

Susan Ellwanger et al v. Silverleaf Res. et al
2005-421-CD

05-421-CD
S. Ellwanger et al vs. Silverleaf et al

Date: 3/19/2008
Time: 09:08 AM
Page 1 of 1

Clearfield County Court of Common Pleas
ROA Report
Case: 2005-00421-CD
Current Judge: Paul E. Cherry

User: GLKNISLEY

Civil Other

Date		Judge
3/24/2005	New Case Filed.	No Judge
	<i>(X) Filing: Praecipe for Writ of Summons Paid by: Seiferth, Adam L. (attorney for Ellwanger, Susan) Receipt number: 1897997 Dated: 03/24/2005 Amount: \$85.00 (Check) 2 cert. copies & 2 writs to Atty.</i>	No Judge
4/18/2005	Affidavit of Return of Service by mail filed. <i>(X) Writ of Summons, upon Jay Petty, Defendant, on March 30, 2005, return receipt attached. Filed by s/ Mary Cook, Paralegal. No CC</i>	No Judge
4/20/2005	Sheriff Return, March 30, 2005 Served The Within Praecipe & Summons <i>(X) On Silverwoods Association, Inc. March 30, 2005 Served The Within Praecipe & Summons On Silverwoods Townhomes. March 30, 2005 Served The Within Praecipe & Summons On Wolf Run Manor Association, Inc. March 30, 2005 Served The Within Praecipe & Summons On Wolf Run Manor Town Homes. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.</i>	No Judge
6/20/2005	<i>(X) Praecipe For Entry of Appearance, filed on behalf of Defendant Silverleaf Resorts, Inc. Filed by s/ James F. Andrews, Jr., Esquire.</i> <i>(X) Praecipe To Enter Rule to File Complaint, filed by s/ James F. Andrews, Jr., Esquire. No CC, 2 Rules to Atty</i>	No Judge
6/27/2005	<i>(X) Complaint, filed by s/ Adam L. Seiferth, Esquire. No CC</i>	No Judge
8/3/2005	<i>(X) Praecipe For Entry of Appearance, filed on behalf of Defendants Silverwoods Association, Inc. and Wolf Run Manor Association, Inc. By S/ James F. Andrews, Jr., Esquire. No cc</i>	No Judge
8/26/2005	<i>(X) Answer and New Matter filed by s/ James F. Andrews Jr Esq. No CC.</i>	No Judge
9/19/2005	<i>(X) Reply to New Matter, filed by s/ Adam L. Seiferth Esq. 1CC to atty.</i>	No Judge
7/2/2007	<i>(X) Certificate of Readiness for Trial, Re: Jury Trial, filed by s/James F. Andrews, Jr., Esq. No CC</i>	No Judge
7/27/2007	Order, this matter is continued until the Winter 2008 Term of Civil Court. <i>(X) All Discovery shall be completed by no later than Dec. 1, 2007. No further continuances. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Seiferth, J. Andrews; 1CC Wolf Run & Silverwoods T., 1129 Treasure Lake, DuBois, PA 15801</i>	Paul E. Cherry
10/29/2007	Order, this 26th day of Oct., 2007, it is Ordered that a Pre-Trial Conference shall be held on the 11th day of Dec., 2007, in Chambers at 1:30 p.m. <i>(X) Additionally, Jury Selection in this matter will be held on Jan. 3, 2008. By The Court, /s/ Paul E. Cherry, Judge.</i> 1CC Attys: Seiferth, Andrews; 1CC Silverwoods Townhomes and 1CC Wolf Run Manor Townhomes, both at 1129 Treasure Lake, DuBois, PA 15801	Paul E. Cherry
12/12/2007	<i>(X) Order, Filed. Jury Selection in this matter is scheduled for January 3, 2008, Paul E. Cherry beginning at 9:00 o'clock a.m. in Courtroom No. 2 of the Clearfield County Courthouse, and</i> Trial in this matter is scheduled for March 26, 27, 28, 2008 beginning at 9:00 a.m. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: Seiferth and Andrews, and 1CC Silverwoods Townhomes. Wolf Run Manor Townomes @ 1129 Treasure Lake, DuBois, PA 15801	Paul E. Cherry
2/13/2008	<i>(X) Response of Plaintiffs, Susan Ellwanger and William Ellwanger, to Motion For Reimbursement of Expenses Filed by Defendants, filed by s/ Charles E. Wasilefski, Esquire. 3CC Atty. Wasilefski</i>	Paul E. Cherry

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,
Plaintiffs

v.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC., and
WOLF RUN MANOR TOWNHOMES,
Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

(Esw)

DOCKET NO: 05-421-CD

FILED *Atty ad*
85.00

m/3/2005 acc
MAR 24 2005 2 Wmrt

William A. Shaw to *Atty*
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

PRAECIPE FOR WRIT OF SUMMONS

To the Prothonotary of Clearfield County:

Please issue a Writ of Summons in the above-captioned action upon the following Defendant:

Silverleaf Resorts, Inc., 1221 River Bend Drive, Suite 120, Dallas Texas 75247.

Peters & Wasilefski

By:

Adam L. Seiferth
Adam L. Seiferth, Esquire
Attorney ID #89073
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

Date: *03-23-2005*

Attorney for Plaintiffs,
Susan and William Ellwanger

WRIT OF SUMMONS

To the above-named Defendant, Silverleaf Resorts, Inc., you are notified that the above-named Plaintiffs, Susan and William Ellwanger, have commenced an action against you.

Will Ellwanger

Prothonotary

Date: 3/24/05

by:

Deputy

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,
Plaintiffs
v.
SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC., and
WOLF RUN MANOR TOWNHOMES,
Defendants,

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

DOCKET NO: 05-421-CD

FILED rec'd
m/3/2005
MAR 24 2005
Writ
SAC

William A. Shaw
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

PRAECIPE FOR WRIT OF SUMMONS

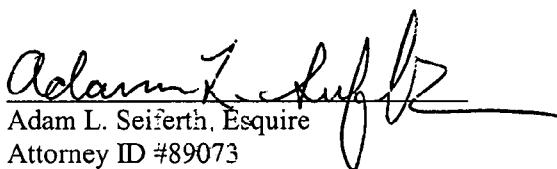
To the Prothonotary of Clearfield County:

Please issue a Writ of Summons in the above-captioned action upon the following Defendant:

Silverwoods Association, Inc., 1129 Treasure Lake, DuBois, Pennsylvania 15301.

Peters & Wasilefski

By:


Adam L. Seiferth, Esquire
Attorney ID #89073
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

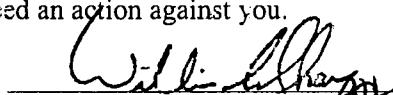
Date: 03-23-2005

Attorney for Plaintiffs,

Susan and William Ellwanger

WRIT OF SUMMONS

To the above-named Defendant, Silverwoods Association, you are notified that the above-named Plaintiffs, Susan and William Ellwanger, have commenced an action against you.


Prothonotary

Date: 3/24/05

by:


Deputy

FILED

MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,
Plaintiffs

v.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC., and
WOLF RUN MANOR TOWNHOMES,
Defendants,

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

DOCKET NO:

05-421-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

FILED <sup>rec'd
3/22/05</sup>
MARCH 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

PRAECLPICE FOR WRIT OF SUMMONS

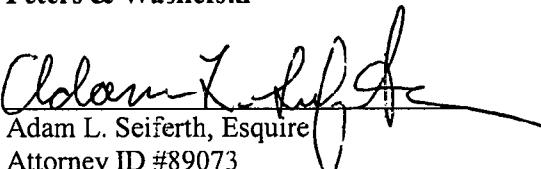
To the Prothonotary of Clearfield County:

Please issue a Writ of Summons in the above-captioned action upon the following Defendant:

Silverwoods Townhomes, 1129 Treasure Lake, DuBois, Pennsylvania 15801.

Peters & Wasilefski

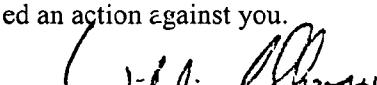
By:


Adam L. Seiferth, Esquire
Attorney ID #89073
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

Attorney for Plaintiffs,
Susan and William Ellwanger

WRIT OF SUMMONS

To the above-named Defendant, Silverwoods Association, you are notified that the above-named Plaintiffs, Susan and William Ellwanger, have commenced an action against you.


Prothonotary

Date: 3/24/05

by:


Deputy

FILED

MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband, Plaintiffs
v.
SILVERLEAF RESORTS, INC., SILVERWOODS ASSOCIATION, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., and WOLF RUN MANOR TOWNHOMES, Defendants,

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

DOCKET NO:

05-421-CD

FILED
1CC-
m/3:22/04 writ
MAR 24 2005 to Sheriff

CIVIL ACTION - LAW William A. Shaw
Prothonotary/Clerk of Courts

JURY TRIAL DEMANDED

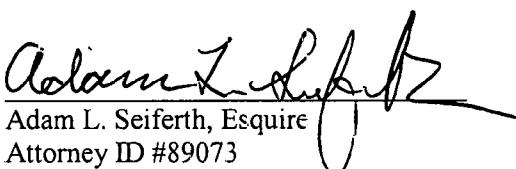
PRAECIPE FOR WRIT OF SUMMONS

To the Prothonotary of Clearfield County:

Please issue a Writ of Summons in the above-captioned action upon the following Defendant: Wolf Run Manor Association, Inc., 1129 Treasure Lake, DuBois, Pennsylvania 15801.

