

04-1740-CD  
JOSEPH F. SCHALK, Etal. vs JOE BATTAGLIA, JR. etal.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
Plaintiffs

CIVIL ACTION - LAW

No. *1740* - 2004 C.D.

v.

JOE BATTAGLIA, JR., t/d/b/a,  
J. B. CONSTRUCTION, Defendant

Type of Pleading:  
**Complaint**

Filed on Behalf of:  
**Plaintiffs**

Counsel of Record for this Party:  
**Scott C. Allen, Esquire**  
Supreme Court No. 80824  
257 Main Street  
Brookville, PA 15825  
(814) 849-4129

**FILED**

*0 12:44 PM PM 85 10  
2cc to Atty*

NOV 03 2004

William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
Plaintiffs

v.

No. - 2004 C.D.

JOE BATTAGLIA, JR., t/d/b/a  
J.B. CONSTRUCTION,  
Defendant

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814)765-2641, Ext. 5982

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
Plaintiffs

v.

JOE BATTAGLIA, JR., t/d/b/a  
J. B. CONSTRUCTION,  
Defendant

No. - 2004 C.D.

**COMPLAINT**

AND NOW, come the Plaintiffs, Joseph F. Schalk and Barbara J. Schalk, by and through their attorney, Scott C. Allen, Esquire, who files the following Complaint averring as follows:

1. Plaintiffs, Joseph F. Schalk and Barbara J. Schalk, husband and wife, are adult individuals residing at 750 Lincoln Drive, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant, Joe Battaglia, Jr., is an adult individual, doing business as J. B. Construction, with a place of business located at 329 Grant Street, Reynoldsville, Jefferson County, Pennsylvania.
3. On or about July 31, 2000, Plaintiffs and Defendant executed a certain written Agreement for the construction of an addition to Plaintiffs' residence. A true and correct copy of the Agreement is attached hereto and marked as Exhibit "A."
4. The Plaintiffs have fulfilled all the provisions of the Agreement to be performed on their part.
5. The Defendant has not fulfilled the provisions of the Agreement to be performed on his part.

6. Defendant has wholly neglected to do and perform certain things which were expressly, or by necessary implication required to be done and performed by the Agreement, or such work was performed in a poor, improper and unworkmanlike manner as follows:

- A. Failure to provide two (2) standard windows at a combined cost of Two Hundred Thirty-six and 04/100ths (\$236.04) Dollars;
- B. Failure to provide grids for standard windows at a cost of Thirty and 48/100ths (\$30.48) Dollars;
- C. Failure to provide screens for standard windows at a cost of Twenty-eight and 00/100ths (\$28.00) Dollars;
- D. Failure to provide a 9 LT panel painted, steel entry door at a cost of Two Hundred Sixty-two and 99/100ths (\$262.99) Dollars;
- E. Ceiling fans, allotted in the contract, but not provided by contractor. Purchased by Plaintiffs at a cost of One Hundred Sixty-nine and 93/100ths (\$169.93) Dollars;
- F. Failure to complete certain labor which was performed by the Plaintiffs for a total of 80 hours at \$20.00 at a cost of One Thousand Six Hundred and 00/100ths (\$1,600.00) Dollars;
- G. Payment to Bickle Remodeling, second contractor, to complete job not completed by Defendant at a total cost of Ten Thousand Seven Hundred Sixty and 86/100ths (\$10,760.86) Dollars;
- H. Payment to Al Polohonki Heating and Plumbing to complete the heating and plumbing aspect of contract not completed by the Defendant at a total cost of One Thousand Five Hundred and 00/100ths (\$1,500.00) Dollars;
- I. Payment to Bill Brosky, carpet installer, to install carpeting not installed pursuant to the contract at a total cost of Three Hundred Twenty-eight and 00/100ths (\$328.00) Dollars;
- J. Additional ceramic tile not provided by the contractor to complete the flooring aspect of the contract at a total cost of Thirty-one and 80/100ths (\$31.80) Dollars;
- K. Additional materials in order to finish the job that was to be completed

pursuant to the contract at total cost of Six Hundred Eighty-two and 49/100ths (\$682.49) Dollars;

- L. Items removed or damaged due to the Defendant's negligence Seventy-four and 04/100ths (\$74.04) Dollars;

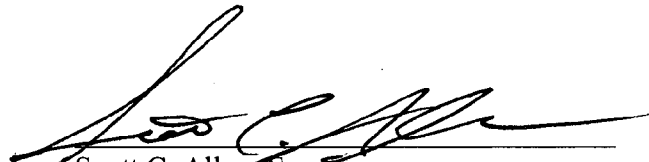
Total costs are Fifteen Thousand Seven Hundred Four and 63/100ths (\$15,704.63) Dollars.

