

2004-1288-CD  
Jack W. Sinclair vs. Joy M. Sinclair

Jack Sinclair vs Joy Sinclair  
2004-1288-CD

Date: 11/23/2004

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 03:51 PM

ROA Report

Page 1 of 2

Case: 2004-01288-CD

Current Judge: Paul E. Cherry

Jack W. Sinclair vs. Joy M. Sinclair

District Justice Appeal

Date		Judge
08/20/2004	Filing: District Justice Appeals Paid by: Sinclair, Joy M. (defendant) Receipt number: 1885059 Dated: 08/20/2004 Amount: \$85.00 (Check) Cert. copies to Atty. Jones-Wenger	No Judge
08/25/2004	DJ Judgment Transcript, filed.	No Judge
08/26/2004	Proof of Service of Notice of Appeal and Rule to File Complaint, Filed by s/Winifred H. Jones-Wenger, No cc	No Judge
09/03/2004	Complaint, on behalf of Plaintiff, filed by s/Jack W. Sinclair, Plaintiff. 4CC Plaintiff.	No Judge
	Certificate of Service, certified copy of the Complaint, filed by s/ Jack W. Sinclair, upon Joy M. Sinclair. No CC.	No Judge
09/29/2004	Notice To Plead, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge
	Preliminary Objections, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge
	Certificate of Service, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge
	Served copy of Preliminary Objections with Notice to Plead on Plaintiff on September 29, 2004 by first class mail.	
09/30/2004	Amended Certificate of Service/Re: Defendant's Preliminary Objections and Notice to Plead, on behalf of Defendant, served upon Jack W. Sinclair, Plaintiff, at residence by U.S. mail on September 29, 2004, first class. No CC	No Judge
10/01/2004	Filing: Certificate of Readiness/List For Arbitration Paid by: Sinclair, Jack W. (plaintiff) Receipt number: 1887527 Dated: 10/01/2004 Amount: \$20.00 (Cash) Filed by s/Jack W. Sinclair Four CC Plaintiff	No Judge
10/05/2004	Motion to Strike from Trial List, filed by s/Winifred H. Jones-Wenger One CC Attorney Wenger	No Judge
10/07/2004	Certificate of Service, Motion to Strike From Trial List, by U.S. Postal Service upon Jack W. Sinclair. Filed by Winifred H. Jones-Wenger. No CC	Paul E. Cherry
10/08/2004	Order, AND NOW, this 6th day of October, 2004, it is the ORDER of the Court that argument on Defendant's motion to Strike from Trial List filed in the above matter has been scheduled for the 5th day of November, 2004, at 11:00 a.m., in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT:/s/ Paul E. Cherry, Judge. 2 CC Atty Jones-Wenger	Paul E. Cherry
	Order, AND NOW, this 7th day of October, 2004, it is the ORDER of the Court that argument on Defendant's Preliminary Objections filed in the above matter has been scheduled for the 5th day of November, 2004, at 11:00 a.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC to Atty Jones-Wenger.	Paul E. Cherry
10/13/2004	Certificate of Service, Order of Court Scheduling argument on Defendant's motion to Strike from Trial List and a certified copy of the October 7, 2004 Order of Court scheduling argument on Defendant's Preliminary Objections, on Jack W. Sinclair, Plaintiff, by 1st class mail. s/Winifred H. Jones-Wenger. No CC	Paul E. Cherry
11/10/2004	ORDER, filed, Cert. to 3 Cert. to Atty. Jones-Wenger NOW, this 5th day of November, 2004, Order of this Court that Defendant's Motion to Strike from Trial List be and is hereby granted.	Paul E. Cherry

Date: 11/23/2004

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 03:51 PM

ROA Report

Page 2 of 2

Case: 2004-01288-CD

Current Judge: Paul E. Cherry

Jack W. Sinclair vs. Joy M. Sinclair

District Justice Appeal

Date		Judge
11/10/2004	ORDER, filed 2 Cert. to Atty. Jones-Wenger and 1 Cert. to Plff. NOW, this 5th day of November, 2004, ORDER of this Court taht the parties, if they so desire, may submit briefs to this Court on the issue of venue by Nov. 15, 2004.	Paul E. Cherry
11/18/2004	Order, AND NOW, this 18th day of Nov. 2004, following Argument on Defendant's Preliminary Objections and review of Briefs it is the ORDER of this Court that the Preliminary Objection be and are hereby GRANTED. The Court is satisfied that the Court of Common Pleas of Centre Co. PA is proper venue in this matter. BY THE COURT, /s/ Paul E. Cherry, Judge. 2CC Plff, 2CC Atty Wenger	Paul E. Cherry

COURT OF COMMON PLEAS

CLEARFIELD CO.  
JUDICIAL DISTRICT

46TH

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1288-C

## 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 Joy M. Sinclair		MAG. DIST. NO. OR NAME OF D.J. 46-3-04	
ADDRESS OF APPELLANT 336 S. Centre Street		CITY Philipsburg	STATE PA
		ZIP CODE 16866	
DATE OF JUDGMENT 07-26-04	IN THE CASE OF (Plaintiff) Jack W. Sinclair vs. Joy M. Sinclair (Defendant)		
CLAIM NO. CV 0000059-04 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT X Joy M. Sinclair		

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 Jack W. Sinclair, appellee(s), to file a complaint in this appeal

(Common Pleas No. 2004-1288-C) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Winifred H. Jones-Kenney  
Signature of appellant or his attorney or agent

RULE: To Jack W. Sinclair, 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. 20, 2004

Signature of Prothonotary or Deputy

FILED

AUG 20 2004

011:00/100  
William A. Shaw

Prothonotary/Clerk of Courts

COPIES TO ATTY.

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of affiant

\_\_\_\_\_  
Signature of official before whom affidavit was made

\_\_\_\_\_  
Title of official

My commission expires on \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-04**

DJ Name: Hon.

**JAMES L. HAWKINS**

Address: **251 SPRING STREET**

**P.O. BOX 362**

**HOUTZDALE, PA**

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

**16651-0362**

**ATTORNEY DEF PRIVATE :**

**WINIFRED H. JONES-WENGER**

**333 LAUREL ST**

**PO BOX 469**

**PHILIPSBURG, PA 16866**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**SINCLAIR, JACK W**  
**522 MCATEER ST**  
**HOUTZDALE, PA 16651**

VS.

DEFENDANT:

NAME and ADDRESS

**SINCLAIR, JOY M**  
**36 S. CENTER ST APT/STE A**  
**PHILIPSBURG, PA 16866**

Docket No.: **CV-0000059-04**

Date Filed: **5/13/04**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**



Judgment was entered for:

(Name)

**SINCLAIR, JACK W**



Judgment was entered against:

(Name)

**SINCLAIR, JOY M**

in the amount of \$ **5,618.50** on:

(Date of Judgment)

**7/26/04**



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	\$ <b>5,500.00</b>
Judgment Costs	\$ <b>118.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 5,618.50</b>

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.

