

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

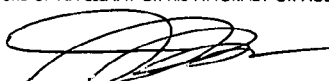
DISTRICT JUSTICE JUDGMENT

46th

COMMON PLEAS No. 04-1386-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT <u>M.E. Jones Hearing Instruments</u>		MAG. DIST. NO. OR NAME OF D.J. <u>Patrick N. Ford</u>	
ADDRESS OF APPELLANT <u>101 North Mains Street</u>	CITY <u>DuBouis</u>	STATE <u>PA</u>	ZIP CODE <u>15801</u>
DATE OF JUDGMENT <u>8-9-04</u>	IN THE CASE OF (Plaintiff) <u>William J. Kaizer</u> vs. <u>M.E. Jones Hearing</u> (Defendant)		
CLAIM NO. <u>CV 19 0000253-04</u> <u>LT 19</u>	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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.

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.

Signature of Prothonotary or Deputy

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 William J. Kaizer, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 04-1386-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To William J. Kaizer, 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: _____, 19____.

Signature of Prothonotary or Deputy

FILED

0 3:30 BA pl 85.00
Copies to Def.

SEP 07 2004

William A. Shaw
Prothonotary

COURT FILE TO BE FILED WITH PROTHONOTARY

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on
_____, 19____ ☐ 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 _____, 19____, ☐ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	46-3-01
DJ Name: Hon.	PATRICK N. FORD
Address:	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA
Telephone: (814)	371-5321 15801

**M.E. JONES HEARING
101 N MAIN STREET
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
**KAIZER, WILLIAM J
330 GREENWOOD CEMETERY RD
DUBOIS, PA 15801**

VS.

DEFENDANT: NAME and ADDRESS
**M.E. JONES HEARING
101 N MAIN STREET
DUBOIS, PA 15801**

Docket No.: **CV-0000253-04**
Date Filed: **5/27/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **KAIZER, WILLIAM J**

☒ Judgment was entered against: (Name) **M.E. JONES HEARING**

in the amount of \$ **2,061.00** on: (Date of Judgment) **8/09/04**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <u>1,975.00</u>
Judgment Costs	\$ <u>86.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>2,061.00</u>
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.

89-04 Date **Patrick N. Ford - PNF**, District Justice

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

_____, Date _____, District Justice

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

SEAL

0516 989E 4000 0E02 2002

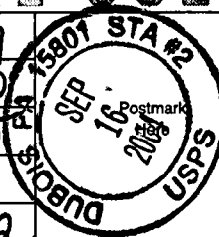
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.72
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42



Sent To	William J. Kaizer
Street, Apt. No., or PO Box No.	330 Greenwood Cemetery Rd
City, State, ZIP+4	DuBois PA 15801

PS Form 3800, June 2005

See Reverse for Instructions

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)
102595-02-M-1692

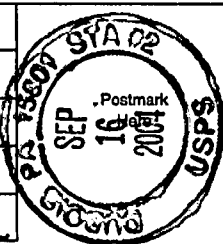
7002 2030 0006 3806 2176

CERTIFIED MAIL RECEIPT
(Certified Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42



Sent To Patrick N. Ford
Street, Apt. No.,
or PO Box No. 309 Maple Ave
City, State, ZIP+4 DuBois PA 15801

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)
102595-02-M-1692

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

NOTICE OF APPEAL

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

NAME OF APPELLANT

MAG. DIST. NO. OR NAME OF D.J.

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

CLAIM NO.

VS

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV 19

LT 19

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

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

Signature of Prothonotary or Deputy

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

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

Name of appellee(s)

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

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).

Name of appellee(s)

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

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

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

Date: _____, 19____.

Signature of Prothonotary or Deputy

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

SEP 07 2004

Attest.

Prothonotary/
Clerk of Courts

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 04-1386-CD, upon the District Justice designated therein on (date of service) 9-15-04, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) William Keizer, on 9-15, 1904 ☐ 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 9-15, 1904 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

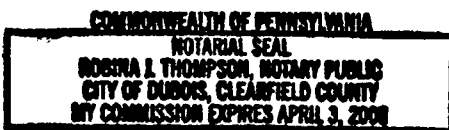
THIS 15th DAY OF September, 2004.