7. Defendant has failed and refused, and still refuses to cure the aforesaid breaches, despite Plaintiffs repeated demand.

8. Criminal charges were brought against the Defendant and the Court did award Three Thousand and 00/100ths (\$3,000.00) Dollars in restitution, which was paid by the Defendant, but did not fully compensate the Plaintiffs for their loss due to the Defendant's breach.

9. The responsible cost of remedying the aforesaid breaches totals Twelve Thousand Seven Hundred Four and 63/100ths (\$12,704.63) Dollars.

WHEREFORE, Plaintiffs, Joseph F. Schalk and Barbara J. Schalk, demand judgment in their favor and against the Defendant, Joe Battaglia, Jr., t/d/b/a J. B. Construction, in the amount of Twelve Thousand Seven Hundred Four and 63/100ths (\$12,704.63) Dollars, plus interest, costs and such other further relief as the Court deems just and proper.



Scott C. Allen, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I, Joseph F. Schalk, do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information or belief.

This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

*Joseph F. Schalk*

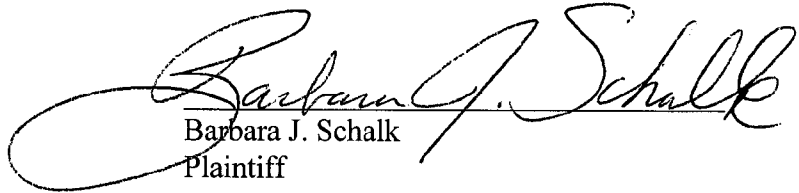
---

Joseph F. Schalk  
Plaintiff

**VERIFICATION**

I, Barbara J. Schalk, do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information or belief.

This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
Barbara J. Schalk  
Plaintiff

Joe Battaglia, Jr. - Owner

PROPOSAL AND  
ACCEPTANCE AGREEMENT

814-653-7891

329 Grant Street

Page 1-877-821-8235

Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO

Joseph Barbara Schalk

PHONE

(814) 371-2425

DATE

MEET

100 Lincoln Drive

JOB NAME

STATE AND ZIP CODE

Delaware Pa 15801

JOB LOCATION

hereby submit specifications and estimates for:

\* I Joseph E Battaglia Jr. of J.B. Const. Agree to the following:

- \* The following materials & specs are for an approx. 20' x 23' 2<sup>nd</sup> story addition with a 2<sup>nd</sup> floor bathroom.
- \* All floor joists will consist of 11 1/2" T.J.I. with factory rim joists.
- \* All floor sheathing will consist of 3/4" T&G O.S.B.
- \* All walls interior & exterior will consist of 2x6 precuts to bring ceiling heights to 8'. First floor to be height to meet lowest joist in kitchen ceiling.
- \* All exterior walls will be sheathed with 7/16 O.S.B & wrapped with Tyvek housewrap.
- \* All roof area will be sheathed with 5/8 O.S.B & standard H-Clips will be installed for strength.

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of

dollars (\$

payment to be made as follows:

material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to local practice. Any alteration or deviation from above specifications involving extra costs will be paid only upon written orders, and will become an extra charge over and above the estimate. All events contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, theft necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

ACCEPTANCE OF PROPOSAL. The above prices, specifications & conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as lined above.

Signature of Acceptance

Witness

Signature

Signature

Witness

Joseph E. Schalk 7/31/2004

Barbara J. Schalk 8/1/2004

EXHIBIT

A

tabbies

## ACCEPTANCE AGREEMENT

PROPOSAL SUBMITTED TO

PHONE

DATE

Sergio Salazar Scholtz

(845) 371-0426

EST. NAME

JOB NAME

STATE AND ZIP CODE

JOB LOCATION

Louisiana 70001

We hereby submit specifications and estimates for:

Roof will consist of 11/2 trusses set on 2' centers with same pitch stick built to attach existing roof.

