

05-104-CD

Ellwanger et al vs Treasure Lake et al

KF PROPERTY OWNERS ASSOCIATION, et al.

Susan Ellwanger et al v. T.L.P.O.A et al  
2005-104-CD

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,  
Plaintiffs

v.

TREASURE LAKE PROPERTY OWNERS:  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE,  
Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DOCKET NO: 05-104-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

---

**PRAECIPE FOR WRIT OF SUMMONS**

---

**To the Prothonotary of Clearfield County:**

Please issue a Writ of Summons in the above-captioned action upon the following Defendant:

Silverwoods at Treasure Lake, 687 Treasure Lake, DuBois, Pennsylvania 15801.

**FILED**

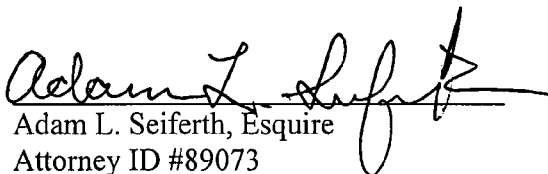
M 11:37 AM PL 8502  
JAN 25 2005

William A. Shaw  
Prothonotary

Date: *January 24, 2005*

**Peters & Wasilefski**

By:

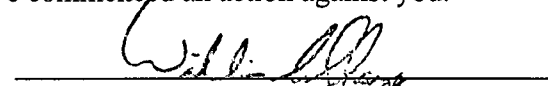


Adam L. Seiferth, Esquire  
Attorney ID #89073  
2931 North Front Street  
Harrisburg, Pennsylvania 17110  
717-238-7555

Attorney for Plaintiffs,  
Susan and William Ellwanger

**WRIT OF SUMMONS**

To the above-named Defendant, Silverwoods at Treasure Lake you are notified that the above-named Plaintiffs, Susan and William Ellwanger have commenced an action against you.

  
Prothonotary

Date: 1-25-05

by:

Deputy

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,  
Plaintiffs

v.

TREASURE LAKE PROPERTY OWNERS:  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE, :  
Defendants :

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DOCKET NO: 05-104-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

---

**PRAECIPE FOR WRIT OF SUMMONS**

---

**To the Prothonotary of Clearfield County:**

Please issue a Writ of Summons in the above-captioned action upon the following Defendant:

Treasure Lake Property Owners Association, 13 Treasure Lake, DuBois, Pennsylvania 15801.

**FILED**

m 11:37 AM JES

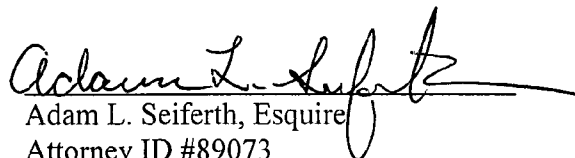
JAN 25 2005

William A. Shaw  
Prothonotary

Date: January 24, 2005

**Peters & Wasilefski**

By:



Adam L. Seiferth, Esquire

Attorney ID #89073

2931 North Front Street

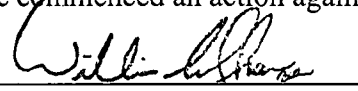
Harrisburg, Pennsylvania 17110

717-238-7555

Attorney for Plaintiffs,  
Susan and William Ellwanger

**WRIT OF SUMMONS**

To the above-named Defendant, Treasure Lake Property Owners Association, you are notified  
that the above-named Plaintiffs, Susan and William Ellwanger have commenced an action against you.

  
Prothonotary

Date: 1-25-05

by:

Deputy

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 100169  
NO: 05-104-CD  
SERVICE # 1 OF 2

SUMMONS; INTERROG.; REQUEST/PRODUCT.; NOTICE/DEPO.

PLAINTIFF: SUSAN ELLWANGER and WILLIAM ELLWANGER

vs.