**7-26-04** Date

*James L. Hawkins*

, District Justice

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

Date

, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-04**

DJ Name: Hon.

**JAMES L. HAWKINS**

Address:

**251 SPRING STREET**

**P.O. BOX 362**

**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:

NAME and ADDRESS

**SINCLAIR, JACK W**  
**522 MCATEER ST**  
**HOUTZDALE, PA 16651**

VS.

DEFENDANT:

NAME and ADDRESS

**SINCLAIR, JOY M**  
**36 S. CENTER ST APT/STE A**  
**PHILIPSBURG, PA 16866**

Docket No.: **CV-0000059-04**  
Date Filed: **5/13/04**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **SINCLAIR, JACK W**

☒ Judgment was entered against: (Name) **SINCLAIR, JOY M**

in the amount of \$ **5,618.50** on: (Date of Judgment) **7/26/04**

☐ 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 \$ \_\_\_\_\_  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Amount of Judgment	\$ <b>5,500.00</b>
Judgment Costs	\$ <b>118.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 5,618.50</b>

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.

**7-26-04** 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.

**8-24-04** Date *James L. Hawkins*, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**CIVIL COMPLAINT**

Mag. Dist. No.: **46-3-04**

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

PLAINTIFF: NAME and ADDRESS  
**JACK W. SINCLAIR**  
**502 McAtreer St.**  
**HOUTZDALE PA 16651**

VS.  
DEFENDANT: NAME and ADDRESS  
**Joy M. Sinclair**  
**36 South Center St. Apt A**  
**Phillipsburg PA 16866**

Docket No.: **CV-59-04**  
Date Filed: **5-13-04**



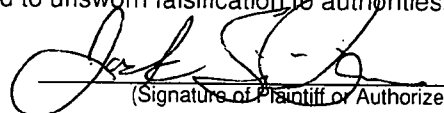
	AMOUNT	DATE PAID
FILING COSTS	\$ <u>118.50</u>	<u>5/13/04</u>
POSTAGE	\$ _____	<u>  /  /  </u>
SERVICE COSTS	\$ _____	<u>  /  /  </u>
CONSTABLE ED.	\$ _____	<u>  /  /  </u>
 TOTAL	\$ _____	<u>  /  /  </u>

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 \$ 5,500 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

ON April 14, 2004 the PLAINTIFF and DEFENDANT typed up a document to settle their divorce. The Plaintiff has primary custody of their daughter and as part of the agreement the defendant was allowed to claim their daughter on her 2003 Federal Income Taxes. The defendant received the tax benefit but refused to comply with the MAY deadline for a \$5,500 check and a Kirby Vacuum to the Plaintiff.

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

  
(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.



FILED

AUG 25 2004

William A. Shaw  
Prothonotary/Clerk of Courts

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

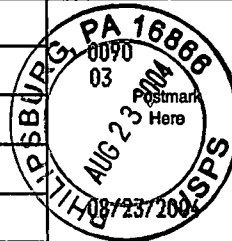
7003 1010 0002 3611 7398

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**HOUTZDALE PA 16651** **OFFICIAL USE**

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



Sent To	James L. Hawkins	
	District Justice	
Street, Apt. No., or PO Box No.	251 Spring Street	
	P.O. Box 362	
City, State, ZIP+4	Houtzdale, PA	16651-0362

PS Form 3800, June 2002

See Reverse for Instructions

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**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- 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. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

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

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X *James L. Hawkins*

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

8-24-04

- 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

2. Article Number 7003 1010 0002 3611 7398  
(Transfer from service label)

PS Form 3811, August 2001

7003 1010 0002 3611 7398

CPRI-03-P-4081

RECEIVED AUG 25 2004

UNITED STATES POSTAL SERVICE



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

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

WINIFRED H. JONES-WENGER, ESQ.

333 Laurel Street

P.O. Box 469

Philipsburg, PA 16866

04



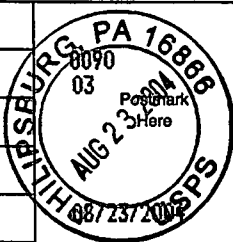
7002 1010 0002 2000 0101 E002

**U.S. Postal Service<sup>TM</sup>**  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$3.50
Total Postage & Fees	\$ 7.92



Sent To **Mr. Jack W. Sinclair**

Street, Apt. No.,  
or PO Box No. **522 McAteer Street**

City, State, ZIP+4 **Houtzdale, PA 16651**

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- 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. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

PS Form 3800, June 2002 (Reverse)

**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:  
Mr. Jack W. Sinclair  
522 McAteer Street  
Houtzdale, PA 16651

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

B. Received by (Printed Name)

☐ Agent  
☐ Addressee

C. Date of Delivery

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

2. Article Number 7003 1010 0002 3611 7381  
(Transfer from service label)

7003 1010 0002 3611 7381

PS Form 3811, August 2001

CPRI-03-P-4081



UNITED STATES POSTAL SERVICE



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

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

WINIFRED H. JONES-WENGER, ESQ.

333 Laurel Street

P.O. Box 469

Philipsburg, PA 16866

6266=0463



FILED

0112501  
AUG 26 2004 pcc

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 \_\_\_\_\_, SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 2004-1288-CD, upon the District Justice designated therein on (date of service) 8-23-2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) JACK W. SINCLAIR, on 8-23-2004 ☐ 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 8-23-2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 26<sup>th</sup> DAY OF August, 2004

William A. Shaw  
Signature of official before whom affidavit was made

**WILLIAM A. SHAW**  
Prothonotary

Title of official

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

Winifred H. Jones-Menger  
Signature of affiant

COURT OF COMMON PLEAS

CLEARFIELD CO.  
JUDICIAL DISTRICT

46TH

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-1288-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 <b>Joy M. Sinclair</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-04</b>	
ADDRESS OF APPELLANT <b>336 S. Centre Street</b>	CITY <b>Philipsburg</b>	STATE <b>PA</b>	ZIP CODE <b>16866</b>
DATE OF JUDGMENT <b>07-26-04</b>	IN THE CASE OF (Plaintiff) <b>Jack W. Sinclair vs. Joy M. Sinclair</b> (Defendant)		
CLAIM NO. <b>CV:000059-04</b> <b>LT</b>	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <b>X Joy M. Sinclair</b>		

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 Jack W. Sinclair, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2004-1288-C0) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**Winfred H. Jones**  
Signature of appellant or his attorney or agent

**RULE:** To Jack W. Sinclair, 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 20, 2004

**W. H. Jones**  
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 20 2004

Attest.

**William H. Jones**  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,  
PENNSYLVANIA

Jack W. Sinclair

Plaintiff

vs.

