

Merriman Investments vs Michael Polohonki
2005-1148-CD

05-1148-CD
CACV of Colorado vs Michael Polohonki

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

100717

CACV OF COLORADO, LLC

Case # 05-1148-CD

VS.

MICHAEL POLOHONKI

TYPE OF SERVICE PETITION/CONFIRM ARBITRATION AWARD&ENTER JUD

SHERIFF RETURNS

NOW December 07, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN PETITION/CONFIRM ARBITRATION AWARD&ENTER JUDGMENT "NOT FOUND" AS TO MICHAEL POLOHONKI, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

FILED
02:55 PM
DEC 08 2005
CJN

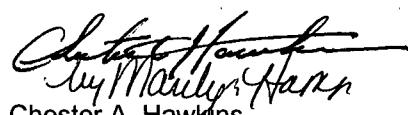
William A. Shaw
Prothonotary/Clerk of Courts

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8218525	10.00
SHERIFF HAWKINS	WELTMAN	8218525	44.78

Sworn to Before me This

So Answers,


Chester A. Hawkins
Sheriff

Day of 2005

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

Respondent.

**PETITION TO CONFIRM ARBITRATION
AWARD AND ENTER JUDGMENT THEREON**

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR #04405172

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

AUG 05 2005

Attest.

William L. Ober
Prothonotary/
Clerk of Courts

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

CACV OF COLORADO, LLC,

No.

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

PETITION TO CONFIRM ARBITRATION AWARD AND ENTER JUDGMENT THEREON

AND NOW, comes Petitioner, CACV of Colorado, LLC, by and through its counsel, William T. Molczan, Esquire and Weltman, Weinberg & Reis, CO., L.P.A., and files the within Petition for confirmation of an Arbitration Award, National Arbitration Forum number of FA0411000365458 and entry of judgment thereon pursuant to the Pennsylvania Uniform Arbitration Act 42 Pa. C.S.A. § 7317. In support thereof, Petitioner avers the following:

1. Petitioner, CACV of Colorado, LLC, is a corporation with offices at 1999 Broadway, Suite 2150, Denver, CO 80202.
2. Respondent is an adult individual with a last known address of 11 Gardner Avenue, DuBois, PA 15801.
3. Petitioner and Respondent entered into a Cardmember Agreement for a credit card bearing the account number 4264293997417112. Said Agreement contains a provision to settle by arbitration any claim, dispute or controversy arising from or relating in any way to the Agreement.

4. On or around November 15, 2005, Petitioner submitted its dispute with Respondent to arbitration as provided in the arbitration clause of the Agreement.

5. After notice was properly given to all the parties to the arbitration, the matter proceeded in accord with the applicable National Arbitration Forum Code of Procedure before Jared D. Simmer, Esquire, as arbitrator.

6. On or about April 18, 2005, in the state of Pennsylvania, the arbitrator made his award determining all issues submitted to him, and awarded Petitioner the sum of \$33,419.19. A signed copy of the award, duly acknowledged, was served on the parties on or about April 18, 2005. Petitioner's award is attached and made a part of this Petition.

7. Pursuant to 42 Pa.C.S.A. §7319(2), Petitioner shows venue for this Petition is proper because Respondent resides in this county with a post office address of 11 Gardner Avenue, DuBois, PA 15801.

8. More than thirty days have passed since entry of the arbitrator's award, and Respondent has taken no action to contest its validity under 42 Pa.C.S.A. §7314.

9. Pursuant to 42 Pa.C.S.A. §7313, Petitioner is entitled to an order of this Court confirming the arbitration award.

WHEREFORE, Petitioner, respectfully requests that this Court enter an Order confirming the arbitration award, and that judgment be entered against Respondent for the full amount of the award, plus interest at the statutory rate of 6% per annum from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

By:

A handwritten signature in black ink, appearing to read "W.P. Reis", is written over a horizontal line. The signature is fluid and cursive.


NATIONAL
ARBITRATION
FORUM®

CACV of Colorado, LLC
370 17th Street
Suite 5000
Denver, CO 80202

CLAIMANT(s),

AWARD

RE: CACV of Colorado, LLC v Michael S Polohonki
File Number: FA0411000365458
Claimant File Number: 12904147040800066

Michael S Polohonki
11 Gardner Ave
Du Bois, PA 15801

RESPONDENT(s).

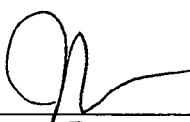
The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 11/15/2004 the Parties entered into an agreement providing that this matter shall be resolved through binding arbitration in accordance with the Forum Code of Procedure.
3. That the Claimant has filed a Claim with the Forum and served it on the Respondent in accordance with Rule 6.
4. That the matter has proceeded in accord with the applicable Forum Code of Procedure.
5. The Parties have had the opportunity to present all evidence and information to the Arbitrator.
6. That the Arbitrator has reviewed all evidence and information submitted in this case.
7. That the information and evidence submitted supports the issuance of an Award as stated.

Therefore, the Arbitrator ISSUES:

An Award in favor of the **Claimant**, for a total amount of **\$33,419.19**.

Entered in the State of Pennsylvania

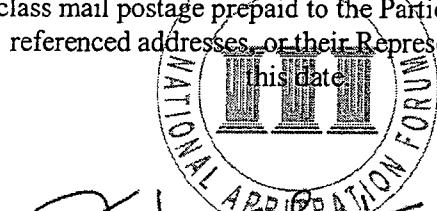


Jared D. Simmer, Esq.
Arbitrator

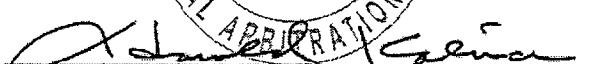
Date: 04/18/2005

**ACKNOWLEDGEMENT AND CERTIFICATE
OF SERVICE**

This Award was duly entered and the Forum hereby certifies that a copy of this Award was sent by first class mail postage prepaid to the Parties at the above referenced addresses, or their Representatives, on this date.



