

05-286-CD
E. Berger vs. C. Clinger III

CHARLES H. CLINGER, TIT

Elizabeth Berger v. Charles Clinger
2005-286-CD

Date: 09/16/2005

Time: 09:10 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2005-00286-CD

Current Judge: No Judge

User: LBENDER

Elizabeth Berger vs. Charles H. Clinger III

Civil Other

Date		Judge
03/03/2005	New Case Filed.	No Judge
	Filing: Praecipe for Writ of Summons Paid by: Gleason Cherry & Cherry Receipt number: 1896813 Dated: 03/03/2005 Amount: \$85.00 (Check) 1 Cert. to Atty. and issued summons to Sheriff	No Judge
04/05/2005	Filing: Praecipe to Reissue Writ of Summons Paid by: Cherry, Toni M. (attorney for Berger, Elizabeth) Receipt number: 1898802 Dated: 04/05/2005 Amount: \$7.00 (Check) 2 Cert. to Atty. 2 reissued writs to Sheriff.	No Judge
04/11/2005	Sheriff Return, NOW March 11, 2005. Sheriff of Jefferson County was deputized by C. Hawkins to serve the Writ Summons on Charles H. Clinger III. Now March 22, 2005 attempted to serve the Summons Return Marked "Not Found" So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/23/2005	Sheriff Return filed. May 10, 2005 Attempted to Serve Writ of Summons upon Charles H. Clinger III, returned marked "NOT FOUND". So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.	No Judge
08/12/2005	Filing: Reissue Writ/Complaint Paid by: Clinger, Charles H. III (defendant) Receipt number: 1906525 Dated: 08/12/2005 Amount: \$7.00 (Check) 1 Cert. to Atty. and 1 cert. and reissued writ to Sheriff.	No Judge
09/14/2005	Motion to Serve Defendant by Publication in Accordance with Pa.R.C.P. 430, filed by s/Toni M. Cherry, Esq. Two CC Atty Cherry	No Judge
	Order AND NOW, this 14th day of September 2005, in consideration of the facts set forth in Plaintiff's Motion to Serve Defendant by Publication and it appearing to the Court that a good faith effort to locate Defendant has been made by Plaintiff but his whereabouts have not been discovered and service cannot be made otherwise, it is therefore ORDERED AND DECREED that Plaintiff shall be permitted to serve Defendant by publication by advertising a copy of the Notice Attached to Plaintiff's Motion one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress and the Courier-Express. Service shall be complete upon filing of proofs of Publication.. BY THE COURT: /s/ Fredric Ammerman, P.J. 2CC atty Cherry and copy to C/A.	No Judge
09/15/2005	Filing: Reissue Writ/Complaint Paid by: Cherry, Toni M. (attorney for Berger, Elizabeth) Receipt number: 1908364 Dated: 09/15/2005 Amount: \$7.00 (Check)	No Judge

Date: 09/16/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 09:00 AM

ROA Report

Page 1 of 1

Case: 2005-00286-CD

Current Judge: No Judge

Elizabeth Berger vs. Charles H. Clinger III

Civil Other

Date		Judge
03/03/2005	New Case Filed.	No Judge
✓	Filing: Praecipe for Writ of Summons Paid by: Gleason Cherry & Cherry Receipt number: 1896813 Dated: 03/03/2005 Amount: \$85.00 (Check) 1 Cert. to Atty. and issued summons to Sheriff	No Judge
04/05/2005	Filing: Praecipe to Reissue Writ of Summons Paid by: Cherry, Toni M. (attorney for Berger, Elizabeth) Receipt number: 1898802 Dated: 04/05/2005 Amount: \$7.00 (Check) 2 Cert. to Atty. 2 reissued writs to Sheriff.	No Judge
04/11/2005	Sheriff Return, NOW March 11, 2005. Sheriff of Jefferson County was deputized by C. Hawkins to serve the Winthin Summons on Charles H. Clinger III. Now March 22, 2005 attempted to serve the Summons Return Marked "Not Found" So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/23/2005	✓ Sheriff Return filed. May 10, 2005 Attempted to Serve Writ of Summons upon Charles H. Clinger III, returned marked "NOT FOUND". So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.	No Judge
08/12/2005	✓ Filing: Reissue Writ/Complaint Paid by: Clinger, Charles H. III (defendant) Receipt number: 1906525 Dated: 08/12/2005 Amount: \$7.00 (Check) 1 Cert. to Atty. and 1 cert. and reissued writ to Sheriff.	No Judge
09/14/2005	✓ Motion to Serve Defendant by Publication in Accordance with Pa.R.C.P. 430, filed by s/Toni M. Cherry, Esq. Two CC Atty Cherry	No Judge
09/15/2005	Filing: Reissue Writ/Complaint Paid by: Cherry, Toni M. (attorney for Berger, Elizabeth) Receipt number: 1908364 Dated: 09/15/2005 Amount: \$7.00 (Check)	No Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

No. 05 - 286 C.D.

CHARLES H. CLINGER, III,
Defendant

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please enter our appearance on behalf of Plaintiff, ELIZABETH BERGER, and issue a Writ of Summons in the above-captioned action against Defendant, CHARLES H. CLINGER, III, whose last known address is R. D. #1, Box 90, Luthersburg, Pennsylvania 15848.

Respectfully submitted,

15 September 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

GLEASON, CHERRY AND CHERRY, L.L.P.

By [Signature]

Attorneys for Plaintiff
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

April 12, 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

[Signature]
Deputy Prothonotary

Date: March 2, 2005

FILED

April 5, 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

[Signature]
Deputy Prothonotary

MAR 03 2005 (File)

0/12-30/04
William A. Shaw
Prothonotary

Issued by

Summon to SHFL

FILED

MAR 03 2005

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

SUMMONS

Elizabeth Berger

Vs.


NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 03/03/2005



William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, ~~III~~
Defendant

No. 05 - 286 C.D.

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Kindly reissue the Writ of Summons in the above-captioned case for failure of the Sheriff to serve the same within the time allowed due to the Sheriff's inability to locate the Defendant at his last known address and the address given on his Pennsylvania Driver's License.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiff
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: April 5, 2005

FILED

APR 05 2005

William A. Shaw
Prothonotary/Clerk of Courts

3 CENT.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

Elizabeth Berger

Vs.

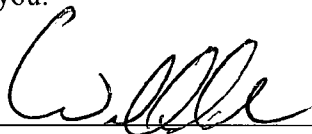
NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

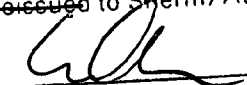
Date: 03/03/2005



William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

APRIL 5, 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100273
NO: 05-286-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

NOW, March 11, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III.

NOW, March 22, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".


FILED

0/9:30/5W

APR 11 2005

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100273**

ELIZABETH BERGER

Case # 05-286-CD

vs.

CHARLES H. CLINGER III

SHERIFF RETURNS


Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GLEASON	9876	10.00
SHERIFF HAWKINS	GLEASON	9876	37.51
JEFFERSON CO.	GLEASON	9892	18.43

Sworn to Before me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

No. 2005-00286 C.D.

Now, March 22, 2005, I return the Writ of Summons for CHARLES H. CLINGER, III, defendant, back to the Clearfield County Sheriff, marked "not found; defendant moved and left no forwarding address".

Advance Costs Received: \$125.00
My Costs: 16.43 Paid
Prothy: 2.00
Total Costs: 18.43
REFUNDED: \$106.57

Sworn and subscribed

to before me this

day of

By

My Commission Expires The
First Monday January 2006

So Answers,

Thomas A. Domb

Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

SUMMONS

Elizabeth Berger

Vs.


NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 03/03/2005



William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100377
NO: 05-286-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

NOW, April 05, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III.

NOW, May 10, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

CR **FILED**
0111439
MAY 23 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100377
NO: 05-286-CD
SERVICES 1
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

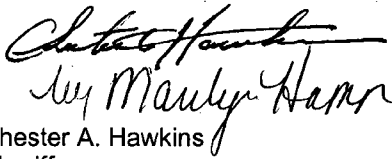
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GLEASON	9948	10.00
SHERIFF HAWKINS	GLEASON	9948	17.00
JEFFERSON CO.	GLEASON	9949	16.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

No. 2005-286 C.D.

Now, May 10, 2005, I return the Writ of Summons for CHARLES H. CLINGER, III, defendant, to the Clearfield County Sheriff's Office marked "not found; time for service has expired due to the lack of the Attorney's giving a sufficient address for service".

Advance Costs Received:	\$125.00	
My Costs:	14.00	Paid
Prothy:	2.00	
Total Costs:	16.00	
REFUNDED:	\$109.00	

So Answers,

Sworn and subscribed

to before me this

day of

By

My Commission Expires/11c

First Monday January 2006

Thomas A. Deane

Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

Elizabeth Berger

Vs.


NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

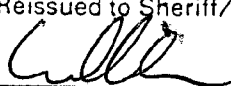
Date: 03/03/2005



William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

April 5, 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

No. 05 - 286 C.D.

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Kindly reissue the Writ of Summons in the above-captioned case for failure of the Sheriff to serve the same within the time allowed because Defendant was not at his last known address nor at the address given on his Pennsylvania Driver's License. An attempt will now be made to serve him at the home of his parents or grandparents, whose whereabouts have been located in Jefferson County.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

FILED

AUG 12 2005

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

1 CENT W/ REISSUE

WRIT TO
SHE

By

Attorneys for Plaintiff
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: August 12, 2005

Aug 12, 2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

REISSUED

SUMMONS

Elizabeth Berger

Vs.

NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 03/03/2005

William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: MOTION TO SERVE
: DEFENDANT BY PUBLICATION IN
: ACCORDANCE WITH Pa. R.C.P. 430
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED 2cc
0/2:14/01 Aug
SEP 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

No. 05 - 286 C.D.

MOTION TO SERVE DEFENDANT BY
PUBLICATION IN ACCORDANCE WITH Pa. R.C.P. 430

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID
COURT:

AND NOW, comes the undersigned, counsel of record for Plaintiff in the above-captioned action and moves Your Honorable Court for an Order allowing the service of Defendant by publication and, in support of which, avers the following:

1. That the undersigned, on behalf of Plaintiff, ELIZABETH BERGER, did commence the above-captioned personal injury action by filing a Praecipe for Writ of Summons with the Prothonotary of Clearfield County on March 3, 2005.
2. On that same date, the undersigned counsel for Plaintiff did provide the Sheriff of Clearfield County with Defendant's last known address at R. D. #1, Box 90, Luthersburg, Pennsylvania 15848, which address is the same address appearing on the records of the Pennsylvania Department of Transportation and being the address used by Defendant on his current driver's license.

3. That the Sheriff of Clearfield County was fully paid the advance costs for services on March 3, 2005, and did immediately attempt to serve Defendant at his last known address but the Sheriff of Clearfield County was unable to locate the Defendant.

4. That thereafter, upon being notified by the Sheriff that he was unable to locate the Defendant at his last known address and the address given on his Pennsylvania Driver's License, the undersigned did conduct a full Internet search and did find addresses in Jefferson County where Defendant was listed as a resident as well as addresses in Clarion County for Defendant's parents and grandparents.

5. That the undersigned caused the Prothonotary to re-issue the Writ of Summons and the Sheriff of Clearfield County did deputize the Sheriff of Jefferson County for the purposes of serving Defendant at one of the addresses where he was listed as a resident in Jefferson County.

