

05-67-CD
Linda Smyers vs. Janice Fye

Linda Smyers v Janice Fye
2005-067-CD

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

LINDA B. SMYERS
21 WEST MAIN STR
BROOKVILLE, PA 15825

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

SMYERS, LINDA B
21 WEST MAIN STR
BROOKVILLE, PA 15825

NAME and ADDRESS

DEFENDANT:

FYE, JANICE
323 S. MAIN STREET
DUBOIS, PA 15801

VS.

NAME and ADDRESS

Docket No.: **CV-0000551-04**
Date Filed: **9/30/04**



2005-67-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **SMYERS, LINDA B**

Judgment was entered against: (Name) **FYE, JANICE**

in the amount of \$ **2,086.00** on:

(Date of Judgment) **11/08/04**

Defendants are jointly and severally liable.

FILED
0121476

(Date & Time)

Damages will be assessed on:

JAN	Amount of Judgment	\$ 2,000.00
	Judgment Costs	\$ 86.00
	Interest on Judgment	\$.00
	Attorney Fees	\$.00
	Total	\$ 2,086.00
	William A. Shaw Prothonotary	
	Post Judgment Credits	\$
	Post Judgment Costs	\$
	NOTICE TO DEF	=====
	Certified Judgment Total	\$

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 \$ _____

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.

11-8-04 Date Patrick N. Ford - PNF, District Justice

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

1-5-05 Date Patrick N. Ford, District Justice

My commission expires first Monday of January, 2006

SEAL

FILED

JAN 14 2005

William A. Shaw
Prothonotary

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Linda B. Smyers

Vs.

No. 2005-00067-CD

Janice Fye

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$2,086.00 on the January 14, 2005.

William A. Shaw
Prothonotary

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Linda B. Smyers
Plaintiff(s)

No.: 2005-00067-CD

Real Debt: \$2,086.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Janice Fye
Defendant(s)

Entry: \$20.00

Instrument: District Justice Judgment

Date of Entry: January 14, 2005

Expires: January 14, 2010

Certified from the record this January 14, 2005

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

LINDA B. SMYERS,

Plaintiff

vs.

No. 2005-67 C.D.

JANICE FYE,

Defendant

Type of Pleading: Petition to Pay
Judgment Amount to the Prothonotary
and Mark Judgment Satisfied

Filed on behalf of: Raymond Berger

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *10/19/07* *Atty Hopkins*
OCT 26 2007

WAS William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA B. SMYERS, :
Plaintiff :
: :
vs. : No. 2005-67 C.D.
: :
JANICE FYE, :
Defendant :
:

**PETITION TO PAY JUDGMENT AMOUNT TO THE
PROTHONOTARY AND MARK JUDGMENT SATISFIED**

AND NOW, comes David J. Hopkins, Esquire, on behalf of Raymond Berger and says as follows:

1. Petitioner David J. Hopkins is an attorney licensed by the Commonwealth of Pennsylvania maintaining a business address at 100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801.
2. Petitioner was hired by Raymond Berger to represent his interest when purchasing real property and improvement known as 947 Bottom Road, Rockton, Clearfield County, Pennsylvania (hereinafter the "Property").
3. The sellers of the Property were Janice M. Fye and her son, Clarence E. Fye.
4. In searching the title to the Property, Petitioner discovered a judgment docketed in the Court of Common Pleas of Clearfield County to Docket Number 2005-67-CD against Janice Fye in the amount of \$2,086.00.
5. Plaintiff was Linda B. Smyers. The judgment arose from a district magistrate action. A copy of the judgment is attached as Exhibit "A". Ms. Smyers was pro se.

6. At the Fye/Berger closing, a sufficient sum of money was escrowed to pay the judgment and accrued interest and title was transferred from the Fyes to Raymond Berger on August 24, 2007.

