

05-796-CD  
M. Caldwell vs. L. Martell

Melissa Caldwell v. Leonard Martell  
2005-796-CD

Melissa Caldwell vs. Leonard Martell

## Civil Other

Date		Judge
06/03/2005	New Case Filed.	No Judge
	✓ Filing: IFP Petition Re: Compliant in Equity Paid by: Matash, Nicholas M. (attorney for Caldwell, Melissa) Receipt number: 1902186 Dated: 06/03/2005 Amount: \$.00 (Cash) 1 Cert. to Atty.	No Judge
	✓ Order, filed 1 Cert. to Atty.	Fredric Joseph Ammerman
	✓ Now this 3rd day of June, 2005, IFP granted.	
	✓ Complaint in Equity/ Motion for Preliminary Injunction, filed by Atty. Matash 2 Cert. to Atty.	Paul E. Cherry
	ORDER filed. 2 cert. to Atty.	Paul E. Cherry
	✓ NOW, this 3rd day of June, 2005, Hearing on Injunction will be held on the 7th day of June, 2005. \$1.00 Bond posted in Escrow Account.	
06/10/2005	Order, AND NOW, this 10th day of June, 2005, it is the ORDER of this Court that the temporary injunction shall be and continues to be in full force and effect pending receipt by the Court of the photostatic copy of the Money Order. It is the further Order of this Court that Rebecca L. Ardoline shall provide the Court with a status update of the photostatic copy by and no later than July 1, 2005. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: Ardolin, Matash, 1CC Def.	Paul E. Cherry
06/13/2005	✓ Sheriff Return filed. June 10, 2005 Motion for Preliminary Injunction; Complaint; Order returned "Not Served, Not Enough Time to Serve". So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.	Paul E. Cherry

67

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,

Plaintiff

LEONARD MARTELL,

Defendant

\* No. 2005-796-CD  
\*  
\*  
\*  
\* TYPE OF CASE: Equity  
\*  
\*  
\* TYPE OF PLEADING: Petition to  
\* Proceed In Forma Pauperis  
\*  
\* FILED ON BEHALF OF: Plaintiff,  
\* Melissa Caldwell  
\*  
\* COUNSEL OF RECORD FOR  
\* THIS PARTY: Nicholas M. Matash  
\*  
\* SUPREME COURT NO. 87916  
\*  
\* MIDPENN LEGAL SERVICES  
\* 2054 East College Avenue  
\* State College, PA 16823  
\* (814) 238 - 4958

FILED (E)  
0/11:30/12  
JUN 03 2005

William A. Shaw  
Prothonotary/Clerk of Courts

I came to file

**Nicholas M. Matash**  
**Attorney for Plaintiff**  
**2054 East College Avenue**  
**State College, PA 16801**  
**(814) 238-4958**

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

Melissa Caldwell,		:	
	Plaintiff	:	No.:
	vs.	:	
Leonard Martell,		:	
	Defendant	:	
		:	
		:	

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Melissa Caldwell respectfully represents:

1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: Melissa Caldwell

Address: 81 Knobs Road, Clearfield, Pennsylvania 16830

Soc. Sec. No.: 179-68-1858

(b) Employment: If you are presently employed, state

Employer: None

Address: N/A

Gross salary or wages per month: N/A

Type of work: N/A

If you are presently unemployed, state

Date of last employment: December 23, 2004

Salary or wages per month: \$1118.00 mo.

Type of work: Factory Worker

(c) Other income within the past twelve months

Business or profession: None

Other self-employment: None

Interest: None

Dividends: None

Pension and annuities: None

Social Security benefits: \$162.00 mo. (for children)

Support payments: None

Disability payments: None

Unemployment Compensation and supplemental benefits: None

Workman's Compensation: None

Public Assistance: Food Stamps - \$749.00 mo.

Other: None

(d) Other contribution to household support (please circle)

Name of Spouse, Boyfriend/girlfriend, or Roommate/housemate: None

If employed, state

Employer: N/A

Salary or wages per month: N/A

Type of work: N/A

Contributions from children: None

Contributions from parents, family members or any other individuals: No

(e) Property owned:

Cash: \$20.00

Checking account: None

Savings account: None

Certificates of Deposit: None

Real Estate (including home): None

Motor Vehicle: 1989 Subaru

Cost: \$300.00      Amount owed: None

Stocks; bonds: None

Other: None

(f) Debts and obligations

Utilities:

Electric      \$140.00 mo.

Coal      \$1000.00 (a year)

Telephone      \$32.00 mo

Satellite      \$35.00 mo

Groceries      \$749.00 (same as listed in Public Assistance Benefits)

Rent:      \$350.00 mo

Loans:      None

Auto Expense: None

Child care: None

Miscellaneous: None

(g) Persons dependant upon you for support:

Children:

Tyler Knepp (4-22-1990)

Kylie Knepp (2-10-1992)

Justyn Knepp (8-19-1993)

Kaedyn Caldwell (4-25-2003)

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

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. '4904, relating to unsworn falsification to authorities.

Date:

June 3, 2005

Melissa A Caldwell  
Plaintiff



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

Melissa Caldwell,

Plaintiff

vs.

No.:

Leonard Martell,

Defendant

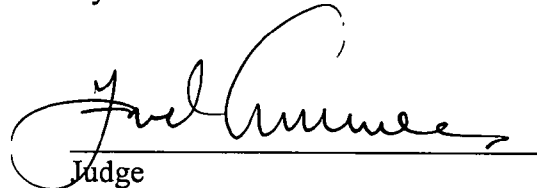
ORDER

AND NOW, this 3<sup>rd</sup> day of June, 2005, upon  
consideration of the foregoing Affidavit in Support of Petition to Proceed In Forma  
Pauperis, it is the ORDER of this Court that said Petition is GRANTED/ ~~DECLINED~~

*FJA*

If the Petition is GRANTED, Filing fee is hereby WAIVED.

