

05-35-CD
Robert Rose vs. Mike Bier

Robert A. Rose v. Mike Bier
2005-035-CD

COURT OF COMMON PLEAS

CLEARFIELD County

JUDICIAL DISTRICT

46

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 05-35-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 Mike Bier		MAG. DIST. NO. OR NAME OF D.J. 46-3-04	
ADDRESS OF APPELLANT 146 2nd Street,		CITY South Fork,	STATE PA
		ZIP CODE 15956	
DATE OF JUDGMENT 12/10/04	IN THE CASE OF (Plaintiff) Robert A. Rose		(Defendant) Mike Bier
CLAIM NO. CV 19 0000132-04 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Michael A. Sossong</i>	

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 Robert A. Rose, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 05-35-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Michael A. Sossong
Signature of appellant or his attorney or agent

RULE: To Robert A. Rose, 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: Jan. 7, 1905

William A. Shaw
Signature of Prothonotary or Deputy

FILED

M 2:11 PM JAN 05 02
Clerk of Court

JAN 07 2005

William A. Shaw
Prothonotary

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; ss

AFFIDAVIT: I hereby swear or affirm that I served

☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, 19____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, 19____ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 19____.

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-04**

DJ Name: Hon. **JAMES L. HAWKINS**

Address: **251 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA**

Telephone: **(814) 378-7160** **16651-0362**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **ROSE, ROBERT A**
552 ROSS RD
CURWENSVILLE, PA 16833

VS.

DEFENDANT: **BIER, MIKE**
146 2ND ST
SOUTH FORK, PA 15956

MIKE BIER
146 2ND ST
SOUTH FORK, PA 15956

Docket No.: **CV-0000132-04**
Date Filed: **10/06/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **ROSE, ROBERT A**

☒ Judgment was entered against: (Name) **BIER, MIKE**

in the amount of \$ **3,657.05** on: (Date of Judgment) **12/10/04**

☐ 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	\$ 3,555.80
Judgment Costs	\$ 101.25
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 3,657.05
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.

12-10-04 Date *James L. Hawkins*, District Justice

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

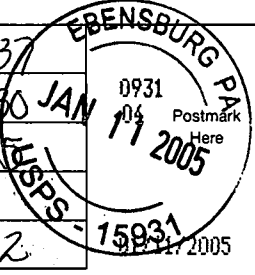
_____, Date _____, District Justice

7000 0600 0024 4731 8178

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

HOUTZDALE PA 16651

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$4.42



Recipient's Name (Please Print Clearly) (to be completed by mailer)
District Justice James L. Hawkins
District Court 46-3-04
251 Spring Street
P.O. Box 362
Houtzdale, PA 16651-0362

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail.
- Certified Mail is *not* available for Registered Mail.
- NO INSURANCE COVERAGE. For valuable mailpieces, please consider Registered Mail. For insured mailpieces, please consider Registered Mail. For insured mailpieces, please consider Registered Mail.
- For an additional fee, you may request a Return Receipt (PS Form 3800) to be provided to you upon delivery. To obtain a Return Receipt (PS Form 3800), you must complete and attach a Return Receipt (PS Form 3800) to your Certified Mail. To receive a fee waiver for a duplicate Return Receipt (PS Form 3800), you must provide proof of delivery. To obtain a fee waiver for a duplicate Return Receipt (PS Form 3800), you must provide proof of delivery. To obtain a fee waiver for a duplicate Return Receipt (PS Form 3800), you must provide proof of delivery.
- For restricted delivery, you must be restricted to the addressee or the clerk or mark the mailpiece with the words "Restricted Delivery". To receive a fee waiver for a duplicate Return Receipt (PS Form 3800), you must provide proof of delivery.
- If a Mail receipt is desired, please present the article to the clerk or mark the mailpiece with the words "Restricted Delivery". To receive a fee waiver for a duplicate Return Receipt (PS Form 3800), you must provide proof of delivery.