Joy M. Sinclair

Defendant

District Justice Appeal  
CASE NO. 04-1288-CD

Type of Pleading:  
**COMPLAINT**

Filed on Behalf of  
**PLAINTIFF**

Plaintiff's address:  
522 McAteer Street  
Houtzdale, Pennsylvania 16651  
(814) 378-8752

EGK  
**FILED**  
01:57 PM  
SEP 03 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

JACK W. SINCLAIR

Plaintiff

vs.

Joy M. Sinclair

Defendant

CASE NO. 04-1288-CD

Type of Pleading:  
**COMPLAINT**

**NOTICE**

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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641, extension 1300

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

3       **JACK W. SINCLAIR**  
4       Plaintiff

5       vs.

6       **JOY M. SINCLAIR**  
      Defendant

                  District Justice Appeal  
                  CASE NO. 04-1288-C.D.

                  Type of Pleading:  
                  **COMPLAINT**

7  
8                   **COMPLAINT**

9  
10                  **PARTIES**

- 11               1.     The Plaintiff, Jack W. Sinclair at all times relevant hereto, is an adult  
12                   citizen of the State of Pennsylvania and resides in Clearfield county.  
13  
14               2.     The Defendant, Joy M. Sinclair at all times relevant hereto, is an adult  
15                   citizen of the State of Pennsylvania who resides at 336 S. Centre Street,  
16                   Philipsburg, PA 16866 and is subject to service of process.

17                  **FACTS:**

18               3.     On or about April 14, 2004 the Plaintiff and Defendant entered into a written  
19                   contract, a copy of which is attached hereto, made a part hereof, and is marked as Exhibit A  
20                   (hereinafter referred to as the Contract). Said contract provides that the laws of the State of  
21                   Pennsylvania shall govern the Contract.  
22

- 23               4.     Pursuant to the Contract, the Plaintiff agreed to: (from contract)  
24                   a.   Allow the Defendant to claim their minor child for the 2003 tax year.  
25                   b.   Return photographs the Defendant took in Paris while in high school.  
26                   c.   Give to Defendant a Nintendo game system purchased by the couple in 1990.  
27  
28

1 d. Return any personal items of the Defendant's the he comes across while  
2 unpacking boxes, etc.  
3

4  
5 and the Defendant agreed to: (from contract)  
6

7 a. All photographs will be shared/copied evenly. This includes all photographs  
8 taken by Jack or Joy, all photographs given to them by family members, all  
9 photographs taken at photography studios, school photographs, photographs  
10 bought from the Centre Daily Times, etc. All photographs will be given to Jack  
11 on or before June 30, 2004. If all Photographs are not shared evenly by June  
12 30, Joy will pay Jack an additional \$250 and also make the necessary  
13 corrections. Examples of not sharing evenly include: Joy withholding  
14 selected/favorite pictures of Jaclyn from Jack; Joy keeping larger (10X13,  
15 8X10) and giving Jack smaller copies; Joy making 4X6 copies of 3X5 originals  
16 and Jack not getting an equal number of 4X6 copies; Joy not sharing the  
17 negatives. Joy and Jack will share the cost of reproducing the photographs  
18 evenly.  
19  
20

21 b. All videotapes need to be reproduced onto DVD format. The original tapes  
22 need to be divided equally. The cost to reproduce the tapes onto DVD will be  
23 shared evenly. The DVD's and his share of originals need to be given to Jack on  
24 or before June 30, 2004. If the tapes are not delivered by June 30, or if not all  
25 tapes are reproduced, Joy will pay Jack an additional \$250 and then make the  
26 necessary corrections.  
27  
28

- 1 c. All financial documents that have not been shared already will be copied and  
2 given to Jack by June 30.
- 3 d. Jaclyn's college fund will be divided into two with each parent serving as the  
4 custodian for their half of the account. The college fund will be divided evenly by  
5 May, 7, 2004.
- 6
- 7 e. All of Jaclyn's school papers, awards, report cards, projects, etc., will be  
8 reproduced and/or shared evenly.
- 9 f. Since a lump sum financial agreement could not be agreed upon, Joy will pay  
10 Jack \$5,500 plus the Kirby vacuum. The check and item need to be in Jack's  
11 possession by May 7, 2004.
- 12
- 13 g. All personal items of Jack's that she comes across when unpacking boxes, etc.
- 14

15 5. On or about May 7, 2004 the Defendant breached the Contract by failing to  
16 perform the obligations of the contract by refusing to provide to the Plaintiff the \$5,500 and the  
17 Kirby vacuum cleaner by the written deadline of May 7, 2004. The June 30, 2004 deadlines for  
18 the duplication of photographs, videotapes, and financial records we also not fulfilled.

19

20 6. On or about May 7, 2004 Plaintiff gave notice of breach of contract and demand  
21 for performance to the Defendant.

22 7. On or about July 26, 2004 District Justice James L. Hawkins (46-3-04) entered a  
23 Judgment for the Plaintiff for the amount of \$5,618.50

24

25 8. On or about August 20, 2004 the Defendant and her attorney, Winifred H. Jones-  
26 Wenger, filed a Notice of Appeal From District Justice Judgment, and a Praecipe To Enter Rule  
27 To File Complaint And Rule to File. Commom Pleas No. 2004-1288-C.D. Claim No. 0000058-  
28 04.



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## Exhibit A

April 14, 2004

This document will serve as a final divorce settlement between Joy Marie Sinclair and Jack William Sinclair. By signing this, each party agrees to honor the entire agreement and not to make any changes or revisions without the consent of the other party.

A formal settlement will be drafted and approved by each of their lawyers, but the formal agreement will not differ in principal from this agreement.

To settle the divorce, Joy will provide to Jack:

- All photographs will be shared/copied evenly. This includes all photographs taken by Jack or Joy, all photographs given to them by family members, all photographs taken at photography studios, school photographs, photographs bought from the Centre Daily Times, etc. All photographs will be given to Jack on or before June 30, 2004. If all photographs are not shared evenly by June 30, Joy will pay Jack an additional \$250 and also make the necessary corrections. Examples of not sharing evenly include: Joy withholding selected/favorite pictures of Jaclyn from Jack; Joy keeping larger (10X13, 8X10) and giving Jack smaller copies; Joy making 4X6 copies of 3X5 originals and Jack not getting an equal number of 4X6 copies; Joy not sharing the negatives. Joy and Jack will share the costs of reproducing the photographs evenly.
- All videotapes need to be reproduced onto DVD format. The original tapes need to be divided equally. The cost to reproduce the tapes onto DVD will be shared evenly. The DVD's and his share of originals need to be given to Jack on or Before June 30, 2004. If the tapes are not delivered by June 30, or if not all tapes are reproduced, Joy will pay Jack an additional \$250 and then make the necessary corrections.
- All financial documents that have not been shared already will be copied and given to Jack by June 30.
- Jaclyn's college fund will be divided into two with each parent serving as the custodian for their half of the account. The college fund will be divided evenly by May 7, 2004.
- All of Jaclyn's school papers, awards, report cards, projects, etc., will be reproduced and/or shared evenly.
- Since a lump sum financial agreement could not be agreed upon, Joy will pay Jack \$5,500 plus the Kirby vacuum (~~\$700 total value according to Joy's estimates~~). Or, at Joy's discretion \$5,500 plus the Kirby vacuum cleaner, JBL speakers, and the Sony CD player (~~\$530 total value according to Joy's estimate~~). The check and items need to be in Jack's possession by May 7, 2004.
- All personal items of Jack's that she comes across when unpacking boxes, etc.