By the Court

  
Judge

FILED

JUN 03 2005

0/11:50/

William A. Shaw

Prothonotary/Clerk of Courts

1 CM + 0 A++

CA

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

MELISSA CALDWELL,

Plaintiff

vs.

LEONARD MARTELL,

Defendant

\* No. 2005 - 796 - CD  
\*  
\*  
\*  
\* TYPE OF CASE: Complaint in Equity  
\*  
\*  
\* TYPE OF PLEADING: Motion for  
\* Preliminary Injunction / Complaint  
\*  
\* FILED ON BEHALF OF: Plaintiff,  
\* Melissa Caldwell  
\*  
\* COUNSEL OF RECORD FOR THIS  
\* PARTY: Nicholas M. Matash, Esq.  
\*  
\* SUPREME COURT NO. 87916  
\*  
\* MIDPENN LEGAL SERVICES  
\* 2054 East College Avenue  
\* State College, PA 16823  
\* (814) 238 - 4958

FILED

JUN 03 2005

8/11:50  
William A. Shaw

Prothonotary/Clerk of Courts

2 CENT TO ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	No. 2004 -
	:	
LEONARD MARTELL,	:	
	:	
Defendant	:	IN EQUITY

MOTION FOR PRELIMINARY INJUNCTION  
AND COMPLAINT IN EQUITY

AND NOW, comes Melissa Caldwell by her attorneys, MIDPENN LEGAL SERVICES, and files this Petition for injunctive relief, and in support thereof represents that:

1. Plaintiff is Melissa Caldwell, an adult individual residing at 81 Knobs Rd., Clearfield, Clearfield County, Pennsylvania 16830.
2. Defendant is Leonard Martell, an adult individual residing at 2371 Montgomery Run, Clearfield, Clearfield County, Pennsylvania 16830.
3. Defendant is believed to own and manage a rental property located at 81 Knobs Rd., Clearfield, Clearfield County.
4. On or about September 1, 2001, the Plaintiff entered into a verbal lease agreement with Marilyn Shugarts and Defendant regarding the rental property at 81 Knobs Road, Clearfield, Pennsylvania.
5. The parties agreed that the premises would be leased to Plaintiff on a month-to-month basis. Monthly rent was fixed at \$350.00 per month.

6. Defendant was co-owner with Marilyn Shugarts of the property in question and now is believed to be sole owner of the property.

7. On April 26, 2005, Defendant filed a Landlord/Tenant Complaint in an Action for Possession of Real Property in Magisterial District Court No. 46-3-03, alleging Plaintiff failed to pay rent. The Complaint Form and hearing notice in LT-0000100-05 are attached hereto as Exhibit A.

8. On the Complaint Form, Defendant listed Plaintiff's address as Box 81, Shawville, PA, 16873.

9. Plaintiff's address is 81 Knobs Hill, Clearfield, PA. Plaintiff does not receive mail at Box 81, Shawville.

10. Magisterial District Judge records indicate service was made by posting Box 81, Knobs Hill, Shawville.

11. Plaintiff did not receive notice of the hearing by mail, posting or personal service. Plaintiff at all times relevant to service resided in the premises at 81 Knobs Road.

12. On May 9, 2005, following hearing at which Plaintiff did not appear, judgment was entered for Defendant for Possession of the Real Property and for \$700.00 in rent arrears plus costs of \$110.50. A copy of the Judgment is attached hereto as Exhibit B.

13. Plaintiff did not receive notice of the judgment.

14. On or about May 22, 2005, Plaintiff received a visit from Laura Martell, daughter-in-law of Defendant, who informed Plaintiff's children that an eviction was pending. Plaintiff subsequently spoke to Ms. Martell and learned, for the first time, of the eviction proceedings.

15. On May 23<sup>rd</sup>, an Order for Possession was issued, and was served on Plaintiff by a constable on May 24<sup>th</sup>, 2005. The Order for Possession directs Plaintiff to vacate the premises by

12:01 A.M. on June 6, 2005. A copy of the Order for Possession is attached hereto as Exhibit C.

16. Plaintiff's time for appeal of the judgment has expired, and had expired by the time she received notice of the existence of the judgment.

17. Plaintiff has a defense to the Action for Possession in that she did pay the rental amounts in question.

18. Plaintiff has a further defense in that Defendant failed to provide her with Notice to Quit as required by law prior to filing the Action.

19. On or about April 4, 2005, Plaintiff and her 15-year-old son, Tyler Knepp, went to Defendant's place of business at Martell Glass, in order to pay the rent.

20. Plaintiff had in the past paid rent at Defendant's shop and such was an accepted practice.

21. Defendant was not present at the business at the time, but Tyler Knepp presented a money order in the amount of \$1,000.00 (one thousand dollars) to Defendant's employee in charge of the shop at the time. The \$1,000.00 represented payment for April and May rent, as well as \$300.00 toward June rent.

22. Due to the lack of notice of the Action for Possession, Plaintiff was denied the opportunity to present evidence of her defenses. Plaintiff was denied due process of law.

23. Plaintiff is likely to prevail on the merits of the underlying claim for Possession if allowed to present her evidence.

24. Plaintiff will be immediately and irreparably harmed if Execution of the Order of Possession is allowed to proceed.

25. Defendant will not be harmed by a delay in the proceedings, as Defendant is not owed rent arrears.

26. Defendant is indigent and seeks the Court's permission to proceed in forma pauperis. As Plaintiff has already paid to Defendant the amounts in question, Plaintiff requests that she not be required to post a substantial bond to proceed in the instant matter.

