

04-1386-CD

WILLIAM J. KAIZER VS. M. F. JONES HEARING INSTRUMENTS

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

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		MAG. DIST. NO. OR NAME OF D.J.		
M.E. Jones Hearing Instruments		Patrick N. Ford		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
101 North Mains Street		DuBouis	PA	15801
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)			
8-9-04	William J. Kaizer (Defendant)			
CLAIM NO.	vs. M.E. Jones Hearing			
CV 19 0000253-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
LT 19				
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p>				
Signature of Prothonotary or Deputy				
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

## PRAECIPE: To Prothonotary

Enter rule upon 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**  
 O 3:30 PM pd 85.00  
 Copies to Dif.  
 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:

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

NAME and ADDRESS

DEFENDANT:

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

VS.

NAME and ADDRESS

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: \_\_\_\_\_

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

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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

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

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.

8904 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

9150  
4082  
4000  
2030  
2002  
7002

CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

15801 STA #2  
SEP 16 Postmark  
2002  
USPS

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

US Form 3800, June 2002  
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.**

7002 2030 0006 3806 9143

**SERIALIZED MAIL RECEIPT**  
(*Delivery only; No Insurance Coverage Provided*)

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

Postmark: SEP 16 2002 STAMFORD CT USPS

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

PS Form 3800, June 2002  
See Reverse for Instructions

**Certified Mail Provides:**

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**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
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- 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<sub>®</sub> 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.  
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addressed to APOs and FPOs.**

## NOTICE OF APPEAL

FROM

## 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			
<p>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.</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	
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 \_\_\_\_\_, 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-CR, 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 Kaiser, 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 15<sup>th</sup> DAY OF September, 2004.

Rosina J. Thompson

Signature of official before whom affidavit was made

Notary Public

Title of official

My commission expires on \_\_\_\_\_, 19\_\_\_\_\_



Signature of affiant

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

ROGINA J. THOMPSON, NOTARY PUBLIC  
CITY OF DUBOIS, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES APRIL 3, 2006

FILED

SEP 17 2004

*william A. Shaw*

William A. Shaw  
Prothonotary/Clerk of Courts

11-10-04  
200408101000  
200408101000

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**

NAME and ADDRESS

DEFENDANT:

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

NAME and ADDRESS

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



*04-1386-CJ*

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:

**FILED**  
*0103781*  
SEP 23 2004

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

This case dismissed without prejudice.

William A. Shaw  
Prothonotary/Clerk of Courts

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>=====</b>	
<b>Certified Judgment Total</b>	\$ _____

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

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

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

CIVIL COMPLAINT

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

PLAINTIFF:

NAME and ADDRESS

William J. Kain 330 Greenwood  
Cemetery Rd.  
Dubois PA 15801

L

DEFENDANT:

NAME and ADDRESS

M. E. Jones Hearing  
101 W. MAIN STREET  
Dubois PA 15801

VS.

Docket No.: CU-253-04  
Date Filed: 5-27-04



	AMOUNT	DATE PAID
FILING COSTS	\$ 86.00	5/27/04
POSTAGE	\$ _____	1/1
SERVICE COSTS	\$ _____	1/1
CONSTABLE ED.	\$ _____	1/1
TOTAL	\$ _____	1/1

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 \$ 1960.00 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 Kerstner 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. Kain, 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 P.A. C.S. § 4904) related to unsworn falsification to authorities.

William J. Kain  
(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 NO  
M/145.3N  
OCT 06 2004

William A. Schrey  
Prothonotary Clerk of Courts

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

WILLIAM J. KAIZER, )  
 )  
 PLAINTIFF, ) ) No. 04- 1386 -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 Meholic, 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- 1386 -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 to 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.

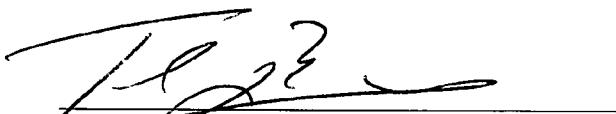
24. That this qualifies as a private action under said act and Mr. Kaizer, pursuant to said act is entitled to further compensation as therein provided.