Complete roof will be built with 12' overhangs on gable eaves with 2x6 face boards

Insulation will be installed to the following specs:

Exterior walls: R-19 unfaced, plastic wrapped ground level sub-floor R-25 - Attic will have an 8" layer of cellulose for an approx R-30 value.

Roof will consist of 15" felt paper valleys lined with 5/8" smooth surface shingles will be 25yr to match existing roof - roof will be vented with vented soffits.

Exterior

Siding will be a brentwood master D-5 Everest

soffit the fascia will be an Alcoa white vented a solid

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of

dollars (\$

ment to be made as follows:

material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to local practices. Any alteration or deviation from above specifications involving extra costs will be added only upon written orders, and will become an extra charge over and above the estimate. All claims contingent upon claims, accidents or delays beyond our control. Owner to carry fire, tornado and necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

Witness

Signature

Signature

Witness

ACCEPTANCE OF PROPOSAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as lined above.

is of Acceptance

Joseph F. Salazar 7/31/2004

Signature

Signature

Witness

Joe Battaglia, Jr. - Owner

PROPOSAL AND  
ACCEPTANCE AGREEMENT714-657-7891  
Fax: 714-657-521-5235329 Grant Street  
Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO

Sandra Barbara Schalk

PHONE

(814) 371-6125

DATE

ET: Lincoln Drive Diner

JOB NAME

STATE AND ZIP CODE

PA 15801

JOB LOCATION

I hereby submit specifications and estimates for:

- \* Three windows on each floor will be a standard size of Pella brand windows
- \* Main entry door to addition will be a standard 9 light door professionally painted to match siding
- \* Slider or french door to balcony will be customers choice with a not to exceed limit of \$1,000<sup>00</sup>
- \* An approx. 6x12 balcony will be installed to back of 2nd floor framed with treated 2x10 with 5/4 decking & standard spindles & 2x4 + 2x6 rails
- \* 2nd floor door into addition will be cut into existing wall & completely finished inside & out to match addition
- \* New bathroom will consist of units & fixtures of customers choice with not to exceed limit of \$1,000
- \* Interior finish will consist of 1/2 drywall with a

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of

dollars (\$)

Payment to be made as follows:

It is understood to be an estimate, not a contract, and is not to be completed in a workmanlike manner according to the specifications. Any deviation or variation from above specifications involving extra costs will be at only upon written orders, and will become an extra charge over and above the estimate. All work must be done within the specified time limits, and no delays beyond our control. Owner to carry fire, tornado and necessary insurance. The workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as specified above.

For Acceptance

Witness

Signature

Signature

Witness

Joe Battaglia, Jr. - owner

814-653-7891

Pager: 1-877-821-8235

329 Grant Street  
Raynoldsville, PA 15851PROPOSAL AND  
ACCEPTANCE AGREEMENT

PROPOSAL SUBMITTED TO	PHONE	DATE
STREET	JOB NAME	
CITY, STATE AND ZIP CODE	JOB LOCATION	

We hereby submit specifications and estimates for:

- Smooth finish completely primed pine extension jam's
- up pine colonial casings & a standard base color mixed
- Paint Customer's Choice
- \* All heat runs will be ran into new zone, with approx 25
- to 35' of new radiators per floor level - heat to be discussed
- with customer due to R factors from existing house to addition
- \* Customer is to supply all flooring & is to be installed
- by J.B. Const. with exception of extra labor for any ceramic
- or special extra material or time consuming products
- \* Any power to be supplied to addition will be wired into
- existing electric panel.
- \* All recepticals will be ran to code which consist
- of within 6' of each doorway & within every 12'
- \* All light fixtures will be installed to customer satisfaction

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_)

Payment to be made as follows: \_\_\_\_\_

All material to be furnished in the specified. All work to be completed in a workmanlike manner according to standard practice. Any alteration or deviation from above specifications involving extra costs will be assessed only upon written orders, and will become an extra charge over and above the estimate. All agreements, conditions, and other matters shall be subject to the terms and conditions of the contract. The workman is fully covered by Workman's Compensation Insurance.