Robina L. Thompson
Signature of official before whom affidavit was made

Notary Public
Title of official

My commission expires on _____, 19____

[Signature]
Signature of affiant



FILED [Signature]

SEP 17 2004

William A. Shaw
William A. Shaw

Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**
DJ Name: Hon.
PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

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

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **KAIZER, WILLIAM J**
330 GREENWOOD CEMETERY RD
DUBOIS, PA 15801

VS.
DEFENDANT: **M.E. JONES HEARING**
101 N MAIN STREET
DUBOIS, PA 15801

Docket No.: **CV-0000253-04**
Date Filed: **5/27/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **KAIZER, WILLIAM J**

☒ Judgment was entered against: (Name) **M.E. JONES HEARING**

in the amount of \$ **2,061.00** on: (Date of Judgment) **8/09/04**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

FILED
SEP 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 1,975.00
Judgment Costs	\$ 86.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,061.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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

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

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

8-9-04 Date **Patrick N. Ford - PNF**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
_____, Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**

DJ Name: Hon.
PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA 15801
Telephone: **(814) 371-5321**

CIVIL COMPLAINT

PLAINTIFF: *William J. Kager* NAME and ADDRESS: *330 Greenwood Cemetery Rd. DuBois PA 15801*

VS.
DEFENDANT: *M. E. Jones Hearing* NAME and ADDRESS: *101 N. MAIN STREET DuBois PA 15801*

Docket No.: *CV-253-04*
Date Filed: *5-27-04*



	AMOUNT	DATE PAID
FILING COSTS	\$ <i>86.00</i>	<i>5/27/04</i>
POSTAGE	\$ _____	<i>/ /</i>
SERVICE COSTS	\$ _____	<i>/ /</i>
CONSTABLE ED.	\$ _____	<i>/ /</i>
 TOTAL	\$ _____	<i>/ /</i>

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 \$ *79600.00* together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

I bought hearing aids. From M.E. Jones Hearing. Richard Kerster was the Seller. I tried them + kept getting adjusted. They did not work so I told him I wanted my money back.

I, *William J. Kager* 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.

William J. Kager
(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.

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

WILLIAM J. KAIZER,

PLAINTIFF,

v.

M. E. JONES HEARING INSTRUMENTS,

DEFENDANT.

:

:

No. 04- 1386 -CD

:

:

Type of Pleading:

:

CIVIL COMPLAINT

:

:

Filed By:

:

Plaintiff

:

:

Counsel of Record:

:

Theron G. Noble, Esquire

:

Ferraracio & Noble

301 East Pine Street

Clearfield, PA 16830

:

(814)-375-2221

PA I.D.#: 55942

:

FILED *cc*
m/11:45 AM
OCT 06 2004

William A. Smith
Prothonotary Clerk of Courts

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

WILLIAM J. KAIZER,)	
)	
PLAINTIFF,)	
)	No. 04- <u>1386</u> -CD
v.)	
)	
M. E. JONES HEARING INSTRUMENTS,)	
)	
DEFENDANT.)	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE , GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholick, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

WILLIAM J. KAIZER,)	
)	
PLAINTIFF,)	
)	No. 04- <u>1386</u> -CD
v.)	
)	
M. E. JONES HEARING INSTRUMENTS,)	
)	
DEFENDANT.)	

CIVIL COMPLAINT

NOW COMES the Plaintiff, William J. Kaizer, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his CIVIL COMPLAINT:

The Parties

1. Plaintiff is William J. Kaizer, an adult individual, who does, and at all material times did reside at 330 Greenwood Cemetery Road, DuBois, Clearfield County, Pennsylvania.
2. Defendant is M. E. Jones Hearing, a business entity with current address of 101 N. Main Street, DuBois, Clearfield County, Pennsylvania.