Jack will provide to Joy:

- photographs she took while she was in Paris

- Nintendo game system and games
- Any personal items of Joy's that he comes across while unpacking boxes, etc.

Agreed upon points:

- For tax purposes, Joy and Jack will alternate declaring Jaclyn as their dependent. Jack 2002, Joy 2003, Jack 2004, Joy 2005, etc. If either party remarries this will be open for renegotiation.
- All present and future items of Jaclyn (school report cards, awards, etc.) will be shared or reproduced evenly.
- This document was put together in haste to help facilitate an agreement for the 2003 Federal Income Tax filing date of April 15. If either party signs this document but then does not honor the agreement once taxes have been filed, the other party has the right to receive everything outlined above that would have gone to them.

Joy M. Sinclair

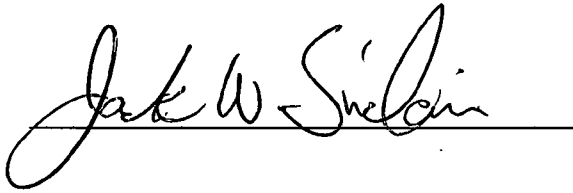
Jack W. Sinclair

Joy M. Sinclair 4/14/04  
4/14/04

Jack W. Sinclair 4/14/04

**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 cursive script, reading "Jack W. Shelton", is written over a horizontal line.

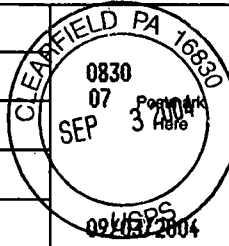
7003 3110 0001 9382 7180

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PHILIPSBURG PA 16866

Postage	\$ 10.40
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 14.65



Sent To	Joy M. Sinclair
Street, Apt. No., or PO Box No.	336 S. Centre St.
City, State, ZIP+4	Philpsburg PA 16866

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**Certified Mail Provides:**

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

**Important Reminders:**

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- 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. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

PS Form 3800, June 2002 (Reverse)

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,  
PENNSYLVANIA

JACK W. SINCLAIR

Plaintiff

vs.

JOY M. SINCLAIR

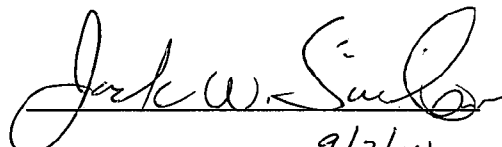
Defendant

District Justice Appeal  
CASE NO. 04-1288-C.D.

**CERTIFICATE OF SERVICE**

I, Jack W. Sinclair, Plaintiff above named, do hereby certify that on the third day of September, 2004, I caused a certified copy of the Complaint to be mailed, first class – postage prepaid, to the Defendant at her address as follows:

Joy M. Sinclair  
336 S. Centre Street  
Philipsburg, PA 16866

  
9/3/04

FILED

SEP 03 2004

William A. Shaw

Prothonotary/Clerk of Courts

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

JACK W. SINCLAIR,  
Plaintiff

v.

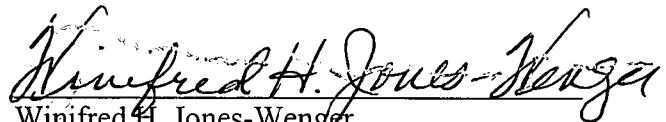
JOY M. SINCLAIR  
Defendant

No. 2004-1288-CD

NOTICE TO PLEAD

TO: JACK W. SINCLAIR

You are hereby notified to file a written response to the enclosed Preliminary Objections of Joy M. Sinclair within twenty (20) days from service hereof or a judgment may be entered against you.

  
Winifred H. Jones-Wenger  
Attorney for Defendant Joy M. Sinclair

Date: 9-29-04

FILED

SEP 29 2004  
01:00h  
William A. Shaw  
Prothonotary/Clerk of Courts

3 Cmt to Att



**FILED**

**SEP 29 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**SEP 29 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

CA

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

JACK W. SINCLAIR,  
Plaintiff

v.

JOY M. SINCLAIR  
Defendant

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No. 2004-1288-CD

**PRELIMINARY OBJECTIONS**

AND NOW COMES the Defendant Joy M. Sinclair, by her attorney, Winifred H. Jones-Wenger, Esquire, who sets forth the following Preliminary Objections to Plaintiff's Complaint.

**Improper Venue**  
**(Pa. R.C.P. 1028(a)(1))**

1. Plaintiff has filed a complaint seeking to collect on a purported agreement between the parties.

2. Plaintiff previously filed an action in divorce against Defendant in the Court of Common Pleas of Centre County to No. 2001-2897.

3. It is apparent from the face of the purported agreement (attached to Plaintiff's Complaint) and the averments of the Complaint that Plaintiff is attempting to adjudicate and/or enforce the issue of equitable distribution in the divorce between the parties.

WHEREFORE Defendant objects to the venue of this Court to determine the case raised by Plaintiff.

FILED

SEP 29 2004

0/9:51  
William A. Shaw

Prothonotary/Clerk of Courts

3 cert to App

**Pendency of Prior Action**  
**(Pa. R.C.P. 1028(a)(6))**

4. The averments of Paragraphs 1 through 4 of Defendant's Preliminary Objections are incorporated herein as though set forth at length.

5. In the divorce action filed by Plaintiff in Centre County, the Honorable Charles C. Brown bifurcated the divorce action and entered an Order retaining jurisdiction over the issue of equitable distribution. See copy of Order attached hereto as Exhibit "A" and incorporated herein by this reference.

6. The Centre County Court has not filed a resolution of the matter of equitable distribution.

WHEREFORE, Defendant raises the objection of pendency of a prior action for the resolution of this matter.

**Legal Insufficiency (Demurrer)**  
**(Pa. R.C.P. 1028(a)(4))**

9. In his Complaint Plaintiff seeks damages for breach of a written "contract" which he has attached to his Complaint.

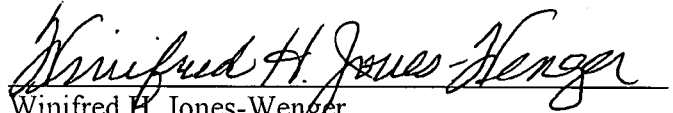
10. Said "contract" states in the second paragraph thereof as follows: "A formal settlement will be drafted and approved by each of their lawyers, . . ."

