN 04 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

vs. : No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

**MOTION TO REMOVE CASE FROM
ARBITRATION LIST**

AND NOW, comes the Defendant, PHIL TABONE CONSTRUCTION AND PAINTING, INC., by and through its attorneys, HANAK, GUIDO AND TALADAY, and hereby moves this Court to remove this matter from the arbitration list averring as follows:

1. Plaintiff filed her Complaint in this matter on or about September 29, 2004.
2. Defendant, through its undersigned attorney, filed timely Answer and New Matter on or about December 1, 2004.
3. Plaintiff filed her Reply to said New Matter on or about December 20, 2004.
4. Immediately upon the closing of pleadings, Defendant propounded Interrogatories and Request for Production of Documents upon Plaintiff.
5. Plaintiff has yet to respond said Interrogatories and Request for Production of Documents. Nonetheless, Plaintiff filed a praecipe to schedule this matter for arbitration.

6. Defendant hereby requests this Honorable Court to remove this case from the arbitration list until such a time as Plaintiff responds to Defendant's discovery request.

WHEREFORE, Defendant, PHIL TABONE CONSTRUCTION AND PAINTING, respectfully requests this Honorable Court to grant this Motion and remove this case from the Arbitration List.

Respectfully submitted,



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 3rd day of January, 2005, I served a copy of the within Motion to Remove Case From Arbitration List by first class mail, postage prepaid, upon the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801



S. Casey Bowers

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

MELINDA MEANS CARPIN,
Plaintiff

No. 04-1230-CD

vs.

Type of Pleading:

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

NOTICE OF SERVICE

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

S. Casey Bowers, Esquire
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

u/s **FILED** cc
01/11/05
JAN 04 2005 *Atty Bowers*

William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

vs. : No. 04-1230-CD

PHIL TABONE CONSTRUCTION :
AND PAINTING, :
Defendant

NOTICE OF SERVICE

This is to certify that on the 3rd day of January, 2005, an original and two copies of Interrogatories and Request for Production of Documents was served by first class mail, postage prepaid upon the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801



S. Casey Bowers
Attorney for Defendant

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

MELINDA MEANS CARPIN

Plaintiff

No. 04-1230-CD

vs.

PHIL TABONE CONSTRUCTION
AND PAINTING, INC.

Defendant

ANSWERS TO
INTERROGATORIES AND
PRODUCTION OF
DOCUMENTS

Filed on Behalf of :

Plaintiff

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
(814) 375-0631

6th FILED ^{CC}
01/10/2005 Piff
JAN 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

JAN 21 2005

Attest,

William A. Shaw
Prothonotary/
Clerk of Courts

INTERROGATORIES

1. Please identify any and all persons Plaintiff expects to call as an expert witness at trial.

ANSWER:

A. Craig Anderson - Eckerd Building Inspector
See address and letter attached (Exhibit A)

B. Ronald D. Smith - Job foreman for Schaerer Construction
See address and letter attached (Exhibit B)

2. Please identify any and all persons not identified in Plaintiff's response to the previous Interrogatory that Plaintiff expects to testify on her behalf at trial.

ANSWER:

- A. **Craig A. Andreson - Regional Construction Manager**
Eckerd Corporation
615 Alpha Drive
Pittsburgh, PA 15238
(412) 967-8859
- B. **Ronald D. Smith - Job foreman for Schaeerer Construction**
215 Durhan St.
Soddy Daisy, TN 37370
(423) 332-1941
- C. **Daniel Corbet - sub contractor under Schaeerer Construction**
Corbet Construction
99 Treasure Lake
DuBois, PA 15801
(814) 371-1762
- D. **Denny Carpin - Plaintiff's helper**
208 Treasure Lake
DuBois, PA 15801
(814) 375-0631
- E. **Randy Watson - employee of Phil Tabone Construction and Painting, Inc**
22 Smithfield St.
DuBois, PA 15801
(814) 375-1191
- F. **Maureen Mancso - Eckerd Drug store manager**
431 Commons Dr.
DuBois PA 15801

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

Melinda Means Carpin, :
Plaintiff :
:
vs. : No. 04-1230-CD
:
Phil Tabone Construction and :
Painting, Inc. :
Defendant :

TO: Phil Tabone Construction and Painting, Inc.
C/O S. Casey Bowers, Esquire
498 Jaffers St.
P.O. Box 487
DuBois, PA 15801

Plaintiff, Melinda Means Carpin intends for introduce exhibits 1 thru 5
along with Exhibits A and B in the above case. See Attachments