Background Information

3. That in the fall of 2002, Mr. Kaizer responded to a solicitation from Defendant to have his hearing tested.
4. That a Richard Kerstetter, at that time an employee of Defendant's, who was known to Mr. Kaizer, came to the Kaizer residence and performed some sort of diagnostic test on Mr. Kaizer's hearing.
5. Following the hearing examination, Mr. Kerstetter informed Mr. Kaizer that he needed devices to augment his hearing and recommended a pair of devices, better known as hearing aids, the cost of which was \$3,000.

6. Mr. Kaizer requested a cheaper pair, but defendant's employee insisted that Mr. Kaizer needed the pair costing the \$3,000.
7. Mr. Kerstetter said that defendant would give a \$400 "family" discount and that Mr. Kaizer's insurance would pay \$400 towards the purchase, leaving a balance of \$2,200.
8. At the time Mr. Kaizer agreed to purchase, being on or about November 14, 2002, the hearing aids set forth above, he was told that he could return the hearing aids, within thirty (30) days if he was not satisfied with them. Attached hereto as Exhibit "A", is a true and correct copy of the contract which Mr. Kerstetter gave to Mr. Kaizer at the time of the purchase.
9. Within the thirty day period, Mr. Kaizer called the defendant and said that he desired to return the hearing aids and receive his money back.
10. That defendant did not respond to his call until after the thirty day period had expired and when defendant did respond, Mr. Kerstetter came to Mr. Kaizer's home and adjusted the hearing aids.
11. That following numerous adjustments on the original pair of hearing aids and despite Mr. Kaizer's insistence that defendant take back the hearing aids and return his money, defendant gave Mr. Kaizer another set of hearing aids.
12. Defendant gave another set of hearing aids to Mr. Kaizer, claiming this pair was worth \$5,000, for no additional money, after Mr. Kaizer had returned the original pair to defendant insisting upon the return of his purchase money.
13. Mr. Kaizer no more desired the second pair of hearing aids than he did the first and following a similar pattern of complaints, gave the second pair back to the defendant and insisted upon the return of his purchase money.
14. That at this point, defendant has Mr. Kaizer's money and each pair of hearing aids and has returned neither the purchase money nor Mr. Kaizer's calls or responded back to his letter.

Count I: Breach of Contract

15. That the averments of paragraphs 1 - 14, inclusive, are hereby incorporated as if again fully set forth at length.
16. That despite the written and oral assurances of defendant that if Mr. Kaizer was not happy with the hearing aids and returned them within thirty (30) days, defendant would give back to

Mr. Kaizer his purchase money, defendant has done as such.

17. Mr. Kaizer indicated his desire to return the hearing aids back within the thirty (30) days period following the original purchase but defendant refused to do as it had informed Mr. Kaizer it would do, that is return his purchase money to him.

18. To this day, Mr. Kaizer has paid money for hearing aids, which he does not have, and defendant has kept his purchase money, refusing to return it to him as promised and as agreed upon.

WHEREFORE, Plaintiff requests that JUDGMENT be entered in his favor and against defendant in the sum of \$2,200, plus interest and costs of suit.

Count II: Unfair Trade Practice

19. That the averments of paragraphs 1 - 18, inclusive, are hereby incorporated as if again fully set forth at length.

20. That the actions of defendant are in violation of 73. Pa.C.S.A. 201-2(xiv), failure to carry out terms of written guarantee in that defendant guaranteed that if Mr. Kaizer was not happy with the hearing aids he could return them within thirty (30) days and receive back his money.

21. Despite Mr. Kaizer indicating his desire to so return the devices and receive back his money within the thirty day period, defendant has refused to give Mr. Kaizer back his money.

22. That upon information and belief, defendant engaged in this matter in a pattern similar to what it has in numerous other situations, which is to "stall" beyond the thirty (30) day period, by performing a series of maneuvers, which includes "adjusting" the hearing devices, giving another pair of higher priced devices and not returning phone calls all with the intent to escape the thirty day return period.

