

05-1235-CD

Carol L. Kerin vs. Gerald Kerin
2005-1235-CD

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

Carol L. Kerin,

Plaintiff

vs.

Gerald Kerin,

Defendant

No.: 05-1235-CD

Type of Case: Civil

Type of Pleading: Writ of
Certiorari

Filed on Behalf of:
Gerald Kerin

By: Laura Robbins
Laura Robbins, Esq.
Attorney for
Petitioner/Defendant
MidPenn Legal Services
2054 E. College Ave.
State College, PA 16801
(814) 238-4958 ext. 1121
PA Supreme Court ID: 90459

FILED 300
013:17/2011 Atty Robbins
AUG 17 2005 (SM)

William A. Shaw
Prothonotary/Clerk of Courts

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

Carol L. Kerin,

Plaintiff

vs.

No.: 05-1235-CD

Gerald Kerin,

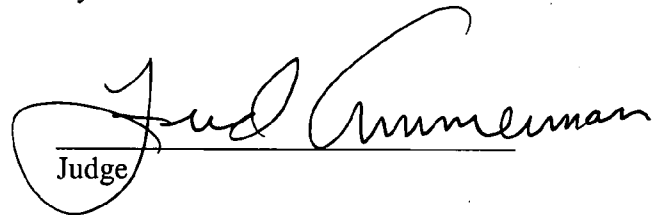
Defendant

ORDER

AND NOW, this 23 day of August, 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~~/DENIED.

~~If the Petition is GRANTED, filing fee is hereby WAIVED.~~ FJA

By the Court


Judge

FILED 3ce
9/3:20/05/ Atty Robbins
AUG 23 2005 w/IFP denial

William A. Shaw
Prothonotary/Clerk of Courts

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

Carol L. Kerin,

Plaintiff

vs.

Gerald Kerin,

Defendant

No.:

PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

Kindly allow Defendant, Gerald Kerin, to proceed in forma pauperis and waive the filing fees.

I, Laura Robbins, 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:

Laura Robbins
Laura Robbins

Attorney for Defendant
2054 E. College Avenue
State College, Pa 16801
(814) 238-4958 ext. 1121
FAX: (814) 238-9504

Address: None

Salary or wages per month: None

Type of work: None

If you are presently unemployed, state

Date of last employment: Winter 2001

Salary or wages per month when previously employed: \$1670.00/month
gross

Type of work: Carpentry

(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: \$600.00/month SSDI benefits

Support payments: None

Disability payments: None

Unemployment Compensation and supplemental benefits: None

Workman's Compensation: None

Public Assistance: \$149.00/month food stamps

Other: None

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

None

If employed, state

Employer: None

Salary or wages per month: None

Type of work: None

Contributions from children: None

Contributions from parents, family members or any other individuals:

None

(e) Property owned:

Cash: None

Checking account: None

Savings account: None

Certificates of Deposit: None

Real Estate (including home): None

Motor Vehicle: None

Stocks; bonds: None

Other: None

(f) Debts and obligations

Utilities: \$300/month

Groceries: Covered by food stamps

Rent/Mortgage: \$370.00/month

Loans: None

Auto Expense: None

Child care: None

Miscellaneous: None

(g) Persons dependant upon you for support: None

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: 8-15-05

Gerald Kerin
Gerald Kerin, Defendant

COMMONWEALTH OF PENNSYLVANIA
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

RESIDENTIAL LEASE

Judgment Amount \$	7,939.10
Costs in Original LT Proceeding \$	150.00
Costs in this Proceeding \$.00
Attorney Fees \$.00
Total \$	8,089.10

**ORDER FOR POSSESSION,
RETURN AND NOTICE**

PLAINTIFF: **KERIN, CAROL L.E**
NAME and ADDRESS
2834 OLD ERIE PIKE
WEST DECATUR, PA 16878

VS.
DEFENDANT: **KERIN, GERALD**
NAME and ADDRESS
43 RAILROAD ST.
MORRIS, PA 16663

Docket No.: **LT-0000148-05**
Date Filed: **6/23/05**

Time Filed: **12:47PM**
Date Order Filed: **8/01/05**



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 CORNMAN**

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: **8/1/05** Time: **7:11 AM** Magisterial District Judge
Received Date: **8-5-05** Time: **5:30 PM** By: **[Signature]** Sheriff or Certified Constable