WHEREFORE, The Plaintiff respectfully prays this Honorable Court enter an Order:

- a) Enjoining the Defendant, Leonard Martell, and his agents from execution of the Order for Possession entered to No. LT-0000100-05, Magisterial District No. 46-3-03;
- b) Requiring Plaintiff to post a nominal bond in the amount of \$1.00 (one dollar);
- c) Dismissing the Tenant Complaint for Recovery of Real Property and all subsequent Orders relating thereto;
- d) Permitting the filing and service of this Motion and Complaint to proceed In Forma Pauperis;
- e) Ordering the Sheriff's Office of Clearfield County to effect service of the Order; and
- f) Awarding such other relief as the Court deems appropriate.

Respectfully Submitted:

MIDPENN LEGAL SERVICE

BY:  \_\_\_\_\_

Nicholas M. Matash, Esquire  
Attorney for Plaintiff  
2054 E. College Ave.  
State College, PA 16801  
(814) 238-4958  
Supreme Court ID # 87916

I verify that the statements made in the within Complaint are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
Melissa Caldwell

## **EXHIBIT A**



Mag. Dist. No.: **46-3-03**

DJ Name: Hon. **MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA 16847-0444**

Telephone: **(814) 345-6789**

PLAINTIFF: **TENANT COMPLAINT**

NAME and ADDRESS: **Leonard Martell**  
**2371 Montgomery Run Rd**  
**Clearfield Pa**

DEFENDANT: **MISSY CALDWELL**

NAME and ADDRESS: **Box 81 Shawville**

VS.

	Amount	Date Paid
Filing Costs \$	<u>70.50</u>	<u>4/26/05</u>
Postage \$	<u>      </u>	<u>      </u>
Service Costs \$	<u>      </u>	<u>      </u>
Constable Ed. \$	<u>      </u>	<u>      </u>
Total \$	<u>      </u>	<u>      </u>

Docket No.: **LT-100-05**

Date Filed: **4-26-05**



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 together with costs against you for the possession of real property and for:

Lease is ☒ Residential ☐ Nonresidential.

☐ Damages for injury to the real property, to wit: Don't know in the amount of: \$ 350.00

☐ Damages for the unjust detention of the real property in the amount of \$       

☒ Rent remaining due and unpaid on filing date in the amount of \$       

☒ And additional rent remaining due and unpaid on hearing date \$ 350.00

☐ Attorney fees in the amount of \$       

Total: \$       

THE PLAINTIFF FURTHER ALLEGES THAT:

- The location and the address, if any, of the real property is: 81 2nd St Shawville
- The plaintiff is the landlord of that property.
- He leased or rented the property to you or to Missy Caldwell under whom you claim.
- ☒ Notice to quit was given in accordance with law, or  
☐ No notice is required under the terms of the lease.
- ☐ The term for which the property was leased or rented is fully ended, or not dependable  
☒ A forfeiture has resulted by reason of a breach of the conditions of the lease, to wit: Did not pay rent or,
- ☒ Rent reserved and due has, upon demand, remained unsatisfied.

6. You retain the real property and refuse to give up its possession.

I, Leonard Martell 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) relating to unsworn falsification to authorities.

Leonard Martell  
 (Signature of Plaintiff)

(Plaintiff's Attorney) \_\_\_\_\_ (Address) \_\_\_\_\_ (Phone) \_\_\_\_\_

IF YOU HAVE A DEFENSE to this complaint you may present it at the hearing. IF YOU HAVE A CLAIM against the plaintiff arising out of the occupancy of the premises, which is in the district justice jurisdiction and which you intend to assert at the hearing, YOU MUST FILE it on a complaint form at this office BEFORE THE TIME set for the hearing. IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in your EVICTION from the premises.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COUNTY OF: **CLEARFIELD**

**RECOVERY OF REAL PROPERTY  
HEARING NOTICE**

Mag. Dist. No.:	<b>46-3-03</b>
MDJ Name: Hon.	<b>MICHAEL A. RUDELLA</b>
Address:	<b>131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA</b>
Telephone:	<b>(814) 345-6789 16847-0444</b>

PLAINTIFF: **MARTELL, LEONARD**  
2371 MONTGOMERY RUN  
CLEARFIELD, PA 16830

VS.  
DEFENDANT: **CALDWELL, MELISSA A**  
BOX 81  
SHAWVILLE, PA 16873

**MICHAEL A. RUDELLA  
131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA 16847-0444**

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**



A landlord/tenant complaint has been filed against you for the recovery of possession of real property, and/or money damages in the above captioned case. A hearing has been set in this matter for:

Date: <b>5/09/05</b>	Place: <b>DISTRICT COURT 46-3-03 131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA 16847-0444 814-345-6789</b>
Time: <b>10:00 AM</b>	

**NOTICE TO DEFENDANT**

If you have a defense to this complaint, you may present it at the hearing.

If you have a claim against the plaintiff arising out of the occupancy of the premises, which is within the jurisdiction of the magisterial district judge and which you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.

