

COURT OF COMMON PLEAS

CLEARFIELD CO.
JUDICIAL DISTRICT

46TH

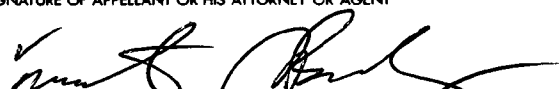
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-196-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 BRADY, TIMOTHY J.		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT 743 CURWENSVILLE GRAMPIAN HWY GRAMPIAN PA 16838		CITY PA	STATE PA
DATE OF JUDGMENT 1/10/05	IN THE CASE OF (Plaintiff) BRADY, TIMOTHY J.		(Defendant) vs. OLSON, DAVID
CLAIM NO. CV 0000472-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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

Name of appellee(s)

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

Signature of appellant or his attorney or agent

RULE: To _____, 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: _____

Signature of Prothonotary or Deputy

FILED

FEB 10 2005

01/21/05
William A. ShawProthonotary/Clerk of Courts
COPIES TO PUF

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: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**

DJ Name: Hon. **RICHARD A. IRELAND**

Address: **650 LEONARD ST
SUITE 133
CLEARFIELD, PA**

Telephone: **(814) 765-5335 16830**

**RICHARD A. IRELAND
650 LEONARD ST
SUITE 133
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **BRADY, TIMOTHY J.**
743
**CURWENSVILLE GRAMPIAN HWY
GRAMPIAN, PA 16838**

VS.
DEFENDANT: **OLSON, DAVID**
**641 TREE FARM ROAD
CURWENSVILLE, PA 16833**

Docket No.: **CV-0000472-04**
Date Filed: **11/29/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

☒ Judgment was entered for: (Name) **OLSON, DAVID**

☒ Judgment was entered against: (Name) **BRADY, TIMOTHY J.**

in the amount of \$ **.00** on: (Date of Judgment) **1/10/05**

☐ 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	\$ <u>.00</u>
Judgment Costs	\$ <u>.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>.00</u>
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.

JAN 10 2005 Date **Richard Ireland**, 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

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA

Timothy J. Brady
Plaintiff/Appellant

Vs.

Dave Olson
Defendant/Appellee

: District Justice Appeal
: CASE No. 2005-190-CD
:

: Type of Pleading:
: COMPLAINT
:

: Filed on Behalf of
: PLAINTIFF
:

: Plaintiff's address:
: 743 Curwensville Grampian Hwy
: Grampian, PA 16838
: (814) 236-7617

FILED
0140081
FEB 22 2005

William A. Shaw
Prothonotary/Clerk of Courts
2 CC Plaintiff

COMPLAINT

NOW, comes the Plaintiff, Timothy Brady who hereby avers as follows:

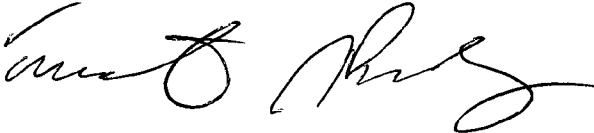
- 1) Timothy Brady rented from Dave Olson a single family home at 220 McLaughlin Street in Curwensville Pa from December 2003 to August 5th, 2004.
- 2) Upon vacating above mentioned premises, the house was left in better condition than when Timothy Brady first moved in.
- 3) Timothy Brady paid Dave Olson a security deposit in the amount of \$400.00 prior to moving into the property.
- 4) On October 5th, 2004, Timothy Brady informed Dave Olson, in writing, of his new address.
- 5) Dave Olson failed to respond to Timothy Brady.
- 6) On November 29, 2004 Timothy Brady filed for a Civil lawsuit against Dave Olson at the Clearfield District Magistrate, for twice the amount of the security deposit, or \$800.00 plus court costs.
- 7) At the Civil hearing, Timothy Brady provided his copy of the security deposit receipt, and copies of the written notification of new address.
- 8) Dave Olson did not contest either of the above mentioned documents.

9) At the Civil hearing, Dave Olson produced a receipt for supposed electrical repairs to the rental property, and receipts for sewer bills. One of these sewer bills was for after August the 5th.

