

2004-1357-CD
RHONDA L. JONES

VS

JERRY A. MILES
ET AL

Rhonda Jones vs Jerry Miles et al
2004-1357-CD

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

RHONDA L. JONES,

Plaintiff,

vs.

JERRY A. MILES and JERRY A.
MILES, JR. and TOP OF THE LINE
MOTORS, INC.,

Defendants.

) NO. 04-1357-C.D.
)
) Type of Case: CIVIL ACTION
)
) Type of Pleading: COMPLAINT
)
) Filed on Behalf of:
) Plaintiff/Respondent
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED *(initials)*
5cc
08/31/04 Atty Blakley
AUG 31 2004
Atty pd \$5.00

William A. Shaw
Prothonotary

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

RHONDA L. JONES,)	NO.	C.D.
)		
Plaintiff,)		
)		
vs.)		
)		
JERRY A. MILES and JERRY A.)		
MILES, JR. and TOP OF THE LINE)		
MOTORS, INC.,)		
)		
Defendant.)		
)		
)		

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT IS SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT REQUESTED BY 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.

David S. Meholic,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

) NO.	C.D.
RHONDA L. JONES,)	
Plaintiff,)	
vs.)	
JERRY A. MILES and JERRY A.)	
MILES, JR. and TOP OF THE LINE)	
MOTORS, INC.,)	
Defendant.)	

COMPLAINT

AND NOW, comes Plaintiff, **RHONDA L. JONES**, by and through her attorneys, **BLAKLEY & JONES**, and files the following Complaint, of which the following is a statement:

1. Plaintiff is **RHONDA L. JONES**, an adult individual, residing at 163 Maple Drive, Bedford, Bedford County, Pennsylvania.
2. Defendant **JERRY A. MILES** is an adult individual, whose business address is 640 South Brady Street, DuBois, Clearfield County, Pennsylvania.
3. Defendant **JERRY A. MILES, JR.**, is an adult individual, whose business address is 640 South Brady Street, DuBois, Clearfield County, Pennsylvania.

4. Defendant **TOP OF THE LINE MOTORS, INC.**, is a Pennsylvania corporation with its principal place of business being located at 640 South Brady Street, DuBois, Clearfield County, Pennsylvania.

5. At all times material hereto, Defendant **JERRY A. MILES** was President of Defendant **TOP OF THE LINE MOTORS, INC.**, and both Defendants **JERRY A. MILES** and **JERRY A. MILES, JR.**, were employees of Defendant **TOP OF THE LINE MOTORS, INC.**.

6. At all times material hereto, Defendant **TOP OF THE LINE MOTORS, INC.**, was in the business of the purchase and sale of used motor vehicles in the DuBois, Clearfield County, Pennsylvania, area.

COUNT I

7. Plaintiff hereby incorporates the averments contained in Paragraphs 1 through 6 above as if the same were fully set forth herein.

8. On or about February 21, 2004, Defendants **JERRY A. MILES** and **JERRY A. MILES, JR.**, did approach the Plaintiff and requested to borrow the sum of **Twenty Thousand Eight Hundred Fifty (\$20,850.00) Dollars** from the Plaintiff, payable on May 21, 2004.

9. On the aforesaid date, the Defendants **JERRY A. MILES** and **JERRY A. MILES, JR.**, in their individual capacity, did execute and did deliver to the Plaintiff a Promissory Note promising to pay the sum of \$20,850.00 at zero percent (0%) per annum

interest, due May 21, 2004. A copy of said Promissory Note is attached hereto and marked as Plaintiff's Exhibit "A."

10. At the time that the Defendants **JERRY A. MILES and JERRY A. MILES, JR.**, approached the Plaintiff, the Defendants represented that the monies borrowed from the Plaintiff were to be used to purchase automobiles on behalf of Defendant **TOP OF THE LINE MOTORS, INC.**, for sale in the ordinary course of the business of said Defendant **TOP OF THE LINE MOTORS, INC.**.