DEFENDANT: TREASURE LAKE PROPERTY OWNERS ASSOCIATION and SILVERWOODS AT TREASURE LAKE

**SHERIFF RETURN**

---

NOW, February 01, 2005 AT 1:30 PM SERVED THE WITHIN  
SUMMONS; INTERROG.; REQUEST/PRODUCT.; NOTICE/DEPO. ON TREASURE LAKE PROPERTY OWNERS  
ASSOCIATION DEFENDANT AT 13 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY  
HANDING TO MATT BEGLEY, GEN. MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL  
SUMMONS; INTERROG.; REQUEST/PRODUCT.; NOTICE/DEPO. AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

**FILED**  
08:45 AM  
FEB 03 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 100169  
NO: 05-104-CD  
SERVICE # 2 OF 2

SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO.

PLAINTIFF: SUSAN ELLWANGER and WILLIAM ELLWANGER

vs.

DEFENDANT: TREASURE LAKE PROPERTY OWNERS ASSOCIATION and SILVERWOODS AT TREASURE LAKE

**SHERIFF RETURN**

---

NOW, February 01, 2005 AT 1:45 PM SERVED THE WITHIN  
SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO. ON SILVERWOODS AT TREASURE LAKE  
DEFENDANT AT 687 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO  
LISA QUAIRIERE, PROPERTY DIRECTOR A TRUE AND ATTESTED COPY OF THE ORIGINAL  
SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO. AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100169  
NO: 05-104-CD  
SERVICES 2

SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO.

PLAINTIFF: SUSAN ELLWANGER and WILLIAM ELLWANGER

vs.

DEFENDANT: TREASURE LAKE PROPERTY OWNERS ASSOCIATION and SILVERWOODS AT TREASURE LAKE

SHERIFF RETURN

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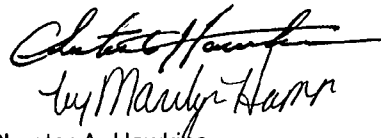
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PETERS	11663	20.00
SHERIFF HAWKINS	PETERS	11663	39.76

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

So Answers,



Chester A. Hawkins  
Sheriff

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DOCKET No. 05 - 104 - CD

CIVIL ACTION - LAW

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendants

Counsel of Record for this Party:

JAMES F. ANDREWS, JR., ESQUIRE  
PA I.D. #30648

JACOBS & ASSOCIATES  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

(724) 934-0388

**JURY TRIAL DEMANDED**

**FILED** *no cc*  
*mha:5267*  
**FEB 07 2005**  
*for* William A. Shaw  
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and  
WILLIAM ELLWANGER, her  
husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
DOCKET No. 05 - 104 - CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Please enter my appearance on behalf of the Defendants in the above-captioned matter.

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire  
11269 Perry Highway, Suite 400  
Wexford, PA 15090



SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
DOCKET No. 05 - 104 - CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praecipe for Appearance was  
served upon the following counsel of record on the 4 day of February, 2005, by First Class  
U.S. Mail, postage prepaid:

Adam L. Seiferth, Esquire  
Peters & Wasilefski  
2931 North Front Street  
Harrisburg, PA 17110

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire  
Attorney for Defendants

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

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,

GD 05-104-CD

Plaintiffs,

PRAECIPE FOR APPEARANCE

vs

Filed on behalf of: Treasure Lake  
Property Owners Association  
Defendants

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE LAKE,

Counsel of record for this party:

Defendants.

Jerry S. Eisenberg, Esquire  
Atty. State I.D. No. 41241

LAW OFFICES OF JERRY S.  
EISENBERG  
1225 One Oxford Centre  
301 Grant Street  
Pittsburgh, PA 15219

Tel. (412) 281-7761

68 FILED No CC  
m/10:56/1  
FEB 17 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,

Plaintiffs,

vs

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE LAKE,

Defendants.

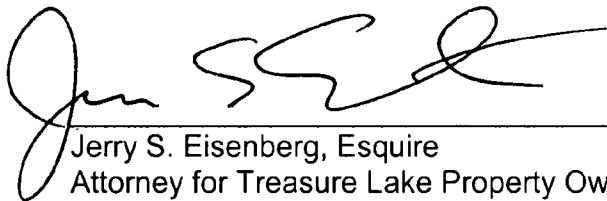
No.: 05-104-CD

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter our appearance on behalf of Defendant, Treasure Lake Property  
Owners Association with regard to the above captioned action.