10) Timothy Brady did attempt to answer to Dave Olson's claims : An exhaust fan (an improvement) had been installed above the stove in the kitchen and did not require an electrician; and, Timothy Brady had never received any sewer bills while residing at 220 McLaughlin, only water bills, which he paid promptly.

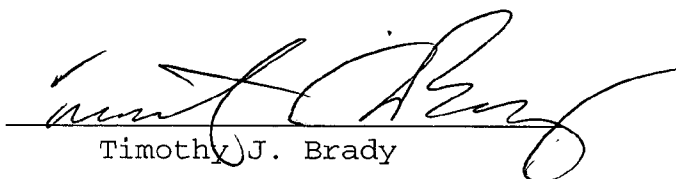
11) The Magistrates ruling was for \$0.00 for the Plaintiff, with no indication or explanation as to why.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$937.00, the original Civil suit amount plus court costs.

 2/22/05
TIMOTHY J BRADY

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.


Timothy J. Brady

7003 1010 0002 3613 9826

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
CURWENSVILLE PA 16833

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

0090
07 Postmark
Here

02/19/2005

Sent To

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

City, State, ZIP+4

Certified Mail Provides:

PS Form 3800, June 2002 (Reverse)

- 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:

DAVE OLSON
641 TREE FARM RD
CURWENSVILLE PA
16833

2. Article Number

(Transfer from service label)

7003 1010 0002 3613 9826

PS Form 3811, August 2001

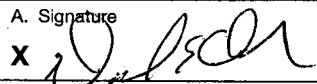
Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x

☐ Agent☐ Addressee

B. Received by (Printed Name)

David Olson

C. Date of Delivery

2-22-05

D. Is delivery address different from item 1? ☐ YesIf 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

7003 1010 0002 3613 9833

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

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

0090
07 Postmark
Here

02/19/2005

Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

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®.
- 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:

RICHARD A. IRELAND
650 LEONARD ST
SUITE 133
CLEARFIELD PA 16830

2. Article Number

(Transfer from service label)

7003 1010 0002 3613 9833

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

K.C. Hayt

☐ Agent☐ Addressee

B. Received by (Printed Name)

K.C. Hayt

C. Date of Delivery

FEB 5

D. Is delivery address different from item 1? ☐ YesIf 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

FILED No ec
013:50/51
MAR 04 2005 GK

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. 2005-190-CD, upon the District Justice designated therein on (date of service) 2/22/05, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) DAVE OLSON, on FEB 22, 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 _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 4th DAY OF March, 2005

William A. Shaw
Signature of official before whom affidavit was made

WILLIAM A. SHAW
Prothonotary

Title of official

My Commission Expires

1st Monday in Jan. 2006

My commission expires on

Clearfield Co., Clearfield, PA

[Signature]
Signature of affiant

COURT OF COMMON PLEAS

CLEARFIELD CO.
JUDICIAL DISTRICT

46TH

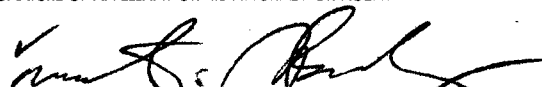
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-196-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 BRADY, TIMOTHY J.		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT 743 CURWENSVILLE GRAMPIAN HWY GRAMPIAN PA 16838		CITY PA	STATE PA
DATE OF JUDGMENT 1/10/05	IN THE CASE OF (Plaintiff) BRADY, TIMOTHY J.		(Defendant) VS OLSON, DAVID
CLAIM NO. CV 0000472-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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

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

Signature of appellant or his attorney or agent

RULE: To _____, 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.

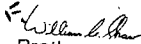
Date: _____

Signature of Prothonotary or Deputy

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

01/21/05 FEB-10 2005

Attest.

