

05-608-CD
Systems Refrigeration vs. Fairman

Systems Refrig Co v. Rodney Fairman
2005-608-CD

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

O'hearnfield
JUDICIAL DISTRICT46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

05-6008-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.

Rodney Fairman

NAME OF APPELLANT

RD 2 Box 69A Dubois PA 15801

ADDRESS OF APPELLANT

CITY

MAG. DIST. NO. OR NAME OF D.J.

46-3-01

ZIP CODE

DATE OF JUDGMENT

4/4/05

IN THE CASE OF (Plaintiff)

Systems Refrigeration Company

(Defendant)

CLAIM NO.

CV

41-05

LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Rodney Fairman

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 Systems Refrigeration Company, appellee(s), to file a complaint in this appeal

(Common Pleas No. 05-6008-CD) within twenty (20) days after service of rule or after entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To Systems Refrigeration Company, 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: April 28, 2005

William A. Shaw

Signature of Prothonotary or Deputy

FILED Atty Mohney

04/13/05 Ad. 2085.00

APR 28 2005 Copy to DJ Ford

William A. Shaw
Prothonotary/Clerk of Courts

Copy to Plaintiff

Copy to Atty Mohney

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 _____

William A. Shaw
Prothonotary/Clerk of Courts

APR 28 2005

FILED

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**

ATTORNEY DEF PRIVATE :

CHRISTOPHER E. MOHNEY
90 BEAVER DRIVE APT/STE 111B
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

SYSTEMS REFRIGERATION COMPANY
251 SANDY STREET
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

FAIRMAN, RODNEY
RR 2 BOX 69A
DUBOIS, PA 15801

VS.

NAME and ADDRESS

Docket No.: **CV-0000041-05**
Date Filed: **1/20/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **SYSTEMS REFRIGERATION COMPANY**

Judgment was entered against: (Name) **FAIRMAN, RODNEY**

in the amount of \$ **6,169.73** on: (Date of Judgment) **4/04/05**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 6,049.23
Judgment Costs	\$ 120.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,169.73

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT 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.

4/4/05 Date Patrick N. Ford-PNF, Magisterial District Judge

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

Date _____, Magisterial District Judge

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

SEAL

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**

**PATRICK N. FORD
309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

SYSTEMS REFRIGERATION COMPANY
NAME and ADDRESS
**251 SANDY STREET
DUBOIS, PA 15801**

DEFENDANT:

FAIRMAN, RODNEY
NAME and ADDRESS
**RR 2 BOX 69A
DUBOIS, PA 15801**

VS.

Docket No.: **CV-0000041-05**
Date Filed: **1/20/05**



05-608-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **SYSTEMS REFRIGERATION COMPANY**

Judgment was entered against: (Name) **FAIRMAN, RODNEY**

in the amount of \$ **6,169.73** on: (Date of Judgment) **4/04/05**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on:

FILED

*1/11/356N
MAY 10 2005*

This case dismissed without prejudice.

Amount of Judgment	\$ 6,049.23
Judgment Costs	\$ 120.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,169.73

Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ **William A. Shaw**
Prothonotary/Clerk of Courts

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE
OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU
MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

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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.

4-4-05 Date *Patrick N. Ford-LWF*, Magisterial District Judge

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

Date _____, Magisterial District Judge

My commission expires first Monday of January, 2006 .

SEAL

OUNTY OF: **CLEARFIELD**

Mfg. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: (814) 371-5321

15801

CIVIL COMPLAINT

PLAINTIFF:

Systems Reconfiguration Co
251 Sandy Street
DuBois Pa. 15801

NAME and ADDRESS

DEFENDANT:

Rodney Garrison
P.A. Box 69A
DuBois Pa 15801

VS.

NAME and ADDRESS

Docket No.: **CV-41-05**
Date Filed: **1-20-05**



	AMOUNT	DATE PAID
FILING COSTS	\$ 120.50	1/20/05
POSTAGE	\$ _____	1/1
SERVICE COSTS	\$ _____	1/1
CONSTABLE ED.	\$ _____	1/1
TOTAL	\$ _____	1/1

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ **6,049.83** together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Balances due for work completed from 3-24-2003 to current. Invoices and statements available on file.

Jeffrey W. Beach

verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Jeffrey W. Beach

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

Jeffrey W. DeBais

Address: 191 W. Park Ave.