IMPORTANT:

PS Form 3800, January 2000 (Reverse)

MICHAEL A. SOSSONG
ATTORNEY AT LAW
3133 NEW GERMANY ROAD
SUITE #59 MINI MALL
EBENSBURG, PA 15931

File in M. Bier

Keep this receipt and present it when making an inquiry.

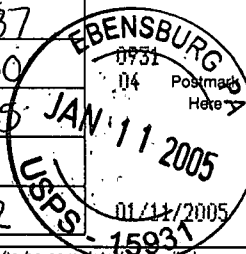
102595-99-M-2087

7000 0600 0024 4731 8086

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

BELLEFONTE PA 16823

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$4.42



Recipient's Name (Please Print Clearly) (to be completed by carrier)
Mr. Robert A. Rose

Street, Apt. No., or PO Box No.

552 Ross Road

City, State, ZIP+4

Curwensville, PA 16833

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service

Important Reminders:

- Certified Mail may ONLY be combined
- Certified Mail is *not* available for
- NO INSURANCE COVERAGE for valuables; please consider
- For an additional fee, provide proof of delivery. To obtain a Return Receipt (PS Form 3800), attach a Return Receipt (PS Form 3800) and postage to cover the fee. Endorsement: "To receive a fee waiver for a duplicate Certified Mail receipt is required."
- Certified Mail may be restricted to the addressee or the clerk or mark the mailpiece with the words "Certified Mail Only"
- If a Certified Mail receipt is desired, please present the article for postmarking. If a postmark on the Certified Mail receipt is desired, detach and affix label with postage and mail.

IMPORTANT: Keep this receipt and present it when making an inquiry.

PS Form 3800, February 2000 (Reverse)

102595-99-M-2087

MICHAEL A. SOSSONG
ATTORNEY AT LAW
3133 NEW GERMANY ROAD
SUITE #59 MINI MALL
EBENSBURG, PA 15931

File M. Bier

FILED

67 M/11/27/05
JAN 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD ; ss

AFFIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 05-35-CD, upon the District Justice designated therein on
(date of service) January 11, XX 2005, ☐ by personal service ☒ by (certified) XXXXXXXX mail, sender's
receipt attached hereto, and upon the appellee, (name) Robert A. Rose, on
January 11, XX 2005 ☐ by personal service ☒ by (certified) XXXXXXXX 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 January 11, XX 2005 ☐ by personal service ☒ by (certified) XXXXXXXX
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 11th DAY OF January, XX 2005

Suzanne M. Price
Signature of official before whom affidavit was made

Notary Public
Title of official

My commission expires on Dec. 22, 2005

Michael J.
Signature of affiant

Notarial Seal
Suzanne M. Price, Notary Public
Cambria Twp., Cambria County
My Commission Expires Dec 22, 2005

COURT OF COMMON PLEAS

CLEARFIELD County

JUDICIAL DISTRICT

46

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

05-35-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 Mike Bier		MAG. DIST. NO. OR NAME OF D.J. 46-3-04	
ADDRESS OF APPELLANT 146 2nd Street,		CITY South Fork,	STATE PA
		ZIP CODE 15956	
DATE OF JUDGMENT 12/10/04	IN THE CASE OF (Plaintiff) Robert A. Rose		
		VS. Mike Bier (Defendant)	
CLAIM NO. CV 19 0000132-04 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Michael A. Sassong</i>	

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 Robert A. Rose, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 05-35-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Michael A. Sassong
Signature of appellant or his attorney or agent

RULE: To Robert A. Rose, 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: Jan. 7, 2005

Willie L. Allen
Signature of Prothonotary or Deputy

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

JAN 07 2005

Attest.