CONTRACT FOR PAPER HANGING

Contractor : Phil Tabone

Tabone Painting Inc.
715 South Brady St.
DuBois, PA 15801

Subcontractor : Melinda Means Carpin

208 Treasure Lake
DuBois, PA 15801

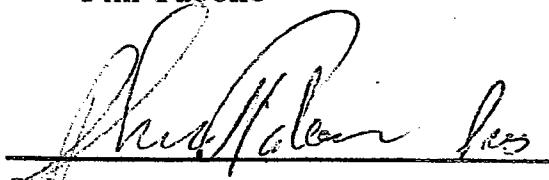
This agreement is entered into on Dec. 13, 2002

Melinda Means Carpin, hereby agrees to hang paper at the new DuBois Eckerd store as specified in the blueprints of said building.

Phil Tabone, Hereby agrees to pay Melinda Means Carpin, \$2,400.00 for hanging the above mentioned paper. The payment of Twenty-four hundred dollars will be made payable to Melinda Means Carpin by Jan. 1, 2003.

Contractor :

Phil Tabone

 date 12/16/02

Subcontractor :

Melinda Means Carpin

 date 12-13-02

Exhibit #1

Tabone's Construction & Painting
715 South Brady Street
DuBois, PA 15801
814-371-9099

January 8, 2003

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dear Melinda:

Please find enclosed a check for half of the wall papering job at Eckerd Drug. The balance will be forwarded at the completion of the job.

Please provide my office with a copy of your social security card or tax identification number for Income Tax purposes.

Thank you,

Philip Tabone

Exhibit #2

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
(814) 375-0631

Invoice date : April 10, 2003
Invoice for : Phil Tabone
715 S. Brady St.
DuBois, PA 15801

Copy

Papering Eckerd drug as per our signed agreement

\$ 2,400.00

January payment 1,200.00

PAST DUE BALANCE \$ 1,200.00

Your prompt payment would be
greatly appreciated. Interest of
1.5 percent per month will be
charged after May 1, 2003 for
this past due balance.

Exhibit #3

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801

**CIVIL ACTION
HEARING NOTICE**

NAME and ADDRESS

PLAINTIFF:
CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

VS.

DEFENDANT: **NAME and ADDRESS**
PHIL TABONE CONST. & PAINTING INC.
715 S. BRADY STR
DUBOIS, PA 15801

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	5/24/04	Place: DISTRICT COURT 46-3-01
Time:	9:45 AM	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

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

Pursuant to PA.R.CP.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

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

Exhibit #4

COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801

CIVIL CASE

NAME and ADDRESS

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

VS.

NAME and ADDRESS

PHIL TABONE CONST. & PAINTING INC.
723 S. BRADY STR
DUBOIS, PA 15801

Docket No.: **CV-0000215-04**
Date Filed: **4/27/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

Judgment was entered against: (Name) **PHIL TABONE CONST. & PAINTING INC.**

in the amount of \$ **1,293.75** on: (Date of Judgment) **7/19/04**

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	\$ 1,200.00
Judgment Costs	\$ 93.75
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,293.75
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.

7-19-04 Date Patrick N. Ford - OF, District Justice

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

Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

Exhibit #5

Exhibit A



GROWING *together*
Joining Forces for a Stronger Tomorrow

A Pharmacy First



January 10, 2005

Melinda Means Carpin
208 Treasure Lake
Dubois, PA 15801
Phone 814-375-0631
Fax 814-371-2153
Cell 814-590-8115

Ref.: Wall Covering Installation
Eckerd Store #6210R
Dubois, PA

Dear Ms. Carpin,

Per our phone conversation, the following will verify the status of the installation of vinyl wall covering at the new Eckerd Drug store #6210R in Dubois, PA.

I was the Regional Construction Manager for Eckerd Corporation that followed up on all construction for the new premise. As you know the construction on this facility started in August of 2002 and store opened for business on January 24, 2003. Wall covering was installed per plans and specifications this also included any changes and/or modifications that were required due to layout changes. Wall covering was complete and installed in a workman like manner prior to the store opening.

Per your request, I have also attached a Verification Statement.

Please also note that Eckerd is only a tenant (we do not own this building or make any direct payments to contractors). At the time of construction the owner/developer was GVH Associates, 323 Union Street, Suite 300, Nashville, TN 37201. Attn.: Greg Hurley 615-244-6510.

The General Contractor that built this building for GVH Associates was Schaefer Contracting Co., Inc., 1720 Sholar Ave., Chattanooga, TN 37406, Attn.: Burt Schaefer 423-698-2426.

If I can be of any other assistance, please feel free to contact me.