11. On May 12, 2004, in contravention of the promises made in the February 21, 2004, Promissory Note, the Defendants **JERRY A. MILES and JERRY A. MILES, JR.**, failed to pay to the Plaintiff any amounts due and owing on the Promissory Note executed on February 21, 2004; however, on or about June 1, 2004, the Defendants did deliver to the Plaintiff a check made payable to the Plaintiff in the amount of Five Thousand Eight Hundred Fifty (\$5,850.00) Dollars, which was deposited by the Plaintiff in her account at M&T Bank.

12. On or about June 7, 2004, by Plaintiff was notified by her bank that the check issued by the Defendants had been returned for insufficient funds. A copy of the returned check of Defendants and the notice of M&T Bank is attached hereto and marked Exhibits "B" and "C," respectively.

13. Subsequently, the Plaintiff did contact the Defendants, advising them of the return of the check paid to the Plaintiff, and the Defendant subsequently issued a Treasurer's

Check to the Plaintiff in the amount of Five Thousand Six Hundred (\$5,600.00) Dollars made payable on CSB Bank, Curwensville, Pennsylvania. A copy of said check is attached hereto and marked Exhibit "D."

14. Despite repeated requests, the Defendants have failed and refused to pay the remaining balance due to the Plaintiff in the amount of Fifteen Thousand Two Hundred Fifty (\$15,250.00) Dollars.

15. The acts of the Defendants **JERRY A. MILES and JERRY A. MILES, JR.**, in failing to satisfy the Promissory Note of February 21, 2004, represent a material breach of their agreements to pay upon the aforesaid Promissory Note, thereby giving rise to a cause of action by the Plaintiff against the Defendants for breach of their agreement.

16. Pursuant to the provisions of the Promissory Notes of February 21, 2004, the Defendants **JERRY A. MILES and JERRY A. MILES, JR.**, did agree to pay all reasonable attorney's fees and costs of collection should the Note become in default and placed with an attorney for collection.

17. Plaintiff has retained the services of **BLAKLEY & JONES** to represent them in this action, for which she has agreed to pay to the said law firm the sum of **One Thousand Five Hundred (\$1,500.00) Dollars** as attorney's fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment for the Plaintiff and against the Defendants **JERRY A. MILES and JERRY A. MILES, JR.**, in the amount of **Sixteen Thousand Seven Hundred Fifty (\$16,750.00) Dollars**,

representing the amounts due on the Promissory Note of February 21, 2004, together with interest at the rate of six (6%) percent from May 21, 2004, and costs of suit.

COUNT II - UNJUST ENRICHMENT

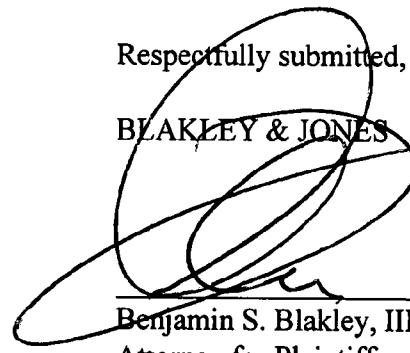
18. Plaintiff hereby incorporate the averments contained in Paragraphs 1 through 6 of their Complaint and Paragraphs 7 through 17 of Count I above as if the same were fully set forth herein.

19. Pursuant to the representations of Defendants, **JERRY A. MILES and JERRY A. MILES, JR.**, the Plaintiff believes, and therefore avers, that the monies advanced to the Defendants were used by the Defendants to purchase motor vehicles on behalf of Defendant **TOP OF THE LINE MOTORS, INC.**, for sale in the course of their business.

20. As a result of the Plaintiff's advancement of said monies as set forth in the above paragraphs, Plaintiff avers that the Defendant **TOP OF THE LINE MOTORS, INC.**, was unjustly enriched by the advancement of said monies.

21. As a result of the said unjust enrichment and the failure of the Defendants **JERRY A. MILES and JERRY A. MILES, JR** to reimburse the Plaintiff for the monies advanced to the Defendants, and on behalf of the Defendant **TOP OF THE LINE MOTORS, INC.**, the Defendant **TOP OF THE LINE MOTORS, INC.**, has become indebted to the Plaintiff for the monies advance don its behalf for the purchase of motor vehicles to be used in the course of its business.

WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment in their favor and against Defendant **TOP OF THE LINE MOTORS, INC.**, in the amount of **Fifteen Thousand Two Hundred Fifty (\$15,250.00) Dollars**, plus interest from the dates of the advancement of the aforesaid monies as set forth in Plaintiff' Complaint, together with costs of suit.

