

04-1782-CD
AUTOMART OF CLIFARFIELD, INC. vs. M & T BANK

2004-1782-CD
Automart of Clearfield vs M&T Bank

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

AUTOMART OF CLEARFIELD, INC. :
vs. : No. 04-1782-CD
M & T BANK :
:

FILED *cc*
10/31/2004 Atty
DEC 06 2004 Nadeo
William A. Shaw
Prothonotary/Clerk of Courts

AMENDED RULE

NOW, this 6th day of December, 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Defendant, M & T Bank, to Show Cause why the Petition should not be granted. Rule Returnable for filing written response with Hearing thereon the 17 day of December, 2004, at 11:00A.m., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION OR MOTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641, Ext. 1300 or 1301

BY THE COURT:

Judie J. Cummiskey

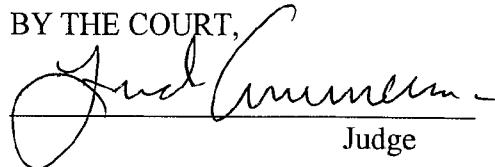
Judge

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

AUTOMART OF CLEARFIELD, INC., :
Petitioner, :
: :
v. : NO. 04-1782-CD
: :
M & T BANK, :
Respondent :
:

ORDER OF COURT

AND NOW, this 17th day of December, 2004, after reasonable notice and opportunity for hearing having been provided to all parties, the Court hereby Orders Respondent, M & T Bank to produce title for a trailer bearing the serial number 48B50012Y2023924 to Automart of Clearfield, Inc., and the right, title and interest of any other person to said vehicle is hereby extinguished. The Commonwealth of Pennsylvania, Pennsylvania Department of Transportation, may accept this Order as evidence of ownership in lieu of certificate of title. The Petitioner shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation in order to receive the appropriate Certificate of Title for said vehicle.

BY THE COURT,


Judge

6K FILED 2cc
01/28/05 Amy Nadeau
DEC 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100038
NO: 04-1782-CD
SERVICE # 1 OF 1
PETITION TO PRODUCE TITLE & RULE

PLAINTIFF: AUTOMART OF CLEARFIELD, INC.
vs.
DEFENDANT: M & T BANK

SHERIFF RETURN

NOW, December 07, 2004, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN PETITION TO PRODUCE TITLE & RULE ON M & T
BANK.

NOW, December 10, 2004 AT 9:25 AM SERVED THE WITHIN PETITION TO PRODUCE TITLE & RULE ON M & T
BANK, DEFENDANT. THE RETURN OF LUZERNE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS
RETURN.

FILED
01/23/2005
FEB 02 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100038
NO: 04-1782-CD
SERVICES 1
PETITION TO PRODUCE TITLE & RULE

PLAINTIFF: AUTOMART OF CLEARFIELD, INC.

vs.

DEFENDANT: M & T BANK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	16699	10.00
SHERIFF HAWKINS	NADDEO	16698	30.00
LUZERNE CO.SHFF.	NADDEO	16700	25.00

Sworn to Before Me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

Luzerne County Sheriff's Department
Luzerne County Courthouse



200 North River Street
 Wilkes-Barre, Pennsylvania 18711
 (570) 825-1651

CLEARFIELD COUNTY

04-1782-CD

AUTOMART OF CLEARFIELD, INC.

vs

M&T BANK

STATE OF PENNSYLVANIA
 LUZERNE COUNTY, SS:

MARY JEAN FARRELL, DEPUTY SHERIFF, for SHERIFF of said county, being duly sworn according to law, deposes and says, that on FRIDAY the TENTH day of DECEMBER 20 04 at 9:25 A.M. M., prevailing time, he served the within NOTICE AND PETITION

upon M&T BANK

the within named, by handing to KAREN NALLON
 the person for the time being in charge at THE PLACE OF BUSINESS, 44 WEST MARKET STREET, WILKES-BARRE

in the County of Luzerne, State of Pennsylvania, a true and attested copy and making known the contents thereof.

Sworn to and subscribed before me

Sheriff of Luzerne County

this TENTH day of DECEMBER 20 04

by



Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
PAGE 100038

AUTOMART OF CLEARFIELD INC

TERM & NO. 04-1782-CD

VS

DOCUMENT TO BE SERVED:

PETITION TO PRODUCE TITLE & RULE

M & T BANK

SERVE BY: ASAP
HEARING: 12/17/04 @ 11:00 AM

MAKE REFUND PAYABLE TO:

JAMES A. NADDEO, ESQ.

SERVE: M & T BANK

ADDRESS: 44 WEST MARKET ST., WILKES BARRE, PA. 18773

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF LUZERNE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 7th Day of DECEMBER 2004

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

AUTOMART OF CLEARFIELD, INC., :
Petitioner, :
v. : NO. 04 - 1782-CD

M & T BANK, :
Respondent :
:

Type of Pleading:

Petition to Produce Title

Filed on behalf of:
Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED ¹⁰⁰
(010-5480) Shff
NOV 09 2004 Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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

AUTOMART OF CLEARFIELD, INC., :
Petitioner, :
: :
v. : NO. 04 - 1782 -CD
: :
M & T BANK, :
Respondent :
:

RULE

AND NOW, this 22 day of November, 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Defendant, M & T Bank, to Show Cause why the Petition should not be granted. Rule Returnable for filing a written response with Hearing thereon the 15 day of December, 2004, at 10:00A.m., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

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COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Market Street
Clearfield, PA 16830
(814) 765-2641

EGK **FILED** *cc*
of 3:50pm Atty Naddoo
NOV 22 2004 rec Shaff

J. M. A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,

Judie Annemarie
Judge

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

AUTOMART OF CLEARFIELD, INC.,	:	
Petitioner,	:	
	:	
v.	:	NO. 04 - -CD
	:	
M & T BANK,	:	
Respondent	:	