Honorable Harold Kalina, Ret.
Director



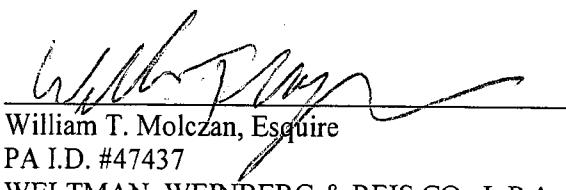
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Sheriff of Clearfield County is currently attempting service of the within Petition to Confirm Arbitration Award and Enter Judgment Thereon at the below address.

Michael S. Polohonki
11 Gardner Avenue
DuBois, PA 15801

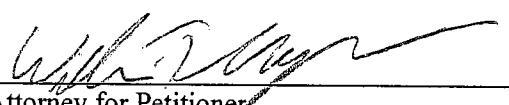
WELTMAN, WEINBERG & REIS CO., L.P.A.

By:


William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, he is an attorney for the Petitioner herein; makes this Verification based upon the facts as supplied to him by the Petitioner and/or its agents and because the Petitioner is outside the jurisdiction of the court and the Petitioner's Verification cannot be obtained within the time allowed for filing of this petition, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.



Attorney for Petitioner

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

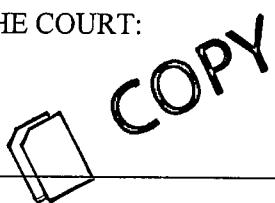
Respondent.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2005, upon consideration of Petitioner's Petition to Confirm Arbitration Award and Enter Judgment thereon, any response thereto and good cause appearing therefore, it is hereby ORDERED, ADJUDGED and DECREED that the award entered by the arbitrator in the above captioned matter is hereby confirmed in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$33,419.19, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 18, 2005, plus costs.

BY THE COURT:

 COPY

J.

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

CACV OF COLORADO, LLC

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

Respondent

RULE

AND NOW, this _____ day of _____, 200_____, upon consideration of the foregoing petition, it is hereby ordered that

- (1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;
- (2) the Respondent shall file an Answer to the Petition within _____ days of service upon the Respondent;
- (3) the petition shall be decided under Pa.R.C.P. No. 206.7;
- (4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;
- (5) notice of the entry of this order shall be provided to all parties by the Petitioner.

BY THE COURT:



COPY

J.

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

CACV OF COLORADO

Petitioner

No. ⁰⁵ 04-1148 CD

vs.

MOTION FOR ALTERNATE SERVICE

MICHAEL POLOHONKI

Respondent

FILED ON BEHALF OF
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

Benjamin R. Bibler, Esquire
PA I.D. #93598
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

FILED NO CC
M 2/8/06
JAN 03 2006 GK

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO

Plaintiff No. 04-1148 CD

VS.

MICHAEL POLOHONKI

Respondent

PETITIONER'S MOTION FOR ALTERNATE SERVICE

AND NOW, comes Petitioner, by counsel, Weltman, Weinberg & Reis Co., L.P.A. and requests this honorable court to enter an Order allowing the Petitioner to make service upon Respondent, Michael Polohonki, by certified U.S. Mail and Certificate of Mailing, addressed to 11 Gardner Avenue, DuBois, PA 15801, averring in support thereof the following:

1. On or about August 5, 2005, Petitioner filed a Petition to Confirm Arbitration Award in Civil Action against Respondent to recover the unpaid balance due Petitioner from Respondent in the amount of \$33,419.19.

2. When the Sheriff of Clearfield County, Pennsylvania, attempted to make service of Petitioner's Petition to Confirm Arbitration Award on Respondent, the Sheriff was unable to do so, indicating that after several separate attempts no service was made, as evidenced by the Sheriff's return, a true and correct copy of which is attached hereto, marked Exhibit "1", and made a part hereof.

3. Upon receipt of the Sheriff's return of no service, Petitioner conducted an investigation with the United States Postal Service to confirm the physical address of the Respondent.

4. Pursuant to Petitioner's request for information, the United States Postal Service confirmed Respondent's physical address of 11 Gardner Avenue, DuBois, PA 15801, a true and correct copy of Petitioner's Postal Request is attached hereto, marked as Exhibit "2", and made a part hereof.

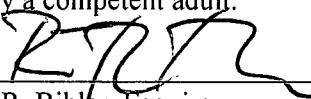
5. Petitioner conducted an online white pages search and was unable to confirm a current address for Respondent of 11 Gardner Avenue, DuBois, PA 15801.

6. Petitioner contacted the Clearfield County Tax Assessment office, a representative from which could not confirm the Respondent's current physical address as 11 Gardner Avenue, DuBois, PA 15801.

7. Petitioner requested information from the Department of Motor Vehicles for Respondent and there are vehicles registered to Respondent at 11 Gardner Avenue, DuBois, PA 15801. A true and correct copy of the Motor Vehicle Abstract is attached hereto, marked as Exhibit "3", and made a part hereof.

8. Based upon the foregoing, Petitioner believes and therefore avers that Respondent is attempting to avoid service of process in the above-captioned matter and Petitioner therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Petitioner leave to serve its Petition to Confirm Arbitration Award on Respondent by alternative means.

WHEREFORE, Petitioner requests this Honorable Court to enter an Order pursuant to PA.R.C.P. 430(a), authorizing the Petitioner to serve Respondent by Certified U.S. Mail and Certificate of Mailing sent to an address (11 Gardner Avenue, DuBois, PA 15801) at which Respondent is presently receiving mail according to information obtained from the Post Office, or by allowing service by a competent adult.



Benjamin R. Bibler, Esquire

PA I.D. #93598

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

In The Court of Common Pleas of Clearfield County, Pennsylvania

COPY
100717

Service # 1 of 1 Services

Sheriff Docket #

CACV OF COLORADO, LLC

Case # 05-1148-CD

vs.

