

2004-1864-CD
BARBIE DENOCHICK

VS

GARY WILSON

**Barbie Denochick vs Gary Wilson
2004-1864-CD**

COMMONWEALTH OF PENNSYLVANIA
COURT OF COMMON PLEAS
Clearfield County JUDICIAL DISTRICT
46-3-03

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1864-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 Gary Wilson | CITY STATE ZIP CODE | MAG. DIST. NO. OR NAME OF D.J. 46-3-03 |
| ADDRESS OF APPELLANT 125 Penn Five Road, Osceola Mills, PA 16666 | (Defendant) | |
| DATE OF JUDGMENT 11/12/04 | IN THE CASE OF (Plaintiff) Barbie Denochick | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>James a Nadded</i> |
| CLAIM NO. CV 19X 399-04 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> <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.

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 Barbie Denochick, appellee(s), to file a complaint in this appeal

(Common Pleas No. 04-1864-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

James a Nadded
Signature of appellant or his attorney or agent

RULE: To Barbie Denochick, 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.

Willie A. Shaw
Signature of Prothonotary or Deputy

Date: Nov. 24, 2004

FILED *(Rm)*
Copies to
010-1460 Atty Nadded
NOV 24 2004 Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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 FIVE (5) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

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) _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, 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 official before whom affidavit was made

Signature of affiant

Title of official

My commission expires on _____, 19_____

THIS IS A COPY

6-10-00

2017 RELEASE UNDER E.O. 14176

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:

DENOCHICK, BARBIE
224 HORSESHOE CURVE
OSCEOLA MILLS, PA 16666

NAME and ADDRESS

DEFENDANT:

WILSON, GARY
125 PENN FIVE ROAD
OSCEOLA MILLS, PA 16666

NAME and ADDRESS

GARY WILSON
125 PENN FIVE ROAD
OSCEOLA MILLS, PA 16666

Docket No.: **CV-0000399-04**
Date Filed: **10/12/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **DENOCHICK, BARBIE**

Judgment was entered against: (Name) **WILSON, GARY**

in the amount of \$ 1,349.30 on: (Date of Judgment) 11/12/04

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 | \$ 1,280.80 |
| Judgment Costs | \$ 68.50 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,349.30 |
| 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.

11-12-04 Date M A 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

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE (KNOX 2000)

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-1864-CD, upon the District Justice designated therein on (date of service) Nov. 29, 2004, xx, by personal serv'c: by (certified) XXXXXX mail, sender's receipt attached hereto, and upon the appellee, (name) Barbie Denochick, on Nov. 27, 2004, by personal service by (certified) XXXXXX 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. 27, 2004, xx, by personal service by (certified) XXXXXX mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov., 2004

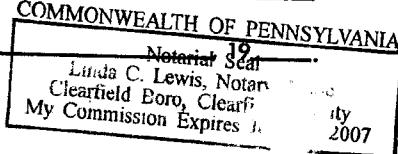
Linda C. Lewis
Signature of official before whom affidavit was made

James A. Radler

Signature of affiant

Title of official

My commission expires on



FILED *E60*
0/343/04 NO CC
NOV 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
 Clearfield County
 JUDICIAL DISTRICT
 46-3-03

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1864-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 Gary Wilson | | MAG. DIST. NO. OR NAME OF D.J. 46-3-03 |
| ADDRESS OF APPELLANT 125 Penn Five Road, Osceola Mills, PA 16666 | | CITY STATE ZIP CODE |
| DATE OF JUDGMENT 11/12/04 | IN THE CASE OF (Plaintiff) Barbie Denochick | (Defendant) Gary Wilson |
| CLAIM NO. CV 19X 399-04 LT 19 | | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>James a Nadder</i> |
| <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>_____ Signature of Prothonotary or Deputy</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> | | |

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 **Barbie Denochick**, appellee(s), to file a complaint in this appeal
 Name of appellee(s)

(Common Pleas No. **04-1864-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

James a Nadder
 Signature of appellant or his attorney or agent

RULE: To **Barbie Denochick**, 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: **Nov 24, 2004**

Willie L. Shan
 Signature of Prothonotary or Deputy

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbie Denochick
224 Horseshoe Curve
Osceola Mills, PA 16666

2. Article Number

(Transfer from service label)

7002 3150 0000 7855 2434

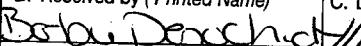
COMPLETE THIS SECTION ON DELIVERY

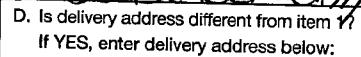
A. Signature



Agent Addressee

B. Received by (Printed Name)

 Date of Delivery

 11/27/04

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael A. Rudella
131 Rolling Stone Road
PO Box 210
Kylertown, PA 16847-0444

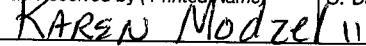
COMPLETE THIS SECTION ON DELIVERY

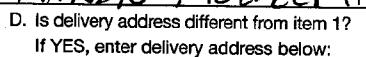
A. Signature



Agent Addressee

B. Received by (Printed Name)

 Date of Delivery

 11/29/04

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

(Transfer from service label)

7002 3150 0000 7855 2427

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

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

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

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

| | |
|---|--|
| <input checked="" type="checkbox"/> Judgment was entered for: (Name) DENOCHICK, BARBIE | William A. Shaw |
| <input checked="" type="checkbox"/> Judgment was entered against: (Name) WILSON, GARY | Prothonotary/Clerk of Courts |
| in the amount of \$ 1,349.30 on: | (Date of Judgment) 11/12/04 |
| <input type="checkbox"/> Defendants are jointly and severally liable. | (Date & Time) _____ |
| <input type="checkbox"/> Damages will be assessed on: | _____ |
| <input type="checkbox"/> This case dismissed without prejudice. | _____ |
| <input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____ | Amount of Judgment \$ 1,280.80 Judgment Costs \$ 68.50 Interest on Judgment \$.00 Attorney Fees \$.00 Total \$ 1,349.30 |
| <input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____ | 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.