Authorized  
Signature

Witness

Signature

Signature

Witness

ACCEPTANCE OF PROPOSAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance \_\_\_\_\_

Joe Sallagh, Jr. - OWNER

## ACCEPTANCE AGREEMENT

814-633-7891

329 Grant Street

Page: 1-877-821-8215

Reynoldsville, PA 15851

LOCAL SUBMITTED TO <u>Joseph &amp; Barbara Schalk</u>	PHONE <u>(814) 371-6425</u>	DATE
ET <u>600 Lincoln Drive</u>	JOB NAME	
STATE AND ZIP CODE <u>PA 15801</u>	JOB LOCATION	

I hereby submit specifications and estimates for:

with the exception of a standard lighting system to be discussed

\* Concrete & drain work will consist of a standard minimum 30" deep footed, 4-layers coarse of 8" block. Customer choice of height, f. bred foundation coating gravel lined french drain with perforated 4" drain pipe existing on lower side of property.

\* Any limited section of contract can be discussed & worked out within reason of homeowner & contractor.

\* Any changes, any extras will be worked out & agreed & signed by both parties & All work will be done to customer satisfaction. Any questions during construction should immediately be expressed.

WE PROPOSE hereby to furnish material and labor complete in accordance with above specifications, for the sum of

\$ Twenty five thousand nine hundred and twenty dollars (\$ 25,920)

payment to be made as follows: As needed

shall be guaranteed to be as specified. All work to be completed in a workmanlike manner according to all practices. Any alteration or deviation from above specifications having extra costs will be paid only upon written orders, and will become an extra charge over and above the estimate. All events contingent upon strikes, accidents or delays beyond our control. (Owner to carry fire, tornado and necessary insurance. Our workers are fully covered by Workman's Compensation insurance.

Authorized Signature

ACCEPTANCE OF PROPOSAL. The above prices, specifications, conditions, are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as indicated above.

Signature of Acceptance

Witness

Signature

Signature

Witness

Joseph H Schalk 7/31/2004

Barbara J Schalk 8/10/2004

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

SCHALK, JOSEPH F. & BARBARA J.

VS.

Sheriff Docket # 16565

04-1740-CD

BATTAGLIA, JOE JR. t/d/b/a J.B. CONSTRUCTION

COMPLAINT

**SHERIFF RETURNS**

NOW NOVEMBER 13, 2004, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JOE BATTAGLIA JR. t/d/b/a J.B. CONSTRUCTION, DEFENDANT.

NOW DECEMBER 13, 2004 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON JOE BATTAGLIA JR. t/d/b/a J.B. CONSTRUCTION, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "ATTEMPTED, WOULD NOT ANSWER THE DOOR".

**Return Costs**

Cost	Description
26.00	SHERIFF HAWKINS PAID BY: ATTY CK# 6251
10.00	SURCHARGE PAID BY: ATTY CK#6252
74.50	JEFFERSON CO. SHFF. PAID BY: ATTY

Sworn to Before Me This

17 Day Of Dec. 2004



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

So Answers,

  
by 

Chester A. Hawkins  
Sheriff

**FILED** *egk*

**DEC 17 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

No. 1740 C.D. 2004

Now, December 13, 2004, I return the Notice and Complaint for JOSEPH BATTAGLIA, JR., defendant, tried to serve numerous times, but defendant would not answer his door.

Advance Costs Received:	\$125.00	
My Costs:	72.50	Paid
Prothy:	2.00	
Total Costs	\$ 74.50	
REFUNDED:	\$ 50.50	

Sworn and subscribed

to before me this

day of

By

My Commission Expires The  
First Monday January 2006

So Answers,

Thomas A. Demko Sheriff  
JEFFERSON COUNTY, PENNSYLVANIA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
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**Complaint**

Filed on Behalf of:  
**Plaintiffs**

Counsel of Record for this Party:  
**Scott C. Allen, Esquire**  
Supreme Court No. 80824  
257 Main Street  
Brookville, PA 15825  
(814) 849-4129

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

NOV 03 2004

Attest:

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
Plaintiffs

v.

No. - 2004 C.D.

JOE BATTAGLIA, JR., t/d/b/a  
J.B. CONSTRUCTION,  
Defendant

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You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your 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 money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
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(814)765-2641, Ext. 5982

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH F. SCHALK and BARBARA J.  
SCHALK, husband and wife,  
Plaintiffs

v.

