

RECORDED

2005-940-CD

Systems Refrigeration Co., V. Ahce Design

2005-940 CD

Plff	Jeffrey S. duBois
vs	
Alice Disque	
PO Box 94	
Ridgeway, PA 15853	

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Systems Refrigeration Co  
(Plaintiff)

CIVIL ACTION

251 Sandy St  
(Street Address)  
DuBois Pa 15801  
(City, State ZIP)

No. 200500940 CD

Type of Case: Notice of Appeal

Type of Pleading: \_\_\_\_\_

vs.

Alice Disque  
(Defendant)

Filed on Behalf of:

Defendant  
(Plaintiff/Defendant)

206 Montmorenci  
(Street Address)  
Ridgway Pa 15853  
(City, State ZIP)

FILED

JUN 30 2005  
0/1:30/05  
William A. Shaw

Prothonotary/Clerk of Courts

Notice to P.M. & D.J. for

Alice Disque  
(Filed by)

206 Montmorenci Ridgway Pa  
(Address) 15853

814 590 0548  
(Phone)

(Signature)

## NOTICE OF APPEAL

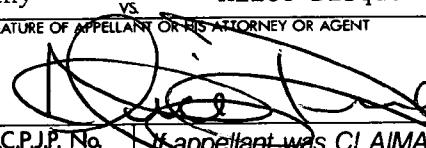
FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-940-CD

## NOTICE OF APPEAL

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

NAME OF APPELLANT Alice Disque		MAG. DIST. NO. OR NAME OF D.J. 46-3-01	
ADDRESS OF APPELLANT P. O. Box 94		CITY Ridgway	STATE PA
DATE OF JUDGMENT 5-31-05	IN THE CASE OF (Plaintiff) Systems Refrigeration Company		(Defendant) Alice Disque
CLAIM NO. CV 49 505-04 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p><del>Appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</del></p>			

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

## PRAECIPE: To Prothonotary

Enter rule upon Systems Refrigeration Company, appellee(s), to file a complaint in this appeal  
(Common Pleas No. 2005-940-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**RULE:** To Systems Refrigeration Company, appellee(s).  
(Name of appellee(s))

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

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

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

Date: JUNE 30, 2005.

  
William A. Shaw  
Signature of Prothonotary or Deputy

**FILED**

JUN 30 2005  
11:30 AM  
E

William A. Shaw  
Prothonotary

COURT FILE TO BE FILED WITH PROTHONOTARY

NOTICE MAILED TO  
PLFF. & D.J. FORG

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
*(date of service)* \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_\_

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-940-CD

## NOTICE OF APPEAL

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

NAME OF APPELLANT <b>Alice Disque</b>		MAG. DISY. NO. OR NAME OF D.J. <b>46-3-01</b>	
ADDRESS OF APPELLANT <b>P. O. Box 94</b>		CITY <b>Ridgway</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>5-31-05</b>	IN THE CASE OF (Plaintiff) <b>Systems Refrigeration Company</b>	(Defendant) <b>Alice Disque</b>	
CLAIM NO. <b>CV 19 505-04 LT 19</b>		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	
<p>Signature of Prothonotary or Deputy</p>			

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

## PRAECIPE: To Prothonotary

Enter rule upon Systems Refrigeration Company, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2005-940-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.



Signature of appellant or his attorney or agent

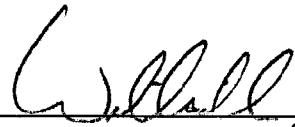
**RULE:** To Systems Refrigeration Company, appellee(s).  
Name of appellee(s)

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

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

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

Date: JUNE 30, 2005



Signature of Prothonotary or Deputy

---

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

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

### COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
*(date of service)* \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

MDJ Name: Hon.

**PATRICK N. FORD**

Address: **309 MAPLE AVENUE  
PO BOX 452  
DUBOIS, PA**

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**SYSTEMS REFRIGERATION COMPANY  
251 SANDY STREET  
DUBOIS, PA 15801**

NAME and ADDRESS

DEFENDANT:

**DISQUE (SASHA), ALICE  
206 MONTE MORENCI ROAD  
RIDGWAY, PA 15853**

NAME and ADDRESS

Docket No.: **CV-0000505-04**

Date Filed: **9/28/04**



**ALICE DISQUE (SASHA)  
206 MONTE MORENCI ROAD  
RIDGWAY, PA 15853**

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

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

Judgment was entered against: (Name) **DISQUE (SASHA), ALICE**

in the amount of \$ **793.10** on: (Date of Judgment) **5/31/05**

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

Damages will be assessed on: \_\_\_\_\_

Amount of Judgment	\$ <b>675.00</b>
Judgment Costs	\$ <b>118.10</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>793.10</b>

This case dismissed without prejudice. \_\_\_\_\_

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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

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

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

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

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

5/31/05 Date Patrick N. Ford - PNF, Magisterial District Judge

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

Date \_\_\_\_\_, Magisterial District Judge

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

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

MDJ Name: Hon.