Peters & Wasilefski

By:

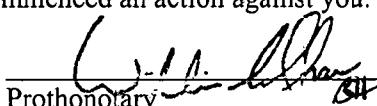

Adam L. Seiferth, Esquire
Attorney ID #89073
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

Attorney for Plaintiffs,
Susan and William Ellwanger

Date: 03-23-2005

WRIT OF SUMMONS

To the above-named Defendant, Wolf Run Manor Association, Inc., you are notified that the above-named Plaintiffs, Susan and William Ellwanger, have commenced an action against you.



Prothonotary

Date: 3/24/05

by:

Deputy

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,
Plaintiffs
v.
SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC., and
WOLF RUN MANOR TOWNHOMES,
Defendants,

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

DOCKET NO:

05-421-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

FILED *Account*
m/3/2005 Sheriff
MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE FOR WRIT OF SUMMONS

To the Prothonotary of Clearfield County:

Please issue a Writ of Summons in the above-captioned action upon the following Defendant: Wolf Run Manor Townhomes, 1129 Treasure Lake, DuBois, Pennsylvania 15801.

Peters & Wasilefski

By:

Adam L. Seiferth
Adam L. Seiferth, Esquire
Attorney ID #89073
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

Attorney for Plaintiffs,
Susan and William Ellwanger

Date: *03-23-2005*

WRIT OF SUMMONS

To the above-named Defendant, Wolf Run Townhomes, you are notified that the above-named Plaintiffs, Susan and William Ellwanger, have commenced an action against you.

William A. Shaw
Prothonotary

Date: *3/24/05*

by:

Deputy

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,	:
Plaintiffs	:
	:
v.	:
	:
SILVERLEAF RESORTS, INC.,	DOCKET NO: 05-421-CD
SILVERWOODS ASSOCIATION, INC.,	:
SILVERWOODS TOWNHOMES, WOLF	:
RUN MANOR ASSOCIATION, INC., and	CIVIL ACTION - LAW
WOLF RUN MANOR TOWNHOMES,	:
Defendants,	:
	JURY TRIAL DEMANDED

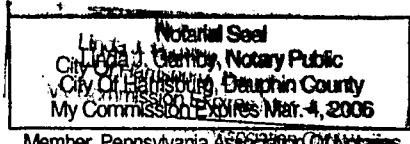
AFFIDAVIT OF RETURN OF SERVICE BY MAIL

1. On March 30, 2005; I mailed an original Writ of Summons issued by the Prothonotary in the above-referenced matter by Certified Mail, Return Receipt Requested, to Defendant, Silverleaf Resorts, Inc. at 1221 River Bend Drive, Suite 120, Dallas, Texas 75247. A true and correct copy of the March 30, 2005 letter and enclosures is attached hereto as Exhibit "A".
2. On April 4, 2005, Jay Petty of Defendant, Silverleaf Resorts, Inc., signed the Return Receipt upon delivery. A true and correct copy of the Return Receipt is attached hereto as Exhibit "B".
3. The Receipt was returned to me by the United States Postal Service on April 7, 2005.

Mary Cook
Mary Cook, Paralegal

Sworn and subscribed
to me this 15 day
of April, 2005.

Lynda J. Gandy
Notary Public



Member, Pennsylvania Association of Notaries

FILED *NO cc*
m/12/5/05
APR 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	DOCKET NO:
	:	
TREASURE LAKE PROPERTY OWNERS: ASSOCIATION, and SILVERWOODS AT: TREASURE LAKE,	:	CIVIL ACTION - LAW
Defendants	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Affidavit of Return of Service By Mail** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this **15th** day of **April, 2005**, addressed as follows:

James F. Andrews, Jr., Esquire
Jacobs & Associates
11269 Perry Highway, #400
Wexford, Pennsylvania 15090-9388

Peters & Wasilefski

mary coon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICE # 1 OF 4
PRAECIPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER

VS.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

NOW, March 30, 2005 AT 1:15 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON SILVERWOODS ASSOCIATION, INC. DEFENDANT AT 1129 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBBIE STRAUB, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

CR **FILED**
04/11/2005
APR 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICE # 2 OF 4
PRAECIPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER
VS.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS
TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

NOW, March 30, 2005 AT 1:15 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON SILVERWOODS
TOWNHOMES DEFENDANT AT 1129 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO DEBBIE STRAUB, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE
& SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICE # 3 OF 4
PRAECIPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER

vs.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

NOW, March 30, 2005 AT 1:15 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON WOLF RUN MANOR ASSOCIATION, INC. DEFENDANT AT 1129 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBBIE STRAUB, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICE # 3 OF 4
PRAECLPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER

VS.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

NOW, March 30, 2005 AT 1:15 PM SERVED THE WITHIN PRAECLPE & SUMMONS ON WOLF RUN MANOR ASSOCIATION, INC. DEFENDANT AT 1129 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBBIE STRAUB, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECLPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICE # 4 OF 4
PRAECIPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER
VS.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS
TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

NOW, March 30, 2005 AT 1:15 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON WOLF RUN MANOR
TOWNHOMES DEFENDANT AT 1129 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO DEBBIE STRAUB, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE
& SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100348
NO: 05-421-CD
SERVICES 4
PRAECIPE & SUMMONS

PLAINTIFF: SUSAN ELLWANGER & WILLIAM ELLWANGER

vs.

DEFENDANT: SILVERLEAF RESORS, INC., SILVERWOODS ASSOCIATIN, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., AND WOLF RUN MANOR TOWNHOMES

SHERIFF RETURN

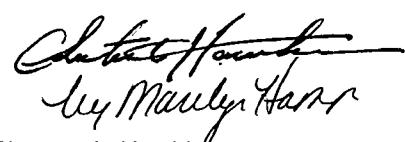
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PETERS	11823	40.00
SHERIFF HAWKINS	PETERS	11823	51.76

Sworn to Before Me This

So Answers,

____ Day of _____ 2005



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

: CIVIL ACTION - LAW

: Docket No. 05 - 421 - CD

PRAECIPE FOR APPEARANCE

: Filed on behalf of Defendant **Silverleaf
Resorts, Inc.**

: Counsel of Record for this Party:

: JAMES F. ANDREWS, JR., ESQUIRE
PA I.D. #30548

: JACOBS & ASSOCIATES
11269 Perry Highway
Suite 400
Wexford, PA 15090

: (724) 934-0388

: **JURY TRIAL DEMANDED**

FILED NO CC
m120605
JUN 20 2005

William A. Shaw
Prothonotary, Clerk of Courts

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

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Docket No. 05 - 421 - CD

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

PRAECLYPE FOR APPEARANCE

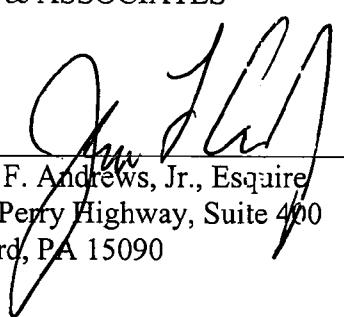
TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of the Defendant **Silverleaf Resorts, Inc.** in the
above-captioned matter.

JACOBS & ASSOCIATES

By: _____

James F. Andrews, Jr., Esquire
11269 Perry Highway, Suite 400
Wexford, PA 15090



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,	:	CIVIL ACTION - LAW
Plaintiffs,	:	Docket No. 05 - 421 - CD
vs.	:	
SILVERLEAF RESORTS, INC., SILVERWOODS ASSOCIATIONS, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC. and WOLF RUN MANOR TOWNHOMES,	:	
Defendants.	:	

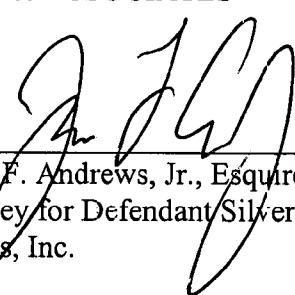
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecept for Appearance was served upon the following counsel of record on the 16th day of June, 2005, by First Class U.S. Mail, postage prepaid:

Adam L. Seiferth, Esquire
Peters & Wasilefski
2931 North Front Street
Harrisburg, PA 17110

Jerry S. Eisenberg, Esquire
1225 One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire
Attorney for Defendant Silverleaf
Resorts, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

: CIVIL ACTION - LAW

: Docket No. 05 - 421 - CD

**PRAECIPE TO ENTER RULE TO
FILE COMPLAINT**

: Filed on behalf of Defendant **Silverleaf
Resorts, Inc.**

: Counsel of Record for this Party:

: JAMES F. ANDREWS, JR., ESQUIRE
PA I.D. #30648

: JACOBS & ASSOCIATES
11269 Perry Highway
Suite 400
Wexford, PA 15090

: (724) 934-0388

JURY TRIAL DEMANDED

NO cc
m/10/06/05 2 Rules to
JUN 20 2005
Attn
Vernon A. S. Jr.
Prothonotary Clerk of Courts
CR

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

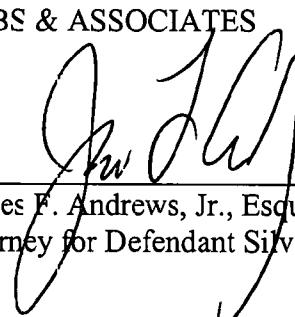
SUSAN ELLWANGER and : Docket No. 05 - 421 - CD
WILLIAM ELLWANGER, her :
husband, :
: Plaintiffs, :
: vs. :
: SILVERLEAF RESORTS, INC., :
SILVERWOODS ASSOCIATIONS, :
INC., SILVERWOODS :
TOWNHOMES, WOLF RUN :
MANOR ASSOCIATION, INC. and :
WOLF RUN MANOR :
TOWNHOMES, :
: Defendants.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT

TO: WILLIAM SHAW, PROTHONOTARY

Enter Rule upon Plaintiffs to file a Complaint in the above matter within twenty
(20) days.

