DOCKET NO. 174

NUMBER	TERM	YEAR
128	September	1961

A. G. Hamrick

VERSUS

Frank Piper

A. G. Hamrick

VERSUS

Frank Piper

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

No. 128 Term Sept 1961

To Carl E. Walker

Prothonotary.

Sir: ~~Enter~~ appearance for

mark the above case discontinued upon payment of costs by plaintiff —

in ~~above case.~~

Attorney for Plaintiff

No.____ Term _____ 19____

vs.

APPEARANCE

For _____

2 Cert of Docs

FILED
APR 24 1962
CARL E. WALKER
PROTHONOTARY

2.00

In tthe Court of Common Pleas of Clearfield County, Pa.

Ag Hamrick — No 128 Sept Term 1961
vs
Frank Piper — Complaint In Trespess

* * * * * * ** ** ** * * * *** ** * * * * * * * * * *

(Sheriffs Return)

Now, October 7,1961 deputized the Sheriff Of Westmoreland County to serve the within Complaint In Trespess on Frank Piper.

Now, October 16 , 1961 served the within Complaint In Trespess on Frank Piper by deputizing theSheriff on Westmoreland County. The return of service of Alex W. Copeland Sheriff Of Westmoreland County is hereto attached and made part of this return of service.

Costs Sheriff Ammerman $ 7.50
Sheriff Of Westmoreland County $12.10
(Paid by Atty Lee)

So Answers.
Charles G. Ammerman
Sheriff

Sworn to before me this 18th
day of October 1961 A.D.
Wm. T. Hagerty
Prothonotary.

FILED
NOV-6 1961
WM. T. HAGERTY
PROTHONOTARY

Know all men by these Presents, That I, Charles G. Ammerman

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of Alex W. Copeland Westmoreland County to execute this writ; this deputation being made at the request and risk of the Plaintiff.

Given under my hand and seal this 7th day of October A. D. 19 61.

Charles G. Ammerman Sheriff.

Affidavit of Service

Now, October 16, 19 61, at 10:00 o'clock A. M. served

the within COMPLAINT IN TRESPASS

upon FRANK PIPER

at Junction Route #22h & #66, Salem Township, Westmoreland County, Pennsylvania

by handing to him personally

a certified copy of the original COMPLAINT

and made known to him the contents thereof.

Received from Attorney $ 12.10, being Sheriff Copeland $11.10 and Prothonotary $1.00.

So answers.

Alex W. Copeland

Sheriff of Westmoreland County, Pa.

Sworn and subscribed before me

this 17th *day of* October, *19*61.

Leo Sukala

Prothonotary
Westmoreland County, Pa.

Clearfield Co.

No. 128 September Term, 1961

G. Hamrick

vs

Frank Piper

In the Court of Common Pleas of Clearfield County, Pennsylvania,

A. G. HAMRICK

versus

FRANK PIPER

No. 128, September Term, 1961

Trespass

To Prothonotary of said Court, Sir:

Enter my appearance for the defendant in the above captioned case.

Date October 20, 1961

Dan R. Arnold

Attorney for defendant

IN THE

Court of Common Pleas

OF

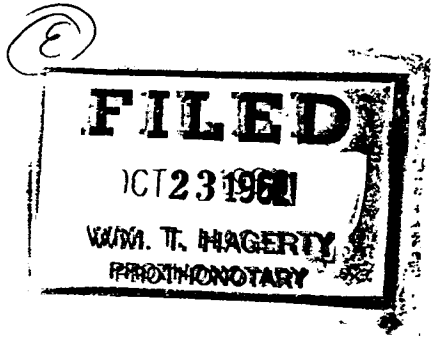
Clearfield County, Pennsylvania

No. 128, September Term, 1961

A. G. HAMRICK

versus

FRANK PIPER



DAN P. ARNOLD
ATTORNEY AT LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No 128 September Term, 1961
Trespass

A.G. HAMRICK

VS

FRANK PIPER

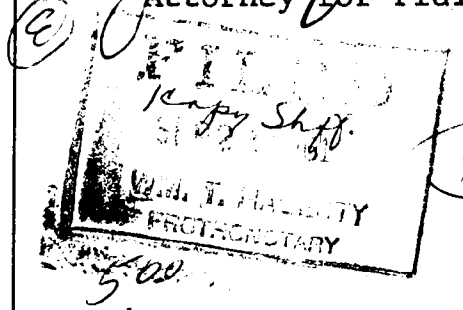
C O M P L A I N T

TO THE WITHIN NAMED DEFENDANT:

You are hereby notified to answer to the within Complaint within 20 days of service hereof.