Telephone: 814-375-5598

Unit 5 DeBais Pa.

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before

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

SYSTEMS REFRIGERATION : No. 05-608-CJ
COMPANY, :
Plaintiff : Type of Pleading:
Vs. : **COMPLAINT**
RODNEY FAIRMAN, : Filed on Behalf of:
Defendant : PLAINTIFF
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED 3 CC
010-21801 Atty DuBois
JUN 13 2005 (cc)

William A. Shaw
Prothonotary/Clerk of Courts

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

SYSTEMS REFRIGERATION : No. _____
COMPANY, :
Plaintiff :
Vs. :
RODNEY FAIRMAN, :
Defendant :
:

COMPLAINT

AND NOW, comes the Plaintiff, SYSTEMS REFRIGERATION COMPANY, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Complaint, and in support thereof avers the following:

1. Plaintiff, Systems Refrigeration Company, is a company authorized to do business in Pennsylvania and with its principal work in the refrigeration and cooling area, with a business address of 251 Sandy Street, DuBois, Pennsylvania, 15801.
2. Defendant, Rodney Fairman, is an adult individual with a farm operating in DuBois, Pennsylvania located at R.R. #2 – Box 69A, DuBois, Pennsylvania, 15801.
3. All transactions took place in Clearfield County and the Defendants business is located in Clearfield County, and therefore venue is proper before this Honorable Court.
4. Plaintiff is in the business of commercial refrigeration and cooling work, both in new installation and repairs.

5. On or about January 8, 2003, Plaintiff performed various work for Defendant, Rodney Fairman, at his farm in DuBois, Pennsylvania, including, but not limited to: troubleshooting problem on Bristol unit milk cooler, Repair work on milk cooler tank compressor, repair leaks on milk cooler, cleaning condenser unit, and various other repairs to said milk cooler.

6. Thereafter, Plaintiff and its employees worked at Defendant, Rodney Fairman's business on approximately eight (8) different occasions.

7. After every instance where Plaintiff would perform work for Defendants, Plaintiff would send an invoice for the work, charges and costs, which were owed by Defendant. A copy of the current statement is attached hereto and made a part hereof as Exhibit "A".

8. At the present time, the outstanding balance owed by Rodney Fairman to Plaintiff for work performed by Plaintiff at Defendant's farm is Five Thousand Nine Hundred Seventy Four and 23/100 (\$5,974.23) Dollars.

9. Despite repeated requests by Plaintiff to Defendant Rodney Fairman to pay the above balance, and assurances by Defendant to Plaintiff that it would be paid, Defendant has failed to pay said amount.

10. The amounts charged by Plaintiff to Defendant Rodney Fairman were fair and reasonable, represented the amount of the costs to Plaintiff and the hours of labor performed by Plaintiff, and were customary in the trade.

11. Plaintiff is entitled to the above amount, plus interests, and costs, and Rodney Fairman is responsible to pay the same, and Defendant would be unjustly enriched if he were not required to pay the same.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against Rodney Fairman in the amount of Five Thousand Nine Hundred Seventy Four and 23/100 (\$5,974.23) Dollars, plus interests and costs, and any other relief this Honorable Court deems just and equitable.

Respectfully submitted,

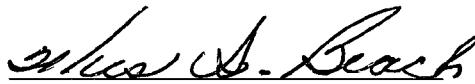


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, WES BEACH, President of Systems Refrigeration Company, verify that the statements in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.


Wes Beach



251 Sandy Street, DuBois, PA 15801
 Phone: 814-371-9490
 Fax: 814-372-4768
 Email: systems1@adelphia.net

Statement

DATE

4/30/2005

TO:
<p>Rod Fairman RR 2 Box 69A DuBois, PA 15801 371-5571</p>

AMOUNT DUE
\$5,974.23

Highlighted invoices are open invoices.