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire
Attorney for Defendant Silverleaf Resorts, Inc.

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

 COPY

Susan Ellwanger
William Ellwanger

Vs.
Silverleaf Resorts, Inc.
Silverwoods Association, Inc.
Silverwoods Townhomes
Wolf Run Manor Association, Inc.
Wolf Run Manor Townhomes

Case No. 2005-00421-CD

RULE TO FILE COMPLAINT

TO: Susan Ellwanger and William Ellwanger, her husband

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: June 20, 2005

FILED NO cc
M 11:18 AM
JUN 27 2005 6P

William A. Shaw
Prothonotary/Clerk of Courts

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband, Plaintiffs	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
	:	
	:	
	:	
	:	DOCKET NO: 05-421-CD
SILVERLEAF RESORTS, INC., SILVERWOODS ASSOCIATION, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., and WOLF RUN MANOR TOWNHOMES, Defendants,	:	CIVIL ACTION - LAW
	:	
	:	JURY TRIAL DEMANDED

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff(s). You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830
814-765-2641, Ext. 5982

NOTICIA

LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene viente (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Usted debe presentar una apariencia excrita o en persona o por abogado y archivar en la corte an forma escrita sus defensas o sus objections a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede entrar una orden contra usted sin previo aviso o notificacion y por cualquier queja o alivio que es predido en la peticion de demanda. Usted puede perder dinero o sus propriedades o stros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABROGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONCO A LA OFICINA CUYA DIRECCION SE ENCUENTRA EXCRITA ABAJO PARA AVERIGUAR DONDE SE PAUEDE CONSEQUIR ASSISTANCIA LEGAL.

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830
814-765-2641, Ext. 5982

SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband, Plaintiffs	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	DOCKET NO: 05-421-CD
	:	
SILVERLEAF RESORTS, INC., SILVERWOODS ASSOCIATION, INC., SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOCIATION, INC., and WOLF RUN MANOR TOWNHOMES, Defendants	:	CIVIL ACTION - LAW
	:	
	:	JURY TRIAL DEMANDED

COMPLAINT

AND NOW, come the Plaintiffs, Susan Ellwanger and William Ellwanger, by and through their attorneys, Peters & Wasilefski, and file this Complaint against Defendants, and in support thereof, state as follows:

THE PARTIES

1. Susan Ellwanger ("Mrs. Ellwanger") is an adult individual who currently resides at 377 Ehrke Road, Hammonton, New Jersey 08037 with her husband, Mr. Ellwanger.
2. William Ellwanger ("Mr. Ellwanger") is an adult individual who currently resides at 377 Ehrke Road, Hammonton, New Jersey 08037 with his wife, Mrs. Ellwanger.
3. Mrs. Ellwanger and Mr. Ellwanger were married on July 15, 1967.
4. Defendant, Silverleaf Resorts, Inc., (hereinafter referred to individually as "Silverleaf") is a Texas Corporation with an office address of 221 River Bend Drive, Suite 120, Dallas, Texas 75247. At all times relevant hereto, Defendant, Silverleaf, conducted business in the Commonwealth

of Pennsylvania as a property management firm for Defendants, Silverwoods Association, Inc., Silverwoods Townhomes, Wolf Run Manor Association, Inc., and Wolf Run Manor Townhomes.

5. Defendant, Silverwoods Association, Inc., is a non-profit corporation and resort community operating in the Commonwealth of Pennsylvania, with an office address of 1129 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to individually as "Silverwoods Association").

6. Defendant, Silverwoods Townhomes, is a non-profit corporation and resort community operating in the Commonwealth of Pennsylvania, with an office address of 1129 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to individually as "Silverwoods Townhomes").

7. Defendant, Wolf Run Manor Association, Inc., is a non-profit corporation and resort community operating in the Commonwealth of Pennsylvania, with an office address of 1129 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to individually as "Wolf Run Manor Association").

8. Defendant, Wolf Run Manor Townhomes, is a non-profit corporation and resort community operating in the Commonwealth of Pennsylvania, with an office address of 1129 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801 (hereinafter referred to individually as "Wolf Run Manor Townhomes").

BACKGROUND

9. Defendants, Silverwoods Association, Silverwoods Townhomes, Wolf Run Manor, Association, and Wolf Run Manor Townhomes, collectively comprise a fully planned timeshare

community located within Treasure Lake in Sandy Township, Clearfield County, Pennsylvania, upon which exists full ownership condominiums and timeshare units commonly known as "Silverwoods" and "Wolf Run Manor". Said Defendants were in possession and control of all aspects of the operation of the time share community and, therefore, owed a duty to all persons using the premises to assure that the premises were at all times safe and free from hazardous and dangerous conditions.

10. At all times relevant hereto, Defendant, Silverleaf, provided management services, including, but not limited to, controlling, maintaining, and/or repairing the property, common areas, and improvements thereon, for and on behalf of Defendants, Silverwoods Association, Silverwoods Townhomes, Wolf Run Manor Association, and Wolf Run Manor Townhomes. Defendant, Silverleaf, in conjunction with the other Defendants, was in possession and control of premises and, therefore, also owed a duty to all persons using the premises to assure that the premises were at all times safe and free from hazardous and dangerous conditions.

10. Within this area is situate Unit 51B of Silverwoods Townhomes, where guests, such as Plaintiffs, Mr. and Mrs. Ellwanger, could stay to vacation and to use the amenities provided by Defendants.

10. At all times relevant hereto, Defendants, their agents, servants or employees, collectively owned, possessed, maintained, and/or controlled the common areas, including building entrances, sidewalks, and grounds located in front of Unit 51B of the Silverwoods Townhomes, which provided the point of access into and out of Unit 51B (hereinafter the "sidewalk").

13. At all times relevant hereto, Defendants, their agents, servants and/or employees, were collectively responsible for the control, maintenance and/or repair of the grounds and sidewalk located

in front of Unit 51B of Silverwoods Townhomes and had a duty to assure that no defects or other hazardous conditions existed on the grounds that could injure business invitees such as Plaintiffs, Mr. and Mrs. Ellwanger.

THE INCIDENT

14. On the evening of March 26, 2003, Plaintiffs, Mr. and Mrs. Ellwanger, arrived at the Silverwoods at Treasure Lake Resort Community to begin a four-day vacation while lodging as guests in Unit 51B of the Silverwoods Townhomes.

15. The next morning, March 27, 2003, at or about 10:00 a.m., Plaintiff, Mrs. Ellwanger, exited Unit 51B when she was caused to trip, stumble and fall to the ground because of a hole in the sidewalk at the base of the steps, and which was the exclusive responsibility of Defendants to control, maintain and/or repair.

16. Plaintiff, Mrs. Ellwanger, was unable to see the hole as it was covered by leaves which had been permitted to accumulate across the base of the steps exiting Unit 51B.

17. As a result of the careless and negligent manner in which Defendants maintained the sidewalk and grounds as set forth at length below, Plaintiff, Mrs. Ellwanger, suffered significant injuries, including fractures to both her right and left lower extremities, that have resulted in permanent and irreparable physical conditions and disability.

18. The careless and negligent manner in which Defendants maintained the sidewalk and grounds caused Mrs. Ellwanger to incur substantial medical expenses in the past, including emergency care and physical therapy, and will continue to incur medical expenses in the present and into the future, and a claim is made therefor.

19. The careless and negligent manner in which the Defendants maintained the premises caused Mrs. Ellwanger to incur a loss of income and a loss of earning capacity, and a claim is made therefor.

20. The careless and negligent manner in which Defendants maintained the premises caused Mrs. Ellwanger to suffer in the past, present and into the future significant mental and physical pain, inconvenience, an inability to carry out her normal daily activities, embarrassment and humiliation, and loss of life's pleasures and enjoyment, and a claim is made therefor.

COUNT I
SUSAN ELLEANGER v. SILVERLEAF RESORTS, INC.

21. Plaintiff, Mrs. Ellwanger, incorporates the allegations contained in paragraphs 1 through 20 above as if fully rewritten herein.