11. It is apparent from the face of it that such contract is executory in nature.

12. Plaintiff does not state a cause of action against the Defendant.

WHEREFORE Defendant objects (demurs) to the legal insufficiency of Plaintiff's  
Complaint.

Respectfully submitted,

A handwritten signature in cursive script, reading "Winifred H. Jones-Wenger", written over a horizontal line.

Winifred H. Jones-Wenger

Counsel for Defendant

333 Laurel Street (P.O. Box 469)

Philipsburg, PA 16866

(814) 342-4330

PA ID No. 23751

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

JACK WILLIAM SINCLAIR  
Plaintiff,

v.

JOY MARIE SINCLAIR  
Defendant.

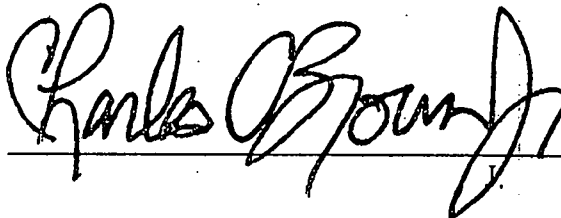
No. 2001-2897

IN DIVORCE

ORDER

AND NOW, this 26th day of February, 2004, upon review of the  
Stipulation for Bifurcation filed in the above-captioned matter, the Court hereby bifurcates the  
issue raised in the pleading from the divorce, and reserves jurisdiction over the sole issue of  
equitable distribution of property.

BY THE COURT:



DEBRA C. IMMEL  
PROTHONOTARY  
CENTRE COUNTY, PA

2004 FEB 26 A 9:34

FILED FOR RECORD

EXHIBIT "A"

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

JACK W. SINCLAIR,  
Plaintiff


v.

JOY M. SINCLAIR  
Defendant

No. 2004-1288-CD

CERTIFICATE OF SERVICE

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve Plaintiff's Preliminary Objections with Notice to Plead, concerning the above-captioned case, on Jack W. Sinclair, Plaintiff, at his residence address of 522 McAteer Street, Houtzdale, Pennsylvania, 16651, by depositing same with the U.S. Postal Service on September 29, 2004, for delivery by U.S. mail, first class, postage prepaid.

  
WINIFRED H. JONES-WENGER  
Attorney for Defendant

Dated: September 29, 2004

FILED

SEP 29 2004

019:001

William A. Shaw

Prothonotary/Clerk of Courts

3 Cms to Amy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JACK W. SINCLAIR,  
PLAINTIFF

vs.

JOY M. SINCLAIR,  
DEFENDANT

: CIVIL DIVISION  
:  
: NO. 2004-1288-CD  
:  
: AMENDED CERTIFICATE OF SERVICE/RE:  
: DEFENDANT'S PRELIMINARY  
: OBJECTIONS AND NOTICE TO PLEAD  
:  
: FILED ON BEHALF OF:  
: DEFENDANT/JOY M. SINCLAIR  
:  
: COUNSEL OF RECORD FOR THIS PARTY:  
: WINIFRED H. JONES-WENGER, ESQ.  
: ID #23751  
: 333 LAUREL STREET/P.O. BOX 469  
: PHILIPSBURG, PA 16866  
: (814) 342-4330

FILED <sup>EBK</sup>  
m/11:13/27 <sup>NO CC</sup>  
SEP 30 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

JACK W. SINCLAIR,  
Plaintiff

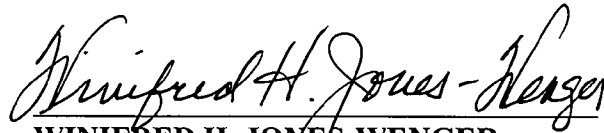
v.

JOY M. SINCLAIR,  
Defendant

No. 2004-1288-CD

**AMENDED CERTIFICATE OF SERVICE**

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve Defendant's Preliminary Objections and Notice to Plead, concerning the above-captioned case, on Jack W. Sinclair, Plaintiff, at his residence address of 522 McAteer Street, Houtzdale, Pennsylvania, 16651, by depositing same with the U.S. Postal Service on September 29, 2004, for delivery by U.S. mail, first class, postage prepaid.

  
**WINIFRED H. JONES-WENGER**  
Attorney for Defendant

Dated: September 29, 2004



21

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED 10/11/04

CASE NUMBER      TYPE TRIAL REQUESTED      ESTIMATED TRIAL TIME  
04-1288-C.D  
Date Complaint      ( ) Jury      ( ) Non-Jury  
Filed: Appeal 8/20/04      (X) Arbitration      \_\_\_\_\_ days/hours  
Complaint 9/3/04

PLAINTIFF(S)

Jack W. Sinclair

( )

Check block if a Minor  
is a Party to the Case

DEFENDANT(S)

Joy M. Sinclair

( )

ADDITIONAL DEFENDANT(S)

( )

FILED 4cc

01/10: 2987 Piff

OCT 01 2004 Piff pl

20.00

William A. Shaw  
Prothonotary/Clerk of Courts

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE      CONSOLIDATION      DATE CONSOLIDATION ORDERED  
\$6,118.50  
More than  
&      ( ) yes ( ) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

Jack W. Sinclair  
Jack W. Sinclair  
FOR THE PLAINTIFF

(814) 378-8752  
TELEPHONE NUMBER

Wm. Fred H. Jones-Wenger  
FOR THE DEFENDANT

(814) 342-4330  
TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

JACK W. SINCLAIR,  
Plaintiff

v.

JOY M. SINCLAIR,  
Defendant

No. 2004-1288-CD

FILED <sup>ICC</sup>

10/10/04 3:32 PM  
OCT 05 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION TO STRIKE FROM TRIAL LIST**

COMES NOW the Defendant, by and through her attorney Winifred H. Jones-Wenger who files the following Motion to Strike the matter from the trial (arbitration) list and in support thereof sets forth the following:

1. On September 3, 2004, Plaintiff filed a Complaint in the above referenced case.
2. On September 29, 2004, Defendant filed Preliminary Objections to the Complaint filed, raising the issues of improper venue, pending action, and legal insufficiency to the Complaint.
3. On October 1, 2004, Plaintiff filed a Certificate of Readiness in which he asked that the matter be placed on the trial list.
4. There are motions outstanding before the Court in the nature of Preliminary Objections and therefore Plaintiff has failed to comply with Local Rule 212.2(a)(1).
5. Defendant has not had the opportunity to file an Answer, depending on the disposition of the outstanding Preliminary Objections.
6. Defendant has not had the opportunity to pursue discovery in this matter.
7. The matter has not been listed for trial previously.

WHEREFORE Defendant moves the Court to strike the matter from the trial (arbitration) list.

Respectfully submitted,

*Winifred H. Jones-Wenger*  
Winifred H. Jones-Wenger, Esquire  
Attorney for Defendant

Date: 10-4-04

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

JACK W. SINCLAIR,  
Plaintiff


v.