6. After the closing Petitioner attempted to contact Ms. Smyers using the Treasure Lake address used in the 2004 district magistrate action. Ms. Smyers no longer lived in Treasure Lake and United States mail was returned. Petitioner tracked Ms. Smyers to Brookville, Pennsylvania but United States mail sent to her was returned as undeliverable. Using West Law, Petitioner tracked Ms. Smyers to Oil City, Pennsylvania; however, United States mail sent to her was again returned as undeliverable. A search of the 2007 Clearfield County real estate tax records does not show Ms. Smyers owning any real estate in Clearfield County. The tracks of Ms. Smyers have grown cold.

7. Petitioner proposes to pay the judgment amount of \$2,086.00 plus accrued interest at the rate of 6 percent from January 14, 2005 (the date the district magistrate judgment was recorded in the Court of Common Pleas) to November 14, 2007 plus a \$20.00 filing fee into Court.

WHEREFORE, Petitioner respectfully requests this Honorable Court:

1. Authorize Petitioner to pay \$2,460.56 into Court representing the judgment amount of \$2,086.00 plus accrued interest at the rate of six (6%) percent from January 14, 2005 through November 14, 2007 (\$354.56) plus a \$20.00 filing fee to the Prothonotary of Clearfield County;

2. Order the judgment lien encumbering real property and improvements conveyed to Raymond Berger known as 947 Bottom Road, Rockton, Clearfield County, Pennsylvania be

released and the property conveyed free and clear of said lien with the Judgment lien to attach to the \$2,460.56 paid by Petitioner.

Respectfully submitted,



David J. Hopkins, Esquire

Date: 08/21/2007

Clearfield County Court of Common Pleas

User: PUBLIC

Time: 03:12 PM

ROA Report

Page 1 of 1

Case: 2005-00067-CD

Current Judge: No Judge

Linda B. Smyers vs. Janice Fye

Judgment

Date	Judgment	Judge
01/14/2005	New Case Filed. Filing: District Justice Judgment Fee Paid by: Smyers, Linda B. (plaintiff) Receipt number: 1893845 Dated: 1/14/2005 Amount: \$20.00 (Cash) Judgment entered against the Defendant in the amount of \$2,086.00 Notice to Defendant	No Judge No Judge

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

LINDA B. SMYERS,

Plaintiff

vs.

No. 2005-67 C.D.

JANICE FYE,

Defendant

ORDER

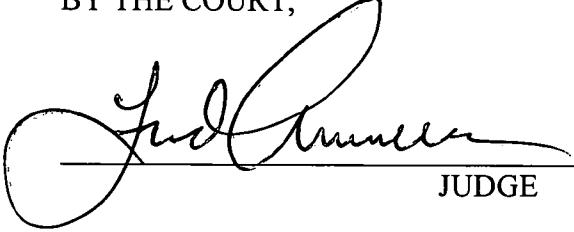
AND NOW, this 26th day of October, 2007, this matter having come before the Court on the Petition of David J. Hopkins, Esquire, to Pay a Judgment Amount into Court and Cause a Judgment on behalf of Linda B. Smyers and against Janice Fye to be marked satisfied; and for good cause shown; it is ORDERED and ADJUDGED as follows:

1. Petitioner is authorized to pay \$2,460.56 into Court representing the judgment amount of \$2,086.00 plus accrued interest at the rate of six (6%) percent from January 14, 2005 through November 14, 2007 (\$354.56) plus a \$20.00 filing fee to the Prothonotary of Clearfield County;
2. The judgment lien of Linda B. Smyers against Janice Fye encumbering real property and improvements conveyed to Raymond Berger known as 947 Bottom Road, Rockton, Clearfield County, Pennsylvania is released and the property conveyed free and clear of said lien with the judgment lien to attach to the \$2,460.56 paid by Petitioner.

FILED
OCT 26 2007
ice
D. Hopkins
GK
William A. Shaw
Prothonotary/Clerk of Courts

3. The Prothonotary is ordered to release the monies paid into Court pursuant to this Order to Linda B. Smyers upon satisfactory proof of her identity being provided to the Prothonotary.

BY THE COURT,



A handwritten signature in black ink, appearing to read "Fred A. Gruenewald". The signature is fluid and cursive, with a long, sweeping line on the left and more distinct letters on the right. It is positioned above a solid horizontal line.