22. Plaintiff, Mrs. Ellwanger, believes and therefore avers that her injuries and damages were the direct and proximate result of negligence, carelessness, gross negligence, and willful and wanton conduct of Defendant, Silverleaf, its servants, agents, and employees, as follows:

- (a) Failing to maintain the sidewalk in a safe condition;
- (b) Failing to properly inspect the sidewalk;
- (c) Failing to repair the hole in the sidewalk;
- (d) Failing to warn of the dangerous condition of the sidewalk;
- (e) Failing to exercise reasonable care in the inspection of the sidewalk on the premises;
- (f) Failing to remove the leaves that obscured the defective condition of the sidewalk;

- (g) Failing to realize that an unreasonably dangerous condition existed;
- (h) Failing to take appropriate or adequate measures to remedy the dangerous condition of the sidewalk; and,
- (i) In otherwise allowing the premises to remain in a dangerous and unsafe condition with a careless disregard for the rights or safety of Plaintiff, Mrs. Ellwanger.

WHEREFORE, Plaintiff, Mrs. Ellwanger, demands judgment in her favor and against Defendant, Silverleaf Resort, Inc., in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT II
SUSAN ELLWANGER v. SILVERWOODS ASSOCIATION, INC.

23. Plaintiff, Mrs. Ellwanger, incorporates the allegations contained in paragraphs 1 through 20 above as if fully rewritten herein.

24. Plaintiff, Mrs. Ellwanger, believes and therefore avers that her injuries and damages were the direct and proximate result of negligence, carelessness, gross negligence, and willful and wanton conduct of Defendant, Silverwoods Association, its servants, agents, and employees, as follows:

- (a) Failing to maintain the sidewalk in a safe condition;
- (b) Failing to properly inspect the sidewalk;
- (c) Failing to repair the hole in the sidewalk;
- (d) Failing to warn of the dangerous condition of the sidewalk;

- (e) Failing to exercise reasonable care in the inspection of the sidewalk or the premises;
- (f) Failing to remove the leaves that obscured the defective condition of the sidewalk;
- (g) Failing to realize that an unreasonably dangerous condition existed;
- (h) Failing to take appropriate or adequate measures to remedy the dangerous condition of the sidewalk; and,
- (i) In otherwise allowing the premises to remain in a dangerous and unsafe condition with a careless disregard for the rights or safety of Plaintiff, Mrs. Ellwanger.

WHEREFORE, Plaintiff, Mrs. Ellwanger, demands judgment in her favor and against Defendant, Silverwoods Association, Inc., in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT III
SUSAN ELLWANGER v. SILVERWOODS TOWNHOMES

25. Plaintiff, Mrs. Ellwanger, incorporates the allegations contained in paragraphs 1 through 20 above as if fully rewritten herein.

26. Plaintiff, Mrs. Ellwanger, believes and therefore avers that her injuries and damages were the direct and proximate result of negligence, carelessness, gross negligence, and willful and wanton conduct of Defendant, Silverwoods Townhomes, its servants, agents, and employees, as follows:

- (a) Failing to maintain the sidewalk in a safe condition;
- (b) Failing to properly inspect the sidewalk;

- (c) Failing to repair the hole in the sidewalk;
- (d) Failing to warn of the dangerous condition of the sidewalk;
- (e) Failing to exercise reasonable care in the inspection of the sidewalk on the premises;
- (f) Failing to remove the leaves that obscured the defective condition of the sidewalk;
- (g) Failing to realize that an unreasonably dangerous condition existed;
- (h) Failing to take appropriate or adequate measures to remedy the dangerous condition of the sidewalk; and,
- (iii) In otherwise allowing the premises to remain in a dangerous and unsafe condition with a careless disregard for the rights or safety of Plaintiff, Mrs. Ellwanger.

WHEREFORE, Plaintiff, Mrs. Ellwanger, demands judgment in her favor and against Defendant, Silverwoods Townhomes, in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT IV
SUSAN ELLWANGER v. WOLF RUN MANOR ASSOCIATION, INC.

27. Plaintiff, Mrs. Ellwanger, incorporates the allegations contained in paragraphs 1 through 20 above as if fully rewritten herein.

28. Plaintiff, Mrs. Ellwanger, believes and therefore avers that her injuries and damages were the direct and proximate result of negligence, carelessness, gross negligence, and willful and wanton conduct of Defendant, Wolf Run Manor Association, its servants, agents, and employees, as follows:

- (a) Failing to maintain the sidewalk in a safe condition;
- (b) Failing to properly inspect the sidewalk;
- (c) Failing to repair the hole in the sidewalk;
- (d) Failing to warn of the dangerous condition of the sidewalk;
- (e) Failing to exercise reasonable care in the inspection of the sidewalk on the premises;
- (f) Failing to remove the leaves that obscured the defective condition of the sidewalk;
- (g) Failing to realize that an unreasonably dangerous condition existed;
- (h) Failing to take appropriate or adequate measures to remedy the dangerous condition of the sidewalk; and,
- (iv) In otherwise allowing the premises to remain in a dangerous and unsafe condition with a careless disregard for the rights or safety of Plaintiff, Mrs. Ellwanger.

WHEREFORE, Plaintiff, Mrs. Ellwanger, demands judgment in her favor and against Defendant, Wolf Run Manor Association, Inc., in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT V
SUSAN ELLWANGER v. WOLF RUN MANOR TOWNHOMES

29. Plaintiff, Mrs. Ellwanger, incorporates the allegations contained in paragraphs 1 through 20 above as if fully rewritten herein.

30. Plaintiff, Mrs. Ellwanger, believes and therefore avers that her injuries and damages were the direct and proximate result of negligence, carelessness, gross negligence, and willful and

wanton conduct of Defendant, Wolf Run Manor Townhomes, its servants, agents, and employees, as follows:

- (a) Failing to maintain the sidewalk in a safe condition;
- (b) Failing to properly inspect the sidewalk;
- (c) Failing to repair the hole in the sidewalk;
- (d) Failing to warn of the dangerous condition of the sidewalk;
- (e) Failing to exercise reasonable care in the inspection of the sidewalk on the premises;
- (f) Failing to remove the leaves that obscured the defective condition of the sidewalk;
- (g) Failing to realize that an unreasonably dangerous condition existed;
- (h) Failing to take appropriate or adequate measures to remedy the dangerous condition of the sidewalk; and,
- (v) In otherwise allowing the premises to remain in a dangerous and unsafe condition with a careless disregard for the rights or safety of Plaintiff, Mrs. Ellwanger.

WHEREFORE, Plaintiff, Mrs. Ellwanger, demands judgment in her favor and against Defendant, Wolf Run Manor Townhomes, in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT VI
WILLIAM ELLWANGER v. ALL DEFENDANTS

31. Plaintiff, Mr. Ellwanger, incorporates paragraphs 1 through 30 above by reference thereto as though set forth herein at length.

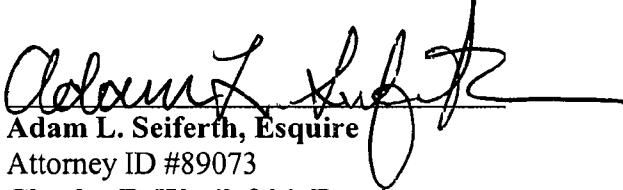
32. As a result of Defendants' carelessness and negligence towards his wife, Plaintiff, Mrs. Ellwanger, Plaintiff, Mr. Ellwanger, believes and therefore avers that he has suffered and will continue to suffer the loss of services, society, companionship and consortium of his wife, Plaintiff, Mrs. Ellwanger, and a claim is made therefor.

WHEREFORE, Plaintiff, Mr. Ellwanger, demands judgment in his favor and against all Defendants in an amount in excess of \$20,000.00, exclusive of interests and cost and in excess of any jurisdictional amount requiring compulsory arbitration.

Respectfully submitted,

Peters & Wasilefski

By:


Adam L. Seiferth, Esquire
Attorney ID #89073
Charles E. Wasilefski, Esquire
Attorney ID #21027
2931 North Front Street
Harrisburg, Pennsylvania 17110
717-238-7555

Date: 06-23-2005

Attorneys for Plaintiffs,
Susan and William Ellwanger

VERIFICATION

I hereby affirm that the following facts are correct:

I am the Plaintiff and am authorized to make this Verification; the attached Complaint is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of me. I have read the Complaint and to the extent that the same is based upon information that I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, I have relied upon counsel in making this Verification. I hereby acknowledge that the facts set forth in the aforesaid Complaint is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 06-23-2005



Susan Ellwanger

VERIFICATION

I hereby affirm that the following facts are correct:

I am the Plaintiff and am authorized to make this Verification; the attached Complaint is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of me. I have read the Complaint and to the extent that the same is based upon information that I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, I have relied upon counsel in making this Verification. I hereby acknowledge that the facts set forth in the aforesaid Complaint is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 06-23-2005



William Ellwanger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Complaint** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this *23rd* day of *June, 2005*, addressed as follows:

James F. Andrews, Jr., Esquire
Jacobs & Associates
11269 Perry Highway, #400
Wexford, Pennsylvania 15090-9388
(Counsel for Silverleaf Resorts, Inc.)