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,



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 Kaiser AGE 65

ADDRESS RD 3 Box 235 PHONE (814) 371 1765

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

CANCELLATION \$ 109 50

FITTING/DISPENSING \$ 170

IMPRESSION FEE \$ 35

TOTAL \$ 314.50

### LEFT INSTRUMENT

CANCELLATION \$ 109 50

FITTING/DISPENSING \$ 170

IMPRESSION FEE \$ 35

TOTAL \$ 314.50

Exhibit "A"

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

William J. Kaiser  
CUSTOMER'S SIGNATURE

11/14/02  
DATE

William J. Kaiser  
REGISTRANT'S SIGNATURE

11/14/02  
DATE



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

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

**CERTIFICATE OF SERVICE**

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, does hereby certify that I did the 4th day of October, 2004, deposit in the United States Mail, postage prepaid, first class, a true and correct copy of Plaintiff's CIVIL COMPLAINT, addressed as follows, being to the defendant for whom no appearance has been entered of record:

M. E. Jones Hearing Instruments  
101 North Main Street  
DuBois, PA 15801

Respectfully Submitted,



\_\_\_\_\_  
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

864  
FILED NO CC  
M/12/2004  
OCT 12 2004

Common Pleas Court  
Prothonotary Clerk of Courts

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

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

**VERIFICATION**

I, William J. Kaizer, Plaintiff, does hereby swear and affirm that I have read the foregoing and attached CIVIL COMPLAINT in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 7 day of October, 2004.

William J. Kaizer  
William J. Kaizer, Plaintiff

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

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

**CERTIFICATE OF SERVICE**

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, does hereby certify that I did the 9th day of October, 2004, deposit in the United States Mail, postage prepaid, first class, a true and correct copy of Plaintiff's **VERIFICATION** to **CIVIL COMPLAINT**, addressed as follows, being to the defendant for whom no appearance has been entered of record:

M. E. Jones Hearing Instruments  
101 North Main Street  
DuBois, PA 15801

Respectfully Submitted,



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,

: No. 04- 1386 -CD

v.

M. E. JONES HEARING INSTRUMENTS,

DEFENDANT.

: 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 2/6/04 Notice of  
Shatto Atty

NOV 12 2004

WILLIAM J. KAIZER  
Protho

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

WILLIAM J. KAIZER, )  
 )  
 PLAINTIFF, ) ) No. 04- 1386 -CD  
 v. )  
 )  
 M. E. JONES HEARING, )  
 )  
 DEFENDANT. )

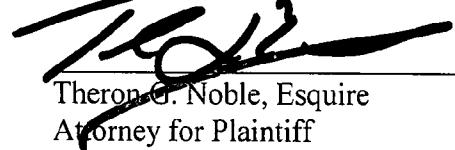
**PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

To: William A. Shaw, Prothonotary

Date: November 10, 2004

Please enter JUDGMENT, in favor of Plaintiff and against Defendant, in the amount of \$2,200, plus interests and costs. I hereby certify that a NOTICE OF DEFAULT, a true and correct copy of which is attached hereto as Exhibit "A", was sent to the defendant, more than ten (10) days ago and no responsive pleading has been sent as of this date. Attached hereto as Exhibit "B" is the US Mail Certificate of Mailing evidencing the same.

Respectfully Submitted,



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

**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

**COPY**

To: Defendant M.E. Jones Hearing  
101 N. Main St.  
DuBois, PA 15801

Date: October 27, 2004

**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 AS TO PLAINTIFF'S ADDITIONAL NEW MATTER. 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 CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David Meholic, Court Administrator  
2nd and Market Streets  
Clearfield, PA 16830  
(814)-765-2641

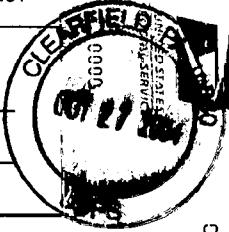
Exhibit "A"