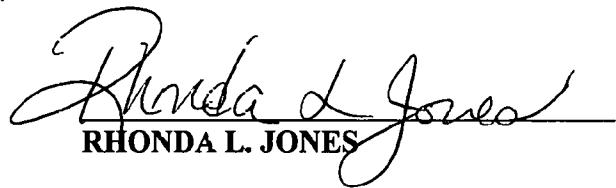
Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

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. § 4904, relating to unsworn falsification to authorities.

DATE: 8/26/04


Rhonda L. Jones
RHONDA L. JONES

PROMISSORY NOTE

\$ 20,850.00

Dated: Feb 21

, 2007 year

Principal Amount

State of Pennsylvania

FOR VALUE RECEIVED, the undersigned hereby jointly and severally promise to pay to the order of Rhonda L. Jones 163 Main Drive, Bedford, Pa. 15522, the sum of ~~Twenty Thousand Eight Hundred Fifty Dollars~~ ~~—~~ ~~500~~ Dollars (\$ 20,850.00), together with interest thereon at the rate of ~~—0—~~ % per annum on the unpaid balance. Said sum shall be paid in the manner following: Due: May 21, 2004

All payments shall be first applied to interest and the balance to principal. This note may be prepaid, at any time, in whole or in part, without penalty. All prepayments shall be applied in reverse order of maturity.

This note shall at the option of any holder hereof be immediately due and payable upon the failure to make any payment due hereunder within days of its due date.

In the event this note shall be in default, and placed with an attorney for collection, then the undersigned agree to pay all reasonable attorney fees and costs of collection. Payments not made within five (5) days of due date shall be subject to a late charge of ~~—0—~~ % of said payment. All payments hereunder shall be made to such address as may from time to time be designated by any holder hereof.

The undersigned and all other parties to this note, whether as endorsers, guarantors or sureties, agree to remain fully bound hereunder until this note shall be fully paid and waive demand, presentment and protest and all notices thereto and further agree to remain bound, notwithstanding any extension, renewal, modification, waiver, or other indulgence by any holder or upon the discharge or release of any obligor hereunder or to this note, or upon the exchange, substitution, or release of any collateral granted as security for this note. No modification or indulgence by any holder hereof shall be binding unless in writing; and any indulgence on any one occasion shall not be an indulgence for any other or future occasion. Any modification or change of terms, hereunder granted by any holder hereof, shall be valid and binding upon each of the undersigned, notwithstanding the acknowledgment of any of the undersigned, and each of the undersigned does hereby irrevocably grant to each of the others a power of attorney to enter into any such modification on their behalf. The rights of any holder hereof shall be cumulative and not necessarily successive. This note shall take effect as a sealed instrument and shall be construed, governed and enforced in accordance with the laws of the State first appearing at the head of this note. The undersigned hereby execute this note as principals and not as sureties.



M&T's QuickLine:
 Buffalo (716) 626-1900
 Outside Of The Buffalo Area (800) 724-2440

 04415

AMOUNT OF CHECK(S) RETURNED	\$	5,850.00
NUMBER OF ITEMS	#	1
AMOUNT OF FEES	\$	10.00

RHONDA L JONES
 163 MAPLE DR LAKEWOOD
 BEDFORD

PA 15522-6656

DATE 06-07-04 PAGE 1 OF 1

Dear Customer:

Your account, number 9833849293, has been charged for the total value of the following items which were deposited and subsequently returned for the reasons indicated below. As a result of these transactions, your account may now be overdrawn. Please note that any service charges incurred are listed above for your reference. The unpaid items have been forwarded to your office at which you opened your account. If you have any questions, please call your Branch Office or QuickLine at the phone number listed above.