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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.

11-12-04 Date

M A Rudella

, District Justice

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

11/29/04 Date

M A Rudella

, District Justice

My commission expires first Monday of January, 2006 .

SEAL

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

BARBIE DENOCHICK,

Plaintiff

vs.

No. 04 - 1864 - C.D.

GARY WILSON,

Defendant

COMPLAINT

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *2*

DEC 07 2004

672:55:1C

William A. Shaw
Prothonotary/Clerk of Courts

3 C.R.M. TO ATTY

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

BARBIE DENOCHICK,

Plaintiff

vs.

No. 04 - 1864 - C.D.

GARY WILSON,

Defendant

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 & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

BARBIE DENOCHICK, :
Plaintiff :
vs. : No. 04 - 1864 - C.D.
GARY WILSON, :
Defendant :

COMPLAINT

NOW COMES, Barbie Denochick, Plaintiff above named, and by her Attorneys, Belin & Kubista, and files her complaint as follows:

1. Plaintiff is Barbie Denochick, an adult individual residing at 224 Horseshoe Curve Road, Osceola Mills, Pennsylvania, 16666.
2. Defendant is Gary Wilson, an adult individual residing at 125 Penn Five Road, Osceola Mills, Pennsylvania, 16666.
3. Plaintiff and Defendant are the parents of the minor children, Michael and Todd Wilson, who make their primary residence with Plaintiff.
4. On or about June 20, 2004, Plaintiff and Defendant entered into an agreement providing that Defendant would pay the sum of \$128.08 each week to Plaintiff, commencing July 5, 2004, for the support of the aforesaid two (2) minor children. A true and correct copy of the said agreement is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.

5. Based upon Defendant's agreement to pay support as set forth above, Plaintiff withdrew an existing action for support through the Domestic Relations Section of the Court of Common Pleas of Clearfield County, Pennsylvania.
6. Defendant breached the agreement in that he failed to make the payments as required. Defendant made only three (3) payments, on July 9, 2004, on July 16, 2004, and on August 24, 2004. As the result of Defendant's failure to make such payments, Plaintiff has reinstated her support action through the Domestic Relations Section.
7. There remains a balance due to Plaintiff of \$1,280.00, which Defendant has failed and refused to pay. Plaintiff obtained a judgment in that amount by filing an action in the District Court, which was appealed by Defendant and which led to the filing of this Complaint.
8. It is believed and therefore averred that Defendant has had the ability to pay, and that Defendant has acknowledged his obligation to pay. Under the circumstances, Defendant's actions are arbitrary, capricious and in bad faith and Plaintiff is entitled to an award of counsel fees expended in the filing and litigation of this appeal.

WHEREFORE, Plaintiff demands that judgment be entered in her favor and against the Defendant in the amount of \$1,280.00 together with costs, interest and counsel fees in an

amount to be determined by the Court.

Respectfully submitted,

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiff

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.

Barbie Denochick
Barbie Denochick

June 20, 2004

I, Gary Wilson agree to pay Barbie Denochick the sum of \$128.08 every week starting July 5, 2004. This is for child support for Michael and Todd Wilson.

Gary Wilson Gary Wilson
Barbie Denochick Barbie Denochick

EXHIBIT "A"

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

BARBIE DENOCHICK, Plaintiff : NO. 04 - 1864 - C.D.
vs. : ACCEPTANCE OF SERVICE
GARY WILSON, Defendant : Filed on Behalf of:
: Plaintiff, BARBIE DENOCHICK
: Counsel of Record for
: This Party:
: JOHN R. RYAN, ESQUIRE
: PA I.D. #38739
: BELIN & KUBISTA
: 15 North Front Street
: P.O. Box 1
: Clearfield, PA 16830
: (814) 765-8972

EGK
FILED NO
013061 CC
DEC 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

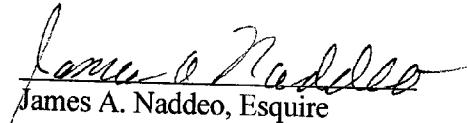
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BARBIE DENOCHICK, :
Plaintiff :
vs. : No. 04 - 1864 - CD
GARY WILSON, :
Defendant :

ACCEPTANCE OF SERVICE

I accept service of the Complaint in the above referenced case on behalf of the
Defendant, GARY WILSON.

Date: 12-13-04


James A. Naddeo, Esquire

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

BARBIE DENOCHICK,
Plaintiff

vs.

GARY WILSON,
Defendant

*

*

*

* No. 04 - 1864 - CD

*

*

*

*

*

-Type of Pleading:

*

* ANSWER, NEW MATTER
* AND COUNTERCLAIM

*

* Filed on behalf of:
* Defendant

*

* 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

6K 0 10:45 AM 10/26/04

DEC 30 2004

William A. Shaw
Prothonotary

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

BARBIE DENOCHICK, *
Plaintiff *
*
*
vs. * No. 04 - 1864 - CD
*
*
GARY WILSON, *
Defendant *

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby notified to file a written response to the enclosed New Matter and Counterclaim within twenty (20) days from service hereof or a judgment may be entered against you.



James A. Naddeo, Esquire
Attorney for Defendant

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

BARBIE DENOCHICK, *
Plaintiff *
*
vs. * No. 04 - 1864 - CD
*
*
GARY WILSON, *
Defendant *

ANSWER, NEW MATTER AND COUNTERCLAIM

ANSWER

NOW COMES Defendant by and through his attorney, James A. Naddeo, Esquire, and sets forth the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted but in further answer thereto, Defendant incorporates his New Matter hereinafter set forth by reference.
7. Denied for the reasons set forth in Defendant's New Matter which is incorporated herein by reference.
8. Admitted in so far as said allegation states that Defendant has the ability to pay and has acknowledged his obligation to pay. It is denied, however, that Defendant's actions are arbitrary, capricious and in bad faith for the

reasons set forth in Defendant's New Matter which is incorporated herein by reference.

