

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

CHARLES H. CLINGER, III

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

User: LBENDER

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

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: Praecepse 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: Praecepse 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 of 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 :  
:

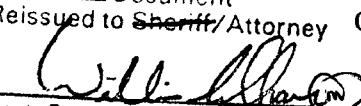
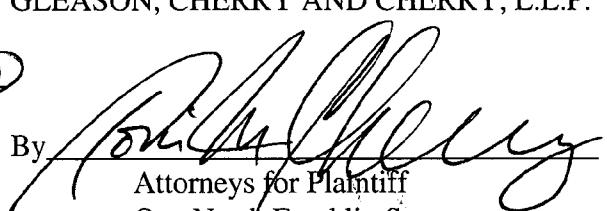
**PRAECIPE FOR WRIT OF SUMMONS**

TO WILLIAM A. SHAW, PROTHONOTARY

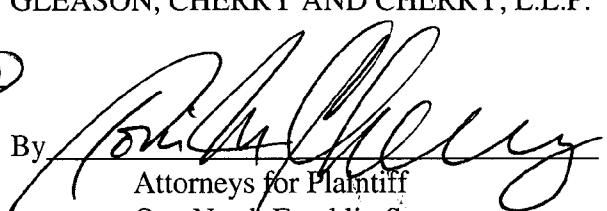
Sir:

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

Deputy Prothonotary

*Aug 12 2005* Document  
Reinstated/Reissued to ~~Sheriff~~ Attorney  
for service.   
By   
Attorneys for Plaintiff

Deputy Prothonotary

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

Date: March 2, 2005

**FILED**

*APRIL 5, 2005* Document  
Reinstated/Reissued to ~~Sheriff~~ Attorney  
for service.   
Deputy Prothonotary

MAR 03 2005   
01/12/30/05  
William A. Shaw  
Prothonotary  
CLEAR TO ATT  
ISSUED  
Summons 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

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

**FILED**

APR 05 2005

William A. Shaw  
Prothonotary/Clerk of Courts

3 CENT.

Date: April 5, 2005

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

**SUMMONS**

**Elizabeth Berger**

Vs.

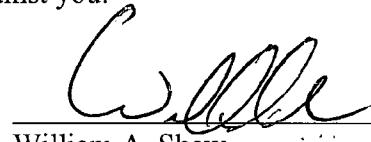
**NO.: 2005-00286-CD**

**Charles H. Clinger III**

TO: **CHARLES H. CLINGER III**

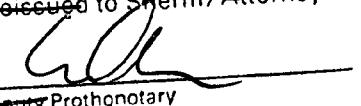
To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

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 1 1 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**

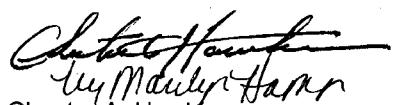
**Return Costs**

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

So Answers,

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

  
by *Marilyn Harris*  
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 23<sup>rd</sup>  
day of March 2005  
By Leigh A. Doan

My Commission Expires The  
First Monday January 2006

So Answers,

  
Leigh A. Doan  
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

**SUMMONS**

**Elizabeth Berger**

**Vs.**

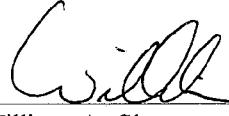
**NO.: 2005-00286-CD**

**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".

FILED  
01/14/05  
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,

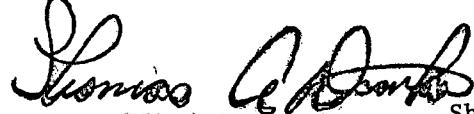
  
Chester A. Hawkins  
Sheriff

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,

  
\_\_\_\_\_  
Dennis A. Donohue Sheriff  
\_\_\_\_\_  
JEFFERSON COUNTY, PENNSYLVANIA

Sworn and subscribed  
to before me this 15<sup>th</sup>  
day of May 2005  
By Dennis A. Donohue  
\_\_\_\_\_  
Deputy Prothonotary  
My Commission Expires the  
First Monday January 2006

**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.

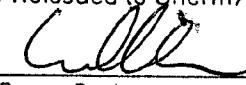
Date: 03/03/2005

  
\_\_\_\_\_  
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. : No. 05 - 286 C.D.  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**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.