Silverwoods Association, Inc.
1129 Treasure Lake
DuBois, Pennsylvania 15801

Silverwoods Townhomes
1129 Treasure Lake
DuBois, Pennsylvania 15801

Wolf Run Manor Association, Inc.
1129 Treasure Lake
DuBois, Pennsylvania 15801

Wolf Run Manor Townhomes
1129 Treasure Lake
DuBois, Pennsylvania 15801

Peters & Wasilefski

Mary Coen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

: CIVIL ACTION - LAW

: Docket No. 05 - 421 - CD

PRAECIPE FOR APPEARANCE

: Filed on behalf of Defendants **Silverwood**
Association, Inc. and Wolf Run Manor
Association, Inc.

: Counsel of Record for this Party:

: JAMES F. ANDREWS, JR., ESQUIRE
PA I.D. #30648

: JACOBS & ASSOCIATES
11269 Perry Highway
Suite 400
Wexford, PA 15090

: (724) 934-0388

JURY TRIAL DEMANDED

FILED NO CC
M110504
AUG 03 2005

J. Scott A. Shaw
Clearfield County Courts

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

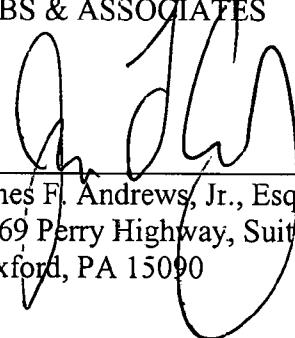
SUSAN ELLWANGER and : Docket No. 05 - 421 - CD
WILLIAM ELLWANGER, her :
husband, :
: Plaintiffs, :
: vs. :
: SILVERLEAF RESORTS, INC., :
SILVERWOODS ASSOCIATION, :
INC., SILVERWOODS :
TOWNHOMES, WOLF RUN :
MANOR ASSOCIATION, INC. and :
WOLF RUN MANOR :
TOWNHOMES, :
: Defendants.

PRAECLYPE FOR APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of the Defendants **Silverwoods Association, Inc.** and **Wolf Run Manor Association, Inc.** in the above-captioned matter.

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire
11269 Perry Highway, Suite 400
Wexford, PA 15090

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

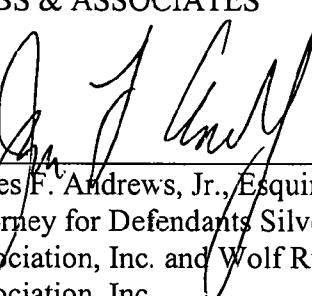
SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,	:	CIVIL ACTION - LAW
Plaintiffs,	:	Docket No. 05 - 421 - CD
vs.	:	
SILVERLEAF RESORTS, INC.,	:	
SILVERWOODS ASSOCIATION,	:	
INC., SILVERWOODS	:	
TOWNHOMES, WOLF RUN MANOR	:	
ASSOCIATION, INC. and WOLF RUN	:	
MANOR TOWNHOMES,	:	
Defendants.		

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeclipe for Appearance was served upon the following counsel of record on the 1st day of August, 2005, by First Class U.S. Mail, postage prepaid:

Adam L. Seiferth, Esquire
Peters & Wasilefski
2931 North Front Street
Harrisburg, PA 17110

JACOBS & ASSOCIATES

By: 

James F. Andrews, Jr., Esquire
Attorney for Defendants Silverwoods Association, Inc. and Wolf Run Manor Association, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Plaintiffs,

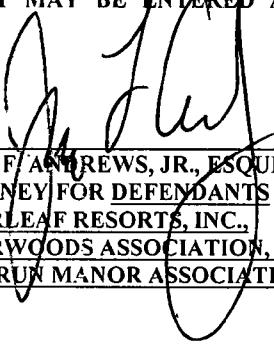
vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

YOU ARE HEREBY NOTIFIED TO FILE
WRITTEN RESPONSE TO THE ENCLOSED
ANSWER AND NEW MATTER WITHIN 20
DAYS FROM SERVICE HEREOF OR A
JUDGMENT MAY BE ENTERED AGAINST
YOU.

BY:


JAMES F. ANDREWS, JR., ESQUIRE
ATTORNEY FOR DEFENDANTS
SILVERLEAF RESORTS, INC.
SILVERWOODS ASSOCIATION, INC. &
WOLF RUN MANOR ASSOCIATION, INC.

: CIVIL ACTION - LAW
:
:
: Docket No. 05 - 421 - CD
:
:

ANSWER AND NEW MATTER

:
:
:
: Filed on behalf of Defendants Silverleaf
: Resorts, Inc., Silverwood Association, Inc.
: and Wolf Run Manor Association, Inc.
:
:

: Counsel of Record for this Party:
:
:

: JAMES F. ANDREWS, JR., ESQUIRE
: PA I.D. #30648
:
:

: JACOBS & ASSOCIATES
: 11269 Perry Highway
: Suite 400
: Wexford, PA 15090
:
:

: (724) 934-0388
:
:

JURY TRIAL DEMANDED

FILED

AUG 26 2005
m/12:50/wm
William A. Shaw, 
Prothonotary/Clerk of Courts
No. C/C

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

SUSAN ELLWANGER and : Docket No. 05 - 421 - CD
WILLIAM ELLWANGER, her :
husband, :
:

Plaintiffs, :
:
vs. :
:

SILVERLEAF RESORTS, INC., :
SILVERWOODS ASSOCIATION, :
INC., SILVERWOODS :
TOWNHOMES, WOLF RUN :
MANOR ASSOCIATION, INC. and :
WOLF RUN MANOR :
TOWNHOMES, :
:

Defendants.

ANSWER AND NEW MATTER

AND NOW COME defendants, SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC., and WOLF RUN MANOR ASSOCIATION, INC.,
per Jacobs & Associates, by James F. Andrews, Esquire, their undersigned attorney, to answer
the complaint filed against them as follows:

1. After reasonable investigation, these defendants are without knowledge or
information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1,
2 and 3 of plaintiffs' complaint and, therefore, denies same and demands strict proof thereof at
trial.

2. Paragraph 4 of plaintiffs' complaint is admitted in part. It is denied that Silverleaf Resorts, Inc. is a property management firm for Silverwoods Townhomes and Wolf run Manor Townhomes.

3. Paragraph 5 of plaintiffs' complaint is admitted in part. It is denied that Silverwoods Association, Inc. is a resort community but rather an association of timeshare owners.

4. These defendants cannot respond to paragraph 6 of plaintiffs' complaint. These defendants believe and therefore aver that Silverwoods Townhomes is not an entity and therefore they cannot respond to the allegations in paragraph 6 of plaintiffs' complaint.

5. Paragraph 7 of plaintiffs' complaint is admitted in part and denied in part. It is admitted that defendant Wolf Run Manor Association is a non-profit corporation of timeshare owners with an office address of 1129 Treasure Lake Road, Treasure Lake, Pennsylvania 15801. It is denied that Wolf Run Manor Association is a resort community.

6. These defendants cannot respond to paragraph 8 of plaintiffs' complaint. These defendants believe and therefore aver that Wolf Run Manor Townhomes is not an entity and therefore they cannot respond to the allegations in paragraph 8 of plaintiffs' complaint. Strict proof of the allegations in paragraph 8 of plaintiffs' complaint is demanded.

7. Paragraph 9 of plaintiffs' complaint is admitted in part and denied in part. It is admitted that a timeshare community located in Treasure Lake in Sandy Township, Clearfield

County, Pennsylvania exists with full ownership condominiums and timeshare units commonly known as Silverwoods and Wolf Run Manor. Defendant Silverleaf Resorts, Inc. admits that they were in possession and control of aspects of the operation of the timeshare community. It is denied that defendants Silverwoods Association and Wolf Run Manor Association were in possession and control of all aspects of the operation of the timeshare community. By way of further response, the remaining allegations in paragraph 9 of plaintiffs' complaint are denied generally pursuant to Pa. R.C.P. 1029(e).

8. Paragraph 10 of plaintiffs' complaint is admitted insofar as defendant Silverleaf did provide management services maintaining and/or repairing property of the common areas and improvements thereon for the defendants Silverwoods Association and Wolf Run Manor Association. The remaining allegations in paragraph 10 of plaintiffs' complaint are denied generally pursuant to Pa. R.C.P. 1029(e).

9. Paragraph 11 of plaintiffs' complaint (misidentified as paragraph 10) is admitted.

10. Paragraph 12 of plaintiffs' complaint (misidentified as paragraph 10) is specifically denied. To the contrary, only the defendant Silverleaf Resorts, Inc. possessed, maintained and/or controlled the common areas, including building enterances, sidewalks and grounds location in front of Unit 51B of the Silverwoods Townhomes.

11. Paragraph 13 of plaintiffs' complaint is specifically denied in that only defendant Silverleaf Resorts, Inc. was responsible for the control, maintenance and/or repair of the grounds

and sidewalks located in front of Unit 51B of the Silverwoods Townhomes. With regard to the remaining allegations in paragraph 13 of plaintiffs' complaint, said allegations are denied generally pursuant to Pa. R.C.P. 1029(e). By way of further response, there were no defects or other hazardous conditions existing at the time of plaintiffs' alleged incident and strict proof of said allegation is demanded.