6. That the Sheriff of Jefferson County did attempt to serve Defendant at all of the addresses in Jefferson County but Defendant was not living at any of the addresses and no information as to his whereabouts could be found.

7. That a second Internet search was conducted but no new addresses were found for the Defendant.

8. That the undersigned again caused the Prothonotary of Clearfield County to re-issue the Writ of Summons and the undersigned again paid advance costs to the Sheriff of Clearfield County and the Sheriff of Clearfield County did deputize the Sheriff of Clarion County for the purposes of serving Defendant at one of the addresses of either his parents or grandparents found through the search of the Internet.

9. That the undersigned spoke directly with office staff of both the Sheriff of Clearfield County and the Sheriff of Clarion County to provide instructions as to service and to make the request that the Sheriff of Clarion County make direct inquiry of the Defendant's whereabouts from his relatives if Defendant could not be found on the premises of the locations provided through the Internet search.

10. That the Sheriff of Clarion County made diligent search and inquiry for Charles H. Clinger, III, at all of the addresses that the undersigned had secured through her search of the Internet where Defendant's parents and grandparents were listed as residing but was unable to locate the Defendant nor to discover his whereabouts.

11. That the undersigned has examined local telephone directories, voter registration records, local tax records and motor vehicle records but none of those documents have revealed any addresses other than those that the undersigned has previously uncovered.

12. That the inquiries of Defendant's parents and grandparents whose addresses were found through an Internet search have uncovered no information concerning Defendant's whereabouts.

13. That the undersigned has made inquiries of postal authorities in the DuBois and Luthersburg areas where Defendant had been listed as residing but the postal authorities were unable to find Defendant on their list of residents and could not provide any information as to Defendant's whereabouts.

14. That the undersigned has exhausted all means of determining the current address of the Defendant and has no other alternative but to serve the Defendant by publication and as a

result seeks the authorization of Your Honorable Court for such service by publication in accordance with Pa.R.C.P. 430.

15. That the undersigned has attached hereto and made a part hereof as Exhibit "A" the Notice that the undersigned intends to publish if such authorization is granted by Your Honorable Court.

16. That Defendant will not be prejudiced by such service as he was aware of the accident giving rise to the instant suit and he will be defended in the same by his insurance carrier once service has been effected.

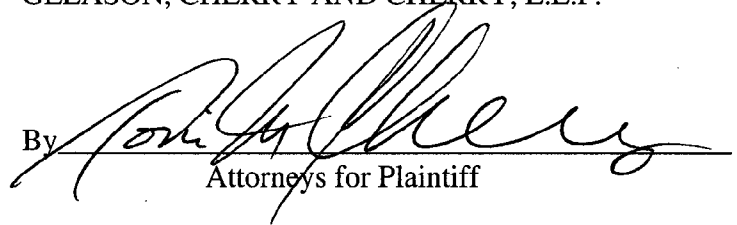
17. That unless Plaintiff can make service upon Defendant, she cannot proceed with this just action and will be irreparably harmed.

WHEREFORE, the undersigned respectfully requests Your Honorable Court to grant the motion allowing service by publication in accordance with Pa.R.C.P. 430.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

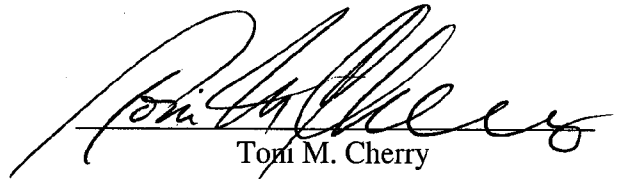
By

A handwritten signature in black ink, appearing to read "P. J. Cherry", is written over a horizontal line.

Attorneys for Plaintiff

VERIFICATION

I, TONI M. CHERRY, ESQ., counsel for Plaintiff, verify that the information provided in the foregoing Motion to Serve Defendant by Publication in Accordance with Pa.R.C.P. 430 is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



Toni M. Cherry

DATED: September 13, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,

Plaintiff

vs.

CHARLES H. CLINGER, III,

Defendant

No. 05 - 286 C.D.

TO CHARLES H. CLINGER, III:

Plaintiff has commenced a suit against you for damages she has suffered because of injuries sustained in an accident occurring on March 4, 2003, in the Township of Bloom, Clearfield County, Pennsylvania.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the 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.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 88-89)

By: Toni M. Cherry
Gleason, Cherry and Cherry, L.L.P.
P. O. Box 505
DuBois, PA 15801
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

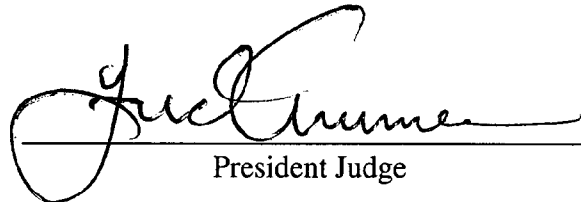
CHARLES H. CLINGER, III,
Defendant

:
:
:
: No. 05 - 286 C.D.
:
:
:

ORDER

AND NOW, this 14 day of September, 2005, in consideration of the facts set forth in Plaintiff's Motion to Serve Defendant by Publication and it appearing to the Court that a good faith effort to locate the Defendant has been made by Plaintiff but his whereabouts have not been discovered and service cannot be made otherwise, it is therefore ORDERED AND DECREED that Plaintiff shall be permitted to serve Defendant by publication by advertising a copy of the Notice attached to Plaintiff's Motion one (1) time in the Clearfield County Legal Journal and one (1) time in the Clearfield Progress and the Courier-Express. Service shall be complete upon the filing of proofs of publication.

BY THE COURT:



President Judge

FILED 200

012556
SEP 14 2005

Ang T. Cherry
Copy to CIA

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: PRAECIPE TO REISSUE
: WRIT OF SUMMONS
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED *rec'd & issued*
m/2:38 PM to Atty
SEP 15 2005 *Atty pd 7.00*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

No. 05 - 286 C.D.