RETURN

☐ Defendant (Name): _____
☐ Adult person in charge (Name): _____

Served with copy of **ORDER FOR POSSESSION** and served with **NOTICE TO VACATE** on (Date of service): _____
at (Location and Address): _____

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

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

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

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

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

Expenses and fees of sheriff or certified constable \$ _____

(Signature of Sheriff or Certified 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) _____ day of _____, 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 _____ 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 \$ _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

SERVICE OF PROCESS

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: NAME and ADDRESS
KERIN, CAROL L.E
2834 OLD ERIE PIKE
WEST DECATOR, PA 16878

VS.
DEFENDANT: NAME and ADDRESS
KERIN, GERALD
43 RAILROAD ST.
MORAHN, PA 16663

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

Docket No.: **LT-0000148-05**
Date Filed: **6/23/05**



Served upon **KERIN, GERALD**, by handing a copy of
Describe Document(s): (Person to be Served)

ORDER FOR POSSESSN-RETURN

to _____
(Person Actually Served) (Relationship/Title)

on _____, at _____ M., at
(Date) (Time)

(Location)

For Landlord/Tenant complaints:

Since none of the above found, served by posting a copy of the complaint conspicuously on the

premises on **8-8-05**, at **8:30 P** M.,
(Date) (Time)

at **43 Railroad St. Morahn, Pa 16663**
(Location)

Miles Traveled: _____

(Signature)
James L. Grimes
(Print Name and Title)

AOPC 624-04

Report Date: 8/19/05
Report ID.: CSE35R

DISTRICT JUSTICE SYSTEM
Case Notes Report

Page 1
TIME 14:06:13
User JBISKO

Mag Dist 46-3-03

Docket No: LT-0000148-05

Case Type: LANDLORD/TENANT

Title: KERIN, CAROL L.E
vs KERIN, GERALD

8-19-05 Doris from Judge Ammermans's office called
Wants copies of the information on this case. jb

 COPY

August 23, 2005

Gerald Kerin
C/o Laura Robbins, Esq.
2054 E. College Ave.
State College, PA 16801

RE: Praecipe to Proceed In Forma Pauperis-Writ of Certiorari

Dear Mr. Kerin:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if action is not taken by you within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures

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

Carol L. Kerin,

Plaintiff

vs.

Gerald Kerin,

Defendant

No.: 05-1235-CD

Type of Case: Civil

Type of Pleading: Amended
Petition to Proceed In Forma
Pauperis

Filed on Behalf of:
Gerald Kerin

By: Laura Robbins
Laura Robbins, Esq.
Attorney for
Petitioner/Defendant
MidPenn Legal Services
2054 E. College Ave.
State College, PA 16801
(814) 238-4958 ext. 1121
PA Supreme Court ID: 90459

FILED *(Signature)*
0/11:51 LM
SEP 01 2005
ice Atty Robbins

William A. Shaw
Prothonotary

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

CAROL L. KERIN,
Plaintiff

vs.

GERALD KERIN,
Defendant

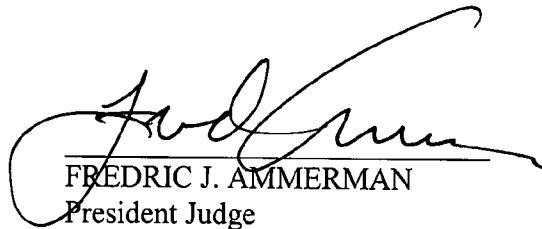
NO. 05-1235-CD

ORDER

AND NOW, this 7 day of September, 2005, upon consideration of the foregoing Amended Affidavit in Support of Petition to Proceed In Forma Pauperis, it is the ORDER of this Court that said Petition is GRANTED/~~DENIED~~.

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

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED ^{1cc}
0111:25/04 Amy Robbins
SEP 09 2005 (6)

William A. Shaw
Prothonotary/Clerk of Courts

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

Carol L. Kerin,

Plaintiff

vs.

Gerald Kerin,

Defendant

No.:

AMENDED PRAECIPE TO PROCEED IN FORMA PAUPERIS

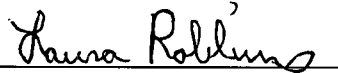
TO THE PROTHONOTARY:

Kindly allow Defendant, Gerald Kerin, to proceed in forma pauperis and waive the filing fees.