Sincerely,

Craig A. Anderson

Regional Construction Manager
Eckerd Corporation
615 Alpha Drive
Pittsburgh, PA 15238
412-967-8859

Attachment

CC: File

Letter 6210R WC.doc

Exhibit B

These questions are being prepared by Melinda Carpin for Ron Smith (job foreman) for

JAN-05-05 WED 11:05 Melinda

1 814 375 9332

P.02

Page 2 of A

VERIFICATION

I verify that the statements made are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Craig Anderson
Sign 1-10-05

Name : Craig Anderson
Title : REGIONAL CONSTRUCTION MANAGER
Address : 615 ALPHA DRWS
City/ State/ Zip : PITTSBURGH PA 15238
Phone : 412-967-8859
Cell Phone : _____

Page 2 of B

VERIFICATION

I verify that the statements made in this questioner concerning Melinda Means Carpin vs. Phil Tabone Construction and Painting are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Ron Smith

Ron Smith

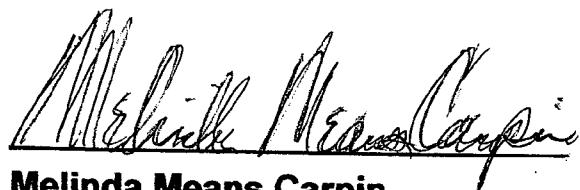
Date : 12-29-04

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input type="checkbox"/> Complete items 1, 2, and 3: Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		<input type="checkbox"/> Signature <u>Ron Smith</u>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:		B. Received by (Printed Name)	
<p>Ron Smith 215 Ourhan St. Soddy Daisy, TN 37370</p>		C. Date of Delivery	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>DEC 20 2004</i>	
		E. 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.	
		F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. 7004 0750 0000 8599 4594			

CERTIFICATE OF SERVICE

I do hereby certify that on the 19 day of January, 2005, I mailed by first class mail, postage prepaid, a true and correct copy of the Answer to Interrogatories and Production of Documents to the following :

Phil Tabone Construction and Painting, Inc.
C/O S. Casey Bowers, Esquire
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801



Melinda Means Carpin

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

MELINDA MEANS CARPIN, Plaintiff : No. 04-1230-CD
vs. : Type of Pleading:
PHIL TABONE CONSTRUCTION AND PAINTING, : **NOTICE OF SERVICE**
Defendant :
: Filed on Behalf of:
: DEFENDANT
: Counsel of Record for this Party:
: S. Casey Bowers, Esquire
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: 498 Jeffers Street
: P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

FILED NO
M 10/20/04
FEB 18 2005
cc
B6
William A. Shaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

NOTICE OF SERVICE

This is to certify that on the 17th day of February, 2005, two copies of Answers to Interrogatories and Request for Production of Documents was served by first class mail, postage prepaid upon the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801



S. Casey Bowers
Attorney for Defendant

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

MELINDA MEANS CARPIN :
:
vs. : No. 04-1230-CD
:
PHIL TABONE CONSTGRUCTION :
AND PAINTING, INC. :
:

ORDER

March

NOW, this 1st day of February, 2005, it is the ORDER of the Court that
the above-captioned matter is scheduled for Arbitration on **Tuesday, April 26, 2005 at 10:00**
A.M. The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman

John R. Ryan, Esquire

Gary A. Knaresboro, 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 in enclosed as well as a copy of said Local Rule of Court.

Please report to Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA.

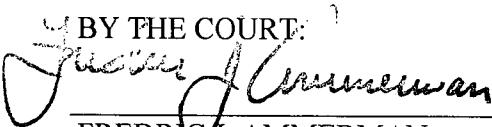
FILED

MAR 01 2005

6/2/15 (6)
William A. Shaw

Prothonotary/Clerk of Courts

5 cent to C/A for
See

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

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

MELINDA MEANS CARPIN

vs.

No. 04-1230-CD

PHIL TABONE CONSTGRUCTION
AND PAINTING, INC.

ORDER

NOW, this 15th day of ^{March} February, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, April 26, 2005 at 10:00 A.M.

The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman

John R. Ryan, Esquire

Gary A. Knaresboro, Esquire

(7) Pursuant to Local Rule 13.2

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:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

F.I.D. 03/33/05

MAR 08 2005

2. Article Number
(Transfer from service label) *#04-1230-CD*

7001 2510 0005 2724 1249

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Melinda M. Carpin*

B. Received by (Printed Name) *Melinda M. Carpin*

C. Date of Delivery *3-4-05*

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

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-02-M-1540

**RE-Trial Statement seven
e-Trial Statement seven
Forwarded to the Court
Member of the Board of
Jury Instruction Form
County Courthouse,**

FREDERIC J. AMMERMAN
President Judge

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

MELINDA MEANS CARPIN,
Plaintiff

No. 04-1230-CD

vs.