PRAECIPE TO REISSUE WRIT OF SUMMONS

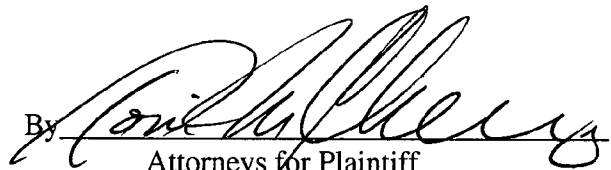
TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Kindly reissue the Writ of Summons in the above-captioned case for inability to serve the Defendant within the time allowed. The Sheriff of Clarion County was deputized by the Sheriff of Clearfield County but was unable to locate Defendant at the homes of his parents and grandparents in Clarion County and service is now to be made by publication as a result of special Order of Court.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiff
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: September 14, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

REISSUED

SUMMONS

Elizabeth Berger

Vs.

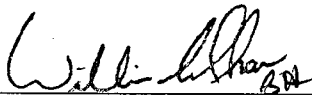
NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

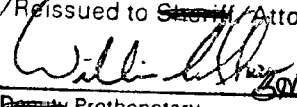
Date: 03/03/2005

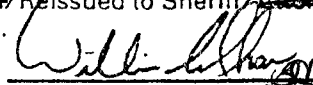


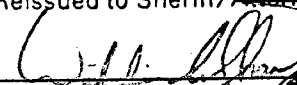
William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

9-15-05 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service. 
~~Deputy~~ Prothonotary

8-12-05 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service. 
~~Deputy~~ Prothonotary

4-5-05 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service. 
~~Deputy~~ Prothonotary

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

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: SHERIFF'S RETURN
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

m/2:30
SEP 15 2005

William A. Shaw
Prothonotary/Clerk of Courts

ice
Aug. T. Cherry

NOT FOUND AFFIDAVIT

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY

ELIZABETH BERGER

VERSES

No. 05-286-CD
CLARION COUNTY

CHARLES H CLINGER III
CLARION, PA

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLARION

Before me, the undersigned authority, personally appeared
DEPUTY JAMES COLLINS, who being duly sworn according to law,
deposes and says that on the 29TH day of AUGUST, 2005
at 8:45AM made a diligent search and inquiry for CHARLES H
CLINGER III
at 1507 SETTLERS ROAD, SUMMERVILLE PA 15864 (DOES NOT &
NEVER LIVED AT THIS ADDRESS; POSSIBLY BROOKVILLE, PA).,
Clarion County, Pennsylvania, and
elsewhere, and was unable to locate the said CHARLES H
CLINGER III
anywhere within the said address given in the County of
Clarion, Pennsylvania.

So Answers

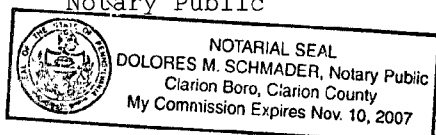
James Collins
Deputy Sheriff

William H. Peck III

William H. Peck, III
Sheriff of Clarion County

Sworn to and subscribed before me this

29th day of *September* A.D. 20 *05*
Dolores M. Schmader
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: AFFIDAVIT OF
: SERVICE
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

OCT 14 2005

11/10/35
William A. Shaw
Prothonotary/Clerk of Courts

no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

No. 05 - 286 C.D.

CHARLES H. CLINGER, III,
Defendant

AFFIDAVIT OF SERVICE

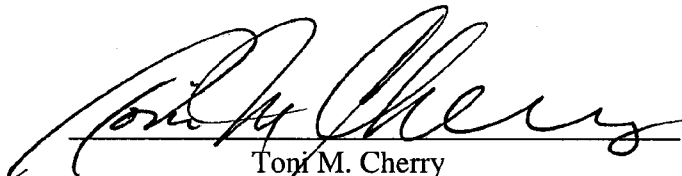
COMMONWEALTH OF PENNSYLVANIA:

: SS.

COUNTY OF CLEARFIELD

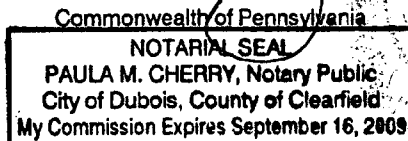
:

Before me, the undersigned official, personally appeared TONI M. CHERRY, ESQ., who, being duly sworn according to law, deposes and says that she is the Attorney for ELIZABETH BERGER, Plaintiff in the above cause of action, and that she did serve CHARLES H. CLINGER, III, Defendant, with a Notice by publication in the Clearfield County Legal Journal the week of September 30, 2005, in accordance with Order of Court issued September 14, 2005. Proof of Publication of such Notice is attached hereto.


Toni M. Cherry

Sworn to and subscribed before me this 12th day of October, 2005.





and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the 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.

Court Administrator, Office of the Court Administrator, Clearfield County Courthouse, Clearfield, PA 16830, (814) 765-2641 (Ext. 88-89)

By: Toni M. Cherry, Gleason, Cherry and Cherry, L.L.P., P. O. Box 505, DuBois, PA 15801.

Attorneys for Plaintiff.

TIME AND LOCATION OF SALE:
October 13, 2005 at 11:00 a.m. at the
Clearfield County Courthouse, 230 East
Market Street, Clearfield, PA 16830.

TERMS OF SALE: Successful bidder
will pay ten percent (10%) by certified check
and the remainder of the bid within thirty (30)
days from the date of the sale and in the
event bidder cannot pay the remainder, the
property will be resold and all monies paid in
at the original sale will be applied to any
deficiency in the price at which the property
is resold. Notice is hereby given that a
Schedule of Distribution will be filed by me
on the thirtieth day after the date of sale, and
that distribution will be made in accordance
with the Schedule unless exemptions are
filed thereto within ten (10) days thereafter.
Purchaser must furnish State Realty
Transfer Tax Stamps, and stamps required
by the local taxing authority. Marshal's
costs, fees and commissions are to be borne
by seller. Thomas M. Fitzgerald, United
States Marshal. For information visit
www.resales.usda.gov or call Mr. Kristen
Good at (724)482-4800.