LAW OFFICES OF JERRY S. EISENBERG

A handwritten signature in black ink, appearing to read 'Jerry S. Eisenberg', is written over a horizontal line.

Jerry S. Eisenberg, Esquire  
Attorney for Treasure Lake Property Owners  
Association, Defendant


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Praecipe for Appearance was served upon the following at their address of record by first class mail, postage prepaid, this 15<sup>th</sup> day of **February, 2005**.

Adam L. Seiferth, Esquire  
PETERS & WASILEFSKI  
2931 North Front Street  
Harrisburg, PA 17110

James Andrews, Esquire  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

LAW OFFICES OF JERRY S. EISENBERG

  
\_\_\_\_\_  
Jerry S. Eisenberg

SUSAN ELLWANGER and  
WILLIAM ELLWANGER, her  
husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DOCKET No. 05 - 104 - CD

CIVIL ACTION - LAW

**PRAECIPE FOR WITHDRAWAL  
OF APPEARANCE**

Filed on behalf of Defendant

Counsel of Record for this Party:

JAMES F. ANDREWS, JR., ESQUIRE  
PA I.D. #30648

JACOBS & ASSOCIATES  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

(724) 934-0388

**JURY TRIAL DEMANDED**

FILED 10 cc  
m/12:30  
FEB 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and  
WILLIAM ELLWANGER, her  
husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY,  
: PENNSYLVANIA  
: DOCKET No. 05 - 104 - CD

: CIVIL ACTION - LAW

: JURY TRIAL DEMANDED

**PRAECIPE FOR WITHDRAWAL OF APPEARANCE**

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Please withdraw my appearance on behalf of the Defendant Treasure Lake Property  
Owners Association in the above-captioned matter.

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire  
11269 Perry Highway, Suite 400  
Wexford, PA 15090

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,

Plaintiffs,

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE,

Defendants.

IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
DOCKET No. 05 - 104 - CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praeceptum for Withdrawal of  
Appearance was served upon the following counsel of record on the 17 day of July,  
2005, by First Class U.S. Mail, postage prepaid:

Adam L. Seiferth, Esquire  
Peters & Wasilefski  
2931 North Front Street  
Harrisburg, PA 17110

Jerry S. Eisenberg, Esquire  
1225 One Oxford Centre  
301 Grant Street  
Pittsburgh, PA 15219

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire

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

SUSAN ELLWANGER and  
WILLIAM ELLWANGER

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE

:  
:  
:  
: No. 05-104-CD  
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:

**ORDER**

AND NOW, this 2<sup>nd</sup> day of March, 2005, it is the Order of the Court that argument on Plaintiffs' Motion to Compel Deposition of Designee of Defendant, Silverwoods at Treasure Lake filed in the above-captioned matter has been scheduled for the 15 day of March, 2005, at 2:00 P.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

**FILED**

MAR 03 2005

0/10:00 (66)  
William A. Shaw  
Prothonotary

with cert  
to Amy

BY THE COURT:

*Fredric J. Ammerman*

FREDRIC J. AMMERMAN  
President Judge



SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO: 05-104-CD
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT :	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of Plaintiffs' Motion to Compel the Deposition of a designee of Defendant, Silverwoods at Treasure Lake, said Motion is hereby **GRANTED**.

Defendant, Silverwoods at Treasure Lake, shall produce Lisa Quairiere for deposition upon oral examination within ten (10) days of the date of this Order at a time and place to be scheduled by Plaintiffs. Failure to comply with this Order may result in sanctions, including attorney's fees, upon motion of Plaintiff pursuant to Pa.R.C.P. 4019(g).

BY THE COURT:

\_\_\_\_\_  
J.

CA

SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO: 05-104-CD
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT :	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

**FILED**

MAR 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts  
CLEARFIELD COUNTY

**PLAINTIFFS' MOTION TO COMPEL DEPOSITION OF DESIGNEE  
OF DEFENDANT, SILVERWOODS AT TREASURE LAKE**

**AND NOW**, come the Plaintiffs, Susan and William Ellwanger, by and through their attorneys, Peters & Wasilefski, and respectfully move this Court to compel the deposition of Lisa Quairiere of Defendant, Silverwoods at Treasure Lake, for the following reasons:

1. This matter arises out of a personal injury claim that occurred on March 27, 2003 when Plaintiff, Susan Ellwanger, tripped and fell as a result of the unsafe condition of the sidewalk located at the base of the front steps of Unit 51B of the Silverwoods Townhouses located in Treasure Lake, resort in Dubois, Pennsylvania.