DETAILED LISTING OF RETURNED DEPOSITED ITEMS

DEPOSIT DATE	DOLLAR AMOUNT	REASON FOR RETURN	REFERENCE NUMBER	BANK ROUTING	MAKER INFORMATION
060104	5,850.00	REFER TO ITEM	1100422003	0313-1676	000000005000691

EXHIBIT

C



P.O. BOX 29
CURWENSVILLE, PA 16833

PAY Rhonda Jones
TO THE
ORDER
OF

No. 250811

60-1676
313

DATE 05/12/2006

AMOUNT \$ 500.00

TREASURER'S CHECK

Top of the Line Motors

AUTHORIZED SIGNATURE

Rhonda Jones

M
AUTHORIZED SIGNATURE

** 250811 103131676310 090011 3**

EXHIBIT

H

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

RHONDA L. JONES,

Plaintiff,

v.

JERRY A. MILES and JERRY A. MILES,
JR. AND TOP OF THE LINE MOTORS,
INC.,

Defendants.

COMPLAINT

No. CD

FILED

AUG 31 2004

William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

RHONDA L. JONES,

) NO. 04-1357-C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading: PRAECIPE TO ENTER
DEFALT JUDGMENT

JERRY A. MILES and JERRY A.
MILES, JR. and TOP OF THE LINE
MOTORS, INC.,

) Filed on Behalf of:

Defendants.

) Plaintiff

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.
Supreme Court no. 26331

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) Du Bois, Pa 15801
(814) 371-2730

FILED

OCT 27 2004
6/2:15p
William A. Shaw
Prothonotary

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

RHONDA L. JONES,) NO. 04-1357-C.D.
)
 Plaintiff,)
)
 vs.)
)
 JERRY A. MILES and JERRY A.)
 MILES, JR. and TOP OF THE LINE)
 MOTORS, INC.,)
)
 Defendant.)
)
)

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO WILLIAM A. SHAW, PROTHONOTARY:

Please enter a Default Judgment against the Defendants for failure to file an Answer to Plaintiff's Complaint within twenty days of service of the Complaint and assess damages as follows:

Current Balance	\$	15,250.00
Attorney's Fees		1,500.00
<hr/>		
Total	\$	16,750.00

The undersigned certifies that written notice of intention to file this Praeclipe for Default Judgment in the form attached hereto was mailed to the Defendants Jerry A. Miles and Top of the Line Motors by first class regular mail on October 7, 2004, and to the Defendant Jerry A. Miles, Jr., by first class regular mail on October 8, 2004, as required by Pa. R.C.P. Rule 237.1

Respectfully Submitted,

BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Plaintiffs

Dated: 10-27-04

NOW this 27 day of Oct., 2004, damages are assessed in the amount of \$16,750.00.



William A. Shaw, Prothonotary

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

RHONDA L. JONES,) NO. 04-1357-C.D.
)
 Plaintiff,)
 vs.)
)
 JERRY A. MILES and JERRY A.)
 MILES, JR. and TOP OF THE LINE)
 MOTORS, INC.,)
)
 Defendants.)

NOTICE

DATE OF NOTICE: October 7, 2004

TO: JERRY A. MILES
640 South Brady Street
DuBois PA 15801

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BLAKLEY & JONES

Benjamin S. Blakley, III, Esquire

Attorney for Plaintiff

I.D. # 26331

90 Beaver Drive, Box 6

Du Bois, PA 15801

(814) 371-2730

EXHIBIT

A

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

RHONDA L. JONES,) NO. 04-1357-C.D.
)
 Plaintiff,)
 vs.)
)
 JERRY A. MILES and JERRY A.)
 MILES, JR. and TOP OF THE LINE)
 MOTORS, INC.,)
)
 Defendants.)

NOTICE

DATE OF NOTICE: October 7, 2004

TO: TOP OF THE LINE MOTORS, INC.
640 South Brady Street
DuBois PA 15801

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BLAKLEY & JONES

Benjamin S. Blakley, III, Esquire
Attorney for Plaintiff
I.D. # 26331
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

EXHIBIT

B

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

RHONDA L. JONES,) NO. 04-1357-C.D.
)
 Plaintiff,)
 vs.)
)
 JERRY A. MILES and JERRY A.)
 MILES, JR. and TOP OF THE LINE)
 MOTORS, INC.,)
)
 Defendants.)

NOTICE

DATE OF NOTICE: October 8, 2004

TO: JERRY A. MILES, JR.
640 South Brady Street
DuBois PA 15801

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641

BLAKLEY & JONES

Benjamin S. Blakley, III, Esquire
Attorney for Plaintiff
I.D. # 26331
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730



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

RHONDA L. JONES,

Plaintiff,

v.