McGrath & Associates, P.C., 1500
Union Bank Building, 306 Fourth Avenue,
Pittsburgh, PA 15222-2102.

ADV: Sept. 9th, 16th, 23rd, 30th, 2005.

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

ELIZABETH BERGER, Plaintiff vs.
CHARLES H. CLINGER, III, Defendant.
No. 05 - 286 C.D.

TO CHARLES H. CLINGER, III:
Plaintiff has commenced a suit against
you for damages she has suffered because
of injuries sustained in an accident occurring
on March 4, 2003, in the Township of Bloom.
Clearfield County, Pennsylvania.

NOTICE

If you wish to defend, you must enter a
written appearance personally or by attorney

Kenneth Wisor to Clearfield Bank &
Trust Co 200515780 \$88,500
Adam Mullins to CSB Bank 200515814
\$72,295
Robert Gilliland to Mortgage Electronic
Registration Systems Inc 200515817
\$92,000
Shelly Reed to Bruce Graham
200515818 \$150,000
Dorothy Spera to Mortgage Electronic
Registration Systems Inc 200515820
\$100,000
Dorothy Spera to First Horizon Home
Loan Corp 200515821 \$12,370

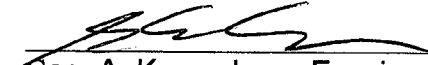
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

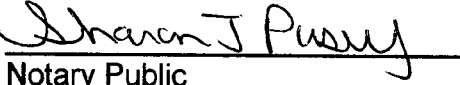
COUNTY OF CLEARFIELD :

On this 30th day of September AD 2005, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 30, 2005. Vol. 17, No. 39. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

NOTARIAL SEAL SHARON J. PUSEY, Notary Public Clearfield, Clearfield County, PA My Commission Expires APRIL 7, 2007

Gleason Chery & Chery
PO Box 505
DuBois PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: AFFIDAVIT OF
: SERVICE
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

OCT 14 2005

07:50 PM
William A. Shaw

Prothonotary/Clerk of Courts

NO CERT COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
: No. 05 - 286 C.D.
:
:
:

AFFIDAVIT OF SERVICE

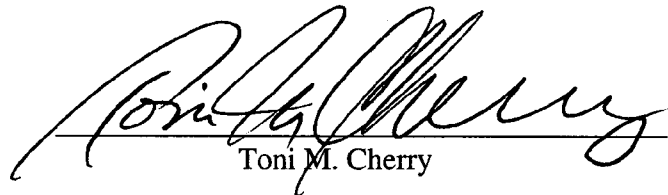
COMMONWEALTH OF PENNSYLVANIA:

: SS.

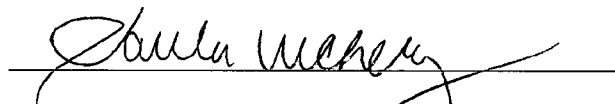
COUNTY OF CLEARFIELD

:

Before me, the undersigned official, personally appeared TONI M. CHERRY, ESQ., who, being duly sworn according to law, deposes and says that she is the Attorney for ELIZABETH BERGER, Plaintiff in the above cause of action, and that she did serve CHARLES H. CLINGER, III, Defendant, with a Notice by publication in The Courier-Express newspaper on September 26, 2005, in accordance with Order of Court issued September 14, 2005. Proof of Publication of such Notice is attached hereto.


Toni M. Cherry

Sworn to and subscribed before me this 5th day of October, 2005.


Commonwealth of Pennsylvania
NOTARIAL SEAL
PAULA M. CHERRY, Notary Public
City of Dubois, County of Clearfield
My Commission Expires Sept. 16, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 05-286 C.D.

ELIZABETH BERGER, Plaintiff

vs.

CHARLES H. CLINGER, III, Defendant

TO CHARLES H. CLINGER, III:

Plaintiff has commenced a suit against you for damages she has suffered because of injuries sustained in an accident occurring on March 4, 2003, in the Township of Bloom, Clearfield County, Pennsylvania.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the 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.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 88-89)

By: Toni M. Cherry
Gleason, Cherry and Cherry, L.L.P.
P. O. Box 505
DuBois, PA 15801
Attorneys for Plaintiff

9/26/05

FILED
OCT 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA**

Under act 587, Approved May 16, 1929, P.L. 1784

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

26th day of September A.D., 2005

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

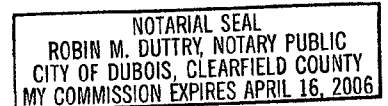
By *Linda Smith*

Sworn and subscribed to before me this 4th day of Oct, 2005

Robin M. Duttry
NOTARY PUBLIC



Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**
DuBois, PA



TO Gleason Cherry & Cherry

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$166.32</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$173.82</u>

Publisher's Receipt for Advertising Costs

The Courier-Express, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801
Established 1879, Phone 814-371-4200
McLEAN PUBLISHING COMPANY

Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.

: Type of Case: CIVIL

: Type of Pleading: AFFIDAVIT OF
: SERVICE

: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff

: Counsel of Record for this Party:

: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205

: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801

: (814) 371-5800

FILED NO CC
OCT 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

No. 05 - 286 C.D.