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

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

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**SYSTEMS REFRIGERATION COMPANY**  
**251 SANDY STREET**  
**DUBOIS, PA 15801**

NAME and ADDRESS

DEFENDANT:

**DISQUE (SASHA), ALICE**  
**206 MONTE MORENCI ROAD**  
**RIDGWAY, PA 15853**

NAME and ADDRESS

Docket No.: **CV-0000505-04**  
Date Filed: **9/28/04**



*05-940-CD*

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

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

Judgment was entered against: (Name) **DISQUE (SASHA), ALICE**

in the amount of \$ **793.10** on: (Date of Judgment) **5/31/05**

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

Damages will be assessed on: **FILED**  
*M19:2134*  
*JUL 11 2005*

This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <b>675.00</b>
Judgment Costs	\$ <b>118.10</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>793.10</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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

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*5/31/05* Date *Patrick N. Ford-PNF*, Magisterial District Judge

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

*5/31/05* Date *Patrick N. Ford-PNF*, Magisterial District Judge

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

SEAL

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

SYSTEMS REFRIGERATION  
COMPANY,

Plaintiff

No. 2005-940 C.D

Vs.

ALICE DISQUE,

Defendant

Type of Pleading:

**COMPLAINT**

Filed on Behalf of:  
PLAINTIFF

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire  
Supreme Court No. 62074  
190 West Park Avenue, Suite #5  
DuBois, PA 15801  
(814) 375-5598

**FILED**

OCT 04 2005  
0/21301/w  
William A. Shaw  
Prothonotary/Clerk of Courts

3 copy to ATT

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

SYSTEMS REFRIGERATION : No. \_\_\_\_\_  
COMPANY, :  
Plaintiff :  
: :  
Vs. :  
: :  
ALICE DISQUE, :  
Defendant :  
:

**NOTICE**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Clearfield County Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

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

SYSTEMS REFRIGERATION : No. \_\_\_\_\_  
COMPANY, :  
Plaintiff :  
Vs. :  
: :  
ALICE DISQUE, :  
Defendant :  
:

**COMPLAINT**

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

1. Plaintiff, Systems Refrigeration Company, is a company authorized to do business in Pennsylvania and with its principal work in the refrigeration and cooling area, with a business address of 251 Sandy Street, DuBois, Pennsylvania, 15801.
2. Defendant, Alice Disque, is an adult individual residing at P.O. Box 94, Ridgway, Pennsylvania, 15853.
3. For purposes of jurisdiction, the subject matter was in question was a contract created within Clearfield County, and this action results from an appeal of a District Justice located in Clearfield County, and therefore jurisdiction is proper within this Honorable Court.

4. Plaintiff, Systems Refrigeration, is in the business of commercial refrigeration and cooling work, both in new installation and repairs.

5. On or about December, 2003, Defendant contacted Plaintiff to have Plaintiff work at her business, Coconut Grove, located in Clarion, Pennsylvania.

6. Thereafter, in December, 2003, and January, 2004, Plaintiff did various work on behalf of Defendant to include working on the ice machine, examining and cleaning said machine, working out and cleaning the valves and pump assembly, and line and regulators.

7. In total, Plaintiff made three (3) different trips to work on behalf of Defendant.

8. For said work, Defendant owes Plaintiff the amount of Six Hundred Seventy Five and 00/100 (\$675.00) Dollars.

9. Despite repeated requests by Plaintiff to Defendant for the amount owed from Defendant to Plaintiff, Defendant has repeatedly failed to make payments to Plaintiff.

10. Thereafter, because Defendant did not pay Plaintiff the same, Plaintiff filed an action in Court in front of District Justice Patrick N. Ford, DuBois, Clearfield County, Pennsylvania, and received a Judgment in the amount of Six Hundred Seventy Five and 00/100 (\$675.00) Dollars, plus costs.

11. The services provided by Plaintiff to Defendant were in good and workmanlike manner, were appropriate for the trade, and the charges assessed by Plaintiff to Defendant were fair and reasonable charges.

12. As a consequence, Defendant owes the aforesaid amount to Plaintiff, and Defendant would be unjustly enriched if she were not required to pay the same.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against Alice Disque in the amount of Seven Hundred Ninety Three and 10/100 (\$793.10) Dollars, plus interest and costs, and any other relief this Honorable Court deems just and equitable.

Respectfully submitted,



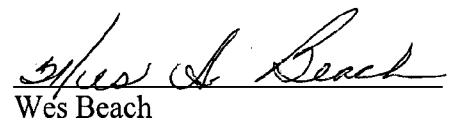
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Jeffrey S. DuBois, Esquire  
Attorney for Plaintiff

**VERIFICATION**

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

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



Wes Beach  
Wes Beach