COPIES TO PUFF 
Prothonotary/
Clerk of Courts

7003 1010 0002 3613 9987

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

CURWENSVILLE PA 16833

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

0090
07 Postmark
Here

02/23/2005

Sent To

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Certified Mail Provides:

PS Form 3800, June 2002 (Reverse)

- 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:

DAVE OLSON
641 TREE FARM RD
CURWENSVILLE PA
16833

2. Article Number

(Transfer from service label)

7003 1010 0002 3613 9987

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent☐ Addressee

B. Received by (Printed Name)

Dave Olson

C. Date of Delivery

2/24/05

D. Is delivery address different from item 1? ☐ YesIf 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

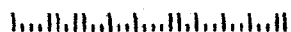
UNITED STATES POSTAL SERVICE



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

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

TIMOTHY BRADY
743 CURWENSVILLE GRAMPAN
GRAMPAN PA 16038



IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Timothy J. Brady
Plaintiff/Appellant

Vs.

Dave Olson
Defendant/Appellee

District Justice Appeal
CASE No. 2005-190-CD

FILED ^{NO}_{CC}
013:5084
MAR 04 2005 (6)

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Timothy J. Brady, Plaintiff named above, do hereby certify that on 2/23/05, I served a certified copy of the Complaint on the Defendant at 641 Tree Farm Road, Curwensville, PA 16838.



Timothy J. Brady



Commonwealth of Pennsylvania

Notarial Seal

Shelley Crain, Notary Public
Philipsburg Boró, Centre County
My Commission Expires June 20, 2005

Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
DJ Name: Hon. **RICHARD A. IRELAND**
Address: **650 LEONARD ST
SUITE 133
CLEARFIELD, PA**
Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **BRADY, TIMOTHY J.**
743
CURWENSVILLE GRAMPIAN HWY
GRAMPIAN, PA 16838
VS.
DEFENDANT: **OLSON, DAVID**
641 TREE FARM ROAD
CURWENSVILLE, PA 16833

RICHARD A. IRELAND
650 LEONARD ST
SUITE 133
CLEARFIELD, PA 16830

Docket No.: **CV-0000472-04**
Date Filed: **11/29/04**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

☒ Judgment was entered for: (Name) **OLSON, DAVID**
☒ Judgment was entered against: (Name) **BRADY, TIMOTHY J.**
in the amount of \$ **.00** on: (Date of Judgment) **1/10/05**

☐ 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	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00

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.

JAN 10 2005

Date **Richard Ireland**, District Justice

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

FEB 22 2005

Date **Richard Ireland**, District Justice

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

SEAL

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

No. 2005 – 190 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

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

cc
FILED
012:59 PM
MAR 09 2005
William A. Shaw
Prothonotary, Clerk of Courts

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

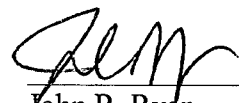
No. 2005 – 190 - C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Answer, New Matter and Counterclaim filed on behalf of Defendant, DAVE OLSON, in the above captioned matter on the following party by postage prepaid first-class United States mail, on the 9th day of March, 2005:

Timothy J. Brady
743 Curwensville Grampian Highway
Grampian, PA 16838
Plaintiff

BELIN & KUBISTA



John R. Ryan
Attorney for Defendant

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

FILED

MAR 09 2005

William A. Shaw

Prothonotary/Clerk of Courts

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

No. 2005 – 190 – C.D.

PRAECIPE TO DISCONTINUE

Filed on behalf of
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

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

FILED ^{OW} 2005-190-Dis.
01/24/05 to Amy Ryan
APR 25 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

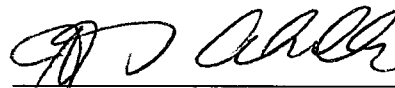
No. 2005 - 190 - C.D.

PRAECIPE TO DISCONTINUE

TO THE PROTHONTARY:


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

ACHILLE, ELLERMEYER & FRENCH



John G. Achille
Attorney for Plaintiff

BELIN & KUBISTA



John R. Ryan
Attorney for Defendant

Date: 4-23-05

BELIN & KUBISTA

ATTORNEYS AT LAW

115 NORTH FRONT STREET

PHILADELPHIA, PA 19106

UNRECORDED - PENNSYLVANIA 16830

FILED

APR 25 2005

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Timothy J. Brady

Vs.

No. 2005-00190-CD

David Olson

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 April 25, 2005, marked:

Settled and Discontinued with Prejudice

Record costs in the sum of \$85.00 have been paid in full by Timothy J. Brady.