IF YOU DO NOT APPEAR AT THE HEARING, A JUDGMENT FOR POSSESSION AND COSTS, AND FOR DAMAGES AND RENT IF CLAIMED, MAY NEVERTHELESS BE ENTERED AGAINST YOU. A JUDGMENT AGAINST YOU FOR POSSESSION MAY RESULT IN YOUR EVICTION FROM THE PREMISES.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

## **EXHIBIT B**

Mag. Dist. No.: **46-3-03**  
MDJ Name: Hon. **MICHAEL A. RUDELLA**  
Address: **131 ROLLING STONE ROAD**  
**PO BOX 210**  
**KYLERTOWN, PA**  
Telephone: **(814) 345-6789** **16847-0444**

PLAINTIFF: **MARTELL, LEONARD**  
**2371 MONTGOMERY RUN**  
**CLEARFIELD, PA 16830**  
VS.  
DEFENDANT: **CALDWELL, MELISSA A**  
**BOX 81**  
**SHAWVILLE, PA 16873**

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**



**MICHAEL A. RUDELLA**  
**131 ROLLING STONE ROAD**  
**PO BOX 210**  
**KYLERTOWN, PA 16847-0444**

**THIS IS TO NOTIFY YOU THAT:**

Judgment:  
☒ Judgment was entered for: (Name) **FOR PLAINTIFF MARTELL, LEONARD**  
☒ Judgment was entered against **CALDWELL, MELISSA A** in a  
Landlord/Tenant action in the amount of \$ **810.50** on **5/09/05** (Date of Judgment)  
The amount of rent per month, as established by the Magisterial District Judge, is \$ **350.00**.  
The total amount of the Security Deposit is \$ **.00**

	Total Amount Established by MDJ	Less Security Deposit Applied	=	Adjudicated Amount
Rent in Arrears	\$ <b>700.00</b>	\$ <b>.00</b>	=	\$ <b>700.00</b>
Physical Damages Leasehold Property	\$ <b>.00</b>	\$ <b>.00</b>	=	\$ <b>.00</b>
Damages/Unjust Detention	\$ <b>.00</b>	\$ <b>.00</b>	=	\$ <b>.00</b>
Less Amt Due Defendant from Cross Complaint				\$ <b>.00</b>
Interest (if provided by lease)				\$ <b>.00</b>
L/T Judgment Amount				\$ <b>700.00</b>
Judgment Costs				\$ <b>110.50</b>
Attorney Fees				\$ <b>.00</b>
<b>Total Judgment</b>				\$ <b>810.50</b>
Post Judgment Credits				\$
Post Judgment Costs				\$
<b>Certified Judgment Total</b>				\$

☐ Attachment Prohibited/  
42 Pa.C.S. § 8127  
☐ This case dismissed without prejudice.  
☒ Possession granted.  
☐ Possession granted if money judgment is not satisfied by time of eviction.  
☐ Possession not granted.

☐ Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.  
IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.  
THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE NOTICE OF APPEAL. EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.  
UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**5-9-05** Date *MA Rudella* 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

## **EXHIBIT C**

# ORDER FOR POSSESSION, RETURN AND NOTICE

Mag. Dist. No.: **46-3-03**

MDJ Name: Hon. **MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA**

Telephone: **(814) 345-6789 16847-0444**

PLAINTIFF: **MARTELL, LEONARD**  
2371 MONTGOMERY RUN  
CLEARFIELD, PA 16830

DEFENDANT: **CALDWELL, MELISSA A**  
BOX 81  
SHAWVILLE, PA 16873

VS.

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**

Time Filed: **9:27AM**  
Date Order Filed: **5/20/05**



**MICHAEL A. RUDELLA**  
131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA 16847-0444

## RESIDENTIAL LEASE

Judgment Amount \$	<b>700.00</b>
Costs in Original LT Proceeding \$	<b>110.50</b>
Costs in this Proceeding \$	<b>.00</b>
Attorney Fees \$	<b>.00</b>
Total \$	<b>810.50</b>

**TO THE MAGISTERIAL DISTRICT JUDGE:** The above named plaintiff, having obtained a judgment for possession of real property located at: \_\_\_\_\_  
Address if any: \_\_\_\_\_  
Requests that you issue an **ORDER FOR POSSESSION** for such property.  
Date: \_\_\_\_\_ Plaintiff: \_\_\_\_\_ (Signature on File)

To: **JAMES L. CORNWAN** (Sheriff or Certified Constable)  
You are hereby directed to deliver actual possession to plaintiff, or his agent, of real property located at (Give location and/or address): \_\_\_\_\_

Date: **5/23/05** Time: **9:00 AM** By: **[Signature]** Magisterial District Judge  
Received Date: **5-24-05** Time: **9:00 AM** By: **[Signature]** Sheriff or Certified Constable

☒ Defendant (Name): **Melissa Caldwell**  
☐ Adult person in charge (Name): \_\_\_\_\_  
Served with copy of **ORDER FOR POSSESSION** and served with **NOTICE TO VACATE** on (Date of service): **5-24-05**  
at (Location and Address): **81 Krebs Rd, Clearfield Pa 16830**  
☐ Since none of the above found, served by posting a copy of the complaint conspicuously on the premises at (Date): \_\_\_\_\_ (Time): \_\_\_\_\_  
☐ Order satisfied by payment of rent in arrears and costs Amount Paid \$ \_\_\_\_\_  
☐ Premises vacated without forcible entry and ejectment

	Distribution
\$ _____	To _____
\$ _____	To _____
\$ _____	To _____
\$ _____	To _____
\$ _____	To _____
\$ _____	To _____

☐ Forcible entry and ejectment (Date): \_\_\_\_\_ (Time): \_\_\_\_\_  
☐ Returned within five business days following delivery of possession to plaintiff or satisfaction by payment of rent in arrears and costs.  
Expenses and fees of sheriff or certified constable \$ \_\_\_\_\_  
**[Signature]**  
(Signature of Sheriff or Certified Constable)  
**James L. Cornwan, Constable**  
(Print Name and Title)

## NOTICE TO DEFENDANT TO VACATE

If you, and all the occupants of this property not authorized by the owner to be present thereon, do not vacate this property within ten (10) days after the (date of service) **24th** day of **May** **05**, the law authorizes me to use, and I must use, such force as may be necessary to enter upon this property, by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants. If necessary, eviction will commence on **6-6-05** after 12:01 AM.  
At any time before actual delivery of the real property is made in execution of the Order for Possession, the defendant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the Order for Possession by paying to the executing officer the rent actually in arrears and the cost of the proceedings.

