

04-1780-CD
BOB SHOWERS WINDOW & SUNROOMS vs. FLOYD HOWELL

Bob Showers vs Floyd Howell
2004-1780-CD

COURT OF COMMON PLEAS

FROM

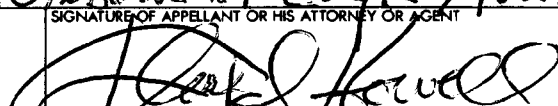
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1780-C

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 FLOYD HOWELL		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT 129 N. MICHAEL ST		CITY ST MARYS	STATE PA
DATE OF JUDGMENT 10-14-04	IN THE CASE OF (Plaintiff) BOB SHOWERS WINDOWS		ZIP CODE 15857
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
CV LT	0000290-04		

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 Bob Showers Windows + Sunrooms (Name of appellee(s)), to file a complaint in this appeal

(Common Pleas No. 04-1780-C) 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 Bob Showers Windows + Sunrooms, 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: 11-8-04

Signature of Prothonotary or Deputy

0 3:15 PM pd 8500
Copies to Dep.

NOV 0 2004

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
_____, ☐ 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 _____, _____, ☐ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

Mag. Dist. No.: 46-3-03
DJ Name: Hon. MICHAEL A. RUDELLA
Address: 131 ROLLING STONE ROAD P.O. BOX 210 KYLERTOWN, PA
Telephone: (814) 345-6789 16847-0444

**FLOYD HOWELL
111 CENTER ST.
SAINT MARYS, PA 15857**

NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF: NAME and ADDRESS
**BOB SHOWERS WINDOW & SUNROOMS
911 N. FRONT ST.
PHILIPSBURG, PA 16866**

VS.
DEFENDANT: NAME and ADDRESS
**HOWELL, FLOYD
111 CENTER ST.
SAINT MARYS, PA 15857**

Docket No.: **CV-0000290-04**
Date Filed: **7/27/04**



04-1780-46

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) BOB SHOWERS WINDOW &, SUNROOM

☒ Judgment was entered against: (Name) HOWELL, FLOYD

in the amount of \$ 4,440.50 on: (Date of Judgment) 10/14/04

☐ 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	\$ 4,326.00
Judgment Costs	\$ 114.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,440.50

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.

10-14-04 Date *MA Rudella*, 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

2004-1780-CD

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. 04-1780-CD upon the District Justice designated therein on
(date of service) NOV 12, 2004 ☐ by personal service ☐ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) BOB SHAWERS WINDOWS, on
NOV 8, 2004 ☒ 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 NOV 8, 2004 ☒ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 15th DAY OF Nov., 2004

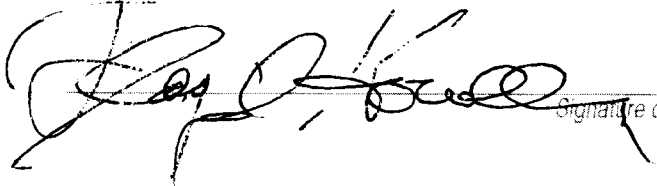

Signature of official before whom affidavit was made

Title of official

WILLIAM A. SHAW
Prothonotary

My commission expires on

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA


Signature of affiant
FLOYD HOWELL

FILED *EGP*

NOV 15 2004
019-151w
William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS

FROM

CLEARFIELD PA
JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1780-03

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 FLOYD HOWELL		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT 129 N. MICHAEL ST		CITY ST. MARYS	STATE PA
DATE OF JUDGMENT 10-14-04	IN THE CASE OF (Plaintiff) REB SHOWERS WIDOWS		ZIP CODE 15857
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT FLOYD HOWELL		
CV LT	0000290-04		

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 Bob Showers Widows, Surrogate (appellee(s), to file a complaint in this appeal

(Common Pleas No. 04-1780-03) 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 Bob Showers Widows, Surrogate, 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: 11-8-04

Signature of Prothonotary or Deputy

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

NOV 08 2004

Attest.

Prothonotary
Clerk of Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
P.O. BOX 210**

KYLERTOWN, PA

Telephone: **(814) 345-6789 16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**BOB SHOWERS WINDOW & SUNROOMS
911 N. FRONT ST.
PHILIPSBURG, PA 16866**

DEFENDANT:

VS.