MICHAEL POLOHONKI

0440570

TYPE OF SERVICE PETITION/CONFIRM ARBITRATION AWARD&ENTER JUD

SHERIFF RETURNS

NOW December 07, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN PETITION/CONFIRM ARBITRATION AWARD&ENTER JUDGMENT "NOT FOUND" AS TO MICHAEL POLOHONKI, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8218525	10.00
SHERIFF HAWKINS	WELTMAN	8218525	44.78

Sworn to Before me This

____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

EXHIBIT

1

WELTMAN, WEINBERG & REIS CO., L.P.A.

ATTORNEYS AT LAW
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
412.434.7955
www.weltman.com

celebrating 75 years OF INNOVATION GROWTH + RESULTS

BURLINGTON,
609.914.0437

CHICAGO, IL
847.940.9812

CINCINNATI, OH
513.723.2200

CLEVELAND, OH
216.685.1000

COLUMBUS, OH
614.228.7272

DETROIT, MI
248.362.6100

PHILADELPHIA
215.599.1500

September 21, 2005

Postmaster
DU BOIS, PA 15801

Request for Change of Address or Boxholder
Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: MICHAEL POLOHONKI
Address: 11 GARDNER AVE
DU BOIS, PA 15801

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(6)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: William T. Molczan, Esquire, Attorney for Plaintiff, CACV
2. Statute or regulation that empowers me to serve process : N/A
3. The names of all known parties to the litigation: CACV VS. MICHAEL POLOHONKI
4. The Court in which the case has been or will be heard: Court of Common Pleas of CLEARFIELD County
5. The docket or other identifying number if one has been issued: 05-1148-CD
6. The capacity in which this individual is to be served: Defendant

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

in connection with division 5.

**WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219**

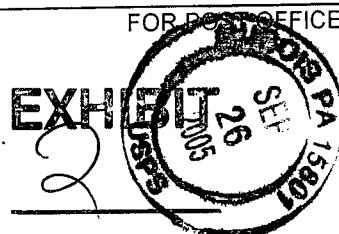
Kimberly Coyne
Printed Name

BOX HOLDER'S POSTMARK

- Not known at address given.
- Moved, left no forward address.
- No such address.
- No change of address on file
- Good as Addressed

FOR POST OFFICE USE ONLY

NEW ADDRESS or NAME and STREET ADDRESS



PLEASE INDICATE PHYSICAL ADDRESS

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

VEHICLE RECORD ABSTRACT

10/17/05

PAGE 1

276002

052900710000114 015

OWNER : MICHAEL S & MICHELLE M LESSEE : NONE
 POLOHONKI
 11 GARDNER AVE
 DU BOIS PA 15801

TITLE NUMBER	:	50540441	TITLE DATE	:	02/24/97
TAG NUMBER	:	EJW5900	REGISTRATION EXPIRY DATE	:	02/06
VIN	:	1GHDX03E7VD123213	BODY TYPE	:	SW
MAKE	:	OLDSMOBILE	ODOMETER READING	:	56,519*
MODEL	:	SIL	*ACTUAL MILEAGE	:	
RENEWAL WID	:	050342605010628 001	DUPLICATE TITLE COUNT	:	0
PREVIOUS TAG	:	BHB4058	VEHICLE YEAR	:	1997
LIENS	:	YES	STOLEN DATE	:	
STOPS	:	NO			

TITLE BRAND INFORMATION

NO TITLE BRANDS EXIST FOR THIS TITLE

LIEN INFORMATION

LIEN HOLDER NO. 1

NAME : TIMBERLAND FCU
 ADDRESS: BEAVER DR
 DU BOIS PA 15801

EXPIRATION DATE: 04/24/08

ABA NO :
 ELT IND:

NO 2ND OR 3RD LIENS EXIST FOR THIS TITLE

EXHIBIT

3

ADDRESS CORRESPONDENCE TO:
 DEPARTMENT OF TRANSPORTATION
 VEHICLE RECORD SERVICES
 PO BOX 68691
 HARRISBURG, PA 17106-8691

INFORMATION:	(7:00 AM TO 9:00 PM)
IN STATE	1-800-932-4600
OUT-OF-STATE	717-391-6190
TDD IN STATE	1-800-228-0676
TDD OUT-OF-STATE	717-391-6191
WWW.DOT.STATE.PA.US	

04405172

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the within Motion for Alternate Service was served on the 28 day of December, 2005, by first class, U.S. Mail, postage-prepaid, addressed as follows:

Michael Polohonki
11 Gardner Avenue
DuBois, PA 15801



Attorney for Petitioner

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

CACV OF COLORADO

NO. 04-1148 CD

Plaintiff

vs.

MICHAEL POLOHONKI

Respondent

AFFIDAVIT PURSUANT TO PA R.C.P. 430 (a)

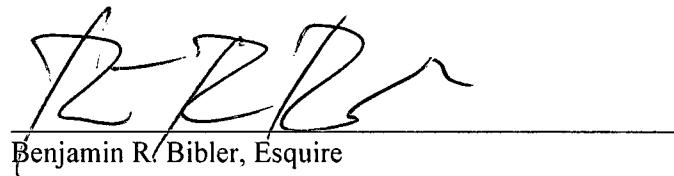
BEFORE ME, a Notary Public, in and for the foregoing County and Commonwealth, personally appeared Benjamin R. Bibler, Esquire, of Weltman, Weinberg & Reis, Co., L.P.A., attorneys for Plaintiff, and deposes and says that the following accurately reflects efforts made to ascertain the exact whereabouts of Defendant named in the above-captioned matter.

a. Petitioner requested current address information from the United States Postal Service, which request for information confirmed the current address for Defendant as being 11 Gardner Avenue, DuBois, PA 15801. A true and correct copy of the Postal Service Return is marked Exhibit "2" attached hereto and made a part hereof.

b. Petitioner requested a vehicle search on the Respondent, which shows that he has a registered vehicle at 11 Gardner Avenue, DuBois, PA 15801. A true and correct copy is attached hereto and marked as Exhibit "3".