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

William A. Shaw, Prothonotary

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

:
:
:
:
:
:
:

No. 2005 – 190 – C.D.

**ANSWER, NEW MATTER AND
COUNTERCLAIM**

Filed on behalf of
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

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

FILED

MAR 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

(R)

302

01/10:39/61 Amy Ryan

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

No. 2005 – 190 – C.D.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this New Matter and Counterclaim 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 New Matter and Counterclaim or for any other claim or relief requested by the Defendant. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641

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

TIMOTHY J. BRADY,
Plaintiff

vs.

DAVE OLSON,
Defendant

:
:
:
:
:
:
:
:

No. 2005 – 190 – C.D.

ANSWER

NOW COMES, Dave Olson, Defendant above named, and by his Attorneys, Belin & Kubista, makes his Answer to the Complaint of Plaintiff as follows:

1. Admitted.
2. It is admitted that Plaintiff made certain improvements to the premises during his occupancy; however, whether the house was left in “better condition” is a conclusion of law to which no response is required.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted in part and denied in part. It is admitted that Plaintiff has asserted the defenses as alleged; however, it is believed and therefore averred that the District Justice offset the amounts of the claims produced by Defendant against

the amount of the security deposit and concluded that Defendant was not obligated to return any funds to Plaintiff.

11. Admitted for the reasons set forth at Paragraph 10.

WHEREFORE, Defendant requests that judgment be entered in his favor and against the Plaintiff.

NEW MATTER

12. Paragraphs 1 through and including Paragraph 11 of Defendant's Answer are incorporated herein by reference as if set forth at length.
13. Plaintiff and Defendant entered into an Agreement dated November 12, 2003, for the purchase of the premises at 220 McLaughlin Street in Curwensville, a true and correct copy of which is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.
14. Said Agreement provided for monthly rental payments and for a payment of \$5,000.00 by February 28, 2004. Said payments were to be applied to the purchase price of the property.
15. Said Agreement further provided that Plaintiff was to pay all utilities and damages to the property.
16. Plaintiff failed to perform in accordance with the terms of the Agreement, which ultimately resulted in Defendant filing a Complaint on June 21, 2004, seeking recovery of unpaid rent and possession of the premises at the District Court.
17. By judgment entered July 26, 2004, the District Court entered judgment in favor of Defendant, assessing damages in the amount of \$831.50 and awarding

possession of the premises to Defendant. A true and correct copy of said Judgment is attached hereto, marked Exhibit "B" and incorporated herein by reference as if set forth at length. No appeal was filed from the entry of said Judgment.

18. It is believed and therefore averred that Plaintiff vacated the premises in accordance with the said Judgment on or about August 5, 2004.
19. The Plaintiff failed to provide Defendant with his new address until October 5, 2004, which was two (2) months after he relinquished possession of the premises pursuant to the District Court's Judgment.
20. The Landlord and Tenant Act at 68 P.S. § 250.512 provides that the failure of a tenant to provide the landlord with his new address in writing upon termination of the lease or upon surrender and acceptance of the leasehold premises shall relieve the landlord from any liability to return the security deposit.
21. Plaintiff failed to provide the address to Defendant upon surrender of the premises as required, therefore as a matter of law, Defendant is not liable to Plaintiff for failure to return the said deposit.
22. Further, and in the alternative, Plaintiff failed to pay sewer charges for the months of March, April and May in the amount of \$78.00 and for the months of June, July and August, 2004 in the amount of \$65.00 as provided for the Agreement, which Defendant was then forced to pay at penalty rates. Said charges are properly offset against any amount, which Defendant may owe Plaintiff. A true and correct copy of the statements showing said charges is

attached hereto, marked Exhibit "C" and incorporated by reference as if set forth at length.

23. Further, Defendant incurred amounts for electrical repairs work on the premises, in the amount of \$96.00, which were the responsibility of Plaintiff and which were left unpaid. A true and correct copy of the statement showing said charges is attached hereto, marked Exhibit "D" and incorporated herein by reference as if set forth at length.

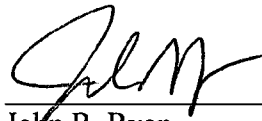
WHEREFORE, Defendant requests that judgment be entered in his favor and against the Plaintiff.