NEW MATTER

9. That prior to July 5, 2004, Defendant paid support for his minor sons, Michael and Todd Wilson through PASCDU as required by Order of Court.

10. That on or about June 20, 2004, Plaintiff contacted Defendant because Plaintiff was unhappy with the dates and times upon which she was receiving her support payments through PASCDU.

11. That on or about June 20, 2004, the parties agreed that Defendant would commence direct payment of support to Plaintiff in the amount of \$128.08 per week commencing July 5, 2004, as appears from the agreement attached to Plaintiff's Complaint.

12. That on or about July 13, 2004, Defendant made a direct payment to Plaintiff of \$128.08 as appears from the copy of the cancelled check attached hereto as Exhibit "A".

13. That during the month of July 2004, Defendant's employer, SLS, Inc., continued to deduct from Defendant's check the sum of \$128.08 which was sent to PASCDU.

14. That as of June 23, 2004, Defendant's support obligation was overpaid to PASCDU in the amount of \$198.32.

proper amount due to her and to the contrary has instituted suit against Defendant for the sum of \$1,280.00.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be dismissed.

COUNTERCLAIM

21. That as a direct result of Plaintiff's suit to recover support in excess of the amount actually due to her, Defendant has been required to retain the services of counsel at the rate of \$150.00 per hour to perform services to the date of the preparation of this pleading as follows:

A. Perfecting an appeal from Judgment improvidently entered by District Justice Michael Rudella in the amount of \$1,280.80 with costs in the amount of \$68.50. A copy of said Judgment is attached hereto as Exhibit "E".

B. Office conference - James A. Naddeo, Esquire

C. Preparation of Answer, New Matter and Counterclaim to Plaintiff's Complaint.

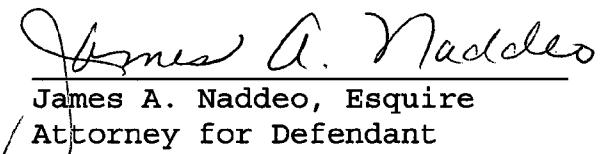
22. That the total amount of legal services incurred by Defendant to date of his Answer, New Matter and Counterclaim is \$345.00 representing 2.3 hours at the rate of \$150.00 per hour.

23. That Defendant will continue to incur legal services to defend Plaintiff's suit although he remains ready,

willing and able to pay to Plaintiff the proper sum owed to her in the amount of \$954.40.

WHEREFORE, Defendant claims reasonable counsel fees from Plaintiff for defense of the instant suit.

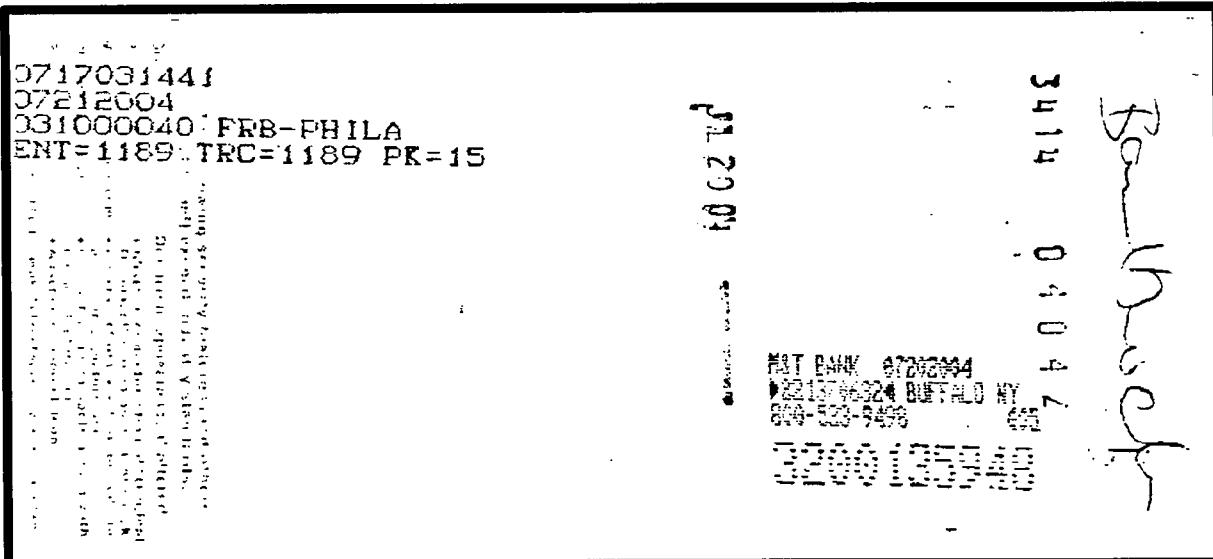
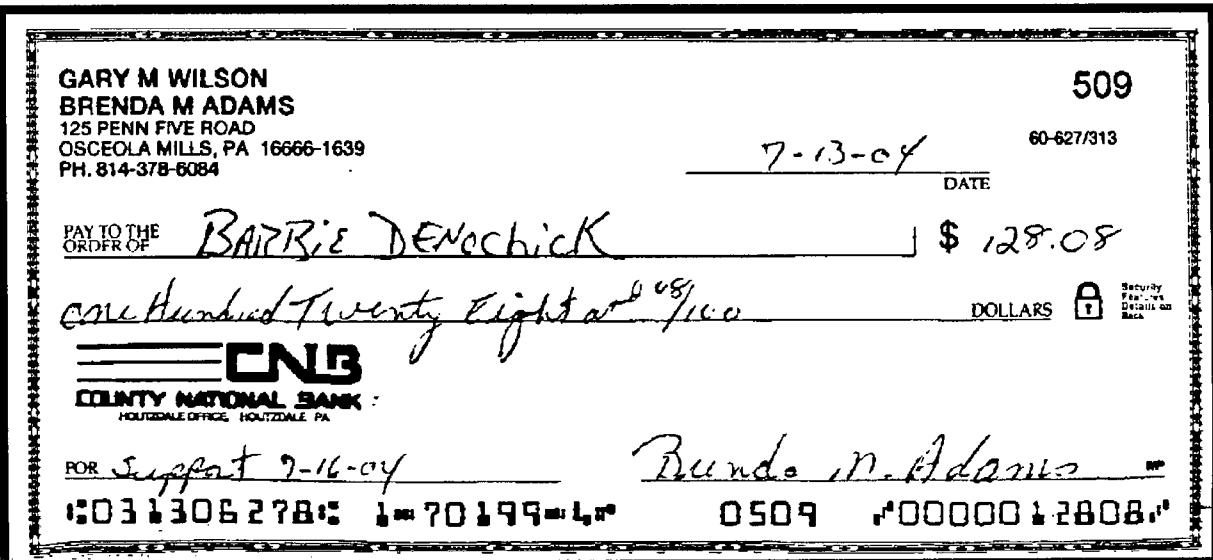
Respectfully submitted,