JOE BATTAGLIA, JR., t/d/b/a  
J. B. CONSTRUCTION,  
Defendant

No. - 2004 C.D.

**COMPLAINT**

AND NOW, come the Plaintiffs, Joseph F. Schalk and Barbara J. Schalk, by and through their attorney, Scott C. Allen, Esquire, who files the following Complaint averring as follows:

1. Plaintiffs, Joseph F. Schalk and Barbara J. Schalk, husband and wife, are adult individuals residing at 750 Lincoln Drive, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant, Joe Battaglia, Jr., is an adult individual, doing business as J. B. Construction, with a place of business located at 329 Grant Street, Reynoldsville, Jefferson County, Pennsylvania.
3. On or about July 31, 2000, Plaintiffs and Defendant executed a certain written Agreement for the construction of an addition to Plaintiffs' residence. A true and correct copy of the Agreement is attached hereto and marked as Exhibit "A."
4. The Plaintiffs have fulfilled all the provisions of the Agreement to be performed on their part.
5. The Defendant has not fulfilled the provisions of the Agreement to be performed on his part.

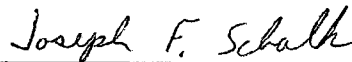
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- J. Additional ceramic tile not provided by the contractor to complete the flooring aspect of the contract at a total cost of Thirty-one and 80/100ths (\$31.80) Dollars;
- K. Additional materials in order to finish the job that was to be completed

**VERIFICATION**

I, Joseph F. Schalk, do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information or belief.

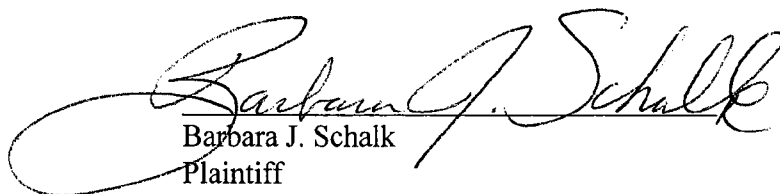
This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
\_\_\_\_\_  
Joseph F. Schalk  
Plaintiff

**VERIFICATION**

I, Barbara J. Schalk, do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information or belief.

This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
Barbara J. Schalk  
Plaintiff

pursuant to the contract at total cost of Six Hundred Eighty-two and 49/100ths (\$682.49) Dollars;

- L. Items removed or damaged due to the Defendant's negligence Seventy-four and 04/100ths (\$74.04) Dollars;

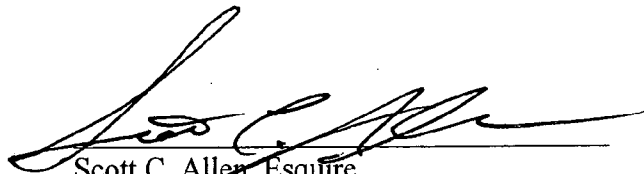
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Scott C. Allen, Esquire  
Attorney for Plaintiffs

Joe Battaglia, Jr. - Owner

PROPOSAL AND  
ACCEPTANCE AGREEMENT

814-653-7891

Pager: 1-877-821-8235

329 Grant Street  
Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO

Joseph &amp; Barbara Schalk

PHONE

(814) 371-6425

DATE

100

100 Lincoln Drive

JOB NAME

STATE AND ZIP CODE

Duhess, Pa 15801

JOB LOCATION

I hereby submit specifications and estimates for:

\* I, Joseph E. Battaglia Jr. of J.B. Conot. Agree to the following:

\* The following materials & specs are for an approx. 20' x 23' 2nd story addition with a 2nd floor bathroom.

\* All floor joists will consist of 11 1/2" T.J.I. with factory rim joists.

\* All floor sheathing will consist of 3/4" T&G O.S.B.

\* All walls interior & exterior will consist of 2x6 precuts to bring ceiling heights to 8'. First floor to be height to meet lowest joist in kitchen ceiling.

\* All exterior walls will be sheathed with 1/2" O.S.B. & wrapped with Tyvek housewrap.

\* All roof area will be sheathed with 5/8" O.S.B. & standard clips will be installed for strength.