JOY M. SINCLAIR,  
Defendant

No. 2004-1288-CD

**CERTIFICATE OF SERVICE**

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve a certified copy of the Motion to Strike from Trial List, concerning the above-captioned case, on Jack W. Sinclair, Plaintiff, at his residence address of 522 McAteer Street, Houtzdale, Pennsylvania, 16651, by depositing same with the U.S. Postal Service on October 6, 2004, for delivery by U.S. mail, first class, postage prepaid.

  
WINIFRED H. JONES-WENGER  
Attorney for Defendant

Dated: October 6, 2004

FILED <sup>EGK</sup>

OCT 07 2004  
m/10:30/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/c

62

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

JACK W. SINCLAIR

vs.

JOY M. SINCLAIR

:  
:  
: No. 04-1288-CD  
:  
:

**ORDER**

AND NOW, this 16<sup>th</sup> day of October, 2004, it is the ORDER of  
the Court that argument on Defendant's Motion to Strike from Trial List filed in  
the above matter has been scheduled for the 5 day of November,  
2004, at 11:00 A.M., in Courtroom No. 2, Clearfield County  
Courthouse, Clearfield, PA.

BY THE COURT:

  
PAUL E. CHERRY  
Judge

**FILED** <sup>EGK</sup>

O 10:52 <sup>10</sup> sec atty Jones-Wenger

OCT 08 2004

William A. Shaw  
Prothonotary

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

JACK W. SINCLAIR

vs.

JOY M. SINCLAIR

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:  
: No. 04-1288-CD  
:  
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**ORDER**

AND NOW, this 7<sup>th</sup> day of October, 2004, it is the ORDER of  
the Court that argument on Defendant's Preliminary Objections filed in the above  
matter has been scheduled for the 5 day of November, 2004, at  
11:00 A.M, in Courtroom No. 2, Clearfield County  
Courthouse, Clearfield, PA.

BY THE COURT:

  
PAUL E. CHERRY  
Judge

FILED <sup>EX</sup>

010:55 AM 2004 to City of Clearfield  
Wenger

OCT 08 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JACK W. SINCLAIR,  
PLAINTIFF

vs.

JOY M. SINCLAIR,  
DEFENDANT

: CIVIL DIVISION

:

: NO. 2004-1288-CD

:

: CERTIFICATE OF SERVICE/RE: 10/06/04

: ORDER-ARGUMENT ON DEFENDANT'S

: MOTION TO STRIKE FROM TRIAL LIST;

: 10/07/04 ORDER-ARGUMENT ON

: DEFENDANT'S PRELIMINARY

: OBJECTIONS

:

: FILED ON BEHALF OF:

: DEFENDANT/JOY M. SINCLAIR

:

: COUNSEL OF RECORD FOR THIS PARTY:

: WINIFRED H. JONES-WENGER, ESQ.

: ID #23751

: 333 LAUREL STREET/P.O. BOX 469

: PHILIPSBURG, PA 16866

: (814) 342-4330

EGK  
FILED NO cc  
m/10:47/81  
OCT 13 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

JACK W. SINCLAIR,  
Plaintiff

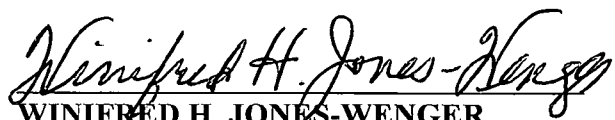
v.

JOY M. SINCLAIR,  
Defendant

No. 2004-1288-CD

**CERTIFICATE OF SERVICE**

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve a certified copy of the October 6, 2004 Order of Court scheduling argument on Defendant's Motion to Strike from Trial List and a certified copy of the October 7, 2004 Order of Court scheduling argument on Defendant's Preliminary Objections, concerning the above-captioned case, on Jack W. Sinclair, Plaintiff, at his residence address of 522 McAteer Street, Houtzdale, Pennsylvania, 16651, by depositing same with the U.S. Postal Service on October 11, 2004, for delivery by U.S. mail, first class, postage prepaid.

  
WINIFRED H. JONES-WENGER  
Attorney for Defendant

Dated: October 11, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JACK W. SINCLAIR

:

VS.

:

NO. 04-1288-CD

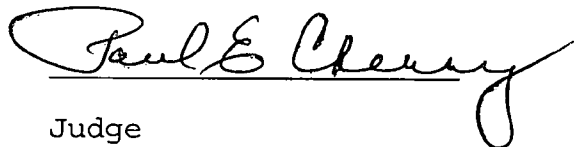
JOY M. SINCLAIR

:

O R D E R

NOW, this 5th day of November, 2004, following argument on Defendant's Motion to Strike From Trial List and upon consideration thereof, it is the ORDER of this Court that said motion be and is hereby granted.

BY THE COURT:

  
Judge

**FILED** 

0 1:53 PM 300 atty  
Jmes. Wenger

NOV 10 2004

William A. Shaw  
Prothonotary



CA

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

JACK W. SINCLAIR

:

VS.

: NO. 04-1288-CD

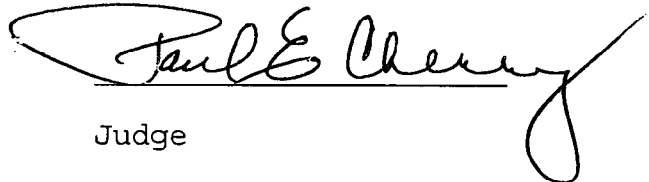
JOY M. SINCLAIR

:

O R D E R

NOW, this 5th day of November, 2004, following argument on Preliminary Objections and upon consideration thereof, it is the ORDER of this Court that the parties, if they so desire, may submit briefs to this Court on the issue of venue by and no later than Monday, November 15, 2004.

BY THE COURT:



Judge

FILED

NOV 10 2004

William A. Shaw  
Prothonotary/Clerk of Courts

2cc Amy Wenger

10/31/04 1cc Piff-

522 McAttee St.

Houtzdale, PA

168666

CA

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

JACK W. SINCLAIR

V.

JOY M. SINCLAIR

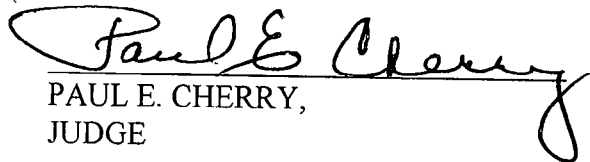
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NO. 04-1288-CD

ORDER

AND NOW, this 18<sup>th</sup> day of November, 2004, following Argument on Defendant's Preliminary Objections and review of Briefs it is the ORDER of this Court that the Preliminary Objections be and are hereby GRANTED. The Court is satisfied that the Court of Common Pleas of Centre County, Pennsylvania is proper venue in this matter.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED 2cc Aff-  
0/2:3630 522 McAker St.  
NOV 18 2004 Houtzdale, PA  
William A. Shaw  
Prothonotary/Clerk of Court  
16051  
2cc Amy Wenger

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

JACK W. SINCLAIR,  
Plaintiff

v.