COUNTERCLAIM

24. Paragraphs 1 through and including Paragraph 23 of Defendant's Answer and New Matter are incorporated herein by reference as if set forth at length.
25. Plaintiff's actions in filing suit against Defendant under the facts and circumstances are arbitrary, vexatious and in bad faith, and were done for the sole purpose of causing annoyance, inconvenience and expense to Defendant.
26. As the result of Plaintiff's actions, Defendant has been required to retain the services of legal counsel to represent him, being the law firm of Belin & Kubista, and has agreed to pay for such services at the rate of \$200.00 per hour.
27. Defendant believes and therefore avers that he is entitled to an award of counsel fees in incurred in the filing, preparation and litigation of this action.

WHEREFORE, Defendant requests that the Court award him counsel fees in an amount to be determined by the Court.

BELIN & KUBISTA

A handwritten signature in black ink, appearing to read 'J. Ryan', is written over a horizontal line.

John R. Ryan
Attorney for Defendant

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

A handwritten signature in black ink, appearing to read "Dave Olson", written over a horizontal line.

Dave Olson

11/12/03

Terms

- 1) If rent is paid between the 1st & 5th of each month \$60.00 will be taken off total due. Bringing the amount due to \$400.00. On the 6th of the month and there after \$460.00 will be due.
- 2) Renter agrees to pay \$5,000.00 by 2/28/04. In addition to monthly rent.
- 3) Owner agrees to subtract all monies paid from \$66,000.00 asking price (reducing \$5,000.00 down).
- 4) Owner agrees to drop asking price from \$66,000.00 to \$64,000.00 if renter is able to purchase by 12/01/04. Otherwise \$2,000.00 discount void.
- 5) In addition renter pays all utilities and damages.

Paul Miller 11/12/03

Timothy B. 11/12/03

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
DJ Name: Hon. **RICHARD A. IRELAND**
Address: **650 LEONARD STREET**
SUITE 133
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD STREET
SUITE 133
CLEARFIELD, PA 16830

RESIDENTIAL LEASE

Judgment Amount \$	720.00
Costs in Original LT Proceeding \$	111.50
Costs in this Proceeding \$.00
Attorney Fees \$.00
Total \$	831.50

**ORDER FOR POSSESSION,
RETURN AND NOTICE**

PLAINTIFF: **OLSON, DAVID**
NAME and ADDRESS
641 OLD TREE FARM ROAD
CURWENSVILLE, PA 16833

VS.
DEFENDANT: **BRADY, TIM, ET AL.**
NAME and ADDRESS
220 MCLAUGHLIN ST
CURWENSVILLE, PA 16833

Docket No.: **LT-0000209-04**
Date Filed: **6/21/04**



Time Filed: **11:59AM**
Date Order Filed: **7/26/04**

TO THE DISTRICT JUSTICE: The above named plaintiff, having obtained a judgment for possession of real property located at:

Address if any: _____

Requests that you issue an **ORDER FOR POSSESSION** for such property.

Date: _____ Plaintiff: _____ (Signature on File)

ORDER FOR POSSESSION

To: **LOUIS P. RADZYMSKI** (Sheriff or Certified Constable)

You are hereby directed to deliver actual possession to plaintiff, or his agent, of real property located at (Give location and/or address): _____

Date: **7-26-04** Time: **1P** By: **[Signature]** District Justice
Received Date: **7-26-04** Time: **1:30P** By: **[Signature]** Sheriff or Certified Constable

RETURN

☐ Defendant (Name): _____
☐ Adult person in charge (Name): _____
Served with copy of **ORDER FOR POSSESSION** and served with **NOTICE TO VACATE** on (Date of service): _____
at (Location and Address): _____

☐ Since none of the above found, served by posting a copy of the complaint conspicuously on the premises at (Date): _____ (Time): _____

☐ Order satisfied by payment of rent in arrears and costs ☐ Premises vacated without forcible entry and ejectment
Amount Paid \$ _____

Distribution
\$ _____ To _____
\$ _____ To _____
\$ _____ To _____
\$ _____ To _____
\$ _____ To _____
\$ _____ To _____

☐ Forcible entry and ejectment (Date): _____ (Time): _____

☐ Returned within five business days following delivery of possession to plaintiff or satisfaction by payment of rent in arrears and costs.