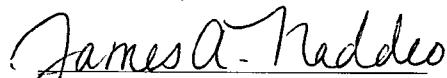
PETITION TO PRODUCE TITLE

NOW COMES Petitioner, Automart of Clearfield, and by and through its attorney, James A. Naddeo, Esq., and sets forth the following:

1. That Petitioner is Automart of Clearfield, Inc. whose principle place of business is located at 6403 Clearfield-Woodland Highway, Clearfield, Pennsylvania 16830.
2. That Respondent is M. & T. Bank, a financial institution, located at 44 West Market Street, Wilkes Barre, Pennsylvania 18773.
3. That on August 7, 2003, Petitioner purchased a trailer from M & T Bank ("Seller") as appears in the Bill of Sale attached hereto as Exhibit "A."
4. That Seller is unable to produce the title for said trailer bearing the serial number 48B50012Y2023924.
5. That Petitioner believes and therefore avers that said title is lost.

WHEREFORE, Petitioner requests the Court to direct M & T Bank to produce title to Petitioner for subject vehicle.

Respectfully Submitted,


James A. Naddeo, Esq.
Attorney for Petitioner

SELLER (TRANSFEROR)

3,183
M 2 T
14 WEST MARKET STREET
WILKES BARRE, PA 18773
(570) 322-7181

TRANSFEROR'S SIGNATURE

I, WE

PRINTED NAME OF PERSON SIGNING ABOVE

state that the odometer (of the vehicle described below) now reads (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

(1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

(2) I hereby certify that the odometer reading is NOT the actual mileage.

WARNING — ODOMETER DISCREPANCY.

PURCHASER (TRANSFeree)

Acute/Plant

TRANSFeree'S SIGNATURE

PRINTED NAME OF PERSON SIGNING ABOVE

APC 192

SALE DATE 08/07/2005		ENTRY NO. 41063		TIME SOLD		SOLD BY		IF	S.O.B.	NO SALE
WITH DRIVE	AS IS <input checked="" type="checkbox"/>	GREEN	YELLOW <input checked="" type="checkbox"/>	RED	NAM or OVER 100,000		TITLE ATTACHED		SEQUENCE NO. 86,810	
MODEL AND BODY TRAILER 6 X 12"										MANUFACTURER'S VIN SERIAL NO. 4E8L90M12Y2023924
YEAR 2000	MAKE South	CYL 6	EQUIPMENT		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17					
ANNOUNCED CONDITIONS BILL OF SALE ONLY										

ODOMETER DISCLOSURE STATEMENT

Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate or untruthful statement may make you liable for damages to your transferee, for attorney fees, and for civil or criminal penalties, pursuant to sections 409, 412, and 413 of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. 92-513, as amended by Pub. L. 94-364).

PLEASE SETTLE WITHIN 1 HOUR OF TIME SOLD.

CENTRAL PA AUTO AUCTION, INC.

Exit 26 Interstate 80

P.O. Box 41 Lock Haven, PA 17745

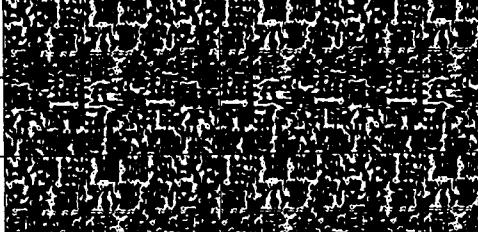
In PA Toll Free 800-248-8026

Outside PA Collect 570-726-4300

FAX# 570-726-7841

Sale each Thursday at 10:30 A.M.

ARBITRATION MUST BE WITHIN 1 HOUR OF PURCHASE.

OFFICE USE ONLY		
REG. PAID CK. # <i>113699-8</i>		
BUYER PAID CK. # <i>113699-1</i>		
AUCTION PAID CK. # <i>113699-2</i>		RECEIPT OF COPY ACKNOWLEDGED

GATE

EXHIBIT "A"

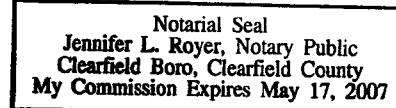
COMMONWEALTH OF PENNSYLVANIA)
 ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared Harry J. Salvatore, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


Harry J. Salvatore

SWORN and SUBSCRIBED before me this 8th day of November, 2004.


Jennifer L. Royer



Date: 12/09/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 12:34 PM

ROA Report

Page 1 of 1

Case: 2004-01782-CD

Current Judge: Fredric Joseph Ammerman

Automart of Clearfield, Inc. vs. M && T Bank

Civil Other

Date		Judge
11/09/2004	Filing:Petition to Produce Title, Paid by: Naddeo, James A. (attorney for Automart of Clearfield, Inc.) Receipt number: 1890115 Dated: 11/09/2004 Amount: \$85.00 (Check) 1 CC to Shff.	No Judge 
11/22/2004	Rule, AND NOW, this 22nd day of Nov., 2004, a Rule is hereby issued upon Defendant to show Cause why the Petition should not be granted. Rule returnable for filing a written response with Hearing thereon the 15th day of December, 2004, at 10:00 a.m. in Courtroom No. 1, Clfd. Co. Courthouse. BY THE COURT, /s/ Fredric J. Ammerman, President Judge. 2 CC Atty Naddeo, 1 CC Sheriff.	Fredric Joseph Ammerman 
12/08/2004	Amended Rule. NOW, this 6th day of Dec. 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Def. to Show Cause why the Petition should not be granted. Rule Returnable for filing written response with Hearing thereon the 17th day of Dec. 2004 at 11:00AM. S/ FJA 2 CC to Atty. Naddeo	Fredric Joseph Ammerman 

FILED

NOV 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

(P)