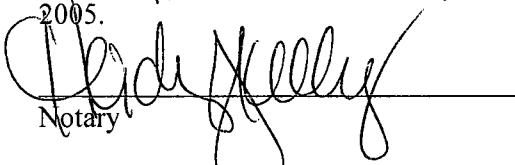
Finally, Affiant deposes and says that after the foregoing investigation, the exact whereabouts of the Respondent, Michael Polohonki, is 11 Gardner Avenue, DuBois, PA 15801.

WELTMAN, WEINBERG & REIS, CO., L.P.A.

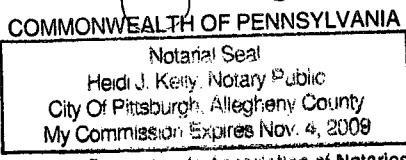


Benjamin R. Bibler, Esquire

Sworn to and subscribed before me
this 21 day of December,
2005.



Heidi J. Kelly
Notary



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

CACV OF COLORADO

Plaintiff

No. 04-1148 CD

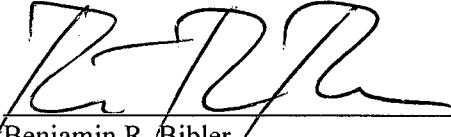
vs.

MICHAEL POLOHONKI

Respondent

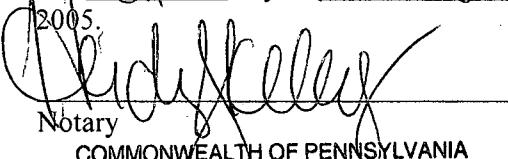
AFFIDAVIT

Before me, the undersigned authority, personally appeared Benjamin R. Bibler, being duly sworn according to law deposes and says that he is an attorney for the Petitioner, authorized to make this Affidavit; that he, and not the Petitioner makes this affidavit because he, and not the Petitioner has first hand knowledge of the facts set forth in the foregoing Motion for Alternate Service which are true and correct to the best of his knowledge, information and belief.



Benjamin R. Bibler
Attorney for Plaintiff

Sworn to and subscribed before me
this 21 day of December,
2005.



Notary

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kery, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2008
Member, Pennsylvania Association of Notaries

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

CACV OF COLORADO

Plaintiff No. 04-1148 CD

vs.

MICHAEL POLOHONKI

ORDER OF COURT

AND NOW, to-wit, this 4th day of JAN, 2006, upon consideration of the foregoing Motion for Service of the Petition to Confirm Arbitration Award Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Petition to Confirm Arbitration Award in Civil Action may be made on Respondent, Michael Polohonki, by permitting the Petitioner to mail a copy of the Petition to Confirm Arbitration Award to the Respondent at his last known address being 11 Gardner Avenue, DuBois, PA 15801 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

BY THE COURT;


Jack Munro

FILED 1CC
JAN 04 2006 Amy Bibler
01400701 (60)

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

**PRAECIPE TO REINSTATE
PETITION**

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt
PA I.D. #42524

William T. Molczan
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR #04405172

FILED Atty pd. 7.00
m 14 2006 1CCS1 Comp
MAR 08 2006
Reinstated

William A. Shaw
Prothonotary/Clerk of Courts to Atty
(6K)

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

CACV OF COLORADO, LLC,

No.05-1148-CD

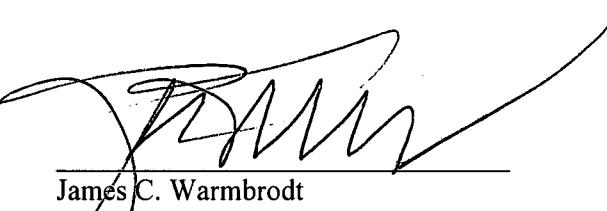
Petitioner,

vs.

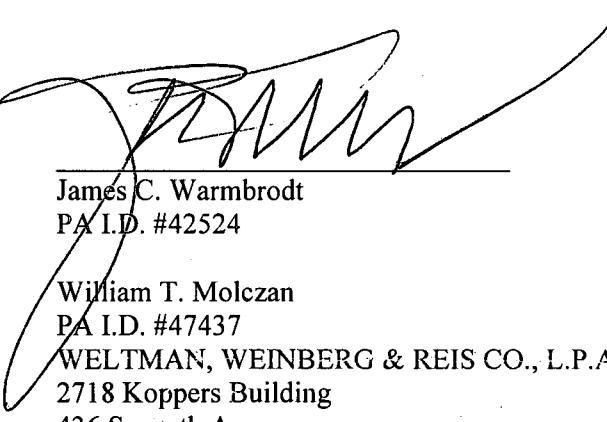
MICHAEL POLOHONKI,
Respondent.

PRAECIPE TO REINSTATE PETITION

Kindly reinstate the Petition to Confirm Arbitration Award and Enter Judgment Thereon in the above-captioned matter.



James C. Warmbrodt
PA I.D. #42524



William T. Molczan
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR #04405172

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

CACV OF COLORADO, LLC

Plaintiff

No. 04-1148 CD 5

VS.

AFFIDAVIT OF SERVICE

MICHAEL POLOHONKI

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#04405172

FILED
MAY 13 2008
APR 24 2008
2008 LM
William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC

Plaintiff No. 04-1148 CD
vs.

MICHAEL POLOHONKI

Defendant

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, personally appeared William T. Molczan, Esquire, who according to law deposes and says that a copy of the Petition to Confirm Arbitration Award has been served on the Defendant, Michael Polohonki.

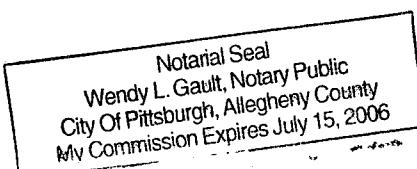
1. On or about January 4, 2006, Plaintiff received a signed Order of Court permitting service on the Defendant to be complete and valid upon mailing to the complaint by first class mail, certificate of mailing and by certified mail, return receipt requested. Said Order of Court is attached as Exhibit "1".
2. On or about March 17, 2006, Plaintiff mailed the Petition to Confirm Arbitration Award to Michael Polohonki. Said certificate of mailing and certified mail receipts are attached as Exhibit "2".
3. Service is deemed complete on March 17, 2006.