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of

dollars (\$

to be made as follows:

It is guaranteed to be as specified. All work to be completed in a workmanlike manner according to local practice. Any alteration or deviation from above specifications involving extra costs will be charged only upon written orders, and will become an extra charge order and above the estimate. All events contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

*Joseph E. Battaglia Jr.*

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as lined above.

Signature of Acceptance

Witness

Signature

*Joseph E. Battaglia Jr.* 7/31/2000

Signature

*Barbara J. Schalk* 8/1/2000

Witness

EXHIBIT

A

tabbies

JOHN J. JOE, III, JR. - OWNER

MR.

A

## ACCEPTANCE AGREEMENT

329 Grand Street  
 Reynoldsville, PA 15851  
 Pager: 1-577-621-8233

329 Grand Street  
 Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO 2501 9 Barbara Scholtz	PHONE (814) 371-0426	DATE
ET 2000 Grand Ave	JOB NAME	
STATE AND ZIP CODE PA 15851	JOB LOCATION	

Order submit specifications and estimates for:

Roof will consist of 4/12 trusses set on 2' centers with same pitch stick built to attach existing roof. Complete roof will be built with 12' over hangs on gable eaves with orb face boards.

Insulation will be installed to the following specs. Exterior walls: R-19 unfaced, poly wrapped ground level. Sub-floor R-25. Attic will have an 8" layer of cellulose for an approx R-30 value.

Roof will consist of 15# felt paper, valleys lined with smooth surface a shingles will be 25yr to match existing roof - roof will be vented with vented soffits and gables.

Siding will be a brentwood master D-5 Everest. Soffit and fascia will be an Alcoa white vented a solid.

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

Payment to be made as follows:

Work is guaranteed to be as specified. All work to be completed in a workmanlike manner according to code and practice. Any alteration or deviation from above specifications involving extra costs will be paid only upon written orders, and will become an extra charge over and above the estimate. All events contingent upon others, accidents or delays beyond our control. Owner to carry fire, tornado and necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature

*[Signature]*

ACCEPTANCE OF PROPOSAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as lined above.

Date of Acceptance

Witness

Signature

Joseph R. Scholtz

7/31/2004

Signature

Barbara Scholtz

8/2/2004

Witness

Joe Battaglia, Jr. - Owner

PROPOSAL AND  
ACCEPTANCE AGREEMENT

#14-532-7891

329 Canal Street

Phone: 577-821-8235

Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO

PHONE

DATE

Sergio &amp; Barbara Schalk

(814) 371-0125

FROM

JOB NAME

Lincoln Drive Deter.

JOB LOCATION

STATE AND ZIP CODE

PA 15801

I hereby submit specifications and estimates for:

- X Three windows on each floor will be a standard size of Pella brand windows
- X Main entry door to addition will be a standard 9 light door professionally painted to match siding
- X Slider or french door to balcony will be customers choice with a not to exceed limit of \$1,000
- X An approx. 6x12 balcony will be installed to back of 2nd floor framed with treated 2x10 with 5/4 decking & standard spindles & 2x4 + 2x6 rails
- X 2nd floor door into addition will be cut into existing wall & completely finished inside & out to match addition
- X New bathroom will consist of units & fixtures of customers choice with not to exceed limit of \$1,000
- X Interior finish will consist of 1/2" drywall with a

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_)

Payment to be made as follows: \_\_\_\_\_

It is understood to be an estimate, and work to be completed in a workmanlike manner according to standard practice. Any deviation from these specifications, including extra costs will be at only upon written orders, and will become an extra charge over and above the estimate. All materials and workmanship are to be subject to inspection and approval by the owner. The work is to be covered by the owner's insurance.