Complete if judgment of possession is based solely on failure to pay rent. Rent in Arrears \$ \_\_\_\_\_ Costs \$ \_\_\_\_\_

## CIVIL DIVISION

CIVIL ACTION  
No. 2004 -  
IN EQUITY

Paul E Cherry  
Judge

Date: 06/03/2005  
Time: 11:58 AM

Clearfield County Court of Common Pleas  
Receipt

NO. 1902198  
Page 1 of 1

Received of: Plaintiff \$ 1.00

81 Knobs Road  
Shawville, PA 1673

One and 00/100 Dollars

Plaintiff: Melissa Caldwell vs. Leonard Martell  
Case Litigant type

Amount

2005-00796-CD	Plaintiff	
Cash bond		1.00

Total: 1.00

Balance due: 0.00

DEPOSITED IN  
ESCHEW  
ACCOUNT

Payment Method: Cash  
Amount Tendered:  
Change Returned:  
Clerk: BILLSHAW

1.00  
0.00

William A. Shaw, Prothonotary/Clerk of Cou  
By: \_\_\_\_\_  
Deputy Clerk



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

MELISSA CALDWELL

: NO. 05-796-CD

V.

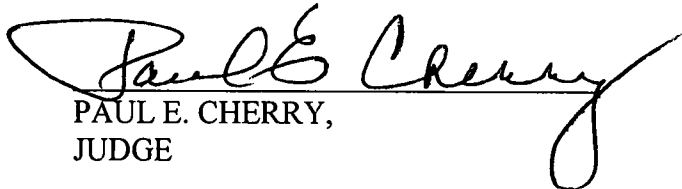
LEONARD MARTELL

ORDER

AND NOW, this 10<sup>th</sup> day of June, 2005, the Court being advised by Rebecca L. Ardoline, Esquire, attorney for Plaintiff, that the United States Post Office has indicated that it may take several weeks for a photostatic copy of the money order to be delivered, it is the ORDER of this Court that the temporary injunction shall be and hereby continues to be in full force and effect pending receipt by the Court of the photostatic copy of the Money Order.

It is the further ORDER of this Court that Rebecca L. Ardoline shall provide the Court with a status update of the photostatic copy by and no later than July 1, 2005.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED 1cc Atty's:  
03:07/301 Ardoline  
JUN 10 2005 Matash

William A Shaw 1cc Def.-  
Prothonotary/Clerk of Courts  
2371 Montgomery  
Road  
Clearfield, PA  
16830  
(60)



# In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100526**

MELISSA CALDWELL

Case # 05-796-CD

vs.

LEONARD MARTELL

## SHERIFF RETURNS

NOW June 10, 2005 RETURNED THE WITHIN MOTION FOR PRELIMINARY INJUNCTION; COMPLAINT; ORDER "NOT SERVED, NOT ENOUGH TIME TO SERVE" AS TO LEONARD MARTELL, DEFENDANT.

SERVED BY: /

## Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SHERIFF HAWKINS	OFFICE CREDIT		14.37

*ch* **FILED**  
*d 11:00 AM*  
**JUN 13 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before me This

So Answers,

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

*Chester A. Hawkins*  
*by Mailez Hamr*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL DIVISION

MELISSA CALDWELL,

Plaintiff

**vs.**

LEONARD MARTELL,

Defendant

\* No. 2005-796-CN

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**TYPE OF CASE:** Complaint in Equity

**TYPE OF PLEADING:** Motion for Preliminary Injunction / Complaint

**FILED ON BEHALF OF: Plaintiff,  
Melissa Caldwell**

**COUNSEL OF RECORD FOR THIS PARTY: Nicholas M. Matash, Esq.**

SUPREME COURT NO. 87916

**MIDPENN LEGAL SERVICES**  
2054 East College Avenue  
State College, PA 16823  
(814) 238 - 4958

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

JUN 03 2005

Attest.

**Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	No. 2004 -
	:	
LEONARD MARTELL,	:	
	:	
Defendant	:	IN EQUITY

MOTION FOR PRELIMINARY INJUNCTION  
AND COMPLAINT IN EQUITY

AND NOW, comes Melissa Caldwell by her attorneys, MIDPENN LEGAL SERVICES,  
and files this Petition for injunctive relief, and in support thereof represents that:

1. Plaintiff is Melissa Caldwell, an adult individual residing at 81 Knobs Rd., Clearfield, Clearfield County, Pennsylvania 16830.
2. Defendant is Leonard Martell, an adult individual residing at 2371 Montgomery Run, Clearfield, Clearfield County, Pennsylvania 16830.
3. Defendant is believed to own and manage a rental property located at 81 Knobs Rd., Clearfield, Clearfield County.
4. On or about September 1, 2001, the Plaintiff entered into a verbal lease agreement with Marilyn Shugarts and Defendant regarding the rental property at 81 Knobs Road, Clearfield, Pennsylvania.
5. The parties agreed that the premises would be leased to Plaintiff on a month-to-month basis. Monthly rent was fixed at \$350.00 per month.

6. Defendant was co-owner with Marilyn Shugarts of the property in question and now is believed to be sole owner of the property.

7. On April 26, 2005, Defendant filed a Landlord/Tenant Complaint in an Action for Possession of Real Property in Magisterial District Court No. 46-3-03, alleging Plaintiff failed to pay rent. The Complaint Form and hearing notice in LT-0000100-05 are attached hereto as Exhibit A.