Respectfully Submitted,



---

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: <b>THERON G. NOBLE, Esq.</b> <b>Ferraraccio &amp; Noble</b> <b>301 East Pine St.</b> <b>Clearfield, PA 16830</b> <b>(814)-375-2221</b>		 <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1; text-align: right;">           U.S. POSTAGE            CLEARFIELD, PA            OCT 21 1989            AMOUNT         </div> <div style="flex: 1; text-align: left;">           50            00            00008283-07         </div> </div>	
One piece of ordinary mail addressed to: <u>M.E. Jones Hearing Instruments</u> <u>101 N. Main St.</u> <u>Oil City, PA 15801</u>			

PS Form 3817, Mar. 1989

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

Exhibit "B"

**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

**CERTIFICATE OF SERVICE**

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, does hereby certify that I did the 10th day of November, 2004, deposit in the United States Mail, postage prepaid, first class, a true and correct copy of Plaintiff's PRAECIPE FOR JUDGMENT BY DEFAULT, addressed as follows, being to the defendant for whom no appearance has been entered of record:

M. E. Jones Hearing Instruments  
101 North Main Street  
DuBois, PA 15801

Respectfully Submitted,

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, ) ) No. 04- 1386 -CD  
 v. )  
 )  
 M. E. JONES HEARING, ) )  
 )  
 DEFENDANT. ) )

To: Defendant M.E. Jones Hearing  
101 N. Main St.  
DuBois, PA 15801

Date: This 12 day of November, 2004

**NOTICE OF JUDGMENT**

JUDGMENT has been entered against you, the defendant, in the above captioned case, in the amount of \$2,200, plus interest and costs as of the above date.

By The Prothonotary,

---

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, ) No. 04- 1386 -CD  
 )  
 v. )  
 )  
 M. E. JONES HEARING, )  
 )  
 DEFENDANT. )

PRAECIPE FOR WRIT OF EXECUTION

To: Clearfield County Prothonotary

E6K  
FILED Atty pd.  
m 12:37 2004 20.00  
DEC 03 2004  
William A. Shaw 100 & 6  
Prothonotary/Clerk of Courts *Writs to  
Sheriff*

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;

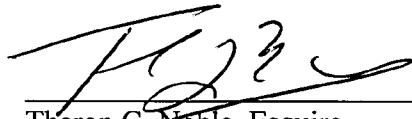
3. Amount Due:

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

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

Final Total.....\$ 125.00 Prothonotary costs

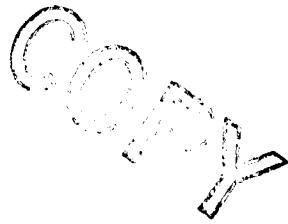
Respectfully Submitted,



---

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 )



## **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: Willie Thompson  
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**  
012:1984  
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*  
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.....	<u>\$ to be added</u>

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.  
Cheston A. Hawkeis

By Cynthia Butler-Augherbaugh

**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:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR SERVICE	9.00	DEBT-AMOUNT DUE	2,200.00
	9.00	INTEREST @ %	0.00
MILEAGE	15.39	FROM TO 03/18/2005	
LEVY	20.00		
MILEAGE	15.39	PROTH SATISFACTION	
POSTING	9.00	LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
COMMISSION	44.00	FORECLOSURE FEES	
POSTAGE	1.48	ATTORNEY COMMISSION	
HANDBILLS	10.00	REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	20.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	2,200.00	<b>TOTAL DEBT AND INTEREST</b>	<b>\$2,373.26</b>
RETURNS/DEPUTIZE			
COPIES	15.00	<b>COSTS:</b>	
		ADVERTISING	0.00
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$153.26</b>	LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	153.26
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$153.26</b>
		<b>TOTAL COSTS</b>	<b>\$2,373.26</b>

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**

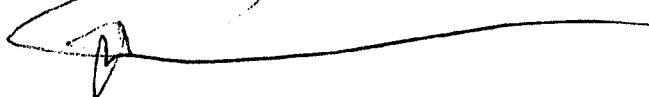
Dear Sheriff Hawkins:

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,



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.

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,

  
THERON G. NOBLE

TGN/lrp  
cc: Mr. William Kaizer