James A. Naddeo
James A. Naddeo, Esquire
Attorney for Defendant

Current Date: November 16, 2004

Account Number: 1701994
Posted Date: July 21, 2004
Amount: \$128.08

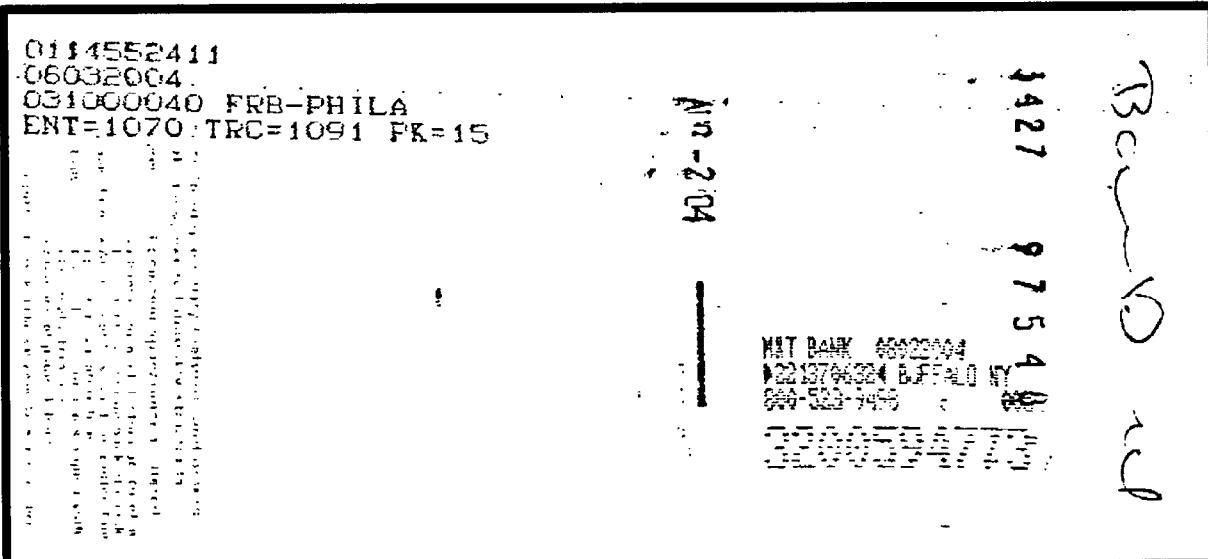
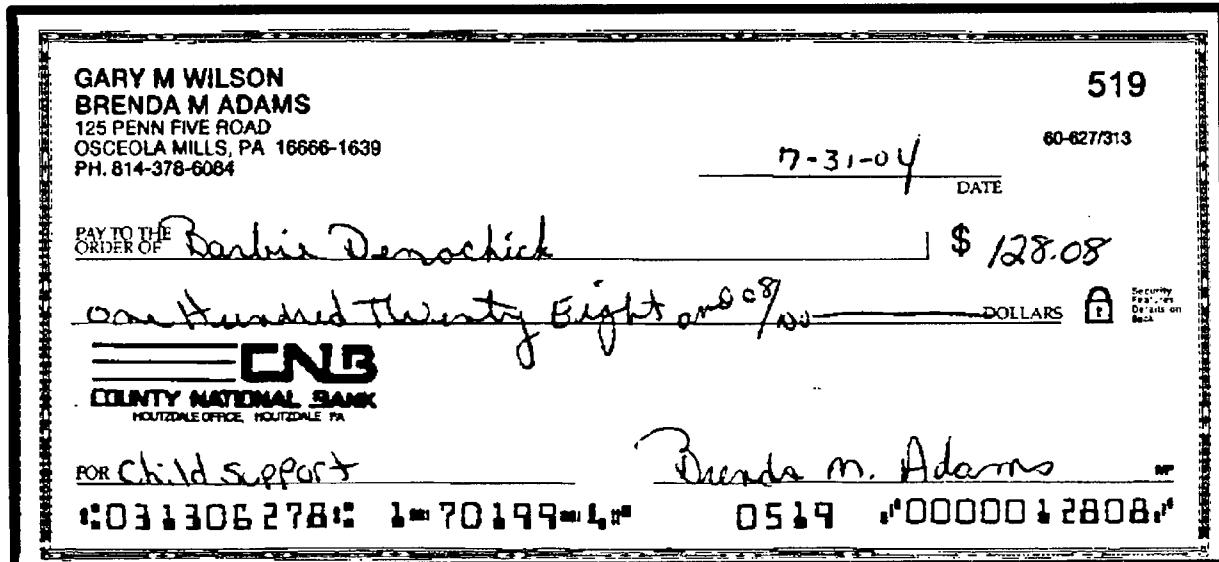
GARY M WILSON
BRENDA M ADAMS
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639