12. After reasonable investigation, these defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 14, 15 and 16 of plaintiffs' complaint and, therefore, denies same and demands strict proof thereof at trial. By way of further response, it is denied that there was a hole in the sidewalk at the base of the steps and strict proof of said allegation is demanded.

13. Paragraphs 17, 18, 19 and 20 of plaintiffs' complaint contain conclusions of law to which no response is necessary. Nevertheless, the same are deemed to be denied and strict proof is demanded. With regard to the remaining allegations in paragraph 17, 18, 19 and 20 of plaintiffs' complaint, after reasonable investigation, these defendants are without knowledge or information sufficient to form a belief as to the truth of said allegations and strict proof is demanded.

WHEREFORE, these defendants pray for judgment in their favor.

COUNT I
SUSAN ELLWANGER v. SILVERLEAF RESORTS, INC.

14. This defendant incorporates by reference hereto its answers to paragraphs 1 through 20 of plaintiffs' complaint as if fully set forth at length herein.

15. Paragraph 22 and its subparts of plaintiffs' complaint are denied generally pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, this defendant prays for judgment in its favor.

COUNT II
SUSAN ELLWANGER v. SILVERWOODS ASSOCIATION, INC.

16. This defendant incorporates by reference hereto its answers to paragraphs 1 through 20 of plaintiffs' complaint as if fully set forth at length herein.

17. Paragraph 24 and its subparts of plaintiffs' complaint are denied generally pursuant to Pa. R.C.P. 1029(e). Nevertheless, the same are deemed to be denied and strict proof is demanded.

WHEREFORE, this defendant prays for judgment in its favor.

COUNT III
SUSAN ELLWANGER v. SILVERWOODS TOWNHOMES

18. These defendants believe and therefore aver that there is no specific entity known as Silverwoods Townhomes and thus they cannot respond to paragraphs 25 and 26 of plaintiffs' complaint.

WHEREFORE, these defendants pray for judgment in their favor.

COUNT IV

SUSAN ELLWANGER v. WOLF RUN MANOR ASSOCIATION, INC.

19. This defendant incorporates by reference hereto its answers to paragraphs 1 through 20 of plaintiffs' complaint as if fully set forth at length herein.

20. Paragraph 28 and its subparts of plaintiffs' complaint are denied generally pursuant to Pa. R.C.P. 1029(e). Nevertheless, the same are deemed to be denied and strict proof is demanded.

WHEREFORE, this defendant prays for judgment in its favor.

COUNT V

SUSAN ELLWANGER v. WOLF RUN MANOR TOWNHOMES

21. These defendants believe and therefore aver that there is no specific entity known as Wolf Run Manor Townhomes and thus they cannot respond to paragraphs 29 and 30 of plaintiffs' complaint.

WHEREFORE, these defendants pray for judgment in their favor.

COUNT VI

WILLIAM ELLWANGER v. ALL DEFENDANTS

22. These defendants incorporate by reference hereto their answers to paragraphs 1 through 30 of plaintiffs' complaint as if fully set forth at length herein.

23. Paragraph 32 of plaintiffs' complaint is denied generally pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, these defendants pray for judgment in their favor.

NEW MATTER

24. These defendants incorporate by reference hereto their answers to paragraphs 1 through 32 of plaintiffs' complaint as if fully set forth at length herein.

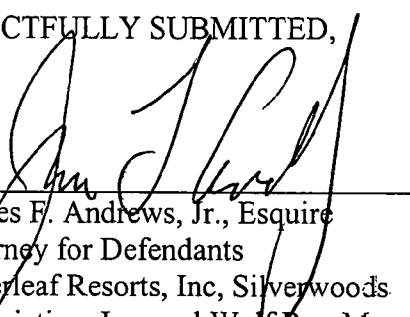
25. Plaintiffs' claims are barred and/or limited by the operation of the Pennsylvania Comparative Negligence Act.

26. These defendants set forth the affirmative defenses of assumption of the risk, comparative negligence and contributory negligence on the part of the plaintiffs.

27. These defendants believe and therefore aver that the plaintiffs have failed to mitigate their alleged damages.

WHEREFORE, these defendants pray for judgment in their favor.

RESPECTFULLY SUBMITTED,

By: 

James F. Andrews, Jr., Esquire
Attorney for Defendants
Silverleaf Resorts, Inc, Silverwoods
Association, Inc. and Wolf Run Mancr
Association, Inc.

VERIFICATION

I, DARLA CORSON, duly authorized representative of SILVERLEAF RESORTS, INC., Defendant herein, verify that the averments of fact made in the foregoing answer are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

DATE: 8-16-05

Darla Corson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and WILLIAM
ELLWANGER, her husband,

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN MANOR
ASSOCIATION, INC. and WOLF RUN
MANOR TOWNHOMES,

Defendants.

CIVIL ACTION - LAW

Docket No. 05 - 421 - CD

CERTIFICATE OF SERVICE

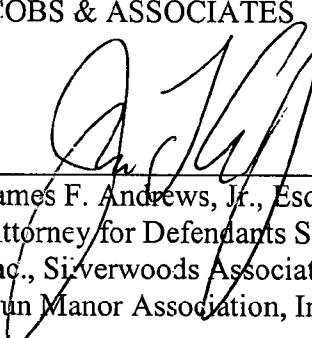
I hereby certify that a true and correct copy of the within Answer and New Matter was served upon the following counsel of record on the 23 day of August, 2005, by First Class U.S. Mail, postage prepaid:

Adam L Seiferth, Esquire
Peters & Wasilefski
2931 North Front Street
Harrisburg, PA 17110

JACOBS & ASSOCIATES

By: _____

James F. Andrews, Jr., Esquire
Attorney for Defendants Silverleaf Resorts,
Inc., Silverwoods Association, Inc. and Wolf
Run Manor Association, Inc.



FILED

SEP 19 2005

12:30 PM

William A. Shaw
Prothonotary

1 CERT TO
ATT

SUSAN ELLWANGER and WILLIAM
ELLWANGER, her husband,
Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

v.

DOCKET NO: 05-421-CD

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATION, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC., and
WOLF RUN MANOR TOWNHOMES,
Defendants

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, Susan Ellwanger and William Ellwanger, by and through their attorneys, Peters & Wasilefski, and file this Reply to New Matter, and in support thereof, state as follows:

24. Plaintiffs incorporate the allegations contained in paragraphs 1 through 32 of the Complaint as if fully rewritten herein.

25. Plaintiffs deny the allegations contained in Paragraph 25 of Defendants' New Matter. Plaintiffs are advised and therefore aver that the allegations contained in Paragraph 25 are conclusions of law and require no further answer. To the extent that an answer may be necessary, it is specifically denied that Plaintiffs were negligent or that Plaintiffs' claims are barred or limited by operation of the Pennsylvania Comparative Negligence Act.

26. Plaintiffs deny the allegations contained in Paragraph 26 of Defendants' New Matter. Plaintiffs are advised and therefore aver that the allegations contained in Paragraph 26 are conclusions

of law and require no further answer. To the extent that an answer may be necessary, it is specifically denied that Plaintiffs assumed any risk or were negligent.

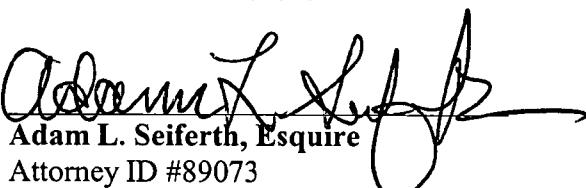
27. Plaintiffs deny the allegations contained in Paragraph 27 of Defendants' New Matter. Plaintiffs are advised and therefore aver that the allegations contained in Paragraph 27 are conclusions of law and require no further answer. To the extent that an answer may be necessary, it is specifically denied that Plaintiffs did not mitigate their damages.

WHEREFORE, Plaintiffs, Susan Ellwanger and William Ellwanger, demand judgment in their favor and against Defendants in an amount in excess of \$20,000.00, exclusive of interests and cost, and in excess of any jurisdictional amount requiring compulsory arbitration.