WELTMAN, WEINBERG & REIS, CO., L.P.A.

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#04405172

Sworn to and subscribed
before me this 6th
day of April, 2005.

NOTARY PUBLIC



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

CACV OF COLORADO

Plaintiff

No. 04-1148 CD

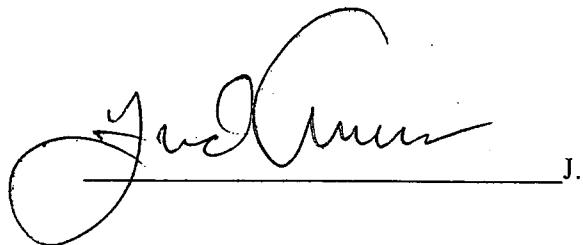
vs.

MICHAEL POLOHONKI

ORDER OF COURT

AND NOW, to-wit, this 4th day of JAN, 2006, upon consideration of the foregoing Motion for Service of the Petition to Confirm Arbitration Award Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Petition to Confirm Arbitration Award in Civil Action may be made on Respondent, Michael Polohonki, by permitting the Petitioner to mail a copy of the Petition to Confirm Arbitration Award to the Respondent at his last known address being 11 Gardner Avenue, DuBois, PA 15801 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

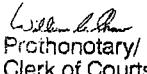
BY THE COURT:



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

JAN 04 2006

Attest.



William J. Muller
Prothonotary/
Clerk of Courts

WWR #04405172

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

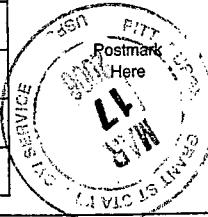
For delivery information visit our website at www.usps.com

OFFICIAL USE

3150 0003 3646 3151

7002

Postage	\$ 1.62
Certified Fee	2.00
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.47



Sent To	Michael Polchunk
Street, Apt. No. or PO Box No.	11 Gardner Ave
City, State, ZIP+4	DuBois, PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

U.S. POSTAL SERVICE CERTIFICATE OF MAILING

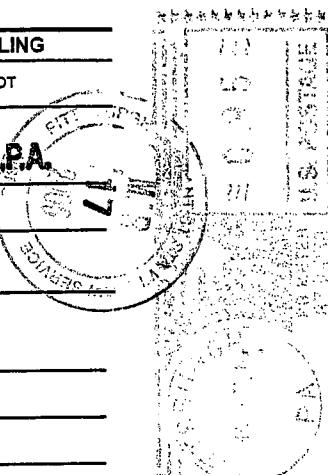
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

Weltman, Weinberg & Reis Co., L.P.A.
2718 Koppers Bldg.
436 7th Avenue
Pittsburgh, PA 15219
(412) 434-7955

One piece of ordinary mail addressed to:

Michael Polchunk
11 Gardner Ave
DuBois, PA 15801



PS Form 3817, January 2001

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

CACV OF COLORADO, LLC,

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

No. 05-1148-CD

**PETITION TO CONFIRM ARBITRATION
AWARD AND ENTER JUDGMENT THEREON**

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

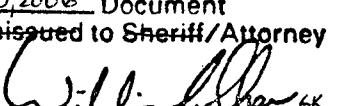
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR #04405172

FILED cc Shff
m/a:26/CD Atyp pd. 85.00
AUG 05 2005

William A. Shaw
Prothonotary/Clerk of Courts
Not forwarded to
judge peratty direction-
will let us know when
to submit for signing

March 8, 2006 Document

Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

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

CACV OF COLORADO, LLC,

No.

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

PETITION TO CONFIRM ARBITRATION AWARD AND ENTER JUDGMENT THEREON

AND NOW, comes Petitioner, CACV of Colorado, LLC, by and through its counsel, William T. Molczan, Esquire and Weltman, Weinberg & Reis, CO., L.P.A., and files the within Petition for confirmation of an Arbitration Award, National Arbitration Forum number of FA0411000365458 and entry of judgment thereon pursuant to the Pennsylvania Uniform Arbitration Act 42 Pa. C.S.A. § 7317. In support thereof, Petitioner avers the following:

1. Petitioner, CACV of Colorado, LLC, is a corporation with offices at 1999 Broadway, Suite 2150, Denver, CO 80202.
2. Respondent is an adult individual with a last known address of 11 Gardner Avenue, DuBois, PA 15801.
3. Petitioner and Respondent entered into a Cardmember Agreement for a credit card bearing the account number 4264293997417112. Said Agreement contains a provision to settle by arbitration any claim, dispute or controversy arising from or relating in any way to the Agreement.

4. On or around November 15, 2005, Petitioner submitted its dispute with Respondent to arbitration as provided in the arbitration clause of the Agreement.

5. After notice was properly given to all the parties to the arbitration, the matter proceeded in accord with the applicable National Arbitration Forum Code of Procedure before Jared D. Simmer, Esquire, as arbitrator.

6. On or about April 18, 2005, in the state of Pennsylvania, the arbitrator made his award determining all issues submitted to him, and awarded Petitioner the sum of \$33,419.19. A signed copy of the award, duly acknowledged, was served on the parties on or about April 18, 2005. Petitioner's award is attached and made a part of this Petition.

7. Pursuant to 42 Pa.C.S.A. §7319(2), Petitioner shows venue for this Petition is proper because Respondent resides in this county with a post office address of 11 Gardner Avenue, DuBois, PA 15801.

8. More than thirty days have passed since entry of the arbitrator's award, and Respondent has taken no action to contest its validity under 42 Pa.C.S.A. §7314.