I, Laura Robbins, 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:



Laura Robbins
Attorney for Defendant
2054 E. College Avenue
State College, Pa 16801
(814) 238-4958 ext. 1121
FAX: (814) 238-9504

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

Carol L. Kerin,

Plaintiff

No.:

vs.

Gerald Kerin,

Defendant

AMENDED PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Gerald Kerin respectfully represents:

1. I am the Defendant 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: Gerald Kerin
Address: RR2, Box 154, Houtzdale, PA 16651
Soc. Sec. No.: 165-48-7919
 - (b) Employment: If you are presently employed, state
Employer: None

Address: None

Salary or wages per month: None

Type of work: None

(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: \$600.00/month SSDI benefits

Support payments: None

Disability payments: None

Unemployment Compensation and supplemental benefits: None

Workman's Compensation: None

Public Assistance: \$149.00/month food stamps

Other: None

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

None

If employed, state

Employer: None

Salary or wages per month: None

Type of work: None

Contributions from children: None

Contributions from parents, family members or any other individuals:

None

(e) Property owned:

Cash: None

Checking account: None

Savings account: None

Certificates of Deposit: None

Real Estate (including home): None

Motor Vehicle: None

Stocks; bonds: None

Other: None

(f) Debts and obligations

Utilities: \$300/month

Groceries: Covered by food stamps

Rent/Mortgage: \$370.00/month

Loans: None

Auto Expense: None

Child care: None

Miscellaneous: None

(g) Persons dependant upon you for support: None

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: 9-1-05

Gerald Kerin
Gerald Kerin, Defendant

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46-3-03 Judicial District, County of Clearfield

WRIT OF CERTIORARI

TO

MAGISTERIAL DISTRICT JUDGE

COMMON PLEAS No.

05-1235-CD

PRAECIPE FOR A WRIT OF CERTIORARI

NAME OF PARTY FILING THIS PRAECIPE AND OBTAINING THIS WRIT

Gerald Kerin

DOCKET No.

LT-0000148-05

DATE JUDGMENT RENDERED

06/23/2005

IN THE CASE OF (Plaintiff)

Carol L. Kerin

vs.

(Defendant)

Gerald Kerin

The party named above claim that with respect to the above proceedings there was:

(Check applicable box or boxes)

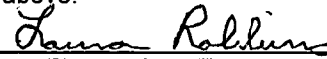
☒ lack of jurisdiction over the subject matter☐ lack of jurisdiction over

(Name of party)

☐ improper venue☐ such gross irregularity of procedure as to make the judgment void

PRAECIPE: To the Prothonotary

Issue a Writ of Certiorari directing Michael A. Rudella, Magisterial District Judge, to transmit to you a certified true copy of the record of the proceedings named above.



(Signature of party filing praecipe or attorney or agent)

WRIT OF CERTIORARI

TO: Michael A. Rudella, Magisterial District Judge

1. You are hereby directed by this writ to transmit to the Prothonotary of this Court of Common Pleas, within ten (10) days after you receive this writ, a certified true copy of the record of the proceedings named above.

☐ 2. This writ, when received by you, will operate as a SUPERSEDEAS to the judgment for possession in this case.

This block will be checked ONLY when this notation is required under Pa.R.C.P.D. No. 1013B.

Date delivered for service OCT. 4, 20 05

(Signature of Prothonotary or Deputy)

COURT FILE 05-1235-CD

PROOF OF SERVICE OF WRIT OF CERTIORARI

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS AFTER delivery of the writ for service)

COMMONWEALTH OF PENNSYLVANIA

(Check applicable boxes)

COUNTY OF _____; ss

AFFADIVIT: I hereby (swear) (affirm) that I served the Writ of Certiorari, Common Pleas No. _____, upon the Magisterial District Judge to whom it was directed on _____, 20____, ☐ by personal service, ☐ by (certified) (registered) mail, sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 20____.

(Signature of affiant)

(Signature of official before whom affidavit was made)

(Title of official)

My commission expires on _____, 20____.