Willie L. Allen
Prothonotary/
Court of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-04**

DJ Name: Hon. **JAMES L. HAWKINS**

Address: **251 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA**

Telephone: **(814) 378-7160** **16651-0362**

**JAMES L. HAWKINS
251 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA 16651-0362**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **ROSE, ROBERT A**
552 ROSS RD
CURWENSVILLE, PA 16833

VS.
DEFENDANT: **BIER, MIKE**
146 2ND ST
SOUTH FORK, PA 15956

Docket No.: **CV-0000132-04**
Date Filed: **10/06/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **ROSE, ROBERT A**

☒ Judgment was entered against: (Name) **BIER, MIKE**

in the amount of \$ **3,657.05** on: (Date of Judgment) **12/10/04**

☐ 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

JAN 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 3,555.80
Judgment Costs	\$ 101.25
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 3,657.05

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.

12-10-04 Date **James L. Hawkins**, District Justice

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

1-13-05 Date **James P. L.**, District Justice

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

SEAL

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: CLEARFIELD

CIVIL COMPLAINT

Mag. Dist. No.: 46-3-04

DJ Name: Hon. James L. Hawkins
430 Spring St
Address: P.O. Box 362
Houtzdale, PA 16651-0362

Telephone: (814 378-7160)

PLAINTIFF

NAME and ADDRESS

Robert A. Rose
552 Ross Road
Curwensville, PA 16833

VS.

DEFENDANT:

NAME and ADDRESS

Mike Bier
146, 2nd Street
South Fork, PA 15956

Docket No.: CV-132-04Date Filed: 10-6-04

	AMOUNT	DATE PAID
FILING COSTS \$	<u>86.00</u>	<u>10/6/04</u>
SERVING COSTS \$	<u> </u>	<u> / / </u>
TOTAL \$	<u> </u>	<u> / / </u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 3,555.80 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

On or about July 5, 2004 the Plaintiff employed the Defendant to clean his well. As the result of the Defendant's work thereafter, the well did not have sufficient flow of water for it to be useable. The Plaintiff was forced to drill a new well and the total expense is in the amount of \$3,555.80 as claimed above.

I, Robert A. Rose verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. S.C.A. § 4904) related to unsworn falsification to authorities.

Robert A. Rose
(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Richard A. Bell, EsquireAddress: 318 E. Locust Street
P.O. Box 670Telephone: (814) 765-5537Clearfield, PA 16830

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow.

FILED

JAN 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

RECEIVED
JAN 14 2005
CLERK OF COURTS
JAN 14 2005
CLERK OF COURTS

RECEIVED
JAN 14 2005
CLERK OF COURTS
JAN 14 2005
CLERK OF COURTS

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

NO. 05- ³⁵~~94~~ C.D.

MIKE BIER, Defendant

Type of Pleading
COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED
JAN 21 2005
0/11:50/cw
William A. Shaw
Prothonotary/Clerk of Courts
1 Clear to Atty.

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

No. 05- -C.D.

MIKE BIER, Defendant

TO THE WITHIN NAMED 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiffs

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

No. 05- -C.D.

MIKE BIER, Defendant

COMPLAINT

NOW comes the Plaintiffs Robert A. Rose and Bertha J. Rose with their attorney Richard A. Bell and files the following Complaint against Mike Bier, Defendant.

1. The Plaintiffs are Robert A. Rose and Bertha J. Rose, husband and wife residing at 552 Ross Road, Curwensville, Clearfield County, Pennsylvania 16833. The Plaintiffs are of full age and sui juris.

2. Mike Bier is an individual residing at 146 Second Street, South Fork, Cambria County, Pennsylvania 15956.

3. The Plaintiffs own the property where they live and depend upon a well for their water supply.

4. The Defendant is in the business of well cleaning and pump service.

5. On or about July 5, 2004, the Plaintiffs contracted with the Defendant to clean the Plaintiffs' well.

6. On July 5, 2004, the Defendant came to the Plaintiffs' home and cleaned the well and in the process lowered the well pump from one hundred and thirty-two (132') feet to one hundred and forty-two (142') feet.

7. Prior to the Defendant cleaning the Plaintiffs' well, the well supplied sufficient water for the Plaintiffs' household needs.