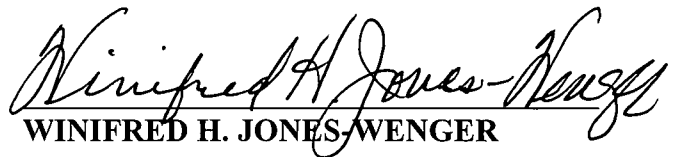
JOY M. SINCLAIR,  
Defendant

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No. 2004-1288-CD

**CERTIFICATE OF SERVICE**

I, Winifred H. Jones-Wenger, the undersigned, certify that I did serve a certified copy of the November 5, 2004 Order of Court regarding Defendant's Motion to Strike from Trial List, concerning the above-captioned case, on Jack W. Sinclair, Plaintiff, at his residence address of 522 McAteer Street, Houtzdale, Pennsylvania, 16651, by depositing same with the U.S. Postal Service on December 2, 2004, for delivery by U.S. mail, first class, postage prepaid.

  
**WINIFRED H. JONES-WENGER**  
Attorney for Defendant

Dated: December 2, 2004

**FILED** <sup>EWK</sup>  
<sup>NO CC</sup>  
DEC 03 2004

William A. Shaw  
Prothonotary/Clerk of Courts

Date: 10/28/2004

## Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:41 AM

ROA Report

Page 1 of 1

Case: 2004-01288-CD

Current Judge: Paul E. Cherry

Jack W. Sinclair vs. Joy M. Sinclair

## District Justice Appeal

Date		Judge
08/20/2004	Filing: District Justice Appeals Paid by: Sinclair, Joy M. (defendant) Receipt number: 1885059 Dated: 08/20/2004 Amount: \$85.00 (Check) Cert. copies to Atty. Jones-Wenger	No Judge ✓
08/25/2004	DJ Judgment Transcript, filed.	No Judge ✓
08/26/2004	Proof of Service of Notice of Appeal and Rule to File Complaint, Filed by s/Winifred H. Jones-Wenger, No cc	No Judge ✓
09/03/2004	Complaint, on behalf of Plaintiff, filed by s/Jack W. Sinclair, Plaintiff. 4CC Plaintiff.	No Judge ✓
	Certificate of Service, certified copy of the Complaint, filed by s/ Jack W. Sinclair, upon Joy M. Sinclair. No CC.	No Judge ✓
09/29/2004	Notice To Plead, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge ✓
	Preliminary Objections, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge ✓
	Certificate of Service, filed by Atty. Jones-Wenger 3 cert. to Atty.	No Judge ✓
	Served copy of Preliminary Objections with Notice to Plead on Plaintiff on September 29, 2004 by first class mail.	
09/30/2004	Amended Certificate of Service/Re: Defendant's Preliminary Objections and Notice to Plead, on behalf of Defendant, served upon Jack W. Sinclair, Plaintiff, at residence by U.S. mail on September 29, 2004, first class. No CC	No Judge ✓
10/01/2004	Filing: Certificate of Readiness/List For Arbitration Paid by: Sinclair, Jack W. (plaintiff) Receipt number: 1887527 Dated: 10/01/2004 Amount: \$20.00 (Cash) Filed by s/Jack W. Sinclair Four CC Plaintiff	No Judge ✓
10/05/2004	Motion to Strike from Trial List, filed by s/Winifred H. Jones-Wenger One CC Attorney Wenger	No Judge ✓
10/07/2004	Certificate of Service, Motion to Strike From Trial List, by U.S. Postal Service upon Jack W. Sinclair. Filed by Winifred H. Jones-Wenger. No CC	Paul E. Cherry ✓
10/08/2004	Order, AND NOW, this 6th day of October, 2004, it is the ORDER of the Court that argument on Defendant's motion to Strike from Trial List filed in the above matter has been scheduled for the 5th day of November, 2004, at 11:00 a.m., in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT:/s/ Paul E. Cherry, Judge. 2 CC Atty Jones-Wenger	Paul E. Cherry ✓
	Order, AND NOW, this 7th day of October, 2004, it is the ORDER of the Court that argument on Defendant's Preliminary Objections filed in the above matter has been scheduled for the 5th day of November, 2004, at 11:00 a.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC to Atty Jones-Wenger.	Paul E. Cherry ✓
10/13/2004	Certificate of Service, Order of Court Scheduling argument on Defendant's motion to Strike from Trial List and a certified copy of the October 7, 2004 Order of Court scheduling argument on Defendant's Preliminary Objections, on Jack W. Sinclair, Plaintiff, by 1st class mail. s/Winifred H. Jones-Wenger. No CC	Paul E. Cherry ✓

RECEIVED  
11-12-04

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,  
PENNSYLVANIA

JACK W. SINCLAIR

Plaintiff

vs.

JOY M. SINCLAIR

Defendant

District Justice Appeal  
CASE NO. 04-1288-C.D.

BRIEF IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT'S  
PRELIMINARY OBJECTION TO THE VENUE OF THIS COURT TO DETERMINE  
THE CASE RAISED BY PLAINTIFF.

Plaintiff Jack W. Sinclair files this brief in support of Plaintiff's response to Defendant's objection of pendency of a prior action for the resolution of this matter citing the divorce action filed by Plaintiff in Centre County where the Honorable Charles C. Brown bifurcated the divorce action and entered an Order retaining jurisdiction over the sole issue of equitable distribution, and would ask the court to consider the following.

I.

Just as the Defendant could not provide to District Justice Hawkins any court cases that matched the particulars of this case with regards to Jurisdiction, Plaintiff could not locate any cases either.

II.

It was never Plaintiff's intentions to sidestep or to ignore Judge Brown's Order. Plaintiff fully acknowledges that the Plaintiff and the Defendant were on a path towards a trail to determine the equitable distribution of their property, since after two and a half years the only issue that had been successfully resolved had been custody, and the settlement trial would have been in front of Judge Brown.

### III.

Plaintiff and Defendant mutually agreed to avoid going in front of Judge Brown for him to determine the equitable distribution of their property and freely elected to settle the issue themselves. Exhibits one and two show Defendants desire to do so.

### IV.

Plaintiff was not asking District Justice Hawkins to determine equitable distribution of property, Plaintiff and Defendant already agreed to specific terms on this, Plaintiff was asking for the enforcement of a signed document between the Plaintiff and the Defendant. The agreement contained specific items that were to be distributed by specific dates and also contained financial penalties for non-compliance. Nothing beyond enforcement of the signed document was asked for.