Current Date: November 16, 2004

Account Number: 1701994
Posted Date: August 03, 2004
Amount: \$128.08

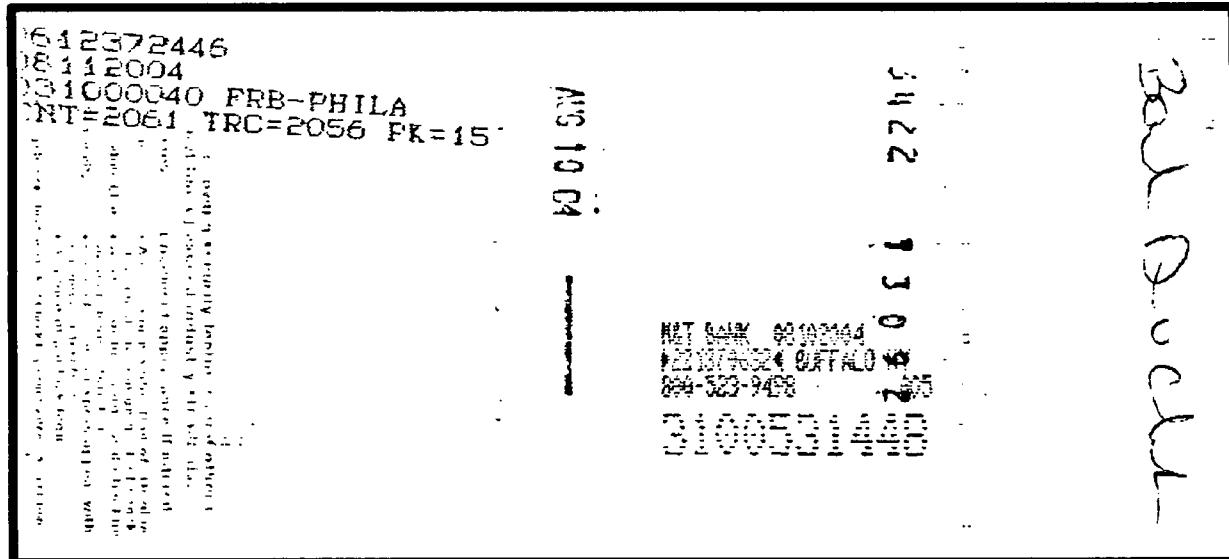
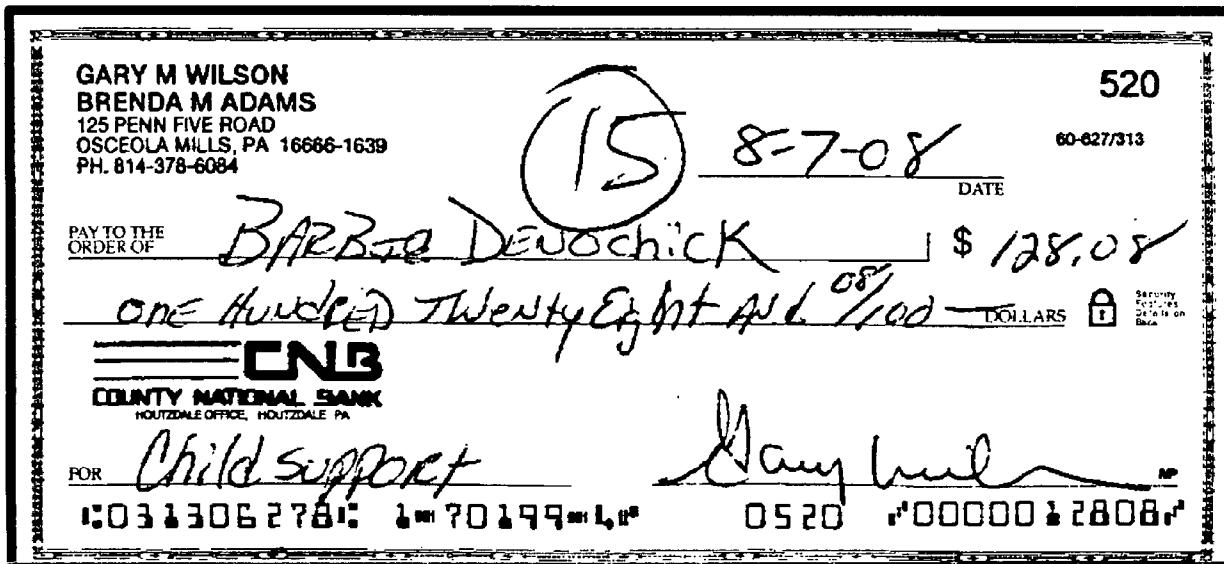
GARY M WILSON
BRENDA M ADAMS
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639