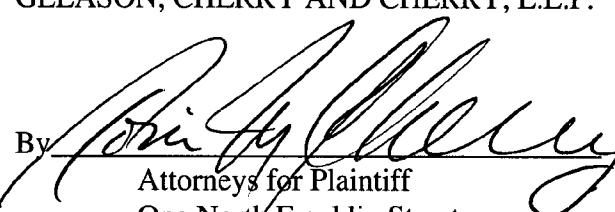
Respectfully submitted,

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

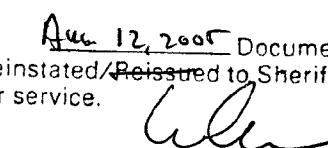
FILED

AUG 12 2005  
013000  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CERT TO ATT  
1 CERT w/ REASSUR  
WAIT TO  
SHER

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 *acc*  
*09/14/05* *Arg*  
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.	:	No. 05 - 286 C.D.
CHARLES H. CLINGER, III,	:	
Defendant	:	

**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 Praecept 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 depose 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 depose 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.

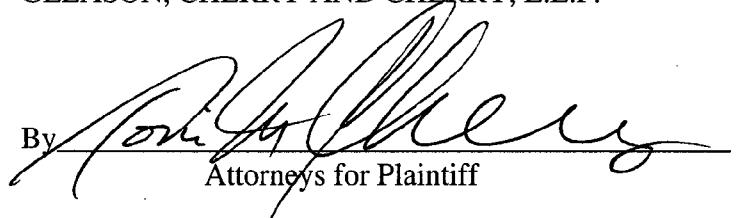
16. That Defendant will not be prejudiced by such service as he was aware of the accident giving rise to the instant suit and he will be defended in the same by his insurance carrier once service has been effected.

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.

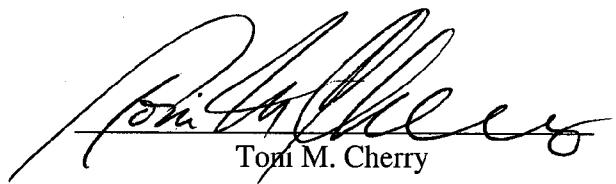
Respectfully submitted,

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

By   
John H. Cherry  
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.



The image shows a handwritten signature in black ink, which appears to read "Toni M. Cherry". The signature is fluid and cursive, with a large, stylized "T" at the beginning.

Tom M. Cherry

DATED: September 13, 2005

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

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

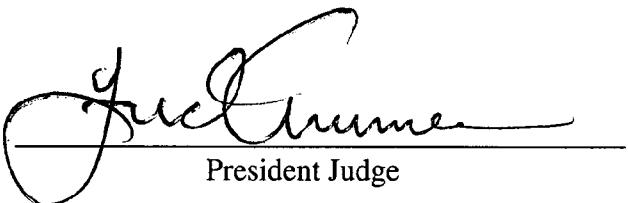
CIVIL DIVISION

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

**O R D E R**

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  
01/25/06 by A.M.T. Cherry  
SEP 14 2005  
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 *cc: C. Berger*  
M/2/386 to Atty  
SEP 15 2005 Atty fee 7.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
*JS*

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 TO REISSUE WRIT OF SUMMONS**

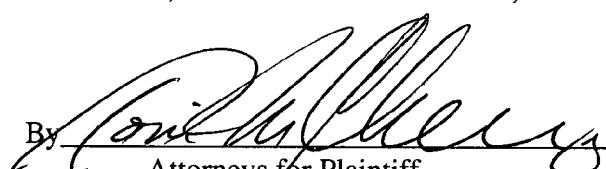
TO WILLIAM A. SHAW, PROTHONOTARY

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.