Respectfully submitted,

Peters & Wasilefski

By:



Adam L. Seiferth, Esquire

Attorney ID #89073

Charles E. Wasilefski, Esquire

Attorney ID #21027

2931 North Front Street

Harrisburg, Pennsylvania 17110

717-238-7555

Date: 9-15-2005

Attorneys for Plaintiffs,
Susan and William Ellwanger

VERIFICATION

I hereby affirm that the following facts are correct:

I am the Plaintiff and am authorized to make this Verification; the attached Reply to New Matter is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Reply to New Matter is that of counsel and not of me. I have read the Reply to New Matter and to the extent that the same is based upon information that I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the Reply to New Matter is that of counsel, I have relied upon counsel in making this Verification. I hereby acknowledge that the facts set forth in the aforesaid Reply to New Matter is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date:



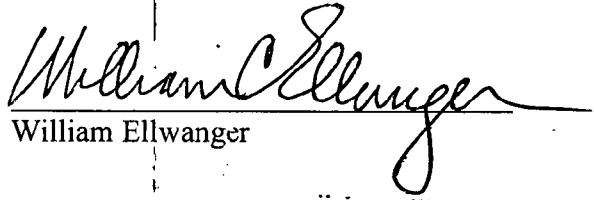
Susan Ellwanger
Susan Ellwanger

VERIFICATION

I hereby affirm that the following facts are correct:

I am the Plaintiff and am authorized to make this Verification; the attached Reply to New Matter is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Reply to New Matter is that of counsel and not of me. I have read the Reply to New Matter and to the extent that the same is based upon information that I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the Reply to New Matter is that of counsel, I have relied upon counsel in making this Verification. I hereby acknowledge that the facts set forth in the aforesaid Reply to New Matter is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date:


William Ellwanger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Reply to New Matter** has been duly served upon all counsel of record and parties of interest by depositing the same in the United States mail, first class, postage prepaid, in Harrisburg, Pennsylvania, on this **15th** day of **September, 2005**, addressed as follows:

James F. Andrews, Jr., Esquire
Jacobs & Associates
11269 Perry Highway, #400
Wexford, Pennsylvania 15090-9388
(Counsel for Silverleaf Resorts, Inc.)

Peters & Wasilefski

mary coon

FILED

SEP 19 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband,

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., SILVERWOODS
TOWNHOMES, WOLF RUN
MANOR ASSOCIATION, INC. and
WOLF RUN MANOR
TOWNHOMES,

Defendants.

CIVIL ACTION - LAW

Docket No. 05 - 421 - CD

PRAECIPE FOR TRIAL

Filed on behalf of Defendant **Silverleaf
Resorts, Inc.**

Counsel of Record for this Party:

JAMES F. ANDREWS, JR., ESQUIRE
PA I.D. #30648

SNYDER & ANDREWS
11269 Perry Highway
Suite 400
Wexford, PA 15090

(724) 934-0388

JURY TRIAL DEMANDED

FILED
JUL 02 2007
NO. 101-11-00000
SAC

William A. Shaw
Prothonotary/Clerk of Courts

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

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her husband,

Docket No. 05 - 421 - CD

Plaintiffs,

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., SILVERWOODS TOWNHOMES,
WOLF RUN MANOR ASSOCIATION, INC.
and WOLF RUN MANOR TOWNHOMES,

Defendants.

PRAECIPE FOR TRIAL

The undersigned party hereby certifies the accuracy of the following information to the Court and requests that the Prothonotary list this case on the next available trial list:

1. No motions are outstanding, discovery has been completed and the case is ready for trial.
2. A jury trial has been requested in this case.
3. Notice of this Praecipe has been provided to all counsel of record.

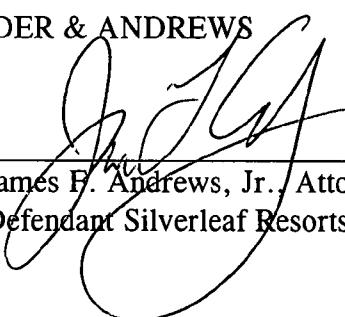
RESPECTFULLY SUBMITTED,

DATE: 6/28/07

SNYDER & ANDREWS

By: _____

James F. Andrews, Jr., Attorney for
Defendant Silverleaf Resorts, Inc.



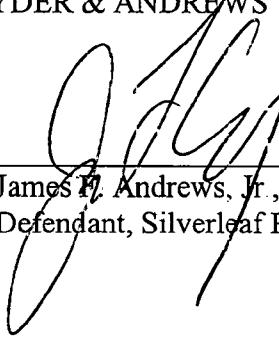
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecip^e for Trial was served upon the following counsel of record on the 28th day of June, 2007, by First Class U.S.

Mail, postage prepaid:

Charles E. Wasilefsk^e, Esquire
2931 North Front Street
Harrisburg, PA 17110

SNYDER & ANDREWS

By: 

James F. Andrews, Jr., Attorney for
Defendant, Silverleaf Resorts, Inc.

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

SUSAN ELLWANGER and
WILLIAM ELLWANGER, her
husband

-VS-

No. 05-421-CD

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS,
INC., ET AL

O R D E R

AND NOW, this 26th day of July, 2007, this being
the date set for Civil Call; upon the request of counsel,
it is the ORDER of this Court that the matter shall be and
is hereby continued until the Winter 2008 Term of Civil
Court. All Discovery shall be completed by no later than
December 1, 2007. No further continuances shall be
granted.

BY THE COURT,


Judge

FILED

01/01/08
JUL 27 2007

ICC Atty's
Seiferth
J. Andrews

William A. Shaw
Prothonotary/Clerk of Courts

ICC Wolf Run &
Silverwoods T.
1129 Treasure Lake
DeBois, PA 15801

(CK)

FILED

JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/27/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney Other
West Run Q Silverwood's Attorney
Special Instructions:

To Contractors

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

SUSAN ELLWANGER and WILLIAM ELLWANGER, *
Plaintiffs *

vs.

SILVERLEAF RESORTS, INC., SILVERWOODS
ASSOCIATIONS, INC., et al,
Defendants *

NO. 05-421-CD

ORDER

AND NOW, this 26th day of October, 2007, it is the ORDER of the Court
that a Pre-Trial Conference in the above matter shall be held on the 11th day of
December, 2007, in Chambers at 1:30 o'clock p.m. Additionally, Jury Selection in
this matter will be held on January 3, 2008.

BY THE COURT,


PAUL E. CHERRY

Judge

FILED
OCT 29 2007

ICC Attys:
Seifert
Andrews
William A. Shaw ICC Silverwoods Townhomes
Prothonotary/Clerk of Courts and
ICC Wolf Run Manor Townhomes
(both at) 1124 Treasure Lake
DuBois, PA 15801

(6K)

FILED

OCT 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: **10/29/07**

You are responsible for serving all appropriate parties.

Y The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) Plaintiff(s) Attorney _____ Other
 Defendant(s) Defendant(s) Attorney _____ Other
Silva Woods and Wolff Run
____ Special Instructions:

1A

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

SUSAN ELLWANGER and	:	NO. 05-421-CD
WILLIAM ELLWANGER, her husband,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
SILVERLEAF RESORTS, INC.,	:	
SILVERWOODS ASSOCIATIONS, INC.,	:	
SILVERWOODS TOWNHOMES, WOLF	:	
RUN MANOR ASSOCIATION, INC. and	:	
WOLF RUN MANOR TOWNHOMES,	:	
Defendants	:	

ORDER

1. Jury Selection in this matter is scheduled for January 3, 2008, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for March 26, 27, 28, 2008, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. Counsel for the parties, if they so desire, may submit a Trial Brief to the Court no more than thirty (30) days prior to the commencement of trial.
5. The deadline for submitting any and all Motions shall be by and no later than forty-five (45) days prior to the commencement of trial.
6. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
7. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
8. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

01/03/08
DEC 12 2007



William A. Shaw
Prothonotary/Clerk of Courts
1cc Atty's - Seifert
Andrews

1cc - Silverwoods Townhomes
Wolf Run Manor Townhomes
1129 Treasure Lake
Debois, PA 15801

FILED

DEC 12 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 12/12/07

_____. You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney
S. W. 5200 8370 W. 10th & W. 10th Kansas

_____. Special Instructions:

PETERS & WASILEFSKI

By: Charles E. Wasilefski, Esquire
Attorney ID #21027
2931 North Front Street
Harrisburg, Pennsylvania 17110-1250
[717] 238-7555, Ext. 110
Attorney for: Plaintiffs

**SUSAN ELLWANGER and WILLIAM ELLWANGER, her husband,
Plaintiffs**

v.

**SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC. and
WOLF RUN MANOR TOWNHOMES,
Defendants**

: COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: CIVIL ACTION - LAW
:
: No: 05-421-CD
:
:
:
:
: JURY TRIAL DEMANDED

**RESPONSE OF PLAINTIFFS,
SUSAN ELLWANGER AND WILLIAM ELLWANGER,
TO MOTION FOR REIMBURSEMENT OF EXPENSES
FILED BY DEFENDANTS**

NOW COMES, Plaintiffs, Susan Ellwanger and William Ellwanger (collectively referred to as "Ellwanger"), by and through their attorneys, Peters & Wasilefski, and responds to the Motion for Reimbursement of Expenses filed by Defendants as follows:

1. Plaintiffs, Ellwanger, admit the allegations contained in Paragraph 1 of the Defendants' Motion for Reimbursement of Expenses.

2. Plaintiffs, Ellwanger, admit the allegations contained in Paragraph 2 of Defendants' Motion for Reimbursement of Expenses. In further response, it is stated that Plaintiff, Susan Ellwanger, received only initial emergency

300
m/11/13 AM Atty Wasilefski
100

care for the fractures sustained to her legs at Dubois Hospital and that the majority of her medical care was received from medical care providers in New Jersey.