2. Plaintiffs, Susan and William Ellwanger initiated this matter against Defendants, Treasure Lake property Owners Association and Silverwoods at Treasure Lake, by filing a Praecipe for Writ of Summons on January 25, 2005.

3. On February 1, 2005, Lisa Quairiere, the property director of Defendant, Silverwoods at Treasure Lake, was served with the Writ of Summons and, in addition thereto, a Notice to Take Deposition, Interrogatories, and Request for Production of Documents. A true and correct copy of the Sheriff's Return is attached hereto as Exhibit "A".

4. The Notice to Take Deposition directed to Defendant, Silverwoods at Treasure Lake, noticed the oral deposition of a designee of Defendant, Silverwoods at Treasure Lake, in accordance

with Pennsylvania Rule of Civil Procedure 4007.1 for purposes of preparing a Complaint, discovery and/or for use at trial, on February 18, 2005 at 12:00 p.m. in DuBois, Pennsylvania. A true and correct copy of the Notice to Take Deposition is attached hereto as Exhibit "B".

5. On or about February 4, 2005, James F. Andrews, Jr. Esquire, entered his appearance on behalf of Defendants.

6. Despite notice and representation by counsel, Defendant, Silverwoods at Treasure Lake, failed to produce a designee for oral examination and submit to the deposition on February 18, 2003. Further, Defendant, Silverwoods at Treasure Lake, failed to object to the deposition or move for protective order in accordance with the Rules of Civil Procedure.

7. Plaintiffs, Susan and William Ellwanger, require the pre-complaint discovery and specifically, the deposition of Lisa Quairiere of Defendant, Silverwoods at Treasure Lake, in order to ascertain the proper parties who owned, maintained or controlled the sidewalk located at the base of the front steps of Unit 51B of the Silverwoods Townhouses.

8. Under the Pennsylvania Rules of Civil Procedure, a party may take the testimony of any person, including a party, by deposition upon oral examination for the preparation of pleadings. Pa.R.C.P. 4001(c).

9. Under Rule 4019, this Court may, on motion, make an appropriate order if a party or a person designated under Rule 4007.1(e) to be examined, after notice under Rule 4007.1, fails to appear before the person who is to take the deposition. Pa.R.C.P. 4019(a)(1)(iv). This Court may make such order with regard to the failure to make discovery as is just. Pa.R.C.P. 4019(c)(5).

10. Plaintiffs, Susan and William Ellwanger, require the deposition of Lisa Quairiere of Defendant, Silverwoods at Treasure Lake, to be completed in an immediate and expeditious manner so

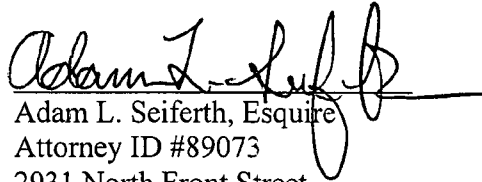
that all appropriate parties can be served prior to the expiration of the statute of limitations on March 27, 2005.

**WHEREFORE**, Plaintiffs, Suzan and William Ellwanger, requests this Honorable Court enter an Order compelling Lisa Quairiere of Defendant, Silverwoods at Treasure Lake, to submit to a deposition upon oral examination within ten (10) days of the date of the Order.

Respectfully Submitted,

**Peters & Wasilefski**

By:



Adam L. Seiferth, Esquire  
Attorney ID #89073  
2931 North Front Street  
Harrisburg, Pennsylvania 17110  
717-238-7555

Date: 02-29-2004

Attorney for Plaintiffs,  
Susan and William Ellwanger



**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 100169  
NO: 05-104-CD  
SERVICE # 2 OF 2

SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO.

