

05-289-CD
Darla Gelnett vs. Ron Setter

RON SETTER

Darla Gelnet v Ron Setter
2005-289-CD

In the Court of Common Pleas of Clearfield County, Pennsylvania

Civil Division

FILED

GELNETT, DARLA
904 W. WEBER AVE.
DUBOIS, PA. 15801

MAR 03 2005

013:2010

William A. Shaw

Prothonotary/Clerk of Courts
no c/c

Plaintiff

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No. 2005-289-CD C.D.

vs.
SETTER, RON
311 S. STATE ST.
DUBOIS, PA. 15801

Defendant

AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff/Defendant in the above matter and because of my financial condition I am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name RONALD J. SETTERAddress 311 S. STATE ST.DUBOIS, PA. 15801Social Security Number 050 - 46 - 9982b. Date of last employment 8-13-04Employer SHEETZ INC.Address 124 N. BRADY ST.DUBOIS, PA. 15801Salary/Wages..... \$ 8.90 /hr.Type of work SHIFT SUPERVISOR / CONVENIENCE STORE

c. Other Income:

Business/Profession.....	\$	<u>N/A</u>
Self-employment.....	\$	<u>N/A</u>
Interest.....	\$	<u>N/A</u>
Dividends.....	\$	<u>N/A</u>
Pension.....	\$	<u>N/A</u>
Annuities.....	\$	<u>N/A</u>
Social Security Benefits.....	\$	<u>N/A</u>
Support Payments.....	\$	<u>N/A</u>
Disability payments.....	\$	<u>N/A</u>
Unemployment Compensation/ Supplements Benefits.....	\$	<u>206 / Bi-weekly</u>
Workmen's Compensation.....	\$	<u>N/A</u>
Public Assistance.....	\$	<u>127 Food Stamps N/A</u>
Food Stamps.....	\$	<u>127</u>
Other.....	\$	<u>N/A</u>

d. Other contributions to my household support (please circle):

Name of Spouse, Boyfriend/Girlfriend, or Roommate/Housemate

N/A

Employer N/A

Salary/wages per month..... \$ 0

Type of work _____

Contributions from my child(ren)... \$ 0

Contributions from my parent(s),
family members, or any other
individuals..... \$ 0

e. Property Owned:

Cash..... \$ 2.00

Checking Account..... \$ 2.47

Savings Account..... \$ N/A

Certificates of Deposit..... \$ N/A

Real Estate (including home)..... \$ N/A

Motor Vehicle(s) - Make FORD BRONCO

Year 1986

Cost..... \$ 700

Amount owed..... \$ 0

Stocks, bonds..... \$ N/A
 Other..... \$ N/A
 Other..... \$ N/A
 Other..... \$ NA

f. I have the following debts:

Utilities: \$ 55.00, explain NATIONAL FUEL
 \$ 50.00, explain GPU ELECTRIC
 \$ 41.00, explain WATER + SEWERAGE
 \$ _____, explain _____
 Groceries: \$ _____
 Rent/Mortgage: \$ 175 _____, explain RENT
 Loan(s): \$ NA _____, explain _____
 Auto Expense: \$ NA _____, explain _____
 Child Care: \$ NA _____, explain _____
 Miscellaneous: \$ NA _____, explain _____

g. Person(s) dependent upon you for support:

Wife/Husband's name _____

Children, if any:

Name	<u>BRANDON MICHAEL SETTER</u>	Age	<u>13</u>
Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____

Other person(s) dependent upon you:

Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____
Name	<u>N/A</u>	Age	_____

4. I understand that I have a continuing obligation to inform the Court of improvements in my financial circumstances which would permit me to pay the costs incurred herein.

VERIFICATION

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

3-3-05
Date

Ronald J. Seltz
Petitioner

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, RONALD J. SETTER, having filed with the Court an Affidavit requesting In Forma Pauperis standing, hereby consent to the release of any information which may be requested by the Judges of the Court of Common Pleas of Clearfield County, or by any employee of the Court Administrator's Office acting on the behalf and at the direction of any said Judge, relating to any employment compensation, Worker's Compensation, Social Security, Department of Public Welfare or Black Lung benefits which I may receive from any county, state or federal agency which administers or handles processing of any of the above described benefits. This consent shall also authorize the release to the said Court or designee of any information as to any compensation I am receiving, or have received in the past twelve (12) months, from any full or part-time employment of any type whatsoever.

This consent shall remain in effect for a period of twelve (12) months herefrom. A copy or FAX of this release shall have the same legal effect as the original.

Social Security Number: 050 - 46 - 9982

Board of Assistance Number (food stamps, etc.): 78967

DATE: 3 / 3 / 05

Ronald J. Setter

signature

DATE: 3 1 3 105

NAME: RONALD J. SETTER

TELEPHONE NUMBER: (814) 541 - 5850

ADDRESS: 311 S. STATE ST.
DUBOIS, PA. 15801

OTHER PARTIES INVOLVED: DARLA GELNETT

REASON FOR FILING THIS PETITION (Write a brief description of your financial problem(s), please be specific. Failure to do so could result in your request being delayed or denied.) (Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because...)

HAVE NOT BEEN WORKING, RECENTLY HAD A BROKEN LEG
(DEC. 14 - FEB. 17). FOUND OUT RECENTLY THAT THIS IS
THE LAST CHECK OF UNEMPLOYMENT I WILL BE
RECEIVING. ONLY FOR 1 WEEK

TYPE OF ACTION: (divorce, custody, District Justice appeal, etc. Please specify what type of action you are pursuing through this application.)

AM UNABLE TO GET MOVED OUT OF THE HOUSE
IN 10 DAYS AS ORDERED. HAVE NO WHERE
ELSE TO GO

In the Court of Common Pleas of Clearfield County, Pennsylvania

Civil Division

GELNETT, DARLA
904 W. WEBER AVE
DUBOIS, PA. 15801

Plaintiff

vs.