JUDGE

FILED

OCT 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/26/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

Date: 11/02/2007
Time: 10:07 AM

Clearfield County Court of Common Pleas
Receipt

NO. 1921304
Page 1 of 1

Received of: Berger, Raymond \$ 2,460.56

Two Thousand Four Hundred Sixty and 56/100 Dollars

Subject: Linda B. Smyers vs. Janice Fye
Case Litigant type

2005-00067-CD Subject
 Trust account 2,460.56

Total: 2,460.56

Balance due: 0.00

Check: 3954



HOPKINS HELZEL LLP
ESCROW ACCOUNT
100. MEADOW LANE SUITE 5
DU BOIS, PA 15801

S&T BANK
DU BOIS, PA 15801
60-685/433

3954

11-2-07

PAY TO THE
ORDER OF

Prothman, Tam

\$ 2460.56

Two thousand Four Hundred + Sixty + 56/100

DOLLARS

MEMO Fje/Smyers

0003954 043306855 3000011274

Date: 11/5/2007
Time: 01:04 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1921333
Page 1 of 1

Received of: Hopkins Heltzel LLP \$ 2,460.56

Two Thousand Four Hundred Sixty and 56/100 Dollars

Plaintiff: Linda B. Smyers vs. Janice Fye
Case Litigant type

Case	Litigant type	Amount
2005-00067-CD	Plaintiff	
	Trust account	2,460.56
		Total: 2,460.56
		Balance due: 0.00

*Same as
(921304)
IT*

Check: 3954

Payment Method: Check
Amount Tendered: 2,460.56
Change Returned: 0.00
Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LINDA B. SMYERS, : No. 2005-67-C.D.
Plaintiff :
vs. : Type of Pleading: Petition
JANICE FYE, : For Release of Escrowed Funds
Defendant :
: Filed on behalf of: Janice Frye,
: Defendant
: HOPKINS HELTZEL LLP
: DAVID J. HOPKINS, Esquire
: Attorney at Law
: Supreme Court No. 42519
: LEA ANN HELTZEL, Esquire
: Attorney at Law
: Supreme Court No. 83998
: 100 Meadow Lane, Suite 5
: DuBois, Pennsylvania 15801
: (814) 375-0300

FILED 200
07/31/2010 4:47p
FEB 04 2010 4:47p
S William A. Shaw
Prothonotary/Clerk of Courts
Hopkins
610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LINDA B. SMYERS, : No. 2005-67-C.D.
Plaintiff :
: :
vs. : :
: :
JANICE FYE, : :
Defendant : :
: :

PETITION FOR RELEASE OF ESCROWED FUNDS
TOGETHER WITH INTEREST

AND NOW, comes Defendant, Janice Fye, by and through her attorneys, Hopkins Heltzel LLP, and files the within Petition For Release of Escrowed Funds Together With Interest and in support thereof says as follows:

1. Petitioner, Janice Fye, is an adult individual who resides at 213 Sher De Lin Drive, DuBois, Pennsylvania 15801.
2. On or about January 14, 2005, Linda B. Smyers obtained a judgment against Janice Fye that was docketed in the Prothonotary's Office of Clearfield County.
3. Said judgment acted as a lien upon real property owned by Janice Fye.
4. Janice Fye sold real property after the judgment was entered. The whereabouts of Linda B. Smyers were unknown, and therefore, Janice Fye escrowed the amount of the judgment, \$2,460.56, with the Prothonotary.
5. Five (5) years have now passed since the entry of the judgment and the judgment has not been revived. The whereabouts of Linda B. Smyers remain unknown. She has never made a claim upon the escrowed money.

6. Inasmuch as the judgment has expired, it is appropriate to return the aforesaid funds to Janice Fye together with accrued interest.