JERY A. MILES and JERRY A. MILES,
JR., and TOP OF THE LINE MOTORS,
INC.,

Defendants.

PRAECIPE TO ENTER
DEFAULT JUDGMENT

FILED

OCT 27 2004

William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

RHONDA L. JONES,) NO. 04-1357-C.D.
vs.)
Plaintiff,) Type of Case: CIVIL ACTION
vs.)
JERRY A. MILES and JERRY A.) Type of Pleading: NOTICE OF JUDGMENT
MILES, JR. and TOP OF THE LINE)
MOTORS, INC.,) Filed on Behalf of:
Defendants.) Plaintiff
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

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

RHONDA L. JONES,) NO. 04-1357-C.D.
)
 Plaintiff,)
)
 vs.)
)
 JERRY A. MILES and JERRY A.)
 MILES, JR. and TOP OF THE LINE)
 MOTORS, INC.,)
)
 Defendant.)
)
)

NOTICE OF JUDGMENT

NOTICE is given that JUDGMENT in the above-captioned matter has been entered
against you in the amount of \$16,750.00 on Oct. 27, 2004, 2004.

William A. Shaw, Prothonotary



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

RHONDA L. JONES,

Plaintiff,

v.

JERRY A. MILES and JERRY A. MILES,
JR., and TOP OF THE LINE MOTORS,
INC.,

Defendants.

JUDGMENT

No. 04-1357-C.D.

LAW OFFICES
BLAKLEY & JONES
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Rhonda L. Jones

Plaintiff(s)

No.: 2004-01357-CD

Real Debt: \$16,750.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jerry A. Miles

Entry: \$20.00

Jerry A. Miles Jr.

Top of the Line Motors, Inc.

Defendant(s)

Instrument: Default Judgment

Date of Entry: October 27, 2004

Expires: October 27, 2009

Certified from the record this 27th day of October, 2004

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

In The Court of Common Pleas of Clearfield County, Pennsylvania

JONES, RHONDA L.

VS.

MILES, JERRY A. & JERRY A. MILES JR. & TO OF THE LINE MOTORS INC

COMPLAINT

Sheriff Docket # 16224

04-1357-CD

SHERIFF RETURNS

NOW SEPTEMBER 3, 2004 AT 9:50 AM SERVED THE WITHIN COMPLAINT ON JERRY A. MILES, DEFENDANT AT EMPLOYMENT, 640 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: NEVLING/DEHAVEN

NOW SEPTEMBER 3, 2004 AT 9:50 AM SERVED THE WITHIN COMPLAINT ON JERRY A. MILES, JR., DEFENDANT AT EMPLOYMENT, 640 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES JR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: NEVLING/DEHAVEN

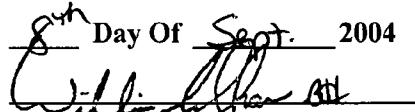
NOW SEPTEMBER 3, 2004 AT 9:50 AM SERVED THE WITHIN COMPLAINT ON TOP OF THE LINE MOTORS INC., DEFENDANT AT EMPLOYMENT, 640 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES JR. P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: NEVLING/DEHAVEN

Return Costs

Cost	Description
44.62	SHERIFF HAWKINS PAID BY: ATTYCK# 4307
30.00	SURCHARGE PAID BY: ATTY CK# 4308

Sworn to Before Me This

8th Day Of Sept. 2004


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins
Sheriff

FILED
012:59 AM
SEP 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

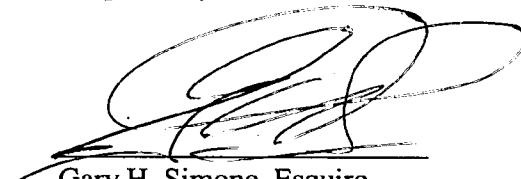
RHONDA L. JONES	:	Case No. 04-01357-CD
Plaintiff	:	
	:	
V.	:	
	:	
JERRY A. MILES and JERRY A.	:	
MILES, JR. and TOP OF THE LINE	:	
MOTORS, INC.,	:	
Defendants	:	

**PRAECIPE TO DOCKET BANKRUPTCY
LIEN AVOIDANCE ORDER**

TO: The Prothonotary:

Kindly note at the above docket number the Bankruptcy Court Order dated April 6, 2005 avoiding the lien of Rhonda L. Jones in this matter as it pertains to Jerry A. Miles, Jr. A copy of said Order is attached hereto.