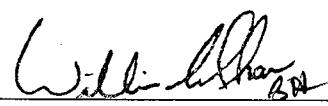
NO.: 2005-00286-CD

**Charles H. Clinger III**

TO: CHARLES H. CLINGER III

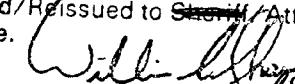
To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

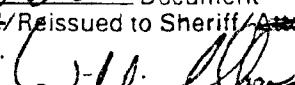
Date: 03/03/2005

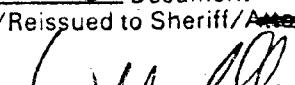
  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:

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

4-15-05 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 *ICC*  
*m 12:30 PM* *Am T. Cherry*  
SEP 15 2005  
*WN*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

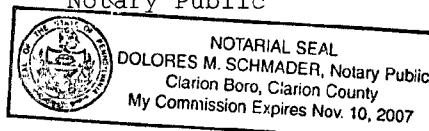
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLARION

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, SUMMERTOWN 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

8th 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  
M 10:35 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 9/1

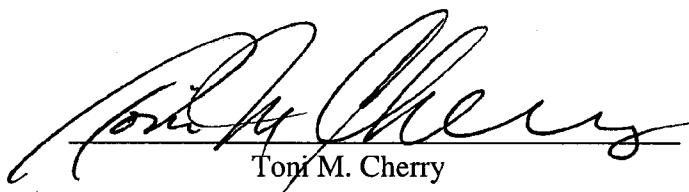
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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

**AFFIDAVIT OF SERVICE**

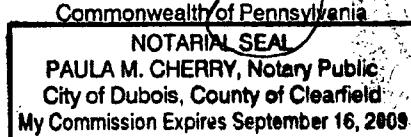
COMMONWEALTH OF PENNSYLVANIA: : SS.  
COUNTY OF CLEARFIELD :

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 12<sup>th</sup> 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](http://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

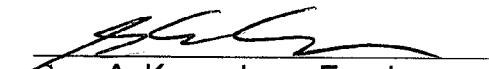
STATE OF PENNSYLVANIA :

:

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.

Sharon J. Pusey  
Notary Public  
My Commission Expires

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

Gleason Chery & Cherry  
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  
01:50 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

No CERT COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

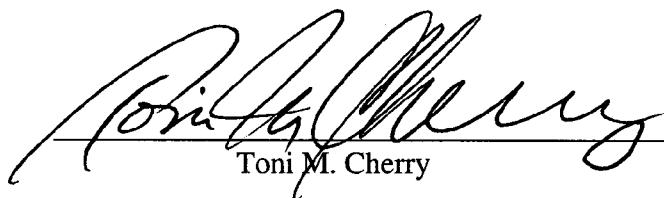
ELIZABETH BERGER, :  
Plaintiff :  
vs. : No. 05 - 286 C.D.  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

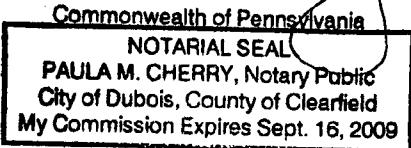
: SS.  
COUNTY OF CLEARFIELD :  
:

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 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 5<sup>th</sup> day of October, 2005.



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

NOTARIAL SEAL  
ROBIN M. DUTTRY, NOTARY PUBLIC  
CITY OF DUBOIS, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES APRIL 16, 2006

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

11/07/05  
Clerk of Courts  
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**

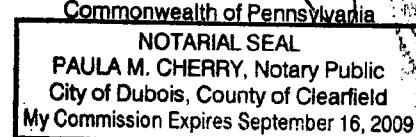
COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD : SS.  
:

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.



**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 personally  
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 :  
: SS:  
COUNTY OF CLEARFIELD :

On this 17th day of October, A.D. 2005,  
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

COMMONWEALTH OF PENNSYLVANIA

Notary Public Clearfield, Pa.