CHARLES H. CLINGER, III,
Defendant

AFFIDAVIT OF SERVICE

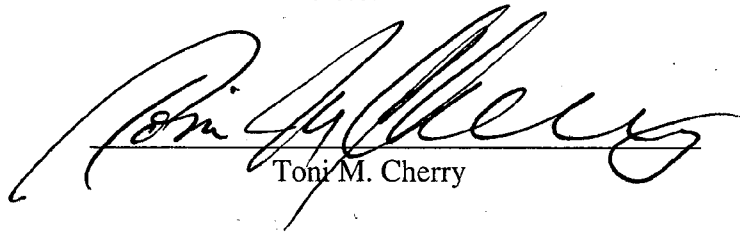
COMMONWEALTH OF PENNSYLVANIA:

: SS.

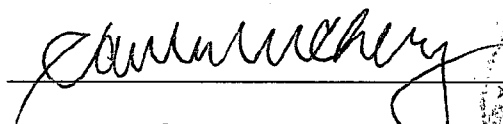
COUNTY OF CLEARFIELD

:

Before me, the undersigned official, personally appeared TONI M. CHERRY, ESQ., who, being duly sworn according to law, deposes and says that she is the Attorney for ELIZABETH BERGER, Plaintiff in the above cause of action, and that she did serve CHARLES H. CLINGER, III, Defendant, with a Notice by publication in The Progress newspaper on September 27, 2005, in accordance with Order of Court issued September 14, 2005. Proof of Publication of such Notice is attached hereto.


Toni M. Cherry

Sworn to and subscribed before me this 19 day of October, 2005.

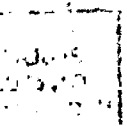


Commonwealth of Pennsylvania
NOTARIAL SEAL
PAULA M. CHERRY, Notary Public
City of Dubois, County of Clearfield
My Commission Expires September 16, 2009

FILED

OCT 21 2005

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
No. 05-286 C.D.

ELIZABETH BERGER,
Plaintiff

vs.
CHARLES H. CLINGER, III,
Defendant

TO: CHARLES H. CLINGER, III:
Plaintiff has commenced a suit
against you for damages she has
suffered because of injuries sus-
tained in an accident occurring on
March 4, 2003, in the Township of
Bloom, Clearfield County, Pennsyl-
vania.

NOTICE

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if
you fail to do so, the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER 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 HIR-
ING 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 LE-
GAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE
OR NO FEE.

Court Administrator
Office of the
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 88-89)
By: Toni M. Cherry
Gleason, Cherry
and Cherry, L.L.P.
P.O. Box 505
DuBois, PA 15801
Attorneys for Plaintiff

9:27-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

On this 17th day of October, A.D. 20 05,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of September 27, 2005

And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100731
NO: 05-286-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

NOW, August 15, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III.

NOW, August 17, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED

013:0834
DEC 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100731
NO: 05-286-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

NOW, August 18, 2005, SHERIFF OF CLARION COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III.

NOW, August 29, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON CHARLES H. CLINGER III, DEFENDANT. THE RETURN OF CLARION COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100731
NO: 05-286-CD
SERVICES 2
SUMMONS

PLAINTIFF: ELIZABETH BERGER
vs.
DEFENDANT: CHARLES H. CLINGER III

SHERIFF RETURN

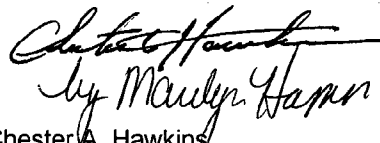
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GLEASON	10333	10.00
SHERIFF HAWKINS	GLEASON	10333	28.00
JEFFERSON CO.	GLEASON	10334	24.10
CLARION CO.	GLEASON	10351	37.50

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

NO. 2005 C.D. 286

Now, August 17, 2005 I return the Re-Issued Writ of Summons for CHARLES H. CLINGER, III, defendant, to the Clearfield County Sheriff's Office marked "not found; addresses that were given for service are in Clarion County".

Advance Costs Received:	\$125.00	
My Costs:	22.10	Paid
Prothy:	2.00	
Total Costs:	24.10	
REFUNDED:	\$100.90	

Sworn and subscribed

to before me this

day of

By

My Commission Expires The
First Monday January 2007

So Answers,

Thomas A. Demko

Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

NOT FOUND AFFIDAVIT

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY

ELIZABETH BERGER

VERSES

No. 05-286-CD
CLARION COUNTY

CHARLES H CLINGER III
CLARION, PA

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLARION

Before me, the undersigned authority, personally appeared
DEPUTY JAMES COLLINS, who being duly sworn according to law,
deposes and says that on the 29TH day of AUGUST, 2005
at 8:45AM made a diligent search and inquiry for CHARLES H
CLINGER III

at 1507 SETTLERS ROAD, SUMMERVILLE PA 15864 (DOES NOT &
NEVER LIVED AT THIS ADDRESS; POSSIBLY BROOKVILLE, PA).,
Clarion County, Pennsylvania. and

elsewhere, and was unable to locate the said CHARLES H
CLINGER III

anywhere within the said address given in the County of
Clarion, Pennsylvania.

So Answers

Deputy Sheriff

William H. Peck, III
Sheriff of Clarion County

Sworn to and subscribed before me this

_____ day of _____ A.D. 20 _____

Notary Public



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100731

TERM & NO. 05-286-CD

ELIZABETH BERGER

SUMMONS

VS.

CHARLES H. CLINGER III

SERVE BY: 09/11/05

MAKE REFUND PAYABLE TO GLEASON CHERRY & CHERRY LLP

SERVE: CHARLES H. CLINGER III

ADDRESS: SEE ATTACHED LIST.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CLARION COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, August 18, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

REISSUED

SUMMONS

Elizabeth Berger

Vs.

NO.: 2005-00286-CD

Charles H. Clinger III

TO: CHARLES H. CLINGER III

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 03/03/2005

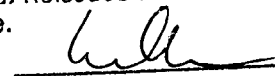


William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

Aug. 12, 2005 Document
Reinstated/Reissued to Sheriff/~~Attorney~~
for service.


Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
: No. 05 - 286 C.D.
:
:
:

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Kindly reissue the Writ of Summons in the above-captioned case for failure of the Sheriff to serve the same within the time allowed because Defendant was not at his last known address nor at the address given on his Pennsylvania Driver's License. An attempt will now be made to serve him at the home of his parents or grandparents, whose whereabouts have been located in Jefferson County.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

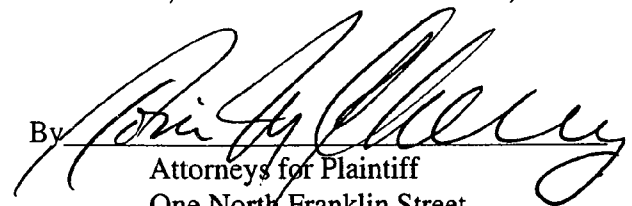
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

AUG 12 2005

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

By



Attorneys for Plaintiff
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: August 12, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: STATEMENT OF
: INTENTION TO PROCEED
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

⁵ FILED
01/10/31/2010
MAR 24 2010

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

No. 05 - 286 C.D.

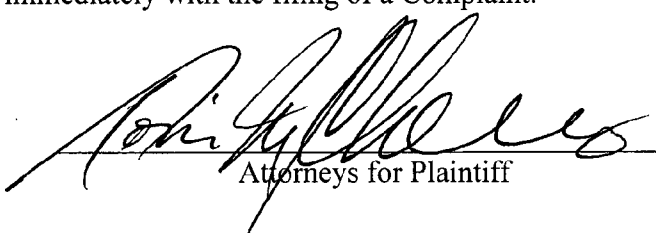
CHARLES H. CLINGER, III,
Defendant

STATEMENT OF INTENTION TO PROCEED

To the Court:

Plaintiff intends to proceed with the above-captioned matter. Plaintiff has never been able to locate Defendant and, as a result, had to petition the Court to serve Defendant by publication. Plaintiff intends to proceed immediately with the filing of a Complaint.

Date: March 19, 2010


Attorneys for Plaintiff

CA

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

ELIZABETH BERGER
Plaintiff

vs.

CHARLES H. CLINGER, III
Defendant

* NO. 2005-286-CD
*
*
*
*
*

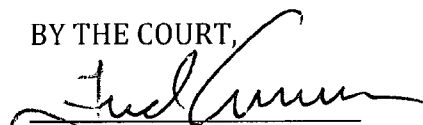
FILED

9 MAR 18 2013
0/2:10/5
William A. Shaw
Prothonotary/Clerk of Courts
sent to Clerk

ORDER

NOW, this 15th day of March, 2013, it is the ORDER of this Court that a **status** *docs*
conference in the above-captioned case be and is hereby scheduled for the **8th day of**
May, 2013 at 1:30 p.m. in Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
MAR 18 2013
William A. Shaw
Prothonotary/Clerk of Courts

Prothonotary
R.D.
Box 1
90
15842

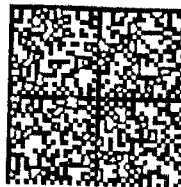
LG,

4



SECRET

SECRET

[illegible][illegible]

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

ELIZABETH BERGER
Plaintiff

vs.

CHARLES H. CLINGER, III
Defendant

* NO. 2005-286-CD
*
*
*
*

ORDER

NOW, this 15th day of March, 2013, it is the ORDER of this Court that a **status conference** in the above-captioned case be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

and attested copy of the original
statement filed in this case.

MAR 18 2013

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: MOTION FOR
: CONTINUANCE
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

APR 10 2013

William A. Shaw
Prothonotary/Clerk of Courts

2cc Att
J. Cherry
GK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

No. 05 - 286 C.D.

MOTION FOR CONTINUANCE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID
COURT:

AND NOW, come the Plaintiff, ELIZABETH BERGER, by and through her attorneys,
GLEASON, CHERRY AND CHERRY, L.L.P., and moves Your Honorable Court for a
continuance of the status conference scheduled for May 8, 2013, at 1:30 p.m. and, in support of
which, avers the following:

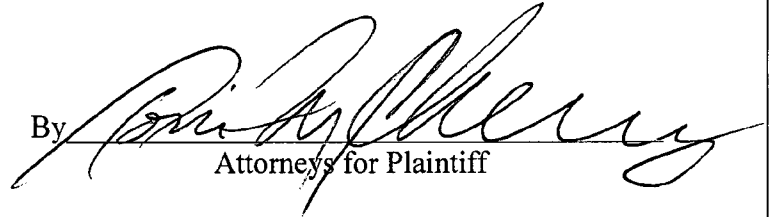
1. The undersigned represents the Plaintiff in the above-captioned action.
2. That on March 18, 2013, Your Honorable Court entered an Order scheduling a
status conference in this case for May 8, 2013, at 1:30 p.m.
3. That the undersigned has a conflict on that date as she is scheduled to appear before
the Court of Common Pleas of Jefferson County, Pennsylvania, for a two-day custody hearing
on May 7 and 8, 2013, before the Honorable John B. Leete, Specially Presiding, that has been
scheduled for quite some time and will not be able to attend the status conference on May 8,
2013, at 1:30 p.m.

WHEREFORE, the undersigned respectfully requests Your Honorable Court to
continue the status to another date and time convenient for the Court and all parties in this case.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

A handwritten signature in cursive script, appearing to read "P. H. Cherry", is written over a horizontal line.