8. On the Complaint Form, Defendant listed Plaintiff's address as Box 81, Shawville, PA, 16873.

9. Plaintiff's address is 81 Knobs Hill, Clearfield, PA. Plaintiff does not receive mail at Box 81, Shawville.

10. Magisterial District Judge records indicate service was made by posting Box 81, Knobs Hill, Shawville.

11. Plaintiff did not receive notice of the hearing by mail, posting or personal service. Plaintiff at all times relevant to service resided in the premises at 81 Knobs Road.

12. On May 9, 2005, following hearing at which Plaintiff did not appear, judgment was entered for Defendant for Possession of the Real Property and for \$700.00 in rent arrears plus costs of \$110.50. A copy of the Judgment is attached hereto as Exhibit B.

13. Plaintiff did not receive notice of the judgment.

14. On or about May 22, 2005, Plaintiff received a visit from Laura Martell, daughter-in-law of Defendant, who informed Plaintiff's children that an eviction was pending. Plaintiff subsequently spoke to Ms. Martell and learned, for the first time, of the eviction proceedings.

15. On May 23<sup>rd</sup>, an Order for Possession was issued, and was served on Plaintiff by a constable on May 24<sup>th</sup>, 2005. The Order for Possession directs Plaintiff to vacate the premises by

12:01 A.M. on June 6, 2005. A copy of the Order for Possession is attached hereto as Exhibit C.

16. Plaintiff's time for appeal of the judgment has expired, and had expired by the time she received notice of the existence of the judgment.

17. Plaintiff has a defense to the Action for Possession in that she did pay the rental amounts in question.

18. Plaintiff has a further defense in that Defendant failed to provide her with Notice to Quit as required by law prior to filing the Action.

19. On or about April 4, 2005, Plaintiff and her 15-year-old son, Tyler Knepp, went to Defendant's place of business at Martell Glass, in order to pay the rent.

20. Plaintiff had in the past paid rent at Defendant's shop and such was an accepted practice.

21. Defendant was not present at the business at the time, but Tyler Knepp presented a money order in the amount of \$1,000.00 (one thousand dollars) to Defendant's employee in charge of the shop at the time. The \$1,000.00 represented payment for April and May rent, as well as \$300.00 toward June rent.

22. Due to the lack of notice of the Action for Possession, Plaintiff was denied the opportunity to present evidence of her defenses. Plaintiff was denied due process of law.

23. Plaintiff is likely to prevail on the merits of the underlying claim for Possession if allowed to present her evidence.

24. Plaintiff will be immediately and irreparably harmed if Execution of the Order of Possession is allowed to proceed.

25. Defendant will not be harmed by a delay in the proceedings, as Defendant is not owed rent arrears.

26. Defendant is indigent and seeks the Court's permission to proceed in forma pauperis. As Plaintiff has already paid to Defendant the amounts in question, Plaintiff requests that she not be required to post a substantial bond to proceed in the instant matter.

WHEREFORE, The Plaintiff respectfully prays this Honorable Court enter an Order:

- a) Enjoining the Defendant, Leonard Martell, and his agents from execution of the Order for Possession entered to No. LT-0000100-05, Magisterial District No. 46-3-03;
- b) Requiring Plaintiff to post a nominal bond in the amount of \$1.00 (one dollar);
- c) Dismissing the Tenant Complaint for Recovery of Real Property and all subsequent Orders relating thereto;
- d) Permitting the filing and service of this Motion and Complaint to proceed In Forma Pauperis;
- e) Ordering the Sheriff's Office of Clearfield County to effect service of the Order; and
- f) Awarding such other relief as the Court deems appropriate.

Respectfully Submitted:

MIDPENN LEGAL SERVICE

BY:  \_\_\_\_\_

Nicholas M. Matash, Esquire  
Attorney for Plaintiff  
2054 E. College Ave.  
State College, PA 16801  
(814) 238-4958  
Supreme Court ID # 87916

I verify that the statements made in the within Complaint are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
Melissa Caldwell



## **EXHIBIT A**

Mag. Dist. No.: **46-3-03**

Pl Name: Hon.

**MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA** **16847-0444**

Telephone: **(814) 345-6789**

**TENANT COMPLAINT**

PLAINTIFF: **Leonard Martell**  
**2371 Montgomery Run Rd**  
**Clearfield Pa**

DEFENDANT: **Missy Caldwell**  
**Box 81 Shannville**

VS.

	Amount	Date Paid
Filing Costs \$	<u>70.50</u>	<u>4/26/05</u>
Postage \$	<u>      </u>	<u>      </u>
Service Costs \$	<u>      </u>	<u>      </u>
Constable Ed. \$	<u>      </u>	<u>      </u>
Total \$	<u>      </u>	<u>      </u>

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

Docket No.: **LT-100-05**

Date Filed: **4-26-05**



TO THE DEFENDANT: The above named plaintiff(s) asks judgment together with costs against you for the possession of real property and for:

- Lease is ☒ Residential ☐ Nonresidential.
- ☐ Damages for injury to the real property, to wit: Don't know in the amount of: \$ 350.00
- ☐ Damages for the unjust detention of the real property in the amount of \$
- ☒ Rent remaining due and unpaid on filing date in the amount of \$
- ☒ And additional rent remaining due and unpaid on hearing date \$ 350.00
- ☐ Attorney fees in the amount of \$

THE PLAINTIFF FURTHER ALLEGES THAT:

1. The location and the address, if any, of the real property is: 81 Montages Road Shannville
2. The plaintiff is the landlord of that property.
3. He leased or rented the property to you or to Missy Caldwell under whom you claim.
4. ☒ Notice to quit was given in accordance with law, or
- ☐ No notice is required under the terms of the lease.
5. ☐ The term for which the property was leased or rented is fully ended, or not dependable
- ☒ A forfeiture has resulted by reason of a breach of the conditions of the lease, to wit: Did not pay Rent or,
- ☒ Rent reserved and due has, upon demand, remained unsatisfied.