23. That upon information and belief, defendant has been sanctioned by the Courts through the Office of the Attorney General for violations of Pennsylvania's Unfair Trade Practices Act for exactly this type of behavior and is currently facing a contempt citation for still doing as such.

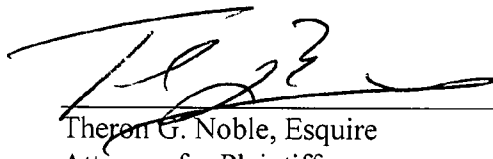
24. That this qualifies as a private action under said act and Mr. Kaizer, pursuant to said act is entitled to further compensation as therein provided.

Miscellaneous

- 25. That venue is proper.
- 26. That jurisdiction is proper.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, in an amount less than \$20,000, together with costs and interest.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

M.E. JONES HEARING INSTRUMENTS

MARK E. JONES, Dealer
101 N. Main Street
P.O. Box 686
DuBois, Pennsylvania 15801
Phone 814-371-6401 or 1-800-223-3341

DISCLOSURE AGREEMENT

NAME William Kaizer AGE 65
ADDRESS RD 3 Box 235 PHONE (814) 371 1769
CITY DuBois STATE PA ZIP 15801

I MAY RETURN THIS (THESE) HEARING INSTRUMENT (S) TO THE COMPANY WITHIN THIRTY (30) DAYS OF DELIVERY. THEY MUST BE RETURNED IN THE SAME CONDITION AS DELIVERED TO ME LESS NORMAL WEAR AND TEAR. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR FEES IN CONNECTION WITH THIS (THESE) HEARING INSTRUMENT (S). I WILL RECEIVE A REFUND WITHIN THIRTY (30) DAYS OF THE RETURN OF THIS HEARING INSTRUMENT (S) OF THE TOTAL MONIES PAID LESS THE FEES OUTLINED BELOW.

RIGHT INSTRUMENT	LEFT INSTRUMENT
CANCELLATION \$ <u>109.50</u>	CANCELLATION \$ <u>109.50</u>
FITTING/DISPENSING \$ <u>170</u>	FITTING/DISPENSING \$ <u>170</u>
IMPRESSION FEE \$ <u>35</u>	IMPRESSION FEE \$ <u>35</u>
TOTAL \$ <u>314.50</u>	TOTAL \$ <u>314.50</u>

I HAVE READ AND UNDERSTAND THIS STATEMENT AND ANY QUESTIONS I HAD ABOUT IT WERE ANSWERED TO MY SATISFACTION.

William Kaizer
CUSTOMER'S SIGNATURE

11/14/02
DATE

[Signature]
REGISTRANT'S SIGNATURE

11/14/02
DATE

Exhibit "A"

M.E. JONES HEARING INSTRUMENTS

MARK E. JONES Dealer

101 N. Main Street

P.O. Box 686

DuBois, Pennsylvania 15801

Phone: 814-371-6401 or 1-800-223-3341

Date: 11/14/02

Name: William Kaizer Age: 65

Address: Rt 3 Box 235 Phone: (814) 371 1769

City: DuBois State: PA

Zip Code: 15801 County: _____ New ☒ Used _____ Reconditioned _____

Manufacturer _____ Model _____ Active Side _____ Serial Number(s) _____ Battery Size _____ Access _____

MSE AUTO CANAL RT CLASS D

MSE AUTO CANAL RT CLASS D

Full Hearing Aid Price 3000

Includes Impression Fee 70 Fitting & Dispensing Fee 300

..... FAM Dis 400

Subtotal 2600

Down Payment 400 2200

Balance Due 4266 8499 7412 2936 4400

..... 6/11/05 1000/305850 8400 to AC

..... 9/21/02 MSE 50mm PA. By [Signature]

GUARANTEE

M.E. JONES HEARING INSTRUMENTS GUARANTEES EACH OF ITS HEARING AIDS AGAINST ANY DEFECT IN MATERIAL OR WORKMANSHIP FOR A PERIOD OF Two YEAR(S) FROM DATE OF PURCHASE. ALL NECESSARY REPAIRS AND REPLACEMENTS, NOT INCLUDING BATTERIES OR CORD, WILL BE MADE PROMPTLY AND WITHOUT CHARGE DURING THE GUARANTEE PERIOD WHEN RETURNED TO THIS OFFICE OR OTHER AUTHORIZED AGENT. THIS DOES NOT APPLY TO DAMAGE RESULTING FROM ACCIDENT, UNAUTHORIZED ALTERATION, MISUSE OR ABUSE TO HEARING AID; OR CORROSION CAUSED BY DEFECTIVE BATTERIES OR CELLS.