Joseph J. Lee
Attorney for Plaintiff

(E)



(496)

JOSEPH J. LEE
ATTORNEY-AT-LAW
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

A.G. HAMRICK :
:
VS : No. 128 September Term, 1961
:
FRANK PIPER : Trespass

C O M P L A I N T

COMES NOW, the plaintiff, and by his attorney, Joseph J. Lee, brings this action against the defendant upon a cause whereof the following is a statement:

(1). Plaintiff is A.G. Hamrick.

(2). The defendant is Frank Piper of West Pittsburgh Street, Westmoreland County, Delmont, Pennsylvania.

(3). On or about March 13, 1959 plaintiff was the owner of a 1954 model DeSoto four-door Firedome automobile.

(4). On the same date the defendant was the operator of a 1958 model Ford station wagon automobile.

(5). At or about 4:45 P.M. on the date and date above referred to the plaintiff was travelling in a westerly direction on Route 322 at a point approximately one mile east of the Borough limits and had with him two passengers.

(6). The plaintiff, at said point, approached a dirt road intersecting Route 322 on its south side and the plaintiff, after observing the highway ahead of him and seeing that he could turn off onto said dirt road for the purpose of discharging a passenger at a point along said dirt road, turned left therein and as he proceeded into the dirt road he was forced to bring his vehicle to a halt because the way ahead of him was blocked by a truck and a car ahead of the truck which was stuck in the snow - thus leaving a portion of the plaintiff's vehicle on the travelled portion of the east bound lane of Route 322.

(7). The plaintiff, while in this position, and being unable to go either forward or in reverse due to traffic travelling on the west bound lane of Route 322 and the dirt road being blocked ahead of him by said truck, observed the defendant's vehicle bearing down on him from his, the plaintiff's right on the east bound lane of Route 322.

(8). The defendant, while the plaintiff was in this predicament, proceeded along Route 322 in an easterly direction, and although he could have stopped his vehicle in time to avoid striking the plaintiff's vehicle had he been observant and had he had the same under proper control, the defendant nevertheless continued to drive his vehicle directly into the right side of the plaintiff's vehicle causing extensive damage thereto.

(9). The defendant was negligent in that:

(a). He failed to keep a proper lookout ahead of him as he drove on a congested highway.

(b). He failed to have his car under proper control under the circumstances.

(c). He failed to observe the plaintiff's vehicle in its position of vulnerability.

(d). He continued to drive his vehicle directly into the plaintiff's vehicle although if he had been looking he could have stopped the same before colliding therewith.

(e). He failed to apply his brakes in sufficient time in order to avoid the collision after observing the plaintiff's position of peril.

(f). He violated the provisions of the Motor Vehicle Code in such case made and provided.

(10). As the result of the defendant's negligence as aforesaid, the plaintiff's vehicle was damaged to such an extent that

the same was a total loss.

(11). Immediately prior to the accident the plaintiff's vehicle had a value of $625.00, and immediately after the accident the same had a value of $150.00.

WHEREFORE, the plaintiff avers that the defendant is indebted to him in the amount of $475.00.

Attorney for Plaintiff

STATE OF Virginia :
:SS
COUNTY OF Mont. :

A.G. HAMRICK, being duly sworn according to law, deposes and says that the facts set forth in the within Complaint are true and correct to the best of his knowledge, information and belief.

A. G. Hamrick
(A.G. Hamrick)

Subscribed and sworn to before
me this 16th day of September, 1961.

B W Kapperly

My Comm. Expires 7-5-65