PLAINTIFF: SUSAN ELLWANGER and WILLIAM ELLWANGER

vs.

DEFENDANT: TREASURE LAKE PROPERTY OWNERS ASSOCIATION and SILVERWOODS AT TREASURE LAKE

**SHERIFF RETURN**

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NOW, February 01, 2005 AT 1:45 PM SERVED THE WITHIN  
SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO. ON SILVERWOODS AT TREASURE LAKE  
DEFENDANT AT 687 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO  
LISA QUAIRIERE, PROPERTY DIRECTOR A TRUE AND ATTESTED COPY OF THE ORIGINAL  
SUMMONS;INTERROG.;REQUEST/PRODUCT.;NOTICE/DEPO. AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /



Peters & Wasilefski  
Adam L. Seiferth, Esquire  
Attorney ID #89073  
2931 North Front Street  
Harrisburg, Pennsylvania 17110  
717-238-7555

SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO:
	:	
TREASURE LAKE PROPERTY OWNERS	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

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**NOTICE TO TAKE DEPOSITION**

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To: Silverwoods at Treasure Lake  
687 Treasure Lake  
DuBois, Pennsylvania 15801

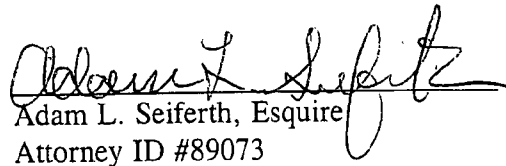
**PLEASE TAKE NOTICE** that Susan Ellwanger and William Ellwanger, by and through their attorneys, Peters & Wasilefski, will take the oral deposition of the designee of Silverwoods at Treasure Lake upon oral examination in accordance with Pennsylvania Rule of Civil Procedure 4007.1(c) for purposes of preparing a Complaint, discovery and/or for use at trial, before a person authorized to render an oath at the Best Western Inn and Conference Center, 42 North Park Place, DuBois, Pennsylvania 15801 at 12:00 p.m. on all matters which are relevant and material to actionable claims involved in this case. The nature of the cause of action is a personal injury claim that occurred on March 27, 2003 as a result of the condition of the sidewalk located at the base of the front steps of Unit 51B of the Silverwoods Townhouses located at the Treasure Lake resort in DuBois, Pennsylvania. A designee of Silverwoods at Treasure Lake is requested to appear at the



aforesaid time and place and bring with him or her any records, notes, communications, or any other writings in the possession of Sliverwoods at Treasure Lake or to which Sliverwoods at Treasure Lake has access, which relate to the March 27, 2003 incident and the maintenance, repair, ownership, possession or control of the premises and common areas, and to submit to examination under oath for as long as it takes to complete the interrogation.

**Peters & Wasilefski**

By:



Adam L. Seiferth, Esquire

Attorney ID #89073

2931 North Front Street

Harrisburg, Pennsylvania 17110

717-238-7555

Date: 01-24-2005

Attorney for Plaintiffs,  
Susan and William Ellwanger

SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO:
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT :	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

---

**CERTIFICATE OF SERVICE**

---

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice to Take Deposition** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this 24<sup>th</sup> day of *January, 2005*, addressed as follows:

Silverwoods at Treasure Lake  
687 Treasure Lake  
DuBois, Pennsylvania 15801

**Peters & Wasilefski**

*Mary Caca*

SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO:
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT :	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

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**CERTIFICATE OF SERVICE**

---

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Compel** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this 28<sup>th</sup> day of *February, 2005*, addressed as follows:

Jerry S. Eisenberg, Esquire  
Suite 1225, 1 Oxford Centre  
301 Grant Street  
Pittsburgh, Pennsylvania 15219

James F. Andrews, Jr., Esquire  
**Jacobs & Associates**  
11269 Perry Highway, #400  
Wexford, Pennsylvania 15090-9388

**Peters & Wasilefski**

Mary COOU

SUSAN ELLWANGER and WILLIAM : IN THE COURT OF COMMON PLEAS  
ELLWANGER, her husband, : OF CLEARFIELD COUNTY,  
Plaintiffs : PENNSYLVANIA  
v. : DOCKET NO: 05-104-CD  
TREASURE LAKE PROPERTY OWNERS: CIVIL ACTION - LAW  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE, : JURY TRIAL DEMANDED  
Defendants :