Expenses and fees of sheriff or certified constable \$ _____

(Signature of Sheriff or Certified Constable)

(Print Name and Title)

NOTICE TO DEFENDANT TO VACATE

If you, and all the occupants of this property not authorized by the owner to be present thereon, do not vacate this property within ten (10) days after the (date of service) **Twenty Sixth** day of **July** **2004**, the law authorizes me to use, and I must use, such force as may be necessary to enter upon this property, by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants. If necessary, eviction will commence on **8-6-04** after 12:01 AM.

At any time before actual delivery of the real property is made in execution of the Order for Possession, the defendant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the Order for Possession by paying to the executing officer the rent actually in arrears and the cost of the proceedings.

EXHIBIT "B"

Complete if judgment of possession is based solely on failure to pay rent. Return to _____

**CURWENSVILLE MUNICIPAL
AUTHORITY**

When paying in person present bill and
stub: When paying by mail detach and
enclose this stub.

ACCOUNT NUMBER
0332 -2
93173

PAYABLE NOT LATER THAN
06/10/2004

PENALTIES APPLY AFTER
06/30/2004

CURRENT SEWER CHARGE 78.00
PREVIOUS BALANCE 0.00
PENALTY 0.00
ADD. PEN. 0.00
TOTAL 78.00
W/PENALTY: 81.90

PAYMENT ACCEPTED AT
CITY DRUGS OF C'VILLE
COMPANY'S STUB

CURWENSVILLE MUNICIPAL AUTHORITY

Borough Building
900 Susquehanna Avenue
CURWENSVILLE, PA. 16833

First Class Mail
U.S. POSTAGE
PAID 1 OZ.
CURWENSVILLE, PA
PERMIT NO. 23

STATEMENT FOR MAR APR MAY 04
SERVICE ADDRESS TIM BRADY - TENANT
220 MCLAUGHLIN STREET

0332 -2 R
DAVID E. OLSON
641 TREE FARM ROAD
CURWENSVILLE PA 16833

BALANCE DUE 78.00
AFTER 06/30/2004 PAY 81.90

COLLECTION FEE \$20

SUBSCRIBER'S BILL

**CURWENSVILLE MUNICIPAL
AUTHORITY**

When paying in person present bill and
stub: When paying by mail detach and
enclose this stub.

ACCOUNT NUMBER
0332 -2
94192

PAYABLE NOT LATER THAN
09/10/2004

PENALTIES APPLY AFTER
09/30/2004

CURRENT SEWER CHARGE 65.00
PREVIOUS BALANCE 20.00
PENALTY 0.00
ADD. PEN. 0.00
TOTAL 85.00
W/PENALTY: 88.25

PAYMENT ACCEPTED AT
CITY DRUGS OF C'VILLE
COMPANY'S STUB

CURWENSVILLE MUNICIPAL AUTHORITY

Borough Building
900 Susquehanna Avenue
CURWENSVILLE, PA. 16833

First Class Mail
U.S. POSTAGE
PAID 1 OZ.
CURWENSVILLE, PA
PERMIT NO. 23

STATEMENT FOR JUN JUL AUG 04
SERVICE ADDRESS TIM BRADY OUT 8-1-04
220 MCLAUGHLIN STREET

0332 -2 R
DAVID E. OLSON
641 TREE FARM ROAD
CURWENSVILLE PA 16833

BALANCE DUE 85.00
AFTER 09/30/2004 PAY 88.25
TWO MONTHS FULL 1 EMPTY
OFFICE 236-2631

SUBSCRIBER'S BILL

Date Dec 21 2004 ~~10~~

TO DAVID OLSON

Electrical Repairs to house
on Malanglin St. Curw.

1				
2			96	00
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

executive no. 7524

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
PO BOX 4
CLEARFIELD PENNSYLVANIA 16830

FILED

MAR 09 2005

William A. Shaw
Prothonotary/Clerk of Courts