Authorized  
Signature

**ACCEPTANCE OF PROPOSAL.** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as noted above.

For Acceptance \_\_\_\_\_

Witness

Signature

Signature

Witness

Joseph Schalk 7/31/04

Barbara Schalk

Joe Battaglia, Jr. - owner

PROPOSAL AND  
ACCEPTANCE AGREEMENT

814-653-7891

(Pager) 1-877-821-8235

329 Grant Street  
Reynoldsville, PA 15851

PROPOSAL SUBMITTED TO	PHONE	DATE
STREET	JOB NAME	
CITY, STATE AND ZIP CODE	JOB LOCATION	

We hereby submit specifications and estimates for:

- \* Smooth finish completely primed & pine extension jambs
- \* Pine Colonial casings & a standard base color mixed
- \* Paint Customer's Choice
- \* All heat runs will be ran into new zone with approx 26
- \* to 35' of new radiators per floor to level - heat to be discussed
- \* with customer due to R factors from existing house to addition
- \* Customer is to supply all flooring & is to be installed
- \* by J.B. Const. with exception of extra labor for any ceramic
- \* or special extra material or time consuming products
- \* Any power to be supplied to addition will be wired into
- \* existing electric panel.
- \* All recepticals will be ran to code which consist
- \* of within 6' of each doorway & within every 12'
- \* All light fixtures will be installed to customer satisfaction

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_)

Payment to be made as follows:

All material to be purchased taken as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements, conditions and other matters, and delays beyond our control. (Owner to carry fire, tornado and other property insurance. Our workers are fully covered by Workmen's Compensation Insurance.)

Authorized  
Signature

Witness

Signature

Signature

Witness

ACCEPTANCE OF PROPOSAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance

JOC LAMAGNA, JR. - OWNER

814-653-7891

Page 1-871-821-8235

329 Grant Street  
Reynoldsville, PA 15851

## ACCEPTANCE AGREEMENT

LOCAL SUBMITTED TO <u>Joseph &amp; Barbara Scholtz</u>	PHONE <u>(814) 371-2642</u>	DATE
ET <u>600 Lincoln Drive</u>	JOB NAME	
STATE AND ZIP CODE <u>Pa 15801</u>	JOB LOCATION	

I hereby submit specifications and estimates for:

with the exception of a standard lighting system to be discussed

\* Concrete & drain work will consist of a standard minimum 30" deep footed, 4" S course of 8" block. Customer choice of height, f. bread foundation coating gravel lined french drain with perforated 4" drain pipe existing on lower side of property.

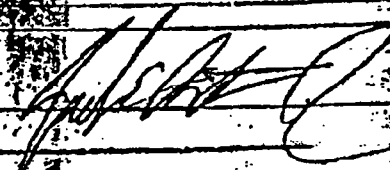
\* Any limited section of contract can be discussed & worked out within reason of homeowner & contractor.

\* Any charges, any extras will be worked out & agreed & signed by both parties & all work will be done to customer satisfaction. Any questions during construction should immediately be expressed.

WE PROPOSE hereby to furnish material and labor complete in accordance with above specifications, for the sum of Twenty five thousand nine hundred and twenty dollars (\$ 25,920)

ment to be made as follows: As needed

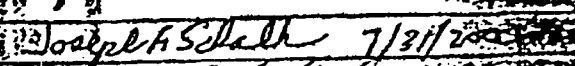
Contract is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications resulting extra costs will be paid only upon written orders, and will become an extra charge over and above the estimate. All events consequent upon strikes, accidents or delays beyond our control, I intend to carry on, to complete the necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature


ACCEPTANCE OF PROPOSAL. The above prices, specifications conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as lined above.

Witness

Signature



Signature

Witness

e of Acceptance

## Notice of Proposed Termination of Court Case

January 26, 2012

RE: 2004-01740-CD

Joseph F. Schalk  
Barbara J. Schalk

Vs.

Joe Battaglia Jr.  
J. B. Construction

**FILED**

**JAN 26 2012**

*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **March 28, 2012**.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,

*F. Cortez Bell III*

F. Cortez Bell, III, Esq.  
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Joseph F. Schalk  
Barbara J. Schalk

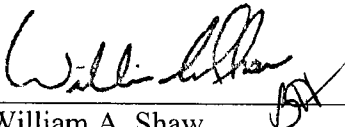
Vs.

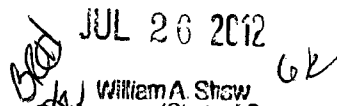
2004-01740-CD

Joe Battaglia Jr.  
J. B. Construction

**Termination of Inactive Case**

This case is hereby terminated with prejudice this July  
26, 2012, as per Rule 230.2

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

**FILED**  
JUL 26 2012  
  
William A. Shaw  
Prothonotary/Clerk of Courts