FILED 3cc@3writ
01:49/201 Amy
OCT 04 2005 Robbins

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Gerald Kerin
(Plaintiff)

CIVIL ACTION

(Street Address)

No. 05 -1235-CD

Type of Case: Writ of
Certiorari

(City, State ZIP)

Type of Pleading: Certificate of Service

vs.

Filed on Behalf of:

Carol Kerin
(Defendant)

Gerald Kerin
(Plaintiff/Defendant)

(Street Address)

(City, State ZIP)

James Robbins, Esq.
(Filed by)

2054 E. College Ave. State College, PA
(Address) 16801

814-238-4958 ext. 1121
(Phone)

FILED
OCT 10 2005
11:40 AM

William A. Shaw
Prothonotary/Clerk of Courts

James Robbins
(Signature)

7002 2030 0007 6144 9973

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Restricted Delivery Fee (Endorsement Required)	3.50
Total Postage & Fees	\$ 7.92

Postmark
Here

Sent To	ATTN MICHAEL RUDELLA
Street, Apt No., or PO Box No.	STRICT COURT
City, State, ZIP+4	PO BOX 210
	131 ROLLING STONE RD

PS Form 3800, June 2002

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

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- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail addressed to APOs and FPOs.

PS Form 3800, June 2002 (Reverse)
102595-02-M-1692

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46-3-03 Judicial District, County of Clearfield

WRIT OF CERTIORARI

TO

MAGISTERIAL DISTRICT JUDGE
COMMON PLEAS No. 05-1235-CV

PRAECIPE FOR A WRIT OF CERTIORARI

NAME OF PARTY FILING THIS PRAECIPE AND OBTAINING THIS WRIT

Gerald Kerin

DOCKET No.

LT-0000148-05

DATE JUDGMENT RENDERED

06/23/2005

IN THE CASE OF (Plaintiff)

Carol L. Kerin

vs.

(Defendant)

Gerald Kerin

The party named above claim that with respect to the above proceedings there was:

(Check applicable box or boxes)

☒ lack of jurisdiction over the subject matter☐ lack of jurisdiction over

(Name of party)

☐ Improper venue☐ such gross irregularity of procedure as to make the judgment void

PRAECIPE: To the Prothonotary

Issue a Writ of Certiorari directing Michael A. Rudella, Magisterial District Judge, to transmit to you a certified true copy of the record of the proceedings named above.*Laura Robbins*

(Signature of party filing praecipe or attorney or agent)

WRIT OF CERTIORARI

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

TO: Michael A. Rudella, Magisterial District Judge

OCT 04 2005

1. You are hereby directed by this writ to transmit to the Prothonotary of this Court of Common Pleas, within ten (10) days after you receive this writ, a certified true copy of the record of the proceedings named above.

Attest

Christine E. Allen
Prothonotary/
Clerk of Courts☐ 2. This writ, when received by you, will operate as a SUPERSEDEAS to the judgment for possession in this case.

This block will be checked ONLY when this notation is required under Pa.R.C.P.D.J. No. 1013B.

Date delivered for service OCT 4, 2005*[Signature]*
(Signature of Prothonotary or Deputy)

COURT FILE 2005-1235-C0

PROOF OF SERVICE OF WRIT OF CERTIORARI

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS AFTER delivery of the writ for service)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Centre; ss

(Check applicable boxes)

AFFADIVIT: I hereby (swear) (affirm) that I served the Writ of Certiorari, Common Pleas No. 05-1235-C0, upon the Magisterial District Judge to whom it was directed on 10-6, 2005, ☐ by personal service, ☒ by (certified) (registered) mail, sender's receipt attached hereto.(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 6 DAY OF October, 2005.*Jessie L. Keen*
(Signature of affiant)*Janet L. Decker*
(Signature of official before whom affidavit was made)*Notary Public*
(Title of official)My commission expires on Sept. 26, 2006

AOPC 25-05

Notarial Seal
Janet L. Decker, Notary Public
College Twp., Centre County
My Commission Expires Sept. 26, 2006

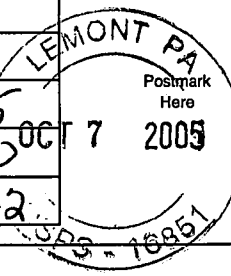
7002 2030 7002 6145 0009

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Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	3.50
Total Postage & Fees	\$ 7.92