3. Plaintiffs, Ellwanger, admit the allegations contained in Paragraph 3 of the Motion for Reimbursement of Expenses. However, the deposition originally scheduled for February 19, 2008 has been rescheduled to February 27, 2008 at the request of the physician.

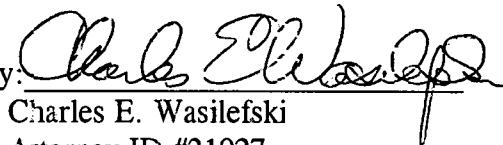
4. Plaintiffs, Ellwanger, deny the allegations contained in Paragraph 4 of the Motion for Reimbursement of Expenses. To the contrary, it is not necessary for Defendants' attorney to incur such expenses. Defendants' attorney may take the deposition via telephone and not incur the expenses. It is Defendants attorney's choice to incur the expenses since there are other means of taking the deposition without incurring travel and lodging expenses. As an alternative, Defendants' attorney only has to travel to Harrisburg and Plaintiff's attorney will transport Defendants' attorney to New Jersey for the depositions. It is believed and therefore averred that the expenses to drive to Harrisburg will be about the same or only slightly more than it would cost Defendants' attorney to drive to Clearfield. If reimbursement is considered, which is specifically denied that Defendants' attorney is entitled to such reimbursement, Plaintiffs should receive credit for the cost of Defendants' attorney driving from Wexford, Pennsylvania to Clearfield, Pennsylvania and back to Wexford, Pennsylvania. Therefore, Defendants' attorney has alternatives to incurring expenses for travel and lodging and therefore, should not be entitled to any reimbursement.

5. Plaintiffs, Ellwanger, deny the allegations contained in Paragraph 5 of the Motion for Reimbursement of Expenses. To the contrary, the depositions that

are being scheduled are depositions for trial and not discovery depositions. There is no legal basis nor any substantive reason based upon law or rule that would require that a party taking depositions of physicians for trial would have to incur the added expense of reimbursing opposing counsel for expenses that were voluntarily incurred when there are means available to counsel to avoid incurring such expenses or to substantially reduce the expenses. Defendants do not cite any authority for this request and therefore, it is submitted that they are not entitled to such extraordinary relief. This request appears to be being made solely for the purpose of making the prosecution of Plaintiffs' claims more onerous and expensive.

WHEREFORE, Plaintiffs, Ellwanger, respectfully request that Defendants' Motion for Reimbursement of Expenses be denied.

PETERS & WASILEFSKI

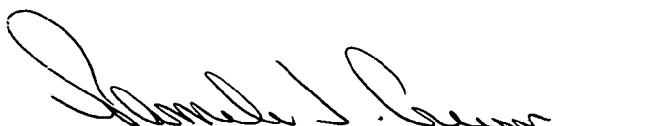
By: 
Charles E. Wasilefski
Attorney ID #21027
2931 North Front Street
Harrisburg, PA 17110-1250
[717] 238-7555, Ext. 110
Attorney for Plaintiffs,
Susan Ellwanger and
William Ellwanger

Date: February 7, 2008

CERTIFICATE OF SERVICE

This is to certify that I, Pamela J. Crum, a Legal Assistant in the law offices of Peters & Wasilefski, have this 11 day of February, 2008, served a true and correct copy of the foregoing **RESPONSE OF PLAINTIFFS, SUSAN ELLWANGER AND WILLIAM ELLWANGER, TO MOTION FOR REIMBURSEMENT OF EXPENSES FILED BY DEFENDANTS** upon all parties by depositing same in the United States mail at Harrisburg, Pennsylvania, first class, postage prepaid, addressed as follows:

James F. Andrews, Jr., Esquire
SNYDER & ANDREWS
11269 Perry Highway
Suite 400
Wexford, Pennsylvania 15090



Pamela J. Crum

CA

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

SUSAN and WILLIAM ELLWANGER
Plaintiffs

vs.

SILVERLEAF RESORTS, INC., SILVERWOODS ASSOC., INC.,
SILVERWOODS TOWNHOMES, WOLF RUN MANOR ASSOC. INC.,*
and WOLF RUN MANOR TOWNHOMES,
Defendants

* NO. 2005-421-CD

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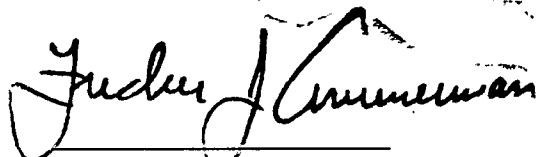
*

ORDER

NOW, this 15th day of April, 2013, following a review of the docket, due to the case's extended period of time in pending status; it is the ORDER of this Court that a **status conference** 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.

If this case has been concluded, the moving party is directed to file the appropriate Praeclipe with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

1CC 44-1581
O/3.40m
APR 17 2013

William A. Shaw
Prothonotary/Clerk of Courts

Seifert
Wasilefski
J. Andrews

Silverwood Townhomes
1129 Treasure Lk
DuBois PA 15801

Wolf Run Manor Townhomes
1129 Treasure Lk
DuBois PA 15801

68

FILED

APR 17 2013

William A. Shaw
Prothonotary/Clerk of Courts

PETERS & WASILEFSKI
By: Charles E. Wasilefski, Esquire
Attorney ID #21027
2931 North Front Street
Harrisburg, Pennsylvania 17110-1250
[717] 238-7555, Ext. 110
Attorney for: Plaintiffs

SUSAN ELLWANGER and WILLIAM
ELLWANGER, her husband,
Plaintiffs

v.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC. and
WOLF RUN MANOR TOWNHOMES,
Defendants

✓ FILED
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MAY 03 2013
William A. Shaw
Prothonotary/Clerk of Courts

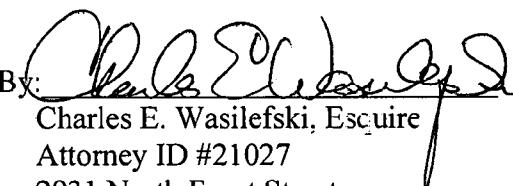
: COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: CIVIL ACTION - LAW
:
: No: 05-421-CD
:
:
:
: JURY TRIAL DEMANDED

PRAECIPE TO MARK MATTER
SETTLED, ENDED AND DISCONTINUED

TO THE PROTHONOTARY, CLEARFIELD COUNTY, PA:

Kindly mark this matter settled, ended and discontinued.

PETERS & WASILEFSKI

By: 
Charles E. Wasilefski, Esquire
Attorney ID #21027
2931 North Front Street
Harrisburg, PA 17110-1250
[717] 238-7555
Attorney for Plaintiffs

Dated: 5/30/13

**SUSAN ELLWANGER and WILLIAM
ELLWANGER, her husband,
Plaintiffs**

v.

**SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS, INC.,
SILVERWOODS TOWNHOMES, WOLF
RUN MANOR ASSOCIATION, INC. and
WOLF RUN MANOR TOWNHOMES,
Defendants**

**: COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: CIVIL ACTION - LAW
:
: No: 05-421-CD
:
:
:
:
: JURY TRIAL DEMANDED**

CERTIFICATE OF SERVICE

**I hereby certify that a true and correct copy of the foregoing PRAECIPE
TO MARK MATTER SETTLED, ENDED AND DISCONTINUED, has been served
on all parties of interest by placing the same in the United States mail, first-class postage
pre-paid, at Harrisburg, Pennsylvania on this 1 day of May, 2013, and
addressed as follows:**

James F. Andrews, Jr., Esquire
SNYDER & ANDREWS
11269 Perry Highway
Suite 400
Wexford, Pennsylvania 15090

Peters & Wasilefski



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

SUSAN ELLWANGER and WILLIAM ELLWANGER
Plaintiffs

vs.

SILVERLEAF RESORTS, INC.,
SILVERWOODS ASSOCIATIONS, INC.,
SILVERWOODS TOWNHOMES, WOLFE RUN MANOR
ASSOCIATION, INC., and WOLF RUN MANOR TOWNHOMES,
Defendants

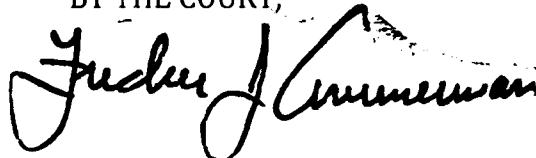
* NO. 2005-421-CD

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ORDER

NOW, this 3rd day of May, 2013, the Court notes that a Praeclipe to Mark Matter Sett'ed, Ended and Discontinued in the above-captioned case was filed by Charles E. Wasilefski, Esquire. Therefore, it is the ORDER of this Court that the **status conference** in the above-captioned case scheduled for the 8th day of May, 2013 is **canceled**.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
S 01/10:48AM
MAY 06 2013
A. Seifert
C. Wasilefski
J. Andrews
William A. Shaw
Prothonotary/Clerk of Courts

ICC doff
Silverwood
Townhomes

ICC doff
Wolf Run Manor
Townhomes

FILED

MAY 06 2013

William A. Shaw
Prothonotary/Clerk of Courts

Silverwoods
Townhomes
1129 Treasure Lake
DuBois

Wolf Run manor Townhomes
1129 Treasure Lake
DuBois