Respectfully submitted,



Gary H. Simone, Esquire
RISHOR SIMONE
Suite 208, 101 E. Diamond Street
Butler, PA 16001
(724) 283-7215
PA I.D. #43955

FILED
M 1 3387 NO C
APR 25 2005
HAD
William A. Shaw
Prothonotary/Clerk of Courts

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JERRY A. MILES, JR.	:	Bankruptcy No.: 04-34143 BM
Debtor,	:	
JERRY A. MILES, JR.	:	Chapter 7
Movant,	:	Document No.: 13
vs.	:	
CHARLES E. RITZIE, MARY F. RITZIE, a/k/a MARY FRANCES RITZIE, LYNN A. MYERS, KATHI J. MYERS, DONALD R. FEZELL, ROBERT J. KROELL, JOAN KROELL, TIMOTHY R. WELKER, MELISSA A. WELKER, NEIL R. WELKER, RHONDA L. JONES and JAMES R. WALSH, Chapter 7 Trustee	:	
Respondents	:	

Default
ORDER OF COURT

AND NOW this 6th day of April, 2005, upon due consideration of the
Debtor's Motion to Avoid Liens Impairing Debtor's Exemption,

IT IS HEREBY ORDERED:

Said Motion is granted. The following judgment liens entered in the Court of Common
Pleas of Clearfield County, Pennsylvania are hereby avoided in their entirety thereby canceling
said liens and releasing from same the Debtor's residential property located at 1425 Treasure
Lake, DuBois, Pennsylvania, 15801:

Charles E. Ritzie and Mary F.
Ritzie, a/k/a Mary Frances

October 27, 2004

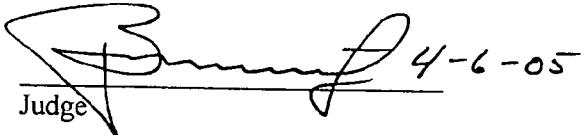
2004-1358 CD

\$50,150.00

Ritzie

Lynn A. Myers and Kathi J. Myers	October 28, 2004	2004-1426 CD \$18,643.62
Donald R. Fezell	October 27, 2004	2004-1433 CD \$48,500.00
Robert J. Kroell and Joan Kroell	October 18, 2004	2004-1374 CD \$55,000.00
Timothy R Welker, Melissa A. Welker and Neil R. Welker	August 26, 2004	2004-01326 CD \$60,500.00
Neil R. Welker and Timothy R. Welker	August 26, 2004	2004-03125 CD \$93,500.00
Rhonda L. Jones	October 24, 2004	2004-1357 CD \$16,700.00

By the Court,



4-6-05

Judge

FILED

APR 6 2005

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. JONES	:	Case No. 04-01357-CD
Plaintiffs	:	
	:	
V.	:	
	:	
JERRY A. MILES and JERRY A.	:	
MILES, JR. and TOP OF THE LINE	:	
MOTORS, INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Gary H. Simone, Esquire, hereby certify that a true and correct copy of the Praeclipe to Docket Lien Avoidance was sent by United States Mail, postage prepaid, to the following:

Benjamin S. Blakely, III, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Date: 4.19.05



Gary H. Simone, Esquire
RISHOR SIMONE
Suite 208, 101 E. Diamond
Butler, PA 16001
(724) 283-7215
PA I.D. 43955

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

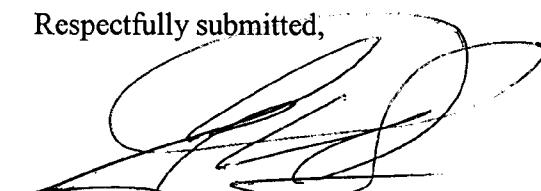
RHONDA L. JONES : Case No. 04-01357-CD
Plaintiff :
:
v. :
:
JERRY A. MILES and JERRY A. :
MILES, JR. and TOP OF THE LINE :
MOTORS, INC., :
Defendants :
:

**PRAECIPE TO DOCKET BANKRUPTCY
LIEN AVOIDANCE ORDER**

TO: The Prothonotary:

Kindly note at the above docket number the Bankruptcy Court Order dated April 6, 2005 avoiding the lien of Rhonda L. Jones in this matter as it pertains to Jerry A. Miles, Sr. A copy of said Order is attached hereto.