NAME and ADDRESS

**HOWELL, FLOYD
111 CENTER ST.
SAINT MARYS, PA 15857**

Docket No.: **CV-0000290-04**
Date Filed: **7/27/04**



**MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA 16847-0444**

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **BOB SHOWERS WINDOW & SUNROOM**

☒ Judgment was entered against: (Name) **HOWELL, FLOYD**

in the amount of \$ **4,440.50** on: (Date of Judgment) **10/14/04**

☐ 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
mla:5461 cc
NOV 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 4,326.00
Judgment Costs	\$ 114.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,440.50

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

Certified Judgment Total \$ 4440.50

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.

10-14-04 Date **MA Rudella**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
11/12/04 Date **MA Rudella**, District Justice

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

SEAL

JAMES A. NADDEO
ATTORNEY AT LAW
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

—Lap over margin—

William A. Shaw
Prothonotary/Clerk of Courts

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

BOB SHOWERS WINDOWS &
SUNROOMS, INC., a
Pennsylvania Corporation,
Plaintiff

vs.

FLOYD HOWELL, an
Individual,
Defendant

*
*
*
*
*
*
*
*
*

No. 04 - 1780 - CD

NOTICE

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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

BOB SHOWERS WINDOWS &
SUNROOMS, INC., a
Pennsylvania Corporation,
Plaintiff

vs.

FLOYD HOWELL, an
Individual,
Defendant

*
*
*
*
*
*
*
*
*
*

No. 04 - 1780 - CD

C O M P L A I N T

NOW COMES Plaintiff, Bob Showers Windows & Sunrooms, Inc., by and through its attorney, James A. Naddeo, Esquire, and sets forth the following:

1. Plaintiff is Bob Showers Windows & Sunrooms, Inc., a Pennsylvania Corporation, having its principal place of business located at 911 North Front Street, Philipsburg, Pennsylvania 16866.

2. Defendant is Floyd Howell, an adult individual, who resides at 129 North Michael Street, St. Marys, Pennsylvania 15857.

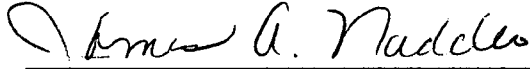
3. That on or about October 2, 2003, Plaintiff entered into a contract with Defendant to install windows in a building owned by the Defendant for the sum of \$13,576.00. A copy of said contract is attached hereto as Exhibit "A".

4. That Plaintiff performed all work required under the terms of the contract attached hereto as Exhibit "A" in a good and workmanlike manner, which work was completed on or about November 5, 2003.

5. That Defendant paid two installments upon the contract to Plaintiff as follows: October 7, 2003 - \$4,525.00; and November 5, 2003 - \$4,525.00. The balance due to Plaintiff upon the contract price as set forth in Exhibit "A" is \$4,526.00.

6. That Defendant has failed and/or refused to pay to Plaintiff the balance due upon the contract attached hereto as Exhibit "A" although demand therefor has been made.

WHEREFORE, Plaintiff claims damage from Defendant in the amount of \$4,526.00 with interest from November 5, 2003.


James A. Naddeo, Esquire
Attorney for Plaintiff



11:00
774

911 N. Front St., Philipsburg, PA 16860

1-800-948-4262

FAX: 814-342-5682

www.bobshowers.com

Windows, Sunrooms, Kitchens, Siding, Basement Remodeling

Name:	FLOYD HOWELL
Mailing Addr:	129 N. Michael St
Street Addr:	
City/ST/Zip:	SAINT MARYS PA. 15857

Home Phone:	781-1345
Day Phone	(His/Hers)
Best time to contact:	(His/Hers)
E Mail:	

DESCRIPTION OF WORK AGREED UPON:

FURNISH AND INSTALL 34 WINDOWS MODEL DH530
 DOUBLE HUNG, TILT TO CLEAN WITH 1/2 SCREENS. DOUBLE PANE
 GLASS WITH LOW E AND ARGON GAS. WHITE INTERIOR AND EXTERIOR
 WHITE ALUMINUM COLONIAL GRIDS
 7 OF THE WINDOWS TO GET OAK FOIL INTERIOR TO BE STAINED
 OR PAINTED BY CUSTOMER. 4 ON 1ST FLOOR 3 ON 2ND FLOOR
 1 EXTERIOR SILL TO GET REPLACED.
 CAPPING TO BE MUSTARD BROWN.