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
: No. 05 - 286 C.D.
:
:
:

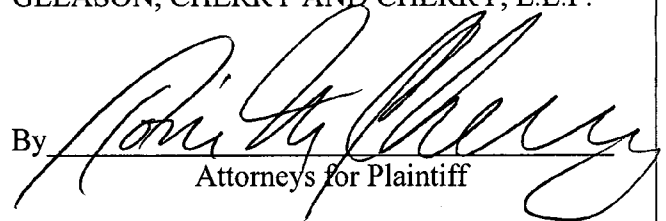
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 2013, a true and correct copy of Plaintiff's Motion for Continuance was served upon the Defendant, CHARLES H. CLINGER, III, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

CHARLES H. CLINGER, III
R. D. #1, Box 90
Luthersburg, PA 15848

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiff

Dated: April 10, 2013

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

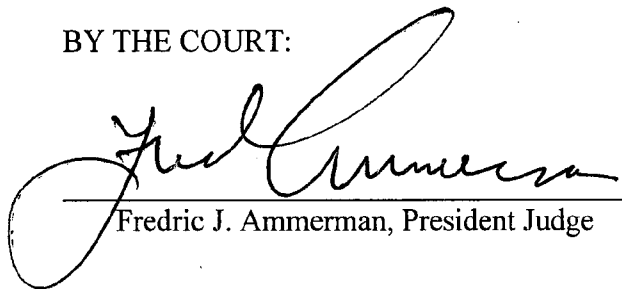
No. 05 - 286 C.D.

ORDER

AND NOW, this 11 day of April, 2013, upon consideration of Plaintiff's request for a continuance in the above-captioned matter, it is the Order of this Court that the status conference scheduled for May 8, 2013 at 1:30 p.m. is hereby continued.

Said status shall be rescheduled for the 27th day of June, 2013, at 1:30 o'clock P.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Fredric J. Ammerman, President Judge

FILED 2cc ATty
07 12:42pm
APR 12 2013
William A. Shaw
Prothonotary/Clerk of Courts
T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: MOTION FOR
: CONTINUANCE
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

01:50 P.M. 6K
JUN 26 2013

5

William A. Shaw
Prothonotary/Clerk of Courts

3cc Atty

6K

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

No. 05 - 286 C.D.

MOTION FOR CONTINUANCE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID
COURT:

AND NOW, come the Plaintiff, ELIZABETH BERGER, by and through her attorneys,
GLEASON, CHERRY AND CHERRY, L.L.P., and moves Your Honorable Court for a
continuance of the status conference scheduled for June 27, 2013, at 1:30 p.m. and, in support
of which, avers the following:

1. The undersigned represents the Plaintiff in the above-captioned action.
2. That neither the Court nor the Plaintiff have been able to locate Defendant and, as a
result, he has no knowledge of the status conference scheduled for June 27, 2013, and all
mailings sent to Defendant at the addresses previously known or found to date have been
returned as undeliverable.
3. That Plaintiff requires a continuance in order to try to locate the Defendant as this
case cannot proceed until he is found.

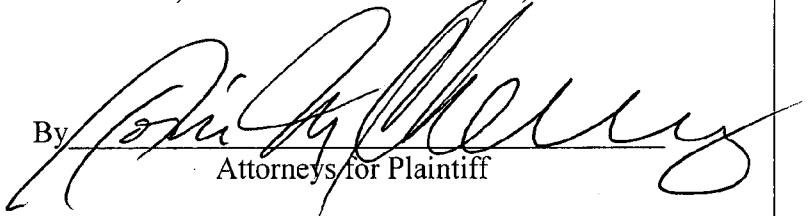
WHEREFORE, the undersigned respectfully requests that the status conference be

continued to August 29, 2013, at 1:30 p.m. to allow Plaintiff sufficient time to locate Defendant.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

A large, stylized handwritten signature in black ink, likely belonging to a member of the law firm Gleason, Cherry and Cherry, L.L.P. The signature is written over a horizontal line.

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
:
:
:
:

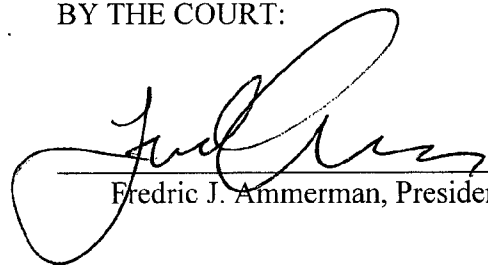
No. 05 - 286 C.D.

ORDER

AND NOW, this 26 day of June, 2013, upon consideration of Plaintiff's request for a continuance in the above-captioned matter, it is the Order of this Court that the status conference scheduled for June 27, 2013 at 1:30 p.m. is hereby continued.

Said status conference shall be rescheduled for the 29th day of August, 2013, at 1:30 o'clock P.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman, President Judge

FILED 3CC AA
01:2:44pm T. Cherry
JUN 27 2013
S William A. Shal
Prothonotary/Clerk of Courts

4 FILED

2 AUG 29 2013

0712512
William A. Shaw
Prothonotary/Clerk of Courts
3 sent to

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

: No. 05 - 286 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: PRAECIPE
:
: Filed on Behalf of: ELIZABETH BERGER,
: Plaintiff
:
: Counsel of Record for this Party:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELIZABETH BERGER,
Plaintiff

vs.

CHARLES H. CLINGER, III,
Defendant

:
:
:
: No. 05 - 286 C.D.
:
:
:

P R A E C I P E

TO WILLIAM A. SHAW, PROTHONOTARY

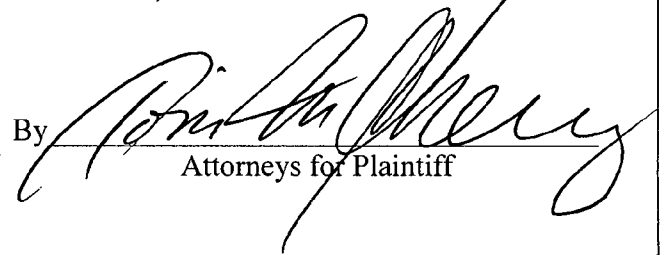
Sir:

Please mark the above-captioned case discontinued and ended.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By



Attorneys for Plaintiff

Date: August 28, 2013