IF THE INSTRUMENT OR ADJUSTMENT TO THE INSTRUMENT IS ALTERED BY ANYONE OTHER THAN AN AGENT FOR M.E. JONES HEARING INSTRUMENTS, ALL WARRANTIES WILL BE IMMEDIATELY VOIDED.

IF YOUR RIGHTS ARE VIOLATED, YOU MAY CONTACT THE STATE BUREAU OF CONSUMER PROTECTION OR THE PENNSYLVANIA DEPARTMENT OF HEALTH IN HARRISBURG, OR YOUR LOCAL DISTRICT ATTORNEY.

THE PURCHASER HAS BEEN ADVISED AT THE OUTSET OF HIS RELATIONSHIP WITH THE HEARING AID DEALER THAT ANY EXAMINATION OR REPRESENTATION MADE BY A REGISTERED HEARING AID DEALER AND FITTER IN CONNECTION WITH THE PRACTICE OF FITTING AND SELLING OF THIS HEARING AID, IS NOT AN EXAMINATION, DIAGNOSIS, OR PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS COMMONWEALTH AND THEREFORE MUST NOT BE REGARDED AS MEDICAL OPINION.

THIS HEARING AID SHALL REMAIN THE PROPERTY OF M.E. JONES HEARING INSTRUMENTS UNTIL PAID IN FULL.

I HAVE BEEN GIVEN THE USER INSTRUCTION BOOKLET AND HAVE ORALLY REVIEWED IT AND HAVE HAD THE OPPORTUNITY TO READ THE STATEMENT OF FDA WAIVER (). I, THE USER HAVE NOT IN ANY WAY BEEN ENCOURAGED TO WAIVER A MEDICAL EVALUATION ().

☐ IN THE HOME FITTINGS-- YOU THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

This 14 Day of _____ year 02 Purchaser: _____

In presence of: _____

Countersigned: _____ Co-purchaser: _____

Consultant and Registration Number: _____

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

WILLIAM J. KAIZER,

PLAINTIFF,

v.

M. E. JONES HEARING INSTRUMENTS,

DEFENDANT.

:

:

No. 04- 1386 -CD

:

:

Type of Pleading:

:

VERIFICATION

:

:

Filed By:

:

Plaintiff

:

:

Counsel of Record:

:

Theron G. Noble, Esquire

:

Ferraracio & Noble

:

301 East Pine Street

:

Clearfield, PA 16830

:

(814)-375-2221

:

PA I.D.#: 55942

FILED
m/11:29/04
OCT 12 2004

EBK
NO
CC

W. J. Jones
Prothonotary Clerk of Court

William J. Kaizer
William J. Kaizer Plaintiff

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

WILLIAM J. KAIZER,

PLAINTIFF,

v.

M. E. JONES HEARING INSTRUMENTS,

DEFENDANT.

No. 04- 1386 -CD

Type of Pleading:

PRAECIPE TO ENTER
JUDGMENT BY DEFAULT

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
*M. 2/16/04 Noted by
Attorney*

NOV 10 2004

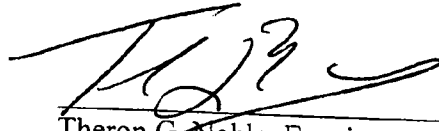
Prothc

))))))))

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221 (DuBois)
PA I.D.#: 55942

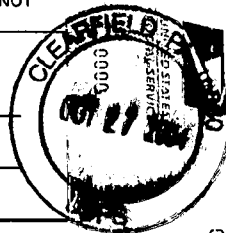
Exhibit "A"