8. After the Defendant had cleaned the well and lowered the pump, the well no longer provided sufficient water for the household needs of the Plaintiffs.

9. The Plaintiffs contacted the Defendant and informed him of the problem, but the Defendant did nothing to correct it.

10. As the result of the failure of the well to supply sufficient water, the Plaintiffs were forced to have a new well drilled.

11. The new well produced a sufficient volume of water, but water testing by Mahaffey Lab revealed that the water supply contained bacteria.

12. The Plaintiffs will then have to install a treatment system to remove an unpleasant odor from the water caused by treatment for the bacteria.

13. As the result of the Defendant making the Plaintiffs' well unuseable due to insufficient water supply, the Plaintiffs were put to the following expenses:

(A). Paid to Mike Bier for cleaning Five Hundred and Twenty-Two (\$522.00) Dollars.

(B). Paid to Russell Hand for drilling new well Two Thousand Seventy-One Dollars and Sixty-Seven (\$2,071.67).

(C). Paid to Curwensville Heating and Plumbing for supplies Seventy-One Dollars and Eighty-Nine Cents (\$71.89).

(D). Paid to Ferguson Township for backhoe work Thirty (\$30.00) Dollars.

(E). Paid to Wal-Mart for grass seed Nineteen Dollars and Twenty-Four Cents (\$19.24).

(F). Paid to Mahaffey Laboratories for water analysis Sixty-Five (\$65.00) Dollars.


(G). Paid to Daniel Carney estimated costs of treating bacteria and odor in the new well Eight Hundred and Forty-Eight (\$848.00) Dollars.

(H). Paid for calcite treatment installed in old well just before the Defendant cleaned it and which is no longer of any use Nine Hundred and Fifty-Four (\$954.00) Dollars.

(I). Paid Judgment costs before District Justice One Hundred and One Dollars and Twenty-Five Cents (\$101.25)

WHEREFORE, Plaintiffs claim of the Defendant the total sum of Four Thousand Six Hundred Eighty-Three Dollars and Five Cents (\$4,683.05).

BELL, SILBERBLATT & WOOD
By


Richard A. Bell, Esquire
Attorney For Plaintiffs

VERIFICATION

We, ROBERT A. ROSE and BERTHA J. ROSE verify that the statements made in this COMPLAINT are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

DATE: 4/20/2005

Robert A. Rose
ROBERT A. ROSE
Bertha J. Rose
BERTHA J. ROSE

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

NO. 05- 35- C.D.

MIKE BIER, Defendant

Type of Pleading
PRAECIPE TO SETTLE
AND DISCONTINUE

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED *No Ce*
0/10-4781 Certificate
MAR 29 2005 *to Atty*
William A. Shaw
Prothonotary/Clerk of Courts
copy to CIA
GN

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

No. 05- 35 -C.D.

MIKE BIER, Defendant

TO: WILLIAM A. SHAW, PROTHONOTARY

PRAECIPE TO SETTLE AND DISCONTINUE

Please mark the above captioned case settled and discontinued.

BELL, SILBERBLATT & WOOD
BY

DATED: 3-29-05

A handwritten signature in cursive script, reading "Richard A. Bell", written over a horizontal line.

Richard A. Bell, Esquire
Attorney for Plaintiffs

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

ROBERT A. ROSE, and
BERTHA J. ROSE, Plaintiffs

vs.

No. 05- 35 -C.D.

MIKE BIER, Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Praeipue To Settle And Discontinue filed in the in the above matter was mailed the 29 day of March, 2005, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

Michael A. Sossong, Esquire
3133 New Germany Road
Ebensburg, Pennsylvania 15931


Richard A. Bell, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Robert A. Rose and
Bertha J. Rose

Vs.
Mike Bier

No. 2005-00035-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 March 29, 2005, marked:

Settled and Discontinued

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of March A.D. 2005.

William A. Shaw, Prothonotary