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  
013:08/24  
DEC 09 2005  
WAS

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**

---

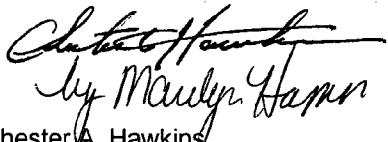
RETURN COSTS

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

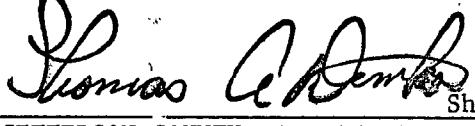
NO. 2005 C.D. 286

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 19<sup>th</sup>  
day of August 2005  
By Leonda Silvers, deputy  
Prothonotary  
My Commission Expires The  
First Monday January 2007

So Answers,

  
Leonda A. Silvers  
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, SUMMERSVILLE 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 16630

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5916

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 depelize 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.

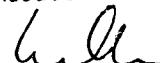
Date: 03/03/2005

  
\_\_\_\_\_  
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. : No. 05 - 286 C.D.  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**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

*John J. Gleason*  
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

S FILED  
01034 BOX  
MAR 24 2010

William A. Shaw  
Prothonotary/Clerk of Courts

1CC Atty T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

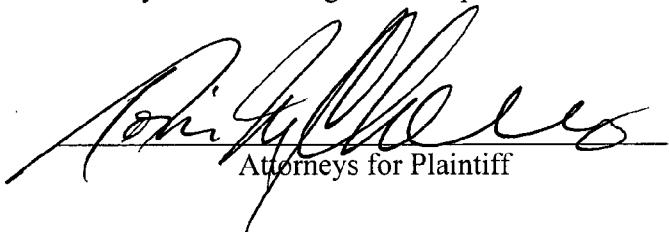
ELIZABETH BERGER, :  
Plaintiff :  
vs. : No. 05 - 286 C.D.  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**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



John F. Miller  
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. 2005-286-CD

\*

\*

\*

\*

\*

**FILED**

9 MAR 18 2013  
0/2/10/13

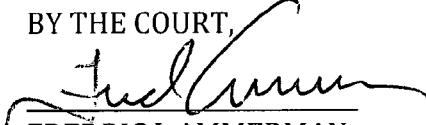
William A. Shaw

Prothonotary/Clerk of Courts  
Court to Court

ORDER

NOW, this 15<sup>th</sup> 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,

  
FREDRIC J. AMMERMAN  
President Judge

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

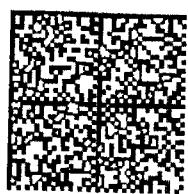
Price Box 90  
P.D. 15848  
Lumberton, NC

161  
William A. Shaw  
Prothonotary/Clerk of Courts  
Po Box 549  
Clearfield, PA 16830.

FILED

4 MAR 26 2013  
M/1145, SG  
William A. Shaw  
Prothonotary/Clerk of Courts

Charles H. Clinger, III  
RD #1, Box 90  
Luthersburg, PA 15848



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

ELIZABETH BERGER  
Plaintiff

\* NO. 2005-286-CD

vs.  
CHARLES H. CLINGER, III  
Defendant

\*  
\*  
\*  
\*  
\*

**ORDER**

NOW, this 15<sup>th</sup> 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

*True and accurate copy of the original  
statement filed in this case.*

MAR 18 2013

Attest.

*William L. Brown*  
Prothonotary/  
Clark 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

ca  
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of 200m  
S APR 10 2013  
T. Cherry  
6K

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	:

**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.

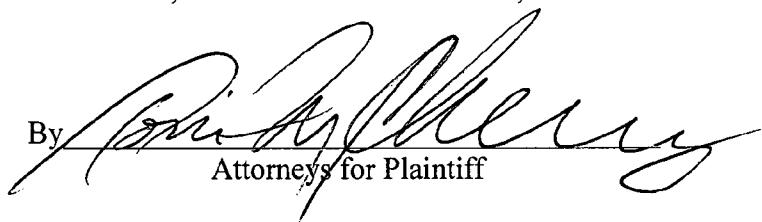
WHEREFORE, the undersigned respectfully requests Your Honorable Court to  
continue the status to another date and time convenient for the Court and all parties in this case.