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

Type of Pleading:

PRAECIPE FOR DISCONTINUANCE

Filed on Behalf of:

PLAINTIFF

FILED

MAR 28 2005

6/3/20 William A. Shaw

Prothonotary/Clerk of Courts

1 CERT TO ATTY BOWERS
1 CERT TO PLAINTIFF
208 TREASURER
DUB.

CERT DISC. +

C/A

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

MELINDA MEANS CARPIN,
Plaintiff

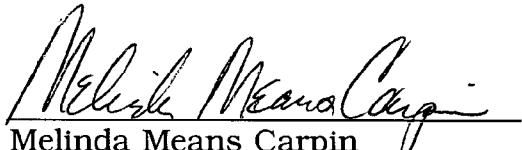
vs. : No. 04-1230-CD

PHIL TABONE CONSTRUCTION
AND PAINTING,
Defendant

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above captioned matter settled, discontinued
and terminated.



Melinda Means Carpin
Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Melinda Means Carpin

vs. **No. 2004-01230-CD**
Phil Tabone Const. & Painting Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 28, 2005, marked:

Settled, Discontinued & Terminated

Record costs in the sum of \$105.00 have been paid in full by 85.00 by Defendant & \$20.00 by Plaintiff.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of March A.D. 2005.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin

Plaintiff / Appellee

: CASE NO. 2004-1230 - CD

VS.

Phil Tabone Construction and
Painting, INC.

Defendant / Appellant

61C 9/20/04 FILED ICC Piff
DEC 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

REPLY TO THE NEW MATTER

AND NOW, COMES THE PLAINTIFF, MELINDA MEANS CARPIN, Hereby sets forth its Reply to new matter as follows:

1. Admitted.
2. Admitted.
3. As I originally stated.
4. Admitted.
5. Plaintiff, Melinda Means Carpin, did complete the work in the allotted time and in a workmanlike manner. Eckerd building inspector, Craig Anderson and job foreman, Ron Smith verbally approved and are sending written statement stating that the job was completed and approved on the application of the decorative vinyl for the Eckerd in DuBois. Copies to follow.
6. As I originally stated.
7. Admitted
8. Admitted

9. Denied . On July 19, 2004 Mr. Phil Tabone or a representative from Phil Tabone Construction and Painting, INC. failed to show at the Magistrate hearing or prepare a defense. Judgement was made for the Plaintiff, Melinda Means Carpin, in the amount of \$1,293.75.

WHEREFORE, Plaintiff demands judgement in its favor.

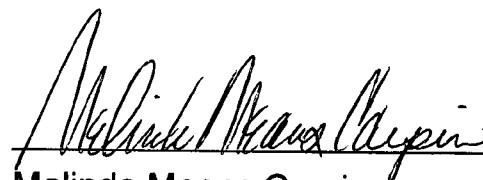
10. Plaintiff incorporates its answers to Paragraph 1 through 9 as stated in this REPLY TO NEW MATTER.

11. Unknown

12. Denied. Plaintiff did not breach the contract. Work was completed and written approval from the Eckerd building inspector, Craig Anderson and job foreman, Ron Smith will be forwarded.

WHEREFORE< Plaintiff, Melinda Means Carpin, demands judgement in her favor.

Melinda Means Carpin

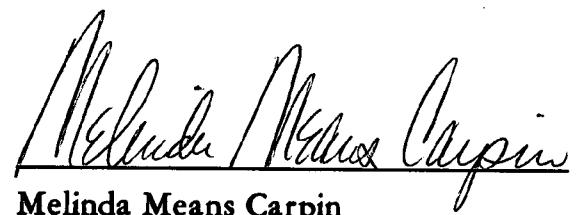


Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

REPLY TO NEW MATTER- VERIFICATION

VERIFICATION

I, MELINDA MEANS CARPIN, verify that the statements made in this REPLY TO NEW MATTER are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.



A handwritten signature in black ink, appearing to read "Melinda Means Carpin". The signature is fluid and cursive, with "Melinda" and "Means" on the first line and "Carpin" on the second line.

Melinda Means Carpin

CERTIFICATE OF SERVICE

I do hereby certify that on Dec. 20, 2004, I mailed by first class mail, postage prepaid, a true and correct copy of the REPLY TO NEW MATTERS to the following:

Phil Tabone Construction and Painting, INC
715 South Bradu Street
DuBois, PA 15801

S. Casey Bowers
498 Jeffers Street
DuBois, PA 15801



Melinda Means Carpin