6. You retain the real property and refuse to give up its possession.

I, Leonard Martell 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) relating to unsworn falsification to authorities.

Leonard Martell  
 (Signature of Plaintiff)

(Plaintiff's Attorney)

(Address)

(Phone)

IF YOU HAVE A DEFENSE to this complaint you may present it at the hearing. IF YOU HAVE A CLAIM against the plaintiff arising out of the occupancy of the premises, which is in the district justice jurisdiction and which you intend to assert at the hearing, YOU MUST FILE it on a complaint form at this office BEFORE THE TIME set for the hearing. IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in your EVICTION from the premises.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide...

Mag. Dist. No.:	<b>46-3-03</b>
MDJ Name: Hon.	<b>MICHAEL A. RUDELLA</b>
Address:	<b>131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA</b>
Telephone:	<b>(814) 345-6789 16847-0444</b>

PLAINTIFF: **MARTELL, LEONARD**  
2371 MONTGOMERY RUN  
CLEARFIELD, PA 16830

VS.  
DEFENDANT: **CALDWELL, MELISSA A**  
BOX 81  
SHANVILLE, PA 16873

**MICHAEL A. RUDELLA  
131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA 16847-0444**

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**



A landlord/tenant complaint has been filed against you for the recovery of possession of real property, and/or money damages in the above captioned case. A hearing has been set in this matter for:

Date: <b>5/09/05</b>	Place: <b>DISTRICT COURT 46-3-03 131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA 16847-0444 814-345-6789</b>
Time: <b>10:00 AM</b>	

## NOTICE TO DEFENDANT

If you have a defense to this complaint, you may present it at the hearing.

If you have a claim against the plaintiff arising out of the occupancy of the premises, which is within the jurisdiction of the magisterial district judge and which you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.

IF YOU DO NOT APPEAR AT THE HEARING, A JUDGMENT FOR POSSESSION AND COSTS, AND FOR DAMAGES AND RENT IF CLAIMED, MAY NEVERTHELESS BE ENTERED AGAINST YOU. A JUDGMENT AGAINST YOU FOR POSSESSION MAY RESULT IN YOUR EVICTION FROM THE PREMISES.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

## **EXHIBIT B**

Mag. Dist. No.: **46-3-03**  
MDJ Name: Hon. **MICHAEL A. RUDELLA**  
Address: **131 ROLLING STONE ROAD**  
**PO BOX 210**  
**KYLERTOWN, PA**  
Telephone: **(814) 345-6789** **16847-0444**

**MICHAEL A. RUDELLA**  
**131 ROLLING STONE ROAD**  
**PO BOX 210**  
**KYLERTOWN, PA 16847-0444**

PLAINTIFF: **RESIDENTIAL LEASE**  
**MARTELL, LEONARD** NAME and ADDRESS  
**2371 MONTGOMERY RUN**  
**CLEARFIELD, PA 16830**

VS.  
DEFENDANT: **CALDWELL, MELISSA A** NAME and ADDRESS  
**BOX 81**  
**SHANVILLE, PA 16873**

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

- ☒ Judgment was entered for: (Name) **FOR PLAINTIFF MARTELL, LEONARD**  
☒ Judgment was entered against **CALDWELL, MELISSA A** in a  
☒ Landlord/Tenant action in the amount of \$ **810.50** on **5/09/05** (Date of Judgment)  
The amount of rent per month, as established by the Magisterial District Judge, is \$ **350.00**.  
The total amount of the Security Deposit is \$ **.00**

Total Amount Established by MDJ			Less Security Deposit Applied	=	Adjudicated Amount
Rent in Arrears	\$	<b>700.00</b>	\$	<b>.00</b>	\$ <b>700.00</b>
Physical Damages Leasehold Property	\$	<b>.00</b>	\$	<b>.00</b>	\$ <b>.00</b>
Damages/Unjust Detention	\$	<b>.00</b>	\$	<b>.00</b>	\$ <b>.00</b>
Less Amt Due Defendant from Cross Complaint			\$	<b>.00</b>	\$ <b>.00</b>
Interest (if provided by lease)			\$	<b>.00</b>	\$ <b>.00</b>
L/T Judgment Amount			\$	<b>700.00</b>	\$ <b>700.00</b>
Judgment Costs			\$	<b>110.50</b>	\$ <b>110.50</b>
Attorney Fees			\$	<b>.00</b>	\$ <b>.00</b>
Total Judgment			\$	<b>810.50</b>	\$ <b>810.50</b>
Post Judgment Credits			\$		\$
Post Judgment Costs			\$		\$
Certified Judgment Total			\$		\$

- ☐ Attachment Prohibited/  
42 Pa.C.S. § 8127  
☐ This case dismissed without prejudice.  
☒ Possession granted.

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

☐ Defendants are jointly and severally liable.

