

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

2005-796-CD
Melissa Caldwell v. Leonard Martell

Date: 06/29/2005

Clearfield County Court of Common Pleas

User: GLKNISLEY

Time: 01:11 PM

ROA Report

Page 1 of 1

Case: 2005-00796-CD

Current Judge: Paul E. Cherry

Melissa Caldwell vs. Leonard Martell

Civil Other

Date		Judge
06/03/2005	New Case Filed. ✓ Filing: IFP Petition Re: Compliant in Equity Paid by: Matash, Nicholas M. (attorney for Caldwell, Melissa) Receipt number: 1902186 Dated: 06/03/2005 Amount: \$0.00 (Cash) 1 Cert. to Atty.	No Judge No Judge
	✓ Order, filed 1 Cert. to Atty. ✓ Now this 3rd day of June, 2005, IFP granted.	Fredric Joseph Ammerman
	✓ Complaint in Equity/ Motion for Preliminary Injunction, filed by Atty. Matash 2 Cert. to Atty.	Paul E. Cherry
	✓ ORDER filed. 2 cert. to Atty. ✓ 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.	Paul E. Cherry
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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,

* No. 2005-196-CD

Plaintiff

*

*

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*

TYPE OF CASE: Equity

*

LEONARD MARTELL,

* TYPE OF PLEADING: Petition to
Proceed In Forma Pauperis

*

Defendant

*

* 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
01/11/2005
JUN 03 2005

William A. Shaw
Prothonotary/Clerk of Courts

I come to file

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

Melissa Caldwell,

Plaintiff : No.:

vs.

Leonard Martell,

Defendant :

PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

Kindly allow plaintiff, Melissa Caldwell, to proceed in forma pauperis and waive the filing fees.

I, Nicholas M. Matash, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal service to the party. The party's affidavit showing inability to pay the costs of litigation is attached hereto.

MIDPENN LEGAL SERVICES

By:



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

Plaintiff : No.:
vs.
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.:

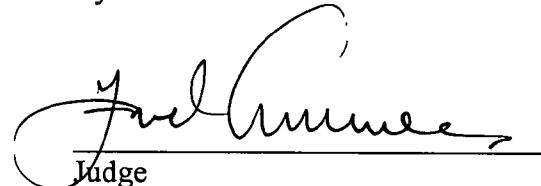
Leonard Martell,
Defendant

ORDER

AND NOW, this 3rd 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. *FJA*

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

By the Court



Judge

FILED

JUN 03 2005

8/11/05

William A. Shaw

Prothonotary/Clerk of Courts

I can do it

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,

* No. 2005 - 796-C0

Plaintiff

*

*

*

*

*

TYPE OF CASE: Complaint in Equity

vs.

*

LEONARD MARTELL,

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

Defendant

*

*

* 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

6/11/05

William A. Shaw

Prothonotary/Clerk of Courts

2 cent to mail

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 23rd, an Order for Possession was issued, and was served on Plaintiff by a constable on May 24th, 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
Melissa Caldwell

EXHIBIT A

NAME: MIDPENN LEGAL SERVICES
ADDRESS: 1100 N. 11TH ST., SUITE 1000, PHILADELPHIA, PA 19107
COUNTY OF: CLEARFIELD

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**

JUN-1-2005 MED 14:13 TEL: 814-238-9504

**RECOVERY OF REAL PROPERTY
HEARING NOTICE**

PLAINTIFF:

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

NAME and ADDRESS

DEFENDANT:

**CALDWELL, MELISSA A
BOX 81
SHANVILLE, PA 16873**

VS.

NAME and ADDRESS

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

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.

ALL COPIES PRINTED

DATE PRINTED: 4/26/05 9:45:58 AM

AOPC 310B-05

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

THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) 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	\$ <u>700.00</u>	-\$ <u>.00</u>	= \$ <u>700.00</u>
Physical Damages Leasehold Property	\$ <u>.00</u>	-\$ <u>.00</u>	= \$ <u>.00</u>
Damages/Unjust Detention	\$ <u>.00</u>	-\$ <u>.00</u>	= \$ <u>.00</u>
	Less Amt Due Defendant from Cross Complaint	-\$.00
	Interest (if provided by lease)	\$.00
	L/T Judgment Amount	\$	<u>700.00</u>
	Judgment Costs	\$	<u>110.50</u>
	Attorney Fees	\$	<u>.00</u>
	Total Judgment	\$	<u>810.50</u>
	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

MARDELLA

, 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

NAME: MIDPENN LEGAL SERVICES
ADDRESS: 1000 BROAD ST, SUITE 100, JOHNSTOWN, PA 15901
COUNTY OF: CLEARFIELD

JUN-1-2005 MFD 14:11 TEL: 814-238-9504

Mag. Distr. 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

RESIDENTIAL LEASE

Judgment Amount \$	700.00
Costs in Original LT Proceeding \$	110.50
Costs in this Proceeding \$.00
Attorney Fees \$.00