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221 (DuBois)
PA I.D.#: 55942

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER			
Received From:		THERON G. NOBLE, Esq.	
		Ferraraccio & Noble	
		301 East Pine St.	
		Clearfield, PA 16830	
		(814)-375-2221	
One piece of ordinary mail addressed to:			
<i>M.E. Jones Hearing Instrum.</i>			
<i>101 N. Main St.</i>			
<i>Om Bois, PA 15801</i>			



U.S. POSTAGE
CLEARFIELD, PA
16830
OCT 21 1983
\$0.90
00068283-07
AMOUNT

PS Form 3817, Mar. 1989

* U.S.GPO:1991-0-282-404/2574

Exhibit "B"

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

William A. Shaw

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

William J. Kaizer
Plaintiff(s)

No.: 2004-01386-CD

Real Debt: \$2,200

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

M. E. Jones Hearing Instruments
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 12, 2004

Expires: November 12, 2009

Certified from the record this 12th day of November, 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, CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)**

WILLIAM J. KAIZER,

PLAINTIFF,

v.

M. E. JONES HEARING,

DEFENDANT.

No. 04- 1386 -CD

PRAECIPE FOR WRIT OF EXECUTION

To: Clearfield County Prothonotary

Date: December 2, 2004

Kindly issue a Writ of Execution in the above captioned matter directed to the Sheriff
of Clearfield County, Pennsylvania, as follows:

1. Index this Writ against:

M. E. Jones Hearing;

2. Property owned by these defendants is as follows:

Any personal property located at the defendant's place of business, being 101 North
Main Street, DuBois, Clearfield County, Pennsylvania;

3. Amount Due:

(i) Balance.....	\$2,200.00
(ii) Interest (from date of judgment).....	\$ to be added
(iii) Costs of Suit.....	<u>\$ to be added</u>

Preliminary Total.....\$2,200.00

Final Total.....\$


125.00 Prothonotary costs

FILED
m/2:37/04
DEC 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

Ebk
Att'y pd
20.00
10096
Writs to
Sheriff

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221 (DuBois)
PA I.D.#: 55942

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

Copy

WRIT OF EXECUTION

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against M.E. Jones Hearing, Defendant,

- (1) you are directed to levy upon the personal property of the defendant and sell his interest therein;
- (2) you are also directed to attach the property of the defendant not levied upon in the possession of _____ (garnishee), and to notify the garnishee that
 - (a) an attachment has been issued;
 - (b) the garnishee is enjoined from paying any debt to or for account of the defendant and from delivering any of the property of the defendant or otherwise disposing thereof;
- (3) if the property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount Due.....\$2,200.00
Interest from November 12, 2004.....\$ to be added
Costs of Suit.....\$ to be added
125.00 Prothonotary costs

William A. Shaw, Prothonotary

Seal of the Court

By: William A. Shaw
~~Deputy~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20051
NO: 04-1386-CD

PLAINTIFF: WILLIAM J. KAIZER
vs.
DEFENDANT: M. E. JONES HEARING

Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 12/03/2004

LEVY TAKEN 02/01/2005 @ 11:53 AM

POSTED 03/08/2005 @ 1:30 PM

SALE HELD 03/18/2005

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 09/14/2005

DATE DEED FILED **NOT SOLD**

FILED
02:19:01
SEP 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

02/01/2005 @ 11:53 AM SERVED M. E. JONES HEARING

SERVED M. E. JONES HEARING, DEFENDANT, AT 101 NORTH MAIN STREET, BY HANDING TO JERRY PANNETTE, CO-OWNER.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

03/08/2005 @ 1:30 PM SERVED M. E. JONES HEARING

SERVED M. E. JONES HEARING, DEFENDANT, AT 101 NORTH MAIN STREET, BY HANDING TO JERRY PANNETTE, CO-OWNER

A NOTICE OF SALE AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

@ SERVED

NOW, MARCH 18, 2005 RECEIVED A LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF'S SALE.