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

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

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

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

**5-9-05** Date **MARTELL** 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

## **EXHIBIT C**

**ORDER FOR POSSESSION,  
RETURN AND NOTICE**

Mag. Dist. No.: **46-3-03**  
MDJ Name: Hon. **MICHAEL A. RUDELLA**  
Address: **131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA**  
Telephone: **(814) 345-6789 16847-0444**

PLAINTIFF: **MARTELL, LEONARD**  
**2371 MONTGOMERY RUN  
CLEARFIELD, PA 16830**  
NAME and ADDRESS

VS.  
DEFENDANT: **CALDWELL, MELISSA A**  
**BOX 81  
SHAWVILLE, PA 16873**  
NAME and ADDRESS

Docket No.: **LT-0000100-05**  
Date Filed: **4/26/05**



Time Filed: **9:27AM**  
Date Order Filed: **5/20/05**

**MICHAEL A. RUDELLA  
131 ROLLING STONE ROAD  
PO BOX 210  
KYLERTOWN, PA 16847-0444**

**RESIDENTIAL LEASE**

Judgment Amount \$	<b>700.00</b>
Costs in Original LT Proceeding \$	<b>110.50</b>
Costs in this Proceeding \$	<b>.00</b>
Attorney Fees \$	<b>.00</b>
Total \$	<b>810.50</b>

**TO THE MAGISTERIAL DISTRICT JUDGE:** The above named plaintiff, having obtained a judgment for possession of real property located at:

Address if any:

Requests that you issue an **ORDER FOR POSSESSION** for such property.

Date: Plaintiff: (Signature on File)

**ORDER FOR POSSESSION**

To: **JAMES L. CORNMAN**

(Sheriff or Certified Constable)

You are hereby directed to deliver actual possession to plaintiff, or his agent, of real property located at (Give location and/or address):

Date: **5/23/05** Time: **9 AM** By: **M. A. Rudella** Magisterial District Judge  
Received Date: **5-24-05** Time: **9:00 AM** By: **James L. Cornman** Sheriff or Certified Constable

☒ Defendant (Name): **Melissa Caldwell**  
☐ Adult person in charge (Name):  
Served with copy of **ORDER FOR POSSESSION** and served with **NOTICE TO VACATE** on (Date of service): **5-24-05**  
at (Location and Address): **81 Roberts Rd. Clearfield Pa 16830**

☐ Since none of the above found, served by posting a copy of the complaint conspicuously on the premises at (Date): (Time):

☐ Order satisfied by payment of rent in arrears and costs ☐ Premises vacated without forcible entry and ejectment  
Amount Paid \$

Distribution	
\$	To
\$	To
\$	To
\$	To
\$	To
\$	To

☐ Forcible entry and ejectment (Date): (Time):

☐ Returned within five business days following delivery of possession to plaintiff or satisfaction by payment of rent in arrears and costs.

Expense and fees of sheriff or certified constable \$

**James L. Cornman**  
(Signature of Sheriff or Certified Constable)  
**James L. Cornman Constable**  
(Print Name and Title)

**NOTICE TO DEFENDANT TO VACATE**

If you, and all the occupants of this property not authorized by the owner to be present thereon, do not vacate this property within ten (10) days after the (date of service) **24th** day of **May** **05**, the law authorizes me to use, and I must use, such force as may be necessary to enter upon this property, by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants. If necessary, eviction will commence on **6-6-05** after 12:01 AM.

At any time before actual delivery of the real property is made in execution of the Order for Possession, the defendant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the Order for Possession by paying to the executing officer the rent actually in arrears and the cost of the proceedings.

Complete if judgment of possession is based solely on failure to pay rent.





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

MELISSA CALDWELL

: NO. 05-796-CD

:  
:  
:  
:  
:

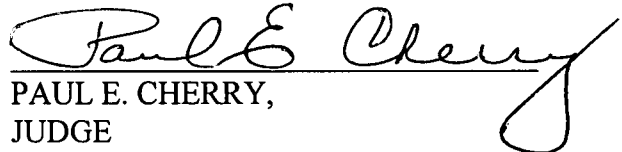
V.

LEONARD MARTELL

**ORDER**

AND NOW, this 29<sup>th</sup> day of June, 2005, upon representation to this Court by Bob Schmidt, United States Postal Inspector, of the invalidity of the money order and receipt issued with regard to this matter, it is the ORDER of this Court that Plaintiff's Preliminary Injunction be and is hereby VACATED and the Order of Magisterial District Judge, Michael A. Rudella, be and is hereby AFFIRMED.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

**FILED**

JUN 30 2005

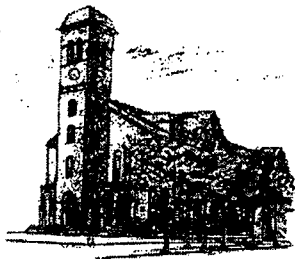
019:00/12  
William A. Shaw

Prothonotary/Clerk of Courts

2 COPY TO DEPT.

2 COPY TO PLG.

1 COPY TO RUDELLA



## Clearfield County Office of the Prothonotary and Clerk of Courts

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

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

September 22, 2008

Carol Fox, Treasurer  
230 East Market Street  
Clearfield, PA 16830

RE: Escrow of Funds

Dear Carol,

Attached please find a check in the amount of \$1.53 representing funds to be escrowed as listed below.

Case # 2004-238-CD \$0.53  
Dennis Merrey etal  
Balance of funds unclaimed after distribution by Court Order.

Case # 2005-796-CD \$1.00  
Bond of \$1.00 (cash) posted by Melissa Caldwell and case was vacated  
and remanded back to the District Justice.

Last known address for Melissa Caldwell:  
Melissa Caldwell  
81 Knobs Road  
Shawville, PA 16873

Please let me know if you have any questions regarding the above.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

cc: Lisa Rauch

1233

CLEARFIELD COUNTY PROTHONOTARY 7-83

~~William A. Swal~~  
ESCROW ACCOUNT  
P.O. BOX 549  
CLEARFIELD, PA 16830

60-629/313

SEPT. 22 19 2008

PAY  
TO THE  
ORDER OF COUNTY TREASURER

\$ 1.53

ONE AND 53/100

DOLLARS



Main Office  
11 North 2nd Street  
Clearfield, PA 16830

OR Escrowed .53 + 1.00

IMMA  
*[Signature]*

⑈031306294⑈ 1 2 26577 20 1233