RON SETTER
311 S. STATE ST.
DUBOIS, PA. 15801

Defendant

No. 2005-289 — C.D.

FILED ^{cc}
04:00 PM
MAR 04 2005
Def.

William A. Shaw
Prothonotary/Clerk of Courts

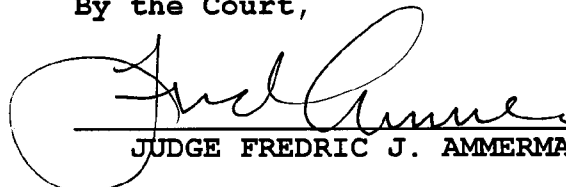
ORDER

NOW, this 4 day of March,
2005, upon consideration of the foregoing Affidavit in Support
of Petition to Proceed in Forma Pauperis, it is the ORDER of this
Court that said Petition is GRANTED / ~~DENIED~~.

FJA

If the Petition is GRANTED, Filing / ~~Mediation Conference~~
fee is hereby WAIVED.

By the Court,


JUDGE FREDRIC J. AMMERMAN

COURT OF COMMON PLEAS

CLEARFIELD County
JUDICIAL DISTRICT

46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 05-289-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT RONALD J. SETTER		MAG. DIST. NO. OR NAME OF D.J.	
ADDRESS OF APPELLANT 311 S. STATE ST.		CITY DUBOIS	STATE PA.
DATE OF JUDGMENT 3/01/05		ZIP CODE 15801	
IN THE CASE OF (Plaintiff) DARLA GELNETT		(Defendant) RON SETTER	
CLAIM NO.		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Ronald J. Setter</i>	
CV LT			

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

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **RONALD J. SETTER**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **05-289-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Ronald J. Setter
Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **March 4, 2005.**

FILED
MAR 04 2005
Copies to Def.

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Signature of Prothonotary or Deputy

NOTE
DEFENDANT
NOT GOING TO
PROCEED WITH
APPEAL
(NEEDS SUPERSEDEAS)
WAS

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes).

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE**

PO BOX 452

DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF:

NAME and ADDRESS

GELNETT, DARLA
904 W. WEBER AVE.
DUBOIS, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

SETTER, RON
311 S. STATE STREET
DUBOIS, PA 15801

RON SETTER
311 S. STATE STREET
DUBOIS, PA 15801

Docket No.: **LT-0000072-05**
Date Filed: **2/15/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

☒ Judgment was entered for: (Name) **FOR PLAINTIFF**
GELNETT, DARLA

☒ Judgment was entered against **SETTER, RON** in a

☒ Landlord/Tenant action in the amount of \$ **258.80** on **3/01/05** (Date of Judgment)

The amount of rent per month, as established by the Magisterial District Judge, is \$ **175.00**.

The total amount of the Security Deposit is \$ **.00**

	Total Amount Established by MDJ	Less Security Deposit Applied	=	Adjudicated Amount
Rent in Arrears	\$ 166.75	\$.00	=	\$ 166.75
Physical Damages Leasehold Property	\$.00	\$.00	=	\$.00
Damages/Unjust Detention	\$.00	\$.00	=	\$.00
Less Amt Due Defendant from Cross Complaint				\$.00
Interest (if provided by lease)				\$.00
L/T Judgment Amount				\$ 166.75
Judgment Costs				\$ 92.05
Attorney Fees				\$.00
Total Judgment				\$ 258.80
Post Judgment Credits				\$
Post Judgment Costs				\$
Certified Judgment Total				\$

☐ Attachment Prohibited/
42 Pa.C.S. § 8127

☐ This case dismissed without prejudice.

☒ Possession granted.

☐ Possession granted if money judgment is not satisfied by time of eviction.

☐ Possession not granted.

☐ Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE NOTICE OF APPEAL. EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

3-1-05 Date **Patrick N. Ford - self**, Magisterial District Judge

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

_____, Magisterial District Judge

SERVICE OF NOTICE OF APPEAL AND OTHER DOCUMENTS FROM APPEAL
FROM A DISTRICT JUSTICE DECISION

- (1) The Prothonotary shall require that in regard to any appeal from a District Justice civil decision that the appellant provide with the Notice of Appeal a stamped envelope, pre-addressed to the appellee, at the appellee's address as listed on the Complaint form filed in the office of the District Justice or as otherwise appearing in the records from that office, or the attorney of record, if any, of the appellee, as well as a stamped envelope, pre-addressed, to the District Justice in whose office the judgment was rendered. Copies of the Notice of Appeal, and Rule to File a Complaint pursuant to Rule of District Justice Procedure 1004B, if applicable, shall thereupon be mailed by the Prothonotary by first class mail to the appellee and District Justice.
- (2) The Prothonotary shall note such service and any return thereof on the Court's docket.
- (3) The Prothonotary shall not be required to file a Notice of Appeal to a District Justice judgment or verdict without the appellant providing the above described stamped and addressed envelopes for service purposes.
- (4) At the conclusion of any District Justice civil case, upon rendering of the decision, the District Justice shall provide a copy of this Rule to the party against whom the judgment or verdict is rendered, with the same either being made when applicable by personal service or through the mail along with the notice of entry of judgment or verdict.
- (5) Upon the Court of Common Pleas disposing of the appeal from a District Justice decision, the Prothonotary shall in all cases utilize the Common Pleas notification request form, prepared by the Administrative Office of Pennsylvania Courts (being AOPC Form 729B-98 or any future revision of the same) in order to notify the District Justice of the result of the appeal. The Prothonotary shall also provide to the District Justice a copy of the Court Order or document which is dispositive of the case.