@ SERVED

NOW, APRIL 19, 2005 RECEIVED A LETTER FROM THE PLAINTIFF'S ATTORNEY TO CANCEL THE SHERIFF SALE. THE DEFENDANT PAID THE PLAINTIFF IN FULL.

@ SERVED

NOW, SEPTEMBER 9 RETURN WRIT AS NO SALE HELD ON THE PROPERTY OF THE DEFENDANT. THE DEFENDANT CURED THE DEBT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20051
NO: 04-1386-CD

PLAINTIFF: WILLIAM J. KAIZER
vs.
DEFENDANT: M. E. JONES HEARING

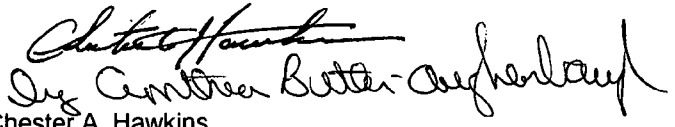
Execution PERSONAL PROPERTY

SHERIFF RETURN

SHERIFF HAWKINS \$109.26

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


Chester A. Hawkins
Sheriff

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

WRIT OF EXECUTION

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against M.E. Jones Hearing, Defendant,

- (1) you are directed to levy upon the personal property of the defendant and sell his interest therein;
- (2) you are also directed to attach the property of the defendant not levied upon in the possession of _____ (garnishee), and to notify the garnishee that
 - (a) an attachment has been issued;
 - (b) the garnishee is enjoined from paying any debt to or for account of the defendant and from delivering any of the property of the defendant or otherwise disposing thereof;
- (3) if the property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount Due.....\$2,200.00
Interest from November 12, 2004.....\$ to be added
Costs of Suit.....\$ to be added

125.00 Prothonotary costs

William A. Shaw, Prothonotary

Seal of the Court

By: William A. Shaw
Deputy

Received December 3, 2004 @ 3:00 P.M.
Chester A. Hunkins
by Cynthia Butler-Aughenbaugh

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME M. E. JONES HEARING

NO. 04-1386-CD

NOW, September 09, 2005, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of M. E. Jones Hearing to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of \$2,200.00 and made the following appropriations, viz:

SHERIFF COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	15.39
LEVY	20.00
MILEAGE	15.39
POSTING	9.00
HANDBILLS	
COMMISSION	44.00
POSTAGE	1.48
HANDBILLS	10.00
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	2,200.00
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$153.26

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	2,200.00
INTEREST @ %	0.00
FROM TO 03/18/2005	

PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

TOTAL DEBT AND INTEREST	\$2,373.26
--------------------------------	-------------------

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	

SHERIFF COSTS	153.26
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	
MORTGAGE SEARCH	
MUNICIPAL LIEN	

TOTAL COSTS	\$153.26
--------------------	-----------------

TOTAL COSTS	\$2,373.26
--------------------	-------------------

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

March 18, 2005

Chester Hawkins, Sheriff
Clearfield County Courthouse
Clearfield, PA 16830

RE: Kaizer vs. M. E. Jones Hearing

Dear Sheriff Hawkins:

Please be advised at this time we would like to continue the Sheriff's Sale scheduled for 11:00 a.m. March 18, 2005 in the above captioned matter.

This continuance is requested at the behest of the Defendant who has assured payment on Monday, March 21, 2005. Therefore, Plaintiff would request that said sale be rescheduled in a few more weeks in the event Defendant does not so pay.

Thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Theron G. Noble', with a long horizontal flourish extending to the right.

Theron G. Noble

TGN/lrp
cc: Mr. William Kaizer

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

March 18, 2005

Chester Hawkins, Sheriff
Clearfield County Courthouse
Clearfield, PA 16830

RE: Kaizer vs. M. E. Jones Hearing

Dear Sheriff Hawkins:

Please be advised at this time we would like to continue the Sheriff's Sale scheduled for 11:00 a.m. March 18, 2005 in the above captioned matter.

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Theron G. Noble

TGN/lrp
cc: Mr. William Kaizer