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**AFFIDAVIT OF SERVICE**

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I HEREBY CERTIFY that a true and correct copy of the foregoing **Order** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this 4<sup>th</sup> day of **March, 2005**, addressed as follows:

Jerry S. Eisenberg, Esquire  
Suite 1225, 1 Oxford Centre  
301 Grant Street  
Pittsburgh, Pennsylvania 15219

James F. Andrews, Jr., Esquire  
**Jacobs & Associates**  
11269 Perry Highway, #400  
Wexford, Pennsylvania 15090-9388

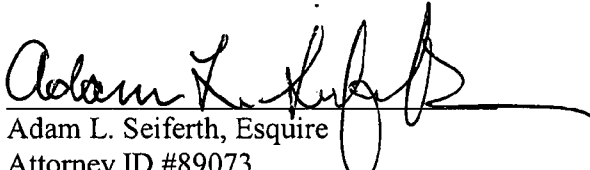
David S. Meholic  
Office of Court Administrator  
Clearfield County Courthouse, Suite 228  
230 East Market Street  
Clearfield, Pennsylvania 16830

**FILED** <sup>10</sup> cc  
MAR 07 2005 <sup>1123 BY</sup> <sub>GP</sub>

William A. Shaw  
Prothonotary/Clerk of Courts

**Peters & Wasilefski**

By:

  
Adam L. Seiferth, Esquire  
Attorney ID #89073  
2931 North Front Street  
Harrisburg, Pennsylvania 17110  
717-238-7555

Date: March 4, 2005

Attorney for Plaintiffs,  
Susan and William Ellwanger

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

SUSAN ELLWANGER and  
WILLIAM ELLWANGER

vs.

TREASURE LAKE PROPERTY  
OWNERS ASSOCIATION and  
SILVERWOODS AT TREASURE  
LAKE

:  
:  
:  
: No. 05-104-CD  
:  
:

**ORDER**

AND NOW, this 2 day of March, 2005, it is the Order of the Court that argument on Plaintiffs' Motion to Compel Deposition of Designee of Defendant, Silverwoods at Treasure Lake filed in the above-captioned matter has been scheduled for the 15 day of MARCH, 2005, at 2:00 P.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

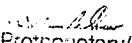
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

MAR 03 2005

Attest.

  
Prothonotary/  
Clerk of Courts

CA

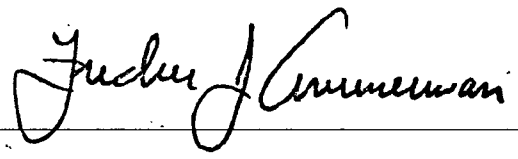
SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO: 05-104-CD
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT :	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

**ORDER**

AND NOW, this 16<sup>th</sup> day of March, 2005, upon consideration of Plaintiffs' Motion to Compel the Deposition of a designee of Defendant, Silverwoods at Treasure Lake, said Motion is hereby **WITHDRAWN** at the request of counsel for Plaintiffs.

Plaintiffs shall serve this Order on all parties of record.

BY THE COURT:

  
 J.

**FILED**

MAR 18 2005  
 0/51301w  
 William A. Shaw  
 Prothonotary/Clerk of Courts

3 sent to ADAM SEIFERT

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,  
Plaintiffs

v.

TREASURE LAKE PROPERTY OWNERS:  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE, :  
Defendants :

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO: 05-104-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

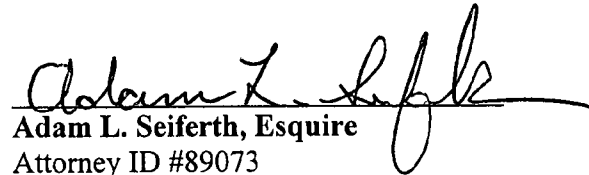
**PRAECIPE TO DISCONTINUE ACTION AGAINST TREASURE LAKE  
PROPERTY OWNERS ASSOCIATION**

**To the Prothonotary of Clearfield County:**

Please mark the docket in the above-captioned action as discontinued against Defendant,  
Treasure Lake Property Owners Association.