9. Pursuant to 42 Pa.C.S.A. §7313, Petitioner is entitled to an order of this Court confirming the arbitration award.

WHEREFORE, Petitioner, respectfully requests that this Court enter an Order confirming the arbitration award, and that judgment be entered against Respondent for the full amount of the award, plus interest at the statutory rate of 6% per annum from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

By: 



NATIONAL
ARBITRATION
FORUM®

CACV of Colorado, LLC
370 17th Street
Suite 5000
Denver, CO 80202

CLAIMANT(s),

AWARD

RE: CACV of Colorado, LLC v Michael S Polohonki
File Number: FA0411000365458
Claimant File Number: 12904147040800066

Michael S Polohonki
11 Gardner Ave
Du Bois, PA 15801

RESPONDENT(s).

The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 11/15/2004 the Parties entered into an agreement providing that this matter shall be resolved through binding arbitration in accordance with the Forum Code of Procedure.
3. That the Claimant has filed a Claim with the Forum and served it on the Respondent in accordance with Rule 6.
4. That the matter has proceeded in accord with the applicable Forum Code of Procedure.
5. The Parties have had the opportunity to present all evidence and information to the Arbitrator.
6. That the Arbitrator has reviewed all evidence and information submitted in this case.
7. That the information and evidence submitted supports the issuance of an Award as stated.

Therefore, the Arbitrator ISSUES:

An Award in favor of the Claimant, for a total amount of **\$33,419.19**.

Entered in the State of Pennsylvania

Jared D. Simmer, Esq.
Arbitrator

Date: 04/18/2005

**ACKNOWLEDGEMENT AND CERTIFICATE
OF SERVICE**

This Award was duly entered and the Forum hereby certifies that a copy of this Award was sent by first class mail postage prepaid to the Parties at the above referenced addresses, or their Representatives, on



Honorable Harold Kalina, Ret.
Director

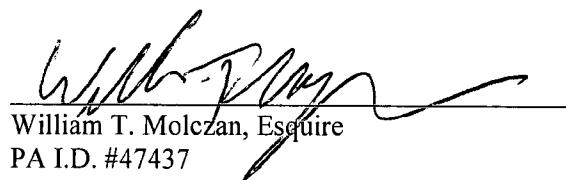
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Sheriff of Clearfield County is currently attempting service of the within Petition to Confirm Arbitration Award and Enter Judgment Thereon at the below address.

Michael S. Polohonki
11 Gardner Avenue
DuBois, PA 15801

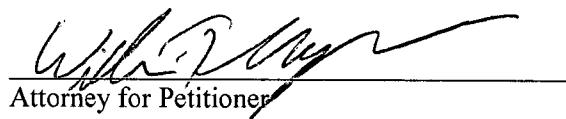
WELTMAN, WEINBERG & REIS CO., L.P.A.

By:


William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, he is an attorney for the Petitioner herein; makes this Verification based upon the facts as supplied to him by the Petitioner and/or its agents and because the Petitioner is outside the jurisdiction of the court and the Petitioner's Verification cannot be obtained within the time allowed for filing of this petition, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.



Attorney for Petitioner

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2005, upon consideration of Petitioner's Petition to Confirm Arbitration Award and Enter Judgment thereon, any response thereto and good cause appearing therefore, it is hereby ORDERED, ADJUDGED and DECREED that the award entered by the arbitrator in the above captioned matter is hereby confirmed in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$33,419.19, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 18, 2005, plus costs.

BY THE COURT:

J.

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

CACV OF COLORADO, LLC

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

Respondent

RULE

AND NOW, this 12 day of May, 2006 upon consideration of the foregoing petition, it is hereby ordered that

(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

(2) the Respondent shall file an Answer to the Petition within 20 days of service upon the Respondent; PSA

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;

(5) notice of the entry of this order shall be provided to all parties by the Petitioner.

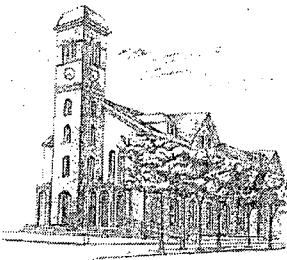
BY THE COURT:

 J.

FILED

MAY 12 2006 ←
0/4:00 PM
William A. Shaw
Prothonotary/Clerk of Courts (6)
1 cent to Amt
w/memo

Order



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 5-12-06



You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

PRAECIPE FOR DETERMINATION

MICHAEL POLOHONKI,

Respondent.

FILED ON BEHALF OF
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04405172

2 ORDERS

FILED NO
MAY 11 2006
2006
R

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC,

Petitioner,

vs.

Civil Action No. 05-1148-CD

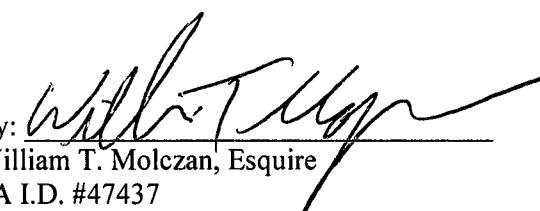
MICHAEL POLOHONKI,

Respondent.

PRAECIPE FOR DETERMINATION

Kindly forward the Petition to Confirm Arbitration Award, which was filed on August 5, 2005, to a Judge for decision.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR #04405172

WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
412.434.7955
www.weltman.com

BURLINGTON, NJ
609.914.0437
CHICAGO, IL
847.940.9812
CINCINNATI, OH
513.723.2200
CLEVELAND, OH
216.685.1000
COLUMBUS, OH
614.228.7272
DETROIT, MI
248.362.6100
PHILADELPHIA, PA
215.599.1500



July 29, 2005

Office of the Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

In Re: Michael Polohonki
Creditor: CACV of Colorado
Account No. 4264293997417112
Our File No. 04405172

Dear Sir or Madam:

Enclosed please find a Petition to Confirm Arbitration Award and Enter Judgment thereon that we wish to file in your county. Once the Petition has been filed, please provide this office with time-stamped copies of the coversheet in the self-addressed envelope provided.

Once it has been filed, **please forward the Petition to the Sheriff's office for service.**

**PLEASE DO NOT FORWARD THE PETITION TO A JUDGE
FOR DECISION ON THE ORDER. WHEN SERVICE IS
COMPLETE WE WILL REQUEST THAT THE PETITION
TO BE FORWARDED AT THAT TIME.**

Thank you for your attention to this matter. If you should have any questions or require anything from me, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kimberly Coyne'.