Total \$ 810.50

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

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



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. CORMAN**

ORDER FOR POSSESSION

(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 Received Date: 5/24/05

Time: 9 AM Time: 9:00 AM

Micahel Rudella

Magisterial District Judge
Sheriff or Certified Constable

Defendant (Name): _____

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 Jacobs Rd, Clearfield, PA 16830

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

Order satisfied by payment of rent in arrears and costs Amount Paid \$ _____

Premises vacated without forcible entry and ejectment

Distribution

\$ _____ 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 \$ _____

James L. Corman

(Signature of Sheriff or Certified Constable)

James L. Corman, 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) 5/24/05 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 \$ _____

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

ORDER

AND NOW, this 3rd day of June, 2005, upon consideration of the within Motion for Preliminary Injunction and Complaint in Equity, the Court hereby orders as follows:

1. An Ex Parte Injunction is issued upon the Defendant, Leonard Martell, ordering him and his agents to refrain from execution of the Order of Possession entered at No. LT-0000100-05, Magisterial District No. 46-3-03;
2. Plaintiff shall pay to the Prothonotary of Clearfield County the sum of \$1.00 (one dollar) as bond in this matter.
3. Plaintiff is permitted to proceed in this matter without the payment of any costs or fees that may be incurred.
4. The Office of the Sheriff of Clearfield County is requested to promptly serve a certified copy of this Order upon the Defendant, Leonard Martell.
5. A Hearing on the continuation of this Injunction and the remainder of the relief requested will be held on the 7th day of June, 2005, at 2:30 P.m., in Courtroom Number 2 of the Clearfield County Courthouse, Clearfield, Clearfield County, Pennsylvania.

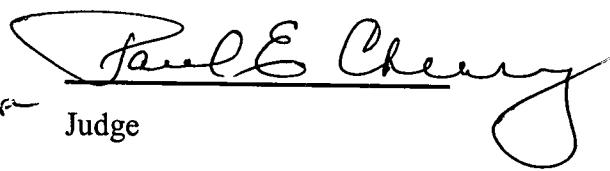
BY THE COURT:

FILED 

JUN 03 2005 10:00 AM
0/11/05
William A. Shaw
Prothonotary/Clerk of Courts

2 CENTS TO PAY

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 10
ESCAPE
ACCOM

Payment Method: Cash

Amount Tendered:

1.00

Change Returned:

0.00

Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou

By: _____
Deputy Clerk

(A)

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 10th 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 *ICC Atty's:*
03:07:51 Ardoline
JUN 10 2005 Matash

William A. Shaw *ICC 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

FILED
11:00 AM
JUN 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

____ Day of _____ 2005

So Answers,

*Chester A. Hawkins
by Mailyn Hahn*
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

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MELISSA CALDWELL,

Plaintiff

v.

LEONARD MARTELL,

Defendant

CIVIL ACTION

No. 2004 -

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 23rd, an Order for Possession was issued, and was served on Plaintiff by a constable on May 24th, 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
Melissa Caldwell

EXHIBIT A

Mag. Dist. No.:

46-3-03

D.J. Name: Hon.

MICHAEL A. RUDELLA

Address: 131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA
Telephone: (814) 345-6789

16847-0444

	Amount	Date Paid
Filing Costs	\$ 70.50	4/26/05
Postage	\$	11
Service Costs	\$	11
Constable Ed.	\$	11
Total	\$	11

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

PLAINTIFF:

TENANT COMPLAINT

NAME and ADDRESS

Leonard Martell
2371 Montgomery Run Rd
Clearfield Pa
VS.

DEFENDANT:

NAME and ADDRESS

Missy Caldwell
Box 81 ShamvilleDocket 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 Pay Rent Damages for the unjust detention of the real property in the amount of: \$ 330.00 Rent remaining due and unpaid on filing date in the amount of: \$ And additional rent remaining due and unpaid on hearing date: \$ Attorney fees in the amount of: \$ 350.00 \$

THE PLAINTIFF FURTHER ALLEGES THAT:

1. The location and the address, if any, of the real property is: 81 Rolling Road Total: \$ Shamville

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 P.A. 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

NAME: MIDPENN LEGAL SERVICES
P.O. BOX 238
PA 16830
COUNTY OF: CLEARFIELD

JUN-1-2005 MED 14:13 TEL: 814-238-9504

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

NAME and ADDRESS

**2371 MONTGOMERY RUN
CLEARFIELD, PA 16830**

VS.