**Peters & Wasilefski**

By:

  
Adam L. Seiferth, Esquire  
Attorney ID #89073  
2931 North Front Street  
Harrisburg, Pennsylvania 17110  
717-238-7555

Date: *April 22, 2005*

Attorney for Plaintiffs,  
Susan and William Ellwanger

**FILED**

APR 27 2005

*m 11:30/w*  
William A. Shaw

Prothonotary/Clerk of Courts

*1 cent to Atty*

SUSAN ELLWANGER and WILLIAM	:	IN THE COURT OF COMMON PLEAS
ELLWANGER, her husband,	:	OF CLEARFIELD COUNTY,
Plaintiffs	:	PENNSYLVANIA
	:	
v.	:	DOCKET NO: 05-104-CD
	:	
TREASURE LAKE PROPERTY OWNERS:	:	CIVIL ACTION - LAW
ASSOCIATION, and SILVERWOODS AT:	:	
TREASURE LAKE,	:	JURY TRIAL DEMANDED
Defendants	:	

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**CERTIFICATE OF SERVICE**

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I HEREBY CERTIFY that a true and correct copy of the foregoing **Praeipie to Discontinue Treasure Lake Property Owners Association** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this *22<sup>nd</sup>* day of *April, 2005*, addressed as follows:

James F. Andrews, Jr., Esquire  
**Jacobs & Associates**  
 11269 Perry Highway, #400  
 Wexford, Pennsylvania 15090-9388

Jerry S. Eisenberg, Esquire  
 Suite 1225, 1 Oxford Centre  
 301 Grant Street  
 Pittsburgh, Pennsylvania 15219

**Peters & Wasilefski**

*Mary Cook*



SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,  
Plaintiffs

v.

TREASURE LAKE PROPERTY OWNERS:  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE,  
Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO: 05-104-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

**PRAECIPE TO DISCONTINUE ACTION AGAINST TREASURE LAKE  
PROPERTY OWNERS ASSOCIATION**

**To the Prothonotary of Clearfield County:**

Please mark the docket in the above-captioned action as discontinued against Defendant,  
Silverwoods at Treasure Lake.

**Peters & Wasilefski**

By:

Adam L. Seiferth / SPm

**Adam L. Seiferth, Esquire**

Attorney ID #89073

2931 North Front Street

Harrisburg, Pennsylvania 17110

717-238-7555

Date: *August 2, 2005*

Attorney for Plaintiffs,  
Susan and William Ellwanger

**FILED** <sup>NO</sup> <sub>cc</sub>  
m/3:198/ <sub>@</sub>  
AUG 04 2005

Victoria A. Shaw  
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and WILLIAM  
ELLWANGER, her husband,  
Plaintiffs

v.

TREASURE LAKE PROPERTY OWNERS:  
ASSOCIATION, and SILVERWOODS AT :  
TREASURE LAKE,  
Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO: 05-104-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

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**CERTIFICATE OF SERVICE**

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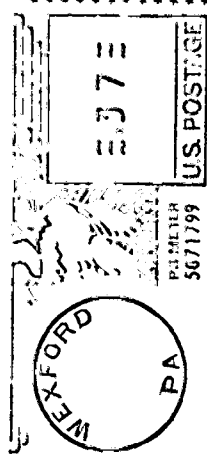
I HEREBY CERTIFY that a true and correct copy of the foregoing **Praeipie to Discontinue** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this 2<sup>nd</sup> day of *August, 2005*, addressed as follows:

James F. Andrews, Jr., Esquire  
**Jacobs & Associates**  
11269 Perry Highway, #400  
Wexford, Pennsylvania 15090-9388  
(Counsel for Silverleaf Resorts, Inc.)

**Peters & Wasilefski**

Mary Cook

LAW OFFICES OF  
**JACOBS & ASSOCIATES**  
11269 PERRY HIGHWAY, SUITE 400  
WEXFORD, PA 15090



JACOBS & ASSOCIATES  
11260 PERRY HIGHWAY  
SUITE 400  
WEXFORD, PA 15090-9389