Kimberly Coyne, Paralegal

Enclosure

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

**AFFIDAVIT OF SERVICE
FOR RULE RETURNABLE**

MICHAEL POLOHONKI,

Respondent.

FILED ON BEHALF OF
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04405172

FILED NO CC
M 10:50 AM
JUN 09 2001 LM

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

Respondent.

AFFIDAVIT OF SERVICE FOR RULE RETURNABLE

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared William T. Molczan, Esquire, known to me, who being duly sworn according to law, deposes and says that he served a copy of the Rule on the Respondent, Michael Polohonki, on May 22, 2006, at his last known address of 11 Gardner Avenue, DuBois, PA 15801. The Rule Return Date is June 12, 2006. A true and correct copy of the cover letter which was sent to Respondent, Michael Polohonki, enclosing a copy of the Rule Returnable is attached hereto, marked as Exhibit "1" and made a part hereof. Service of the Rule is deemed to be perfected as of May 22, 2006, the date of mailing.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: William T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

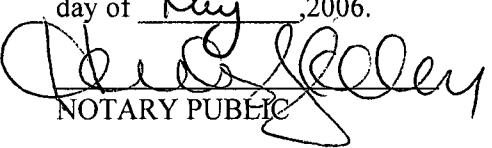
436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

Sworn to and subscribed
before me this 31st

day of May, 2006.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009

Member, Pennsylvania Association of Notaries

BROOKLYN HTS, OH
216.739.5100

BURLINGTON, NJ
609.914.0437

CHICAGO, IL
312.782.9676

CINCINNATI, OH
513.723.2200

CLEVELAND, OH
216.685.1000

WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW



COLUMBUS, OH
614.228.7272

DEERFIELD, IL
847.940.9812

DETROIT, MI
248.362.6100

GROVE CITY, OH
614.801.2600

PHILADELPHIA, PA
215.599.1500

May 22, 2006

Michael Polohonki
11 Gardner Ave
Du Bois, Pa 15801

**Re: CACV vs. Polohonki
Case No. 05-1148-CD
Our file No. 04405172**

Dear Mr. Polohonki:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$33,419.19 entered on April 18, 2005, should not be confirmed and judgment entered for the full amount of the award. Please note that the Rule is returnable on or before **June 12, 2006**.

If you would like to propose a settlement offer or set up a monthly payment arrangement, please contact this office.

Thank you for your attention to this matter.

Very truly yours,
Kimberly Coyne, Paralegal

Enclosure

**THIS FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

MOTION TO MAKE RULE ABSOLUTE

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR #04405172

FILED NO CC
M 12:38 PM
JUL 24 2006
GR

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

Respondent.

MOTION TO MAKE RULE ABSOLUTE

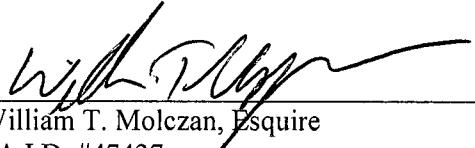
AND NOW, comes Petitioner, CACV of Colorado, LLC, by and through its counsel, Weltman, Weinberg & Reis, CO., L.P.A., and files the within Motion To Make Rule Absolute. In support thereof, Petitioner avers the following:

1. On or about August 5, 2005, Plaintiff filed a Petition to Confirm Arbitration Award and Enter Judgment Thereon in the amount of \$33,419.19 plus statutory interest at the rate of 6.0% from the date of the award, being April 18, 2005, plus costs.
2. On or about May 19, 2006, this Honorable Court issued a Rule to Show Cause why the arbitration award should not be confirmed and judgment entered thereon. A copy of the Rule is attached hereto as Exhibit "1" and made a part hereof.
3. On or about May 22, 2006, Petitioner served upon Respondent a copy of the Rule to Show Cause drawing special attention to the Rule Returnable Date. A copy of Petitioner's Affidavit of Service is attached as Exhibit "2" and made a part hereof.
4. No Response to the Rule Returnable has been received from the Respondent and, as such, all of the averments in the Petition to Confirm Arbitration Award are deemed admitted.

WHEREFORE, Petitioner respectfully requests that this Court enter an Order Making the Rule issued by this Court Absolute, thereby confirming the arbitration award; and that judgment be entered against Respondent for the amount of the award, plus interest at the statutory rate of 6% from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

By: 

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #04405172

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the within Motion for Rule Absolute was served on Respondent this 21 day of July, 2006, by first class, U.S. Mail, postage-prepaid, addressed as follows:

Michael Polohonki
11 Gardner Ave
Du Bois, Pa 15801



Michael Polohonki
Attorney for Petitioner

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

**AFFIDAVIT OF SERVICE
FOR RULE RETURNABLE**

MICHAEL POLOHONKI,

Respondent.

FILED ON BEHALF OF
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04405172

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

CACV OF COLORADO, LLC,

Petitioner,

No. 05-1148-CD

vs.

MICHAEL POLOHONKI,

Respondent.

AFFIDAVIT OF SERVICE FOR RULE RETURNABLE

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared William T. Molczan, Esquire, known to me, who being duly sworn according to law, deposes and says that he served a copy of the Rule on the Respondent, Michael Polohonki, on May 22, 2006, at his last known address of 11 Gardner Avenue, DuBois, PA 15801. The Rule Return Date is June 12, 2006. A true and correct copy of the cover letter which was sent to Respondent, Michael Polohonki, enclosing a copy of the Rule Returnable is attached hereto, marked as Exhibit "1" and made a part hereof. Service of the Rule is deemed to be perfected as of May 22, 2006, the date of mailing.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: William T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

Sworn to and subscribed
before me this 31st

day of May, 2006.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009

Member, Pennsylvania Association of Notaries

BROOKLYN HTS, OH
216.739.5100
BURLINGTON, NJ
609.914.0437
CHICAGO, IL
312.782.9676
CINCINNATI, OH
513.723.2200
CLEVELAND, OH
216.685.1000

WELTMAN, WEINBERG & REIS CO., L.P.A.
ATTORNEYS AT LAW



COLUMBUS, OH
614.228.7272
DEERFIELD, IL
847.940.9812
DETROIT, MI
248.362.6100
GROVE CITY, OH
614.801.2600
PHILADELPHIA, PA
215.599.1500

May 22, 2006

Michael Polohonki
11 Gardner Ave
Du Bois, Pa 15801

**Re: CACV vs. Polohonki
Case No. 05-1148-CD
Our file No. 04405172**

Dear Mr. Polohonki:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$33,419.19 entered on April 18, 2005, should not be confirmed and judgment entered for the full amount of the award. Please note that the Rule is returnable on or before **June 12, 2006**.