7. To date, escrowed funds plus accrued interest equals \$2,482.80.

WHEREFORE, Petitioner respectfully requests this Honorable Court to enter an Order directing the Prothonotary to return \$2,482.80 to Hopkins Heltzel LLP, attorneys for Janice Fye, less any fees of the Prothonotary.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Janice Fye

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LINDA B. SMYERS, : No. 2005-67-C.D.
Plaintiff :
vs. :
JANICE FYE, :
Defendant :
2 Ctrs to Attc

FILED
FEB 05 2010

William A. Shaw
Prothonotary/Clerk of Courts

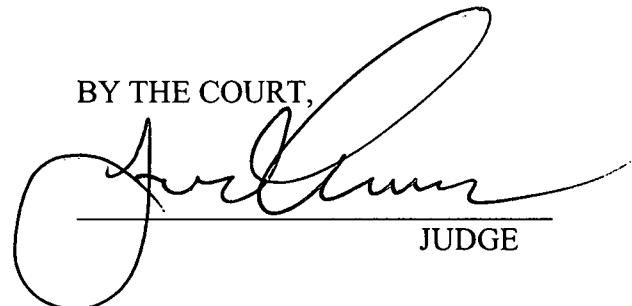
w/ Escrow Acct.
CK # 1272
2483.43

ORDER

On the Petition of Janice Fye For Release of Escrowed Funds Together with

Interest from the Prothonotary's Office of Clearfield County; and for good cause shown;
It is this 5th day of February, 2010 ORDERED and ADJUDGED that
the Prothonotary of Clearfield County shall pay over to Hopkins Heltzel LLP, as
attorneys for Janice Fye, escrowed money of \$2,460.56 together with accrued interest
less any fees of the Prothonotary.

BY THE COURT,


JUDGE

1272

CLEARFIELD COUNTY PROTHONOTARY 7-83

ALLEN D. BIETZ
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

FEB. 5, 2010

60-629/313

PAY
TO THE
ORDER OF HOPKIN HELTZEL LLP

\$2,483.43

DOLLARS

TWENTY-FOUR HUNDRED EIGHTY-THREE 43/100



Main Office
11 North 2nd Street
Clearfield, PA 16830

FOR 05-67-CO PER Court ORDER

IMMA

W.W.K. Jack Kendrick

+0313062940: 1 2 26577 2 1272

176964


CLEARFIELD BANK
&
TRUST COMPANY

REMITTER: CLEARFIELD BANK & TR CO

2/05/10

PAY TO THE
ORDER OF PROTHONOTARY OF CLEARFIELD CO -----
EXACTLY **2,483 AND 43/100 DOLLARS \$ \$2,483.43

CASHIER'S CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED OR STOLEN.


AUTHORIZED SIGNATURE

0000 176964 0313062940 190000 27

176964


CLEARFIELD BANK
&
TRUST COMPANY

Inv. 63

REMITTER: CLEARFIELD BANK & TR CO DATE 2/05/10

PROTHONOTARY OF CLEARFIELD CO -----
EXACTLY **2,483 AND 43/100 DOLLARS \$ \$2,483.43

CUSTOMER - FILE COPY

CASHIER'S CHECK


AUTHORIZED SIGNATURE

NOT NEGOTIABLE

Date: 2/5/2010

Time: 01:35 PM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BILLSHAW

Trust Report

Smyers, Linda B.

2005-00067-CD

Date	Transaction	Received	Transferred	Balance
11/5/2007	1921333 Receipt	2460.56		2460.56
1/15/2008	1821941 Interest	3.95		2464.51
4/8/2008	1821952 Interest	3.46		2467.97
7/16/2008	1821985 Interest	2.57		2470.54
10/15/2008	1822018 Interest	2.49		2473.03
1/13/2009	1822038 Interest	2.46		2475.49
4/8/2009	1822064 Interest	2.64		2478.13
7/10/2009	1822082 Interest	1.56		2479.69
10/15/2009	1822105 Interest	1.57		2481.26
1/12/2010	1822124 Interest	1.54		2482.80
2/5/2010	1822140 Interest	.63		2483.43
2/5/2010	20379 Disbursement		-2483.43	0.00