Current Date: November 16, 2004

Account Number: 1701994
Posted Date: August 11, 2004
Amount: \$128.08

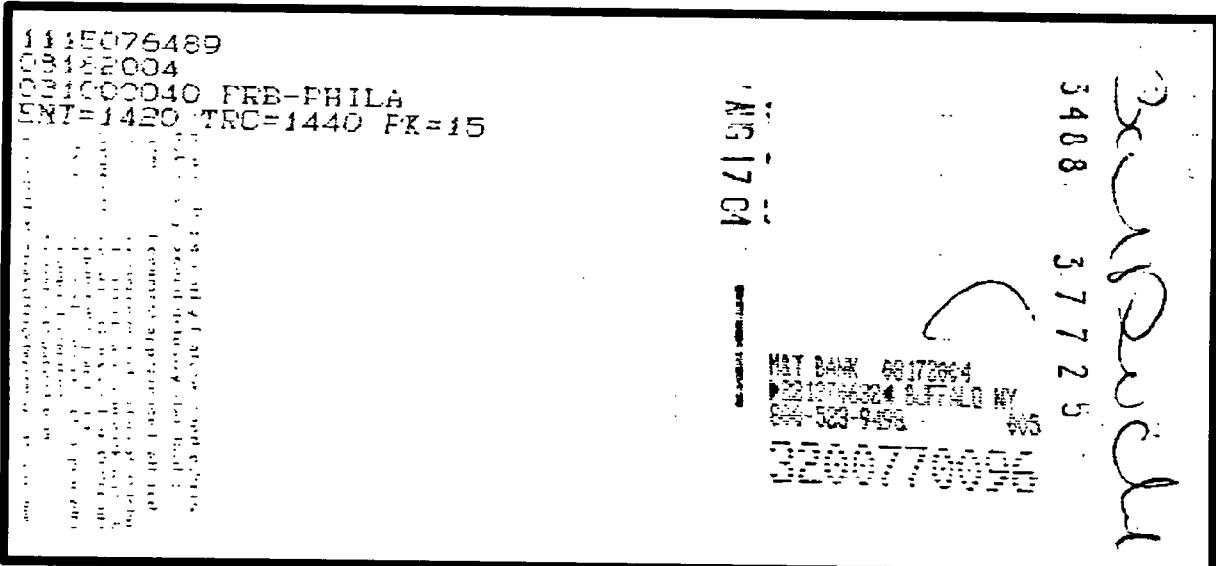
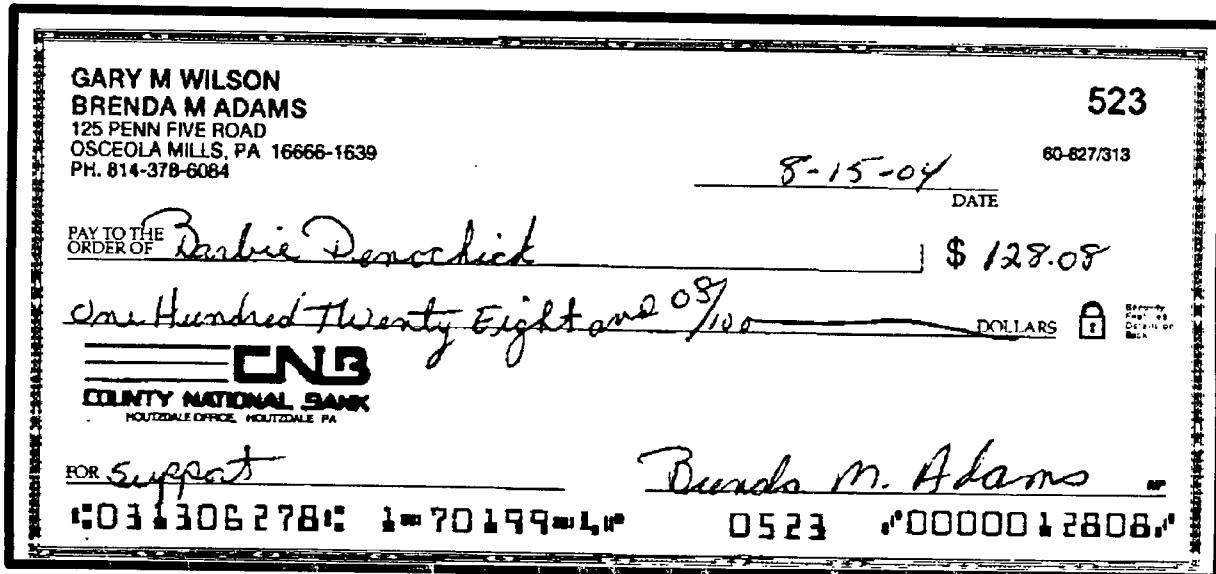
GARY M WILSON
BRENDA M ADAMS
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639



Current Date: November 16, 2004

Account Number: 1701994
Posted Date: August 18, 2004
Amount: \$128.08

GARY M WILSON
BRENDA M ADAMS
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639



Current Date: November 16, 2004

Account Number: 1701994
Posted Date: September 29, 2004
Amount: \$128.08

GARY M WILSON
BRENDA M ADAMS
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639

8

| | | |
|---|--|---|
| <p>GARY M WILSON BRENDAN M ADAMS 125 PENN FIVE ROAD OSCEOLA MILLS, PA 16666-1639 PH. 814-378-8084</p> | | 526 |
| <p><u>Aug 27, 2011</u> 60-627/313 DATE</p> | | |
| <p>PAY TO THE ORDER OF <u>BARBIE DUVICK</u></p> | | <u>\$ 198.08</u> |
| <p><u>CNE</u> <u>One hundred Thirty Eight Dollars 08/100</u> DOLLARS <u>1</u></p> | | |
| <p>CNB COUNTY NATIONAL BANK HOUTZDALE OFFICE, HOUTZDALE, PA</p> | | |
| <p>FOR <u>Child support</u> <u>003130627815 1-70199-1</u></p> | | <u>May 2011</u> <u>0526 0000012808</u> |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

WACHOVIA

| Account | Amount | Date | Check # |
|--------------------|----------|----------|--------------|
| 000002000002910277 | \$198.32 | 20040901 | 000034202381 |

THE BACKGROUND OF THIS DOCUMENT HAS A BLUE SHADED SECURITY PATTERN. THERE IS AN ARTIFICIAL WATERMARK ON BACK. HOLD AT AN ANGLE TO VIEW.

PA SCDU
P.O. BOX 69111
Harrisburg, PA 17106-9111

Wachovia Bank, N.A.
Middletown, PA 17057

PAY EXACTLY  **034202381** **3-50**
310

PAY TO THE ORDER OF **GARY M. WILSON**
125 PENN FIVE RD
OSCEOLA MILLS PA 16666-1639

08/27/2004 **\$*****198.32**
Void After 180 Days

John E. Duper
Project Director - PA SCDU

00000002910277
000000198321

CDA-2401-07091

CHECK THE AMOUNT LINE - CHARACTERS SHOULD BE OF VARYING SIZE AND SHAPE WITH THE NAME OF THE NUMBER CONTAINED INSIDE THE NUMBER IMAGE

00000002910277

ENDORSE CHECK HERE

X
GARY M. Wilson
Bank Deck

3426 **771110**
DO NOT WRITE, SIGN, OR STAMP BELOW THIS LINE

DEPOSITORY BANK ENDORSEMENT

M&T BANK 08312004
>213706324 BUFFALO NY
800-523-9498
003400515448

031000011
COLLECTING BANK 36967
SVC-752 09912004 11PK

0420240912

Below are the security features provided on this document which may render forged currency worthless.

Security Features: **Residue of check ink**

- Micro-Printing - MFT.
- Serial type on back under endorsement and signature blurred (blurred or blurred colors)
- Handwritten in pen/pencil when color coded
- Hand check is in angle to view
- Artificial Watermark

***FEDERAL RESERVE BOARD OF GOVERNORS REG. CC**

Wachovia Corporation certifies that the above image is a true and exact copy of the original item issued by the named customer, and was produced from original data stored in the archives of Wachovia Corporation or its predecessors.

Nov. 30, 2004 2:50PM Clearfield County

In the Court of Common Pleas of **CLEARFIELD** County, Pennsylvania
DOMESTIC RELATIONS SECTION

BARBIE J. DENOCHICK

Plaintiff

vs.

GARY M. WILSON

Defendant

) Order Number 96-186-SD
)
) PACSES Case Number 204000646
) Docket Number 96-186-SD
) Other State ID Number

EX 10

ORDER OF COURT

Final Interim Modified

AND NOW, 8TH DAY OF NOVEMBER, 2004, based upon the Court's determination that the Payee's monthly net income is \$ 1864.72 and the Payor's monthly net income is \$ 2,355.01, it is hereby ordered that the Payor pay to the Pennsylvania State Collection and Disbursement Unit

NINE HUNDRED

Dollars (\$ 900.00) a month payable WEEKLY as follows: first payment due IMMEDIATELY.

The effective date of the order is 09/24/04.

Arrears set at \$ 1640.00 as of NOVEMBER 8, 2004 are due in full IMMEDIATELY. All terms of this Order are subject to collection and/or enforcement by contempt proceedings, credit bureau reporting, tax refund offset certification, driver's license revocation, and the freeze and seize of financial assets. These enforcement/collection mechanisms will not be initiated as long as obligor does not owe overdue support. Failure to make each payment on time and in full will cause all arrears to become subject to immediate collection by all the means listed above.

For the Support of:

Name
MICHAEL LEE WILSON
TODD ALLEN WILSON

Birth Date

12/11/95
03/23/97

Service Type M

Form OE-518
Worker ID 17200

DENOCHICK

v. WILSON

PACSES Case Number: 204000646

Unreimbursed medical expenses that exceed \$250.00 annually per child and/or spouse are to be paid as follows: 56 % by defendant and 44 % by plaintiff. The plaintiff is responsible to pay the first \$250.00 annually (per child and/or spouse) in unreimbursed medical expenses. Defendant Plaintiff Neither party to provide medical insurance coverage. Within thirty (30) days after the entry of this order, the Plaintiff

Defendant shall submit to the person having custody of the child(ren) written proof that medical insurance coverage has been obtained or that application for coverage has been made. Proof of coverage shall consist, at a minimum, of : 1) the name of the health care coverage provider(s); 2) any applicable identification numbers; 3) any cards evidencing coverage; 4) the address to which claims should be made; 5) a description of any restrictions on usage, such as prior approval for hospital admissions, and the manner of obtaining approval; 6) a copy of the benefit booklet or coverage contract; 7) a description of all deductibles and co-payments; and 8) five copies of any claim forms.

Other Conditions:

1. SUPPORT ORDER INCLUDES A PORTION FOR DEFENDANT'S SHARE OF CHILD CARE EXPENSES, IN THE AMOUNT OF \$160.00 PER MONTH.
2. PLAINTIFF IS TO NOTIFY THE DOMESTIC RELATIONS SECTION AND THE OTHER PARTY IMMEDIATELY UPON ANY CHANGE IN CHILD CARE EXPENSES, AND PROVIDE DOCUMENTATION OF SAID CHANGE, AT WHICH TIME EITHER PARTY MAY REQUEST A PETITION FOR MODIFICATION FOR REVIEW.
3. DEFENDANT IS DIRECTED ON EVERY OCCASION THAT HE IS NOT EMPLOYED TO SEEK WORK FROM, AT LEAST, THREE (3) RESPONSIBLE EMPLOYERS EACH WEEK AND REPORT THE RESULTS THEREOF TO THE DOMESTIC RELATIONS SECTION ON OR BEFORE 4:00 PM, THURSDAY, THE FOLLOWING WEEK.

Defendant shall pay the following fees:

| <u>Fee Total</u> | <u>Fee Description</u> | <u>Payment Frequency</u> |
|------------------|---------------------------|---------------------------------|
| \$ 0.00 | for MODIFICATION FEE | Payable at \$ 0.00 per ONE TIME |
| \$ 0.00 | for CONTEMPT PETITION FEE | Payable at \$ 0.00 per ONE TIME |
| \$ 0.00 | for COURT COSTS | Payable at \$ 0.00 per MONTH |
| \$ 0.00 | for BENCH WARRANT FEE | Payable at \$ 0.00 per ONE TIME |
| \$ 0.00 | for | Payable at \$ 0.00 per |

DENOCHICK

v. ^o WILSON

PACLS Case Number: 264060645

IMPORTANT LEGAL NOTICE

PARTIES MUST WITHIN SEVEN DAYS INFORM THE DOMESTIC RELATIONS SECTION AND THE OTHER PARTIES, IN WRITING, OF ANY MATERIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE LEVEL OF SUPPORT OR THE ADMINISTRATION OF THE SUPPORT ORDER, INCLUDING, BUT NOT LIMITED TO, LOSS OR CHANGE OF INCOME OR EMPLOYMENT AND CHANGE OF PERSONAL ADDRESS OR CHANGE OF ADDRESS OF ANY CHILD RECEIVING SUPPORT. A PARTY WHO WILLFULLY FAILS TO REPORT A MATERIAL CHANGE IN CIRCUMSTANCES MAY BE ADJUDGED IN CONTEMPT OF COURT, AND MAY BE FINED OR IMPRISONED.