If you would like to propose a settlement offer or set up a monthly payment arrangement, please contact this office.

Thank you for your attention to this matter.

Very truly yours,
Kimberly Coyne, Paralegal

Enclosure

**THIS FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

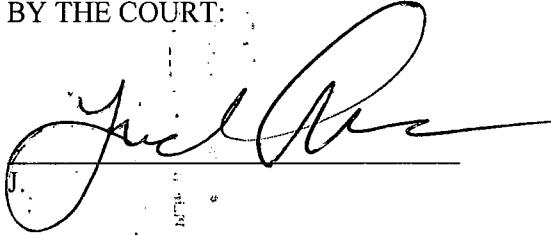
Respondent.

ORDER OF COURT

AND NOW, to-wit, this 27 day of July, 2006, upon consideration of Petitioner's Motion for Rule Absolute, it is hereby ORDERED, ADJUDGED and DECREED that this Honorable Court's Rule be made absolute, thereby confirming the award entered by the arbitrator in the above captioned matter in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$33,419.19, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 18, 2005, plus costs.

BY THE COURT:



FILED *2cc*
JUL 28 2006 *Atty*
14:00 PM
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

FILED
JUL 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/28/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Please file a praecipe to Enter Judgment
with \$20.00 filing fee. Thank you.

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

CACV OF COLORADO, LLC
Petitioner,

No. 05-1148-CD

vs.

**PRAECIPE FOR JUDGMENT
PER ORDER OF COURT**

MICHAEL POLOHONKI

Respondent.

FILED ON BEHALF OF
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

FILED Atty pd. 20.00
m 13 12 (31)
SEP 01 2006 ICC & Notice
to Def.

William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty
68

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

Petitioner

vs.

Civil Action No. 05-1148-CD

MICHAEL POLOHONKI

Respondent

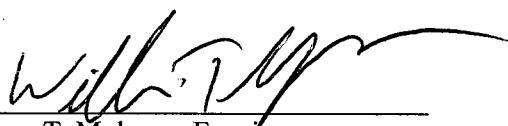
PRAECIPE FOR JUDGMENT PER ORDER OF COURT

TO THE PROTHONOTARY:

Pursuant to Pa.R.C.P. 237, I certify that a copy of this Praecipe has been mailed to each other party who has appeared in the action or to his/her Attorney of Record.

In that regard, pursuant to the Order of Court, dated July 27, 2006, kindly enter judgment in favor of Petitioner, CACV of Colorado, LLC, and against the Respondent, Michael Polohonki, individually, in the amount of \$33,419.19 with continuing interest thereon at the statutory interest rate of 6% per annum from April 18, 2005 and costs. A copy of the aforesaid July 27, 2006 Order of Court is attached hereto.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

Petitioner's address is: c/o Weltman, Weinberg & Reis 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
The last known address of the Respondent is: 11 Gardner Ave, Du Bois, Pa 15801.

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

CACV OF COLORADO, LLC,

No. 05-1148-CD

Petitioner,

vs.

MICHAEL POLOHONKI,

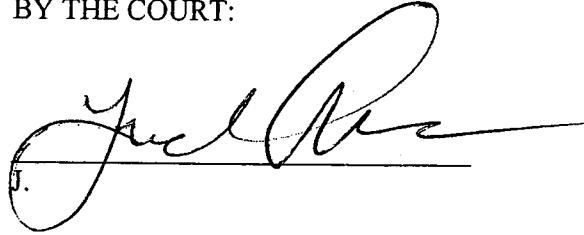
Respondent.

ORDER OF COURT

AND NOW, to-wit, this 27 day of July, 2006, upon consideration of Petitioner's Motion for Rule Absolute, it is hereby ORDERED, ADJUDGED and DECREED that this Honorable Court's Rule be made absolute, thereby confirming the award entered by the arbitrator in the above captioned matter in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$33,419.19, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 18, 2005, plus costs.

BY THE COURT:



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

JUL 28 2006

Attest.

William B. Hause
Prothonotary/
Clerk of Courts

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

CACV OF COLORADO, LLC

Petitioner

vs.

Civil Action No. 05-1148-CD

MICHAEL POLOHONKI

Respondent

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff/Petitioner
 Defendant/Respondent
 Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on 9/11/06

Judgment in the amount of \$33,419.19 with continuing interest thereon at
the statutory interest rate of 6% per annum from April 18, 2005 and
costs.

Trespass Judgment in the amount
of \$_____ plus costs.

If not satisfied within sixty (60) days, your motor vehicle operator's
license and/or registration will be suspended by the Department of
Transportation, Bureau of Traffic Safety, Harrisburg, PA.

Entry of Judgment of
 Court Order
 Non-Pros
 Confession
 Default
 Admission
 Verdict
 Arbitration
Award

Prothonotary

By:

Michael Polohonki
PROTHONOTARY (OR DEPUTY)

Michael Polohonki
11 Gardner Ave
Du Bois, Pa 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

CACV of Colorado, LLC
Plaintiff(s)

No.: 2005-01148-CD

Real Debt: \$33,419.19

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Michael Polohonki
Defendant(s)

Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: September 1, 2006

Expires: September 1, 2011

Certified from the record this 1st day of September, 2006.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney