

Fisher Auto Parts v. Paul Aurandt
2005-157-CD

05-157-CD
Fisher Auto Parts vs. Aurandt

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 05-157-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.

PAUL M. AURANDT

NAME OF APPELLANT

RR 1 Box 743

ADDRESS OF APPELLANT

MAG. DIST. NO. OR NAME OF D.J.

49-3-03

ALLEN W. SINCLAIR

CITY

STATE

Houzdale

Pa

ZIP CODE

16651

DATE OF JUDGMENT

1-6-05

IN THE CASE OF (Plaintiff)

FISHER AUTO PARTS

(Defendant)

CLAIM NO.

CV

LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Paul M. Aurandt

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 FISHER AUTO PARTS, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 49-3-03 05-157-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Paul M. Aurandt

Signature of appellant or his attorney or agent

RULE: To FISHER AUTO PARTS, 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: February 3, 2005.

William A. Shaw

BA

Signature of Prothonotary or Deputy

FILED Copies
01/8/2005 to Def
FEB 03 2005 Def pd.

William A. Shaw 85.00
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 _____; 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) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on
_____, 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 _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CENTRE

Mag. Dist. No.:

49-3-03

DJ Name: Hon.

ALLEN W. SINCLAIR
126 N SECOND ST
PO BOX 95
PHILIPSBURG, PA

Telephone: (814) 342-4557 16866

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS

FISHER AUTO PARTS
406 N THIRD STREET
PHILIPSBURG, PA 16866

VS.

DEFENDANT: NAME and ADDRESS

PAUL AURANDT DBA AURANDT AUTO BODY
RR1 BOX 473
HOUTZDALE, PA 16551

PAUL AURANDT DBA AURANDT AUTO BODY
RR1 BOX 473
HOUTZDALE, PA 16551

Docket No.: **CV-0000214-04**
Date Filed: **12/07/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

Judgment was entered for: (Name) **FISHER AUTO PARTS**

Judgment was entered against: (Name) **PAUL AURANDT DBA AURANDT AUTO BODY**

in the amount of \$ **2,911.60** on: (Date of Judgment) **1/06/05**

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	\$ 2,787.60
Judgment Costs	\$ 124.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,911.60
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.

1-6-05 Date _____

, 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

7834 4524

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

PHILIPSBURG, PA 16866

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 2.67

FEB 07 2005
02 Postmark
Here
USPS 16866
02/07/2005

Send To: FISHER AUTO PARTS
Street, Apt. No.: 406 N 3rd Street
or P.O. Box No.
City, State, ZIP+4: PHILIPSBURG, Pa 16866

PS Form 8200-4 (Rev. 2-2002) See Reverse for Instructions

Certified Mail Provides:

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

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail
addressed to APOs and FPOs.**

SENDER: COMPLETE THIS SECTION

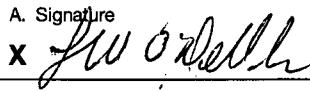
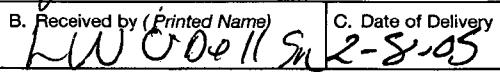
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fisher Auto Parts Inc.
406 N. 3rd Street
Philipsburg, Pa 16866

2. Article Number*(Transfer from service label)*

7004 1160 0004 7834 4524

COMPLETE THIS SECTION ON DELIVERY**A. Signature** Agent
 Addressee**B. Received by (Printed Name)** JW O'Dell 2-8-05**C. Date of Delivery****D. Is delivery address different from item 1?** Yes
If YES, enter delivery address below: No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- **Sender:** Please print your name, address, and ZIP+4 in this box •

Paul Durandt

RR, Box 743

Huntingdon, Pa 16651

31



U.S. POSTAL SERVICE
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

PHILADELPHIA PA 16846

7	8	3	1	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6
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Certified Mail Provides:

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

PS Form 3800, June 2002 (Reverse)

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
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SENDER: COMPLETE THIS SECTION

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- 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:

Allen N Sinclair
District Court 49-303
125 N. Second Street
Philipsburg, Pa 16866

COMPLETE THIS SECTION ON DELIVERY**A. Signature***Judith Clark* Agent Addressee**B. Received by (Printed Name)***JUDITH CLARK***C. Date of Delivery***2-8-05***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)***7004 1160 0004 7834 4531**

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Paul Durandt
RR 1 Box 743
Moutzdale, Pa 16651

05-157-C0

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. 05-157-C0, upon the District Justice designated therein on
(date of service) 2/7/05 by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) FISHER AUTO PARTS, on
Feb 7, 2005 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 2/7/05, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 7 DAY OF FEB, 2005

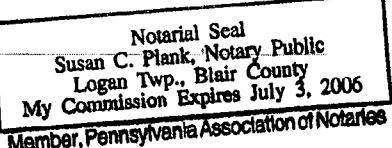
Paul N. [initials]

Signature of affiant

Susan C. Plank
Signature of official before whom affidavit was made

Notary Public
Title of official

My commission expires on



FILED

61 FEB 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. 05-157-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.

PAUL M. AURANOT

NAME OF APPELLANT

RR 1 Box 743

ADDRESS OF APPELLANT

MAG. DIST. NO. OR NAME OF D.J.

49-3-03

ALLEN N. SINCLAIR

STATE

Pa

ZIP CODE

16651

DATE OF JUDGMENT

1-6-05

IN THE CASE OF (Plaintiff)

FISHER AUTO PARTS

(Defendant)

CLAIM NO.

CV
LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Paul Aurandot
and Allen N. Sinclair

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

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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 FISHER AUTO PARTS
Name of appellee(s)

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

(Common Pleas No. 49-3-03 05-157-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Paul N. Sinclair

Signature of appellant or his attorney or agent

RULE: To FISHER AUTO PARTS
Name of appellee(s), 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: February 3, 2005.

Will Chanot
Signature of Prothonotary or Deputy

FISHER AUTO PARTS	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	NO. 05-157-CD
	:	
PAUL AURANDT d/b/a AURANDT AUTO BODY	:	CIVIL DIVISION - LAW
Defendant	:	

FILED
m/12/04 NO
 MAR 22 2005
 (6K)

William A. Shaw

Prothonotary/Clerk of Courts

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim 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 an 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**DAVID S. MEHOLICK, COURT ADMINISTRATOR
 CLEARFIELD COUNTY COURTHOUSE
 1 NORTH SECOND STREET
 CLEARFIELD PA 16830
 814-765-2641, EXT. 32**

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted falla de tomar accion como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

**DAVID S. MEHOLICK, COURT ADMINISTRATOR
 CLEARFIELD COUNTY COURTHOUSE
 1 NORTH SECOND STREET
 CLEARFIELD PA 16830
 814-765-2641, EXT. 32**

FISHER AUTO PARTS	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	NO. 05-157-CD
	:	
PAUL AURANDT d/b/a AURANDT AUTO BODY	:	CIVIL DIVISION - LAW
Defendant	:	

C O M P L A I N T

The Plaintiff, FISHER AUTO PARTS, by its attorneys, **KNUPP, KODAK & IMBLUM, P.C.**, brings this action of Assumpsit against the Defendant to recover the sum of TWO THOUSAND, NINE HUNDRED NINETY-FOUR DOLLARS AND FORTY CENTS (\$2,994.40), along with interest thereon at 1.5% per month from October 2, 2004, upon a cause of action of which the following is a statement:

1. The Plaintiff, FISHER AUTO PARTS, is a company organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office and place of business at 104 West Presqueisle Street, Philipsburg, Pennsylvania 16866..

2. The Defendant, PAUL AURANDT Doing Business As AURANDT AUTO BODY, is an adult individual residing at RR 1 Box 473, Houtzdale, Clearfield County, Pennsylvania 16551.

3. Plaintiff, at the special instance and oral request of the Defendant, sold and delivered goods, wares and merchandise to the Defendant.

4. The prices charged for said goods, wares and merchandise were just and reasonable, were the legal and market prices therefor and were the prices which the Defendant orally promised and agreed to pay to Plaintiff.

5. Plaintiff's Invoices are not attached to this pleading due to the voluminous nature of same and have previously been provided to Defendant.

6. The balance due and owing by Defendant to Plaintiff is the sum of Two Thousand, Eight Hundred Seventy Dollars and Forty Cents (\$2,870.40), as appears by Plaintiff's Statement hereto attached, marked as Exhibit "A" and made a part hereof.

7. Plaintiff frequently demanded payment from Defendant of said amount due and owing as aforesaid, but Defendant refused and neglected and still refuses and neglects to pay said amount of any part thereof.

8. Due to Defendant's neglect and refusal to pay the account as aforesaid, Plaintiff was forced to seek remedy in the lower Court thereby incurring costs in the amount of One Hundred Twenty-Four Dollars and Zero Cents (\$124.00), for which Defendant is further liable.

WHEREFORE, Plaintiff brings this suit to recover from Defendant the sum of TWO THOUSAND, NINE HUNDRED NINETY-FOUR DOLLARS AND FORTY CENTS (\$2,994.40), along with interest thereon at 1.5% per month from October 2, 2004.

Respectfully submitted,

KNUPP, KODAK & IMBLUM, P.C.



Robert D. Kodak
407 North Front Street
Post Office Box #11848
Harrisburg, PA 17108-1848
(717) 238-7151
Attorney ID No. 18041
Attorney for Plaintiff



STATEMENT

FISHER
Auto Parts
 PROFESSIONAL
 P.O. BOX 2246
 STAUNTON, VA 24402-2246

2871.85

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AURANDT'S AUTO BODY
R R 1 BOX 743

HOOTZDALE PA

16651

DATE	
10/01/2004	
BRANCH	ACCOUNT#
146	41898
BALANCE FWD. 1,212.47	

INVOICE DATE	INVOICE NUMBER	CHARGES	CREDITS	
9/01/2004	146-092922	148.39		
9/07/2004	146-093109	120.94		
9/08/2004	146-093172	17.75		
9/08/2004	146-093191	16.07		
9/09/2004	146-093216	52.24		
9/09/2004	146-093249	17.48		
9/10/2004	146-093297	235.88		
9/10/2004	146-093304		500.00PMT	
9/10/2004	146-093314	19.23		
9/10/2004	146-093326	33.42		
9/14/2004	146-093411	42.36		
9/14/2004	146-093433	205.39		
9/28/2004	146-093985		500.00PMT	
9/29/2004	146-094055	1,175.71		
9/30/2004	146-094091	365.30		
	SER CHRG	3.19		
30 DAYS	60 DAYS	90 DAYS	120 DAYS & OVER	BALANCE DUE

A % PER MONTH FINANCE CHARGE, % PER ANNUM
1699 WILL BE CHARGED ON ALL PAST DUE AMOUNTS.

STATEMENT

FISHER
Auto Parts
 PROFESSIONAL
 P.O. BOX 2246
 STAUNTON, VA 24402-2246

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AURANDT'S AUTO BODY
R R 1 BOX 743

HOOTZDALE PA

16651

DATE	
10/01/2004	
BRANCH	ACCOUNT#
146	41898
BALANCE FWD.	

INVOICE DATE	INVOICE NUMBER	CHARGES	CREDITS	

JUST A FRIENDLY REMINDER THAT YOUR ACCOUNT IS
PAST DUE AND THAT PAYMENT WOULD BE APPRECIATED
THANK YOU.

30 DAYS 212.47	60 DAYS	90 DAYS	120 DAYS & OVER	BALANCE DUE 2665.82
-------------------	---------	---------	-----------------	------------------------

A 1.5 % PER MONTH FINANCE CHARGE, 18 % PER ANNUM
WILL BE CHARGED ON ALL PAST DUE AMOUNTS.

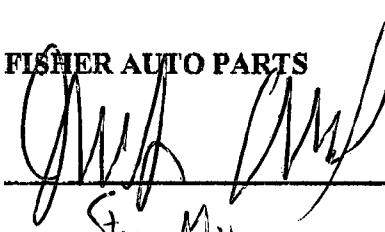
EXHIBIT A

VERIFICATION

I, James Whited, Store Manager - Philpa
(name) (title)

of FISHER AUTO PARTS, verify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. §4904, relating to unsworn falsification to authorities.