ALL MATERIAL TO GET CLEANED UP AND HAULED
 AWAY BY CONTRACTOR.

DREAM SPACE STANDARD PLAN.

Don W Caldwell 37 10-2-03
 SALESPERSON SIGNATURE/EXT./DATE

PACKAGE VALUE

\$ 13,576.⁰⁰

GRIDS/MUNTINS

White

GLASS OPTIONS

Double Pane Glass LOW E ARGON GAS

VINYL COLOR

White

HOMEOWNER IS RESPONSIBLE FOR SECURING BUILDING PERMIT IN ADVANCE AT THEIR COST.
 HOMEOWNER IS RESPONSIBLE FOR ALL PAINTING and/or STAINING.

You, the buyer, may cancel this transaction at any time prior to the third
 business day after the date of this transaction. See the attached notice of
 cancellation form for an explanation of this right."

CONTRACT TOTAL \$ 13,576.⁰⁰

DEPOSIT TOTAL \$ 0

BALANCE DUE \$ 13,576.⁰⁰

ACCEPTANCE OF PROPOSAL - The prices, specifications, and conditions on the front and rear of this agreement is hereby, read, understood, and
 accepted. Bob Showers Windows is authorized to do the work as specified. Balance in full is to be paid at time of completion of job to installers.

Don W Caldwell 37 10-2-03
 CUSTOMER SIGNATURE / DATE

CUSTOMER SIGNATURE / DATE

Owner agrees to pay the balance to the installers on the final day of installation. In the event of minor defects, a lost or damaged screen, a glass insert, etc., the owner may withhold
 of the contract balance until such defects or omissions are corrected. 1 1/2% per month service charge will be charged on all past due accounts.

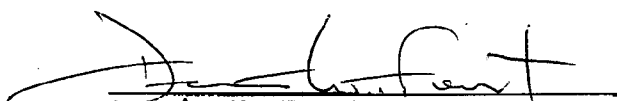
COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD)

NOV 17 2004

Before me, the undersigned officer, personally appeared Dennis W. Foust, who being duly sworn according to law, deposes and states that he is the Secretary of Bob Showers Windows & Sunrooms, Inc., and that as such officer he is authorized to execute this Affidavit and further that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Dennis W. Foust

SWORN and SUBSCRIBED before me this 15th day of November, 2004.



Notarial Seal
Robin M. Gray, Notary Public
Decatur Twp., Centre County
My Commission Expires Jan. 10, 2005

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

BOB SHOWERS WINDOWS &
SUNROOMS, INC., a
Pennsylvania Corporation,
Plaintiff

vs.

FLOYD HOWELL, an
Individual,
Defendant

*
*
*
*
*
*
*
*
*

No. 04 - 1780 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Complaint filed in the above-captioned action was served on the following person and in the following manner on the 17th day of November, 2004:

First-Class Mail, Postage Prepaid

Floyd Howell
129 North Michael Street
St. Marys, PA 15857



James A. Naddeo, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Bob Showers Windows & Sunrooms, Inc.

**Vs.
Floyd Howell**

No. 2004-01780-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 12, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Floyd Howell.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of April A.D. 2005.

William A. Shaw, Prothonotary

FILED No CC
01/10:56 PM
APR 12 2005
Cert. of Disc.
to Atty
William A. Shaw
Notary/Clerk of Court
Copy to CIA

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

BOB SHOWERS WINDOWS &
SUNROOMS, INC., a
Pennsylvania Corporation,
Plaintiff

vs.

FLOYD HOWELL, an
Individual,
Defendant


*
*
*
*
*
*
*
*
*
*

No. 04 - 1780 - CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and
discontinued.


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

FILED
APR 12 2005
William A. Shaw
Prothonotary/Clerk of Courts