PENNSYLVANIA LAW PROVIDES THAT ALL SUPPORT ORDERS SHALL BE REVIEWED AT LEAST ONCE EVERY THREE (3) YEARS IF SUCH REVIEW IS REQUESTED BY ONE OF THE PARTIES. IF YOU WISH TO REQUEST A REVIEW AND ADJUSTMENT OF YOUR ORDER, YOU MUST DO THE FOLLOWING: CALL YOUR ATTORNEY. AN UNREPRESENTED PERSON WHO WANTS TO MODIFY (ADJUST) A SUPPORT ORDER SHOULD CONTACT THE DOMESTIC RELATIONS SECTION.

ALL CHARGING ORDERS FOR SPOUSAL SUPPORT AND ALIMONY PENDENTE LITE, INCLUDING UNALLOCATED ORDERS FOR CHILD AND SPOUSAL SUPPORT OR CHILD SUPPORT AND ALIMONY PENDENTE LITE, SHALL TERMINATE UPON DEATH OF THE PAYEE.

A MANDATORY INCOME ATTACHMENT WILL ISSUE UNLESS THE DEFENDANT IS NOT IN ARREARS IN PAYMENT IN AN AMOUNT EQUAL TO OR GREATER THAN ONE MONTH'S SUPPORT OBLIGATION AND (1) THE COURT FINDS THAT THERE IS GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING; OR (2) A WRITTEN AGREEMENT IS REACHED BETWEEN THE PARTIES WHICH PROVIDES FOR AN ALTERNATE ARRANGEMENT.

UNPAID ARREARAGE BALANCES MAY BE REPORTED TO CREDIT AGENCIES. ON AND AFTER THE DATE IT IS DUE, EACH UNPAID SUPPORT PAYMENT SHALL CONSTITUTE, BY OPERATION OF LAW, A JUDGMENT AGAINST YOU, AS WELL AS A LIEN AGAINST REAL PROPERTY.

IT IS FURTHER ORDERED that, upon payor's failure to comply with this order, payor may be arrested and brought before the Court for a Contempt hearing; payor's wages, salary, commissions, and/or income may be attached in accordance with law; this Order will be increased without further hearing by 25 % a month until all arrearages are paid in full. Payor is responsible for court costs and fees.

Copies delivered to parties November 9, 2004
Date

Consented:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

BY THE COURT:

LAWRENCE CLEARY

Judge

In the Court of Common Pleas of **CLEARFIELD** County, Pennsylvania
DOMESTIC RELATIONS SECTION

BARBIE J. DENOCHICK
Plaintiff
vs.
GARY M. WILSON
Defendant

) Docket Number 96-186-SD
)
)
) PACSES Case Number 204000546
)
) Other State ID Number

Order

AND NOW to wit, this NOVEMBER 8, 2004 it is hereby Ordered

that:

The RECOMMENDED ORDER has been reviewed and is hereby approved by the Court.

BY THE COURT:

/s/ Paul E. Sherry

JUDGE

Service Type M

Form OE-001
Worker ID 17200

In the Court of Common Pleas of **CLEARFIELD** County, Pennsylvania
DOMESTIC RELATIONS SECTION

BARBIE J. DENOCHICK) Docket Number 96-186-SD
Plaintiff)
vs.) PACSES Case Number 204000646
GARY M. WILSON)
Defendant) Other State ID Number

NOTICE OF RIGHT TO REQUEST A HEARING

The parties are hereby advised that they have until NOVEMBER 18, 2004 to request a hearing de novo before the Court. File requests in person at:

DOMESTIC RELATIONS SECTION
230 E MARKET ST STE 300
CLEARFIELD PA 16830

or mail to: DOMESTIC RELATIONS SECTION
230 E MARKET ST STE 300
CLEARFIELD PA 16830

COMMONWEALTH OF PENN
COUNTY OF: CLEARFIELDJUDGMENT/TRANSCRIPT
CIVIL CASE

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

PLAINTIFF:

DENOCHICK, BARBIE
 224 HORSESHOE CURVE
 OSCEOLA MILLS, PA 16666

NAME and ADDRESS

DEFENDANT:

WILSON, GARY
 125 PENN FIVE ROAD
 OSCEOLA MILLS, PA 16666

VS.

NAME and ADDRESS

Docket No.: **CV-0000399-04**
 Date Filed: **10/12/04**



GARY WILSON
 125 PENN FIVE ROAD
 OSCEOLA MILLS, PA 16666

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) DENOCHICK, BARBIE

Judgment was entered against: (Name) WILSON, GARY

in the amount of \$ 1,349.30 on: (Date of Judgment) 11/12/04

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

Damages will be assessed on: _____

This case dismissed without prejudice. _____

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

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

| | |
|--|--------------------|
| Amount of Judgment | \$ <u>1,280.80</u> |
| Judgment Costs | \$ <u>68.50</u> |
| Interest on Judgment | \$ <u>.00</u> |
| Attorney Fees | \$ <u>.00</u> |
| Total | \$ 1,349.30 |
| 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.

11-12-04 Date M A 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

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

u.s. attorney

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

BARBIE DENOCHICK,
Plaintiff

vs.

GARY WILSON,
Defendant

*

*

*

* No. 04 - 1864 - CD

*

*

*

*

* Type of Pleading:

*

* PRAECIPE TO SETTLE
* AND DISCONTINUE

*

* Filed on behalf of:
* Defendant

*

* 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 NO CC
03:43 PM
FEB 24 2005 CERT. OF DISC.
William A. Shaw to Atty
Prothonotary/Clerk of Courts Copy to cl.4

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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Copy

CIVIL DIVISION

Barbie Denochick

Vs.
Gary Wilson

No. 2004-01864-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 February 24, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 24th day of February A.D. 2005.

William A. Shaw, Prothonotary