Respectfully submitted,

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

By

Atorneys for Plaintiff

A handwritten signature in black ink, appearing to read "Robin J. Cherry". The signature is fluid and cursive, with "Robin" on top, "J." in the middle, and "Cherry" on the bottom.

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	:

**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

Atorneys for Plaintiff

Dated: April 10, 2013

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

## CIVIL DIVISION

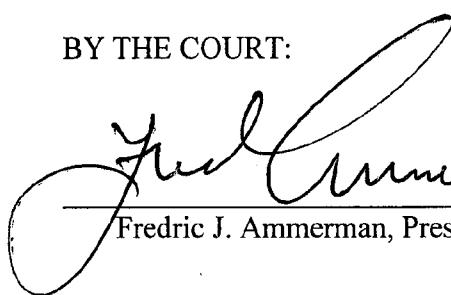
ELIZABETH BERGER, :  
Plaintiff :  
:  
vs. : No. 05 - 286 C.D.  
:  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**O R D E R**

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 27<sup>th</sup> 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  
APR 12 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

2013-474  
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. 66  
JUN 26 2013  
S C C Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
66

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	:	

**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.

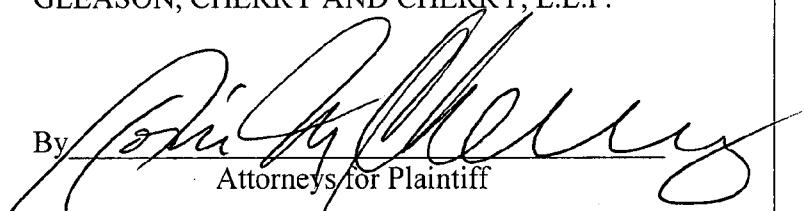
WHEREFORE, the undersigned respectfully requests that the status conference be

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

  
John P. Cherry  
Attorneys for Plaintiff

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

## CIVIL DIVISION

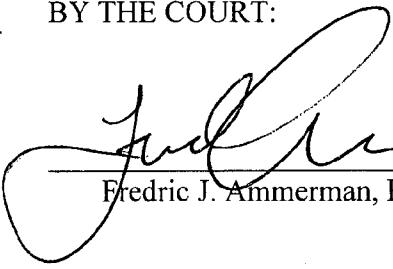
ELIZABETH BERGER, :  
Plaintiff :  
: :  
vs. : No. 05 - 286 C.D.  
: :  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**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

151 ED 3CC A4  
01244cm T. Cherry  
JUN 27 2013  
S William A. Shaffer  
Prothonotary/Clerk of Courts

FILED

AUG 29 2013

011287  
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  
:  
: 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. : No. 05 - 286 C.D.  
: :  
CHARLES H. CLINGER, III, :  
Defendant :  
:

**P R A E C I P E**

TO WILLIAM A. SHAW, PROTHONOTARY

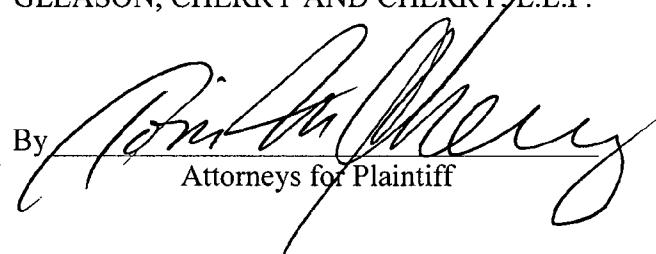
Sir:

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