### V.

Since the Plaintiff and Defendant were married for sixteen and a half years, there are many additional items that could have been asked for if the Plaintiff was asking this court to determine equitable distribution of property, such as the two houses that were involved, three motor vehicles that were involved, retirement accounts, etc. It was not the Plaintiff's intent when he filed with the District Justice, nor is it his intent now for this court to make any determination on what the equitable distribution of the Plaintiff's and Defendant's divorce should be. The Plaintiff is only asking that the court system within the county he resides enforce an agreement that was written and signed by both the Plaintiff and Defendant within Clearfield County.

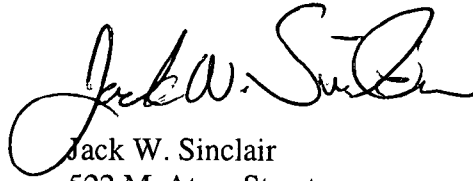
### VI.

The Plaintiff and Defendant are already involved with Child Support issues that are controlled by this court. Since the Plaintiff resides in Clearfield County and has primary custody of the Plaintiff's and Defendant's only child, that enforcement is through the Clearfield County Domestic Relations Office PACSES Case Number: 849106007. The initial hearing to determine support in January 2004 and the follow-up hearing in June 2004 where Defendant requested the elimination of her obligation for child support during the summer months and to be relieved of any additional obligations for medical expenses were both overseen by this court.

For the reasons stated herein and those to be set forth more fully during the arbitration of this matter, Plaintiff respectfully requests the court to deny the Defendant's Preliminary Objection and to allow the Plaintiff to pursue the enforcement of the signed agreement between the two parties.

Date: 11/12/04

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jack W. Sinclair". The signature is written in black ink and is positioned above the printed name and address.

Jack W. Sinclair  
522 McAteer Street  
Houtzdale, PA 16651  
(814) 378-8752

EXHIBIT 1

X-PH: V4.1@tr10n04

From: "Sinclair, Joy" <JoyS@psu.edu>

To: "JACK W SINCLAIR" <jws5@psu.edu>

Subject: Alternatives

Date: Tue, 13 Apr 2004 21:18:09-0400

X-Mailer: Internet Mail Service (5.5.2657.72)

If you elect to allow me to claim Jaclyn as you said you would last Wednesday, then I will follow through on the \$5000 agreement as we discussed on the phone tonight and we can peaceably close this issue and move on. I will also add to that any money that may have not been reimbursed to you at closing due to any payments I may have missed on the houses.

But if your offer was again one of your limited-time deals, then after Thursday I will no longer discuss any of this with you and I will refile last year's federal tax return. Money means more to you than it does to me anyway, and I will be okay in the long run no matter what happens, if for no other reason than the fact that I'll get over it. We would both be ahead if you elect to allow me to claim Jaclyn, and Jaclyn could see her parents peacefully end this issue. Both our lives would be simpler without a court case and an IRS audit. If there is a court case, everything's up in the air. Please think about it and let me know. But I do need an answer tomorrow as I need to finalize my taxes. If you agree to settle peacefully I will stop over tomorrow night to exchange signatures. Can we please end this? Please consider this rationally and without anger, and let me know your answer tomorrow. If you need to discuss this with your friends, it might help you to talk to someone. Just let me know. Thanks.



Exhibit 2

X-PH: V4.1@f04n09

From: "Sinclair, Joy" <JoyS@psu.edu>

To: "Jack Sinclair" <jws5@psu.edu>

Subject: RE: no class

Date: Wed, 14 Apr 2004 16:24:08 -0400

X-Mailer: Internet Mail Service (5.5.2657.72)

I would need something to sign. If we agree on the details though, I will send it to my attorney tonight. I will sign if we agree. Believe me or not, I don't care. I'd be happy to get you out of my life and save an appearance in court. But I can promise you one thing. If you don't sign the 8332 form, I'm not signing anything or talking at all. Now if you were any kind of man, you would see that I did this for you last year, so you would do it for me this year to be fair. But then again..... I won't hold my breath. Send me the stipulations, and once we agree on them, I'll send them to my attorney as I promised.

-----Original Message-----

From: Jack Sinclair [mailto:jws5@psu.edu]

Sent: Wednesday, April 14, 2004 4:21 PM

To: Sinclair, Joy

Subject: RE: no class

Naaaa, not buying that. I did all that for you even though it was during that period when you told me you hated me on a regular basis, and you really didn't care that I did it. That was evident by your future actions.

For once, stand up and admit that even if you hated me then and hate me now -- i still made you an extremely fair offer and sign for it tonight. If not, it will be continued nastiness from both camps for months to come.

At 04:01 PM 4/14/2004, you wrote:

I must have thanked you. I surely would have meant to, and if I didn't I'm sorry. Please accept my apologies and my gratitude. And I'm not being sarcastic. I mean it.

-----Original Message-----

From: Jack Sinclair [mailto:jws5@psu.edu]

Sent: Wednesday, April 14, 2004 3:59 PM

To: Sinclair, Joy

Subject: Re: no class

In a heartbeat, babe. Your brothers did not pack that junk, your brothers didn't haul it to Pennsylvania, didn't sell videos at fleamarkets, didn't talk to car repossession men, didn't drive cars back, didn't clean out your father's apartment for two weekends, didn't move items to storage, didn't haul all those clothes to charities ..... no, they didn't do any of that. You deciding that you don't owe me anything is spiteful, vengeful, pathetic, and pitiful.

But you know what ... it's all summed up by this ..... no they didn't do any of that .... I did all of that .. and you never even thanked me back then for any of that.

At 03:26 PM 4/14/2004, you wrote:

And to think that you would rob me, Rusty and Randy of the pathetic little inheritance that we received is spiteful, vengeful, pathetic, and pitiful. But I'm not surprised.

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

JACK W. SINCLAIR

Plaintiff

vs.

JOY M. SINCLAIR

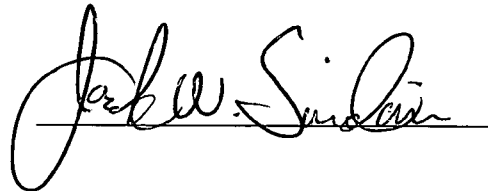
Defendant

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:  
: District Justice Appeal  
: CASE NO. 04-1288-C.D.  
:  
:

**CERTIFICATE OF SERVICE**

I, Jack W. Sinclair, Plaintiff above named, do hereby certify that on the twelfth day of November, 2004, I caused a copy of my Brief in response to Defendant's Preliminary Objections to be mailed, first class – postage prepaid, to the Defendant's attorney at her address as follows:

Winifred H. Jones Wenger  
333 Laurel Street  
P.O. Box 469  
Philipsburg, PA 16866

  
\_\_\_\_\_

inclaim

P.O's

⇒ improper venue.

⇒

2004-1288 CO

Jack<sup>W</sup> Sinclair

522 McAteer St

Houtzdale, PA 16651

vs

Joy M Sinclair

Winifred H Jones-Wenger