DEFENDANT:

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

NAME and ADDRESS

Docket No.: **LT-0000100-05**

Date Filed: **4/26/05**



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

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

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

NAME: MID PENN LEGAL SERVICES
ADDRESS: 1111 N. 11TH ST., SUITE 100
CITY: HARRISBURG
STATE: PA
ZIP: 17101
PHONE: (717) 238-9504
FAX: (717) 238-9504
E-MAIL: midpenn@midpennlegal.com
WEB: www.midpennlegal.com

COUNTY OF: CLEARFIELD

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

JUN-1-2005 MJD 14:13 TEL:814-238-9504

NOTICE OF JUDGMENT/TRANSCRIPT RESIDENTIAL LEASE

PLAINTIFF: **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) **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	\$ 700.00	-\$.00	=	\$ 700.00
Physical Damages Leasehold Property	\$.00	-\$.00	=	\$.00
Damages/Unjust Detention	\$.00	-\$.00	=	\$.00
Less Amt Due Defendant from Cross Complaint				
Interest (if provided by lease)				
L/T Judgment Amount				
Judgment Costs				
Attorney Fees				
Total Judgment				\$ 810.50
Post Judgment Credits				
Post Judgment Costs				
Certified Judgment Total				\$ 810.50

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

NAME: MIDPENN LEGAL SERVICES
STATE OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Distr. 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

RESIDENTIAL LEASE

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

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. CORMAN

ORDER FOR POSSESSION

(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 *M. Caldwell* Magisterial District Judge
Received Date: 5/24/05 Time: 9:00 AM By *James L. Corman* Sheriff or Certified Constable

Defendant (Name): _____

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 Jacobs 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 _____

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 \$ _____

James L. Corman
(Signature of Sheriff or Certified Constable)
James L. Corman, 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) 24/05 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 6/05 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.

JUN-1-2005 MED 14:11 TEL: 814-238-9504

ORDER FOR POSSESSION,

RETURN AND NOTICE

NAME and ADDRESS

PLAINTIFF: **MARTELL, LEONARD**

2371 MONTGOMERY RUN
CLEARFIELD, PA 16830

VS.

NAME and ADDRESS

DEFENDANT: **CALDWELL, MELISSA A**

BOX 81
SHANVILLE, PA 16873



Docket No.: LT-0000100-05

Date Filed: 4/26/05

Time Filed: 9:27AM

Date Order Filed: 5/20/05

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

ORDER

AND NOW, this 3rd day of June, 2005, upon consideration of the within Motion for Preliminary Injunction and Complaint in Equity, the Court hereby orders as follows:

1. An Ex Parte Injunction is issued upon the Defendant, Leonard Martell, ordering him and his agents to refrain from execution of the Order of Possession entered at No. LT-0000100-05, Magisterial District No. 46-3-03;
2. Plaintiff shall pay to the Prothonotary of Clearfield County the sum of \$1.00 (one dollar) as bond in this matter.
3. Plaintiff is permitted to proceed in this matter without the payment of any costs or fees that may be incurred.
4. The Office of the Sheriff of Clearfield County is requested to promptly serve a certified copy of this Order upon the Defendant, Leonard Martell.
5. A Hearing on the continuation of this Injunction and the remainder of the relief requested will be held on the 7 day of June, 2005, at 2:30 PM, in Courtroom Number 2 of the Clearfield County Courthouse, Clearfield, Clearfield County, Pennsylvania.

BY THE COURT:

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

JUN 03 2005

/s/ Paul E. Cherry

Attest.

Paul E. Cherry
Prothonotary/
Clerk of Courts

Judge

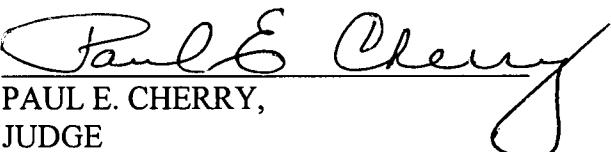
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MELISSA CALDWELL : NO. 05-796-CD
:
V. :
:
LEONARD MARTELL :
:

ORDER

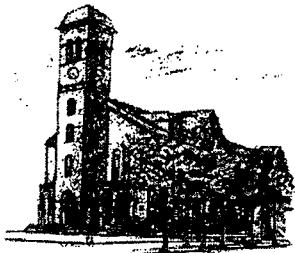
AND NOW, this 29th day of June, 2005, upon representation to this Court by Bob Schmidt, United States Postal Inspector, of the invalidity of the money order and receipt issued with regard to this matter, it is the ORDER of this Court that Plaintiff's Preliminary Injunction be and is hereby VACATED and 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 PM
William A. Shaw
Prothonotary/Clerk of Courts
2 CENTS TO DEPT.
2 CENTS TO PLAT.
1 CENT 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

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 et al	
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

ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

William A. Shaw

60-629/313

Sept. 22 19-2008

AY
TO THE
ORDER OF COUNTY TREASURER

ONE AND 53/100

DOLLARS

\$ 1.53



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

Walle

FOR Escrowed 1.53 + 1.00

10313062946 4 2 26577 21 1233