Respectfully submitted,



Gary H. Simone, Esquire
RISHOR SIMONE
Suite 208, 101 E. Diamond Street
Butler, PA 16001
(724) 283-7215
PA I.D. #43955

FILED
mjl:3361
APR 25 2005
X-1
William A. Shaw
Prothonotary/Clerk of Courts

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JERRY A. MILES, JR.	:	Bankruptcy No.: 04-34143 BM
Debtor,	:	
JERRY A. MILES, JR.	:	Chapter 7
Movant,	:	Document No.: 13
vs.	:	
CHARLES E. RITZIE, MARY F. RITZIE, a/k/a MARY FRANCES RITZIE, LYNN A. MYERS, KATHI J. MYERS, DONALD R. FEZELL, ROBERT J. KROELL, JOAN KROELL, TIMOTHY R. WELKER, MELISSA A. WELKER, NEIL R. WELKER, RHONDA L. JONES and JAMES R. WALSH, Chapter 7 Trustee	:	
Respondents	:	

Default
ORDER OF COURT

AND NOW this 6th day of April, 2005, upon due consideration of the
Debtor's Motion to Avoid Liens Impairing Debtor's Exemption,

IT IS HEREBY ORDERED:

Said Motion is granted. The following judgment liens entered in the Court of Common
Pleas of Clearfield County, Pennsylvania are hereby avoided in their entirety thereby canceling
said liens and releasing from same the Debtor's residential property located at 1425 Treasure
Lake, DuBois, Pennsylvania, 15801:

Charles E. Ritzie and Mary F.
Ritzie, a/k/a Mary Frances

October 27, 2004

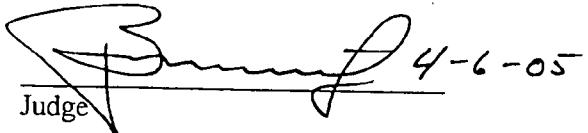
2004-1358 CD

\$50,150.00

Ritzie

Lynn A. Myers and Kathi J. Myers	October 28, 2004	2004-1426 CD \$18,643.62
Donald R. Fezell	October 27, 2004	2004-1433 CD \$48,500.00
Robert J. Kroell and Joan Kroell	October 18, 2004	2004-1374 CD \$55,000.00
Timothy R Welker, Melissa A. Welker and Neil R. Welker	August 26, 2004	2004-01326 CD \$60,500.00
Neil R. Welker and Timothy R. Welker	August 26, 2004	2004-03125 CD \$93,500.00
Rhonda L. Jones	October 24, 2004	2004-1357 CD \$16,700.00

By the Court,



4-6-05

Judge

FILED

APR 6 2005

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

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

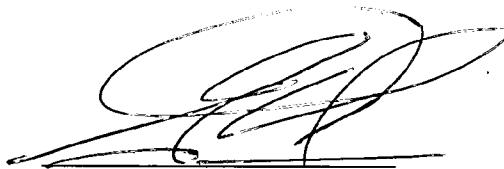
RHONDA L. JONES	:	Case No. 04-01357-CD
Plaintiffs	:	
	:	
V.	:	
	:	
JERRY A. MILES and JERRY A.	:	
MILES, JR. and TOP OF THE LINE	:	
MOTORS, INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Gary H. Simone, Esquire, hereby certify that a true and correct copy of the Praeclipe to Docket Lien Avoidance was sent by United States Mail, postage prepaid, to the following:

Benjamin S. Blakely, III, Esquire
90 Beaver Drive, Box 6
DuBois, PA 15801

Date: 4/19/05



Gary H. Simone, Esquire
RISHOR SIMONE
Suite 208, 101 E. Diamond
Butler, PA 16001
(724) 283-7215
PA I.D. 43955