DATE	TRANSACTION	AMOUNT	BALANCE
12/31/2002	Balance forward		30.00
01/08/2003	PMT #507 - payment 4394	-30.00	0.00
03/24/2003	INV #4789 - Bristol unit - troubleshoot unit	75.00	75.00
09/01/2003	INV #FC 153 - Finance Charge	25.00	100.00
09/08/2003	INV #5590 - Milk tank compressor	1,989.84	2,089.84
09/18/2003	INV #5655 - Milk machine recharge, heat tape, insulation	137.00	2,226.84
10/01/2003	INV #FC 221 - Finance Charge	25.00	2,251.84
10/07/2003	INV #5700 - Found & repaired leaks	1,854.39	4,106.23
11/01/2003	INV #FC 271 - Finance Charge	25.00	4,131.23
12/01/2003	INV #FC 350 - Finance Charge	25.00	4,156.23
01/01/2004	INV #FC 396 - Finance Charge	25.00	4,181.23
01/31/2004	INV #FC 488 - Finance Charge	25.00	4,206.23
02/29/2004	INV #FC 604 - Finance Charge	25.00	4,231.23
04/06/2004	INV #FC 668 - Finance Charge	25.00	4,256.23
04/29/2004	INV #6495 - Milk cooler not working properly.	150.00	4,406.23
05/06/2004	INV #FC 724 - Finance Charge	25.00	4,431.23
05/14/2004	INV #6583 - Unit going out on high head pressure, cleaned condenser.	75.00	4,506.23
06/01/2004	INV #FC 790 - Finance Charge	25.00	4,531.23
07/02/2004	INV #FC 855 - Finance Charge	25.00	4,556.23
07/14/2004	INV #6866 - Charged unit	100.00	4,656.23
07/27/2004	INV #6927 - Change out milk cooler.	1,118.00	5,774.23
08/01/2004	INV #FC 926 - Finance Charge	25.00	5,799.23
09/01/2004	INV #FC 994 - Finance Charge	25.00	5,824.23
10/04/2004	INV #FC 1059 - Finance Charge	25.00	5,849.23
11/03/2004	INV #FC 1121 - Finance Charge	25.00	5,874.23

**We are now adding finance charges to all late invoices.
 Finance charges are non-negotiable.**

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	25.00	25.00	0.00	5,924.23	\$5,974.23

Please make prompt payment. Thank you.



251 Sandy Street, DuBois, PA 15801
Phone: 814-371-9490
Fax: 814-372-4768
Email: systems1@adelphia.net

Statement

DATE
4/30/2005

TO:
Rod Fairman RR 2 Box 69A DuBois, PA 15801 371-5571

AMOUNT DUE
\$5,974.23

Highlighted invoices are open invoices.

DATE	TRANSACTION	AMOUNT	BALANCE
12/03/2004	INV #FC 1182 - Finance Charge	25.00	5,899.23
12/31/2004	INV #FC 1282 - Finance Charge	25.00	5,924.23
03/01/2005	INV #FC 1360 - Finance Charge	25.00	5,949.23
04/29/2005	INV #FC 1447 - Finance Charge	25.00	5,974.23

**We are now adding finance charges to all late invoices.
Finance charges are non-negotiable.**

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	25.00	25.00	0.00	5,924.23	\$5,974.23

Please make prompt payment. Thank you.

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

SYSTEMS REFRIGERATION : No. 05-608-CD
COMPANY, :
Plaintiff : Type of Pleading:
Vs. : **PRAECLPSE FOR
DISCONTINUANCE**
RODNEY FAIRMAN, :
Defendant : Filed on Behalf of:
: PLAINTIFF
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED 3ccs
01/11/2007 3 Certificates
JAN 15 2007 to Atty DeBois
6W
William A. Shaw
Prothonotary/Clerk of Courts

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

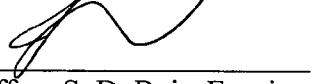
SYSTEMS REFRIGERATION	:	No. 05-608-CD
COMPANY,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
RODNEY FAIRMAN,	:	
Defendant	:	

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please discontinue this case on behalf of Systems Refrigeration Company in the
above captioned matter as it has been settled.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

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

SYSTEMS REFRIGERATION	:	No. 05-608-CD
COMPANY,	:	
	Plaintiff	:
		:
Vs.	:	
		:
RODNEY FAIRMAN,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of January, 2007, I served a true and correct copy of the within Plaintiff's Praecipe for Discontinuance by first class mail, postage prepaid, on the following:

Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801



Jeffrey S. DuBois

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Systems Refrigeration Company

Vs. No. 2005-00608-CD
Rodney Fairman

CERTIFICATE OF DISCONTINUATION

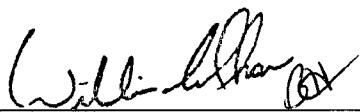
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 15, 2007, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by Christopher E. Mohney, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of January A.D. 2007.



William A. Shaw, Prothonotary