FISHER AUTO PARTS

By: 

Title: Steve Mahayir

Dated: 3-15-05

31284

KNUPP, KODAK & IMBLUM, P.C.

FILED**MAR 22 2005**William A. Shaw
Prothonotary/Clerk of Courts

TO THE ABOVE NAMED DEFENDANT:
YOU ARE HEREBY NOTIFIED TO
PLEAD TO THE ENCLOSED COMPLAINT
WITHIN TWENTY (20) DAYS OF SERVICE
HEREOF OR A DEFECTIVE JUDGMENT
WILL BE ENTERED AGAINST YOU.

KNUPP, KODAK & IMBLUM, P.C.

LAW OFFICES OF

KNUPP, KODAK & IMBLUM, P.C.

CAMERON MANSION
407 NORTH FRONT STREET

P.O. BOX 11848

HARRISBURG, PA 17108-1848

FISHER AUTO PARTS : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. :
PAUL AURANDT d/b/a AURANDT AUTO :
BODY :
Defendant :
:

CERTIFICATE OF SERVICE

I, ROBERT D. KODAK, ESQUIRE, hereby certify that on March 23, 2005, I served a true and correct copy of the Complaint in the above-captioned matter upon the below listed individual(s) by causing same to be deposited in the United States mail, first class postage prepaid at Harrisburg, Dauphin County, Pennsylvania, addressed as follows:

PAUL AURANDT DBA
AURANDT AUTO BODY
RR1 BOX 473
HOUTZDALE PA 16551

KNUPP, KODAK & IMBLUM, P.C.

Robert D. Kodak
407 North Front Street
Post Office Box #11848
Harrisburg, PA 17108-1848
(717) 238-7151
Attorney I.D. No. 18041
Attorney for Plaintiff

Dated: 4/4/05

FILED NO CC
M 11:30 AM
APR 06 2005
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JESSE E. FOSSELMAN, Executor of the : No. 03-943-C.D.
Estate of Fred C. Meyer, deceased, :
Plaintiff, : TYPE OF PLEADING:
v. : **CERTIFICATE OF SERVICE**
MARY F. KANOUR, :
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JOHN A. SNYDER, ESQ.
: I.D. NO. 66295
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED NO
04/11/2005
APR 06 2005
60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JESSE E. FOSSELMAN, Executor of the :
Estate of Fred C. Meyer, deceased, : No. 03-943-C.D.
Plaintiff, :
v. :
MARY F. KANOUR, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Plaintiff's
Deposition and Request for Production of Documents in the above-captioned matter was mailed
by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 5th day
of April, 2004, to the attorney(s) of record:

Joseph P. Green, Esquire
Lee, Martin, Green & Reiter, Inc.
P.O. Box 179
Bellefonte, PA 16823

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
Katherine V. Oliver
Attorney I.D. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FISHER AUTO PARTS

Plaintiff

: In the Court of COMMON PLEAS of
: CLEARFIELD County, Pennsylvania

v.

: NO. 05-157-CD

PAUL AURANDT d/b/a AURANDT
AUTO BODY

Defendant

: CIVIL DIVISION - LAW

:

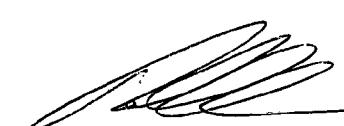
P R A E C I P E

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled and discontinued with
prejudice.

TO CLEARFIELD County
Prothonotary

Dated: June 1, 2005


Robert D. Kodak
Attorney I.D. No. 18041

Attorney for Plaintiff

6P
FILED NOCC
M 110:09 AM Copy to CIAO
JUL 25 2005 85 Sinclair
Cert. of Disc.
William A. Shaw
Prothonotary/Clerk of Courts
to Amy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

 COPY

CIVIL DIVISION

Fisher Auto Parts

Vs.

No. 2005-00157-CD

**Paul Aurandt d/b/a
Aurandt Auto Body**

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 July 25, 2005, marked:

Settled and Discontinued with Prejudice

Record costs in the sum of \$85.00 have been paid in full by Robert D. Kodak, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of July A.D. 2005.

William A. Shaw, Prothonotary