Sent To **CAROL KERIN**

Street, Apt. No.,
or PO Box No. **2834 OLD ERIE PIKE**

City, State, ZIP+4 **WEST DECATUR PA 16878**

Certified Mail Provides:

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- A record of delivery kept by the Postal Service for two years

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- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

PS Form 3800, June 2002 (Reverse)
102595-02-M-1692

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46-3-03 Judicial District, County of Clearfield

WRIT OF CERTIORARI

TO

MAGISTERIAL DISTRICT JUDGE
COMMON PLEAS No. 05-1235-CV

PRAECIPE FOR A WRIT OF CERTIORARI

NAME OF PARTY FILING THIS PRAECIPE AND OBTAINING THIS WRIT

Gerald Kerin

DOCKET No.

LT-0000148-05

DATE JUDGMENT RENDERED

06/23/2005

IN THE CASE OF (Plaintiff)

Carol L. Kerin

vs.

(Defendant)

Gerald Kerin

The party named above claim that with respect to the above proceedings there was:

(Check applicable box or boxes)

☒ lack of jurisdiction over the subject matter☐ lack of jurisdiction over

(Name of party)

☐ Improper venue☐ such gross irregularity of procedure as to make the judgment void

PRAECIPE: To the Prothonotary

Issue a Writ of Certiorari directing Michael A. Rudella, Magisterial District Judge, to
transmit to you a certified true copy of the record of the proceedings named above.*Laura Robbins*

(Signature of party filing praecipe or attorney or agent)

WRIT OF CERTIORARI

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.TO: Michael A. Rudella, Magisterial District Judge

OCT 04 2005

1. You are hereby directed by this writ to transmit to the Prothonotary of this Court of Common Pleas, within ten (10) days
after you receive this writ, a certified true copy of the record of the proceedings named above.

Attest

Indira D. Bhat
Prothonotary/
Clerk of Courts☐ 2. This writ, when received by you, will operate as a SUPERSEDEAS to the judgment for possession
in this case.

This block will be checked ONLY when this notation is required under Pa.R.C.P.D.J. No. 1013B.

Date delivered for service OCT 4, 2005*[Signature]*
(Signature of Prothonotary or Deputy)COURT FILE 2005-1235-C0

PROOF OF SERVICE OF WRIT OF CERTIORARI

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS AFTER delivery of the writ for service)

COMMONWEALTH OF PENNSYLVANIA

(Check applicable boxes)

COUNTY OF Centre; ssAFFADIVIT: I hereby (swear) (affirm) that I served the Writ of Certiorari, Common Pleas No. 05-1235-C0, upon
the Magisterial District Judge to whom it was directed on 10-6, 2005, ☐ by personal service, ☒ by (certified)
(registered) mail, sender's receipt attached hereto.(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 6 DAY OF October, 20 05.*Janet L. Decker*
(Signature of official before whom affidavit was made)*Jessie L. Kern*
(Signature of affiant)*Notary Public*
(Title of official)My commission expires on Sept. 26, 2006

AOPC 25-05

Notarial Seal
Janet L. Decker, Notary Public
College Twp., Centre County
My Commission Expires Sept. 26, 2006

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLAAddress: **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****NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF:

NAME and ADDRESS

**KERIN, CAROL L.E
2834 OLD ERIE PIKE
WEST DECATUR, PA 16878**

VS.

DEFENDANT:

NAME and ADDRESS

**KERIN, GERALD
43 RAILROAD ST.
MORANN, PA 16663**Docket No.: **LT-0000148-05**
Date Filed: **6/23/05****THIS IS TO NOTIFY YOU THAT:**

Judgment:

FOR PLAINTIFF**05-1235-CD**☒ Judgment was entered for: (Name) **KERIN, CAROL L.E**☒ Judgment was entered against **KERIN, GERALD** in aLandlord/Tenant action in the amount of \$ **8,089.10** on **7/18/05** (Date of Judgment)The amount of rent per month, as established by the Magisterial District Judge, is \$ **453.49**.The total amount of the Security Deposit is \$ **.00**

	Total Amount Established by MDJ	Less Security Deposit Applied	=	Adjudicated Amount
Rent in Arrears	\$ 7,939.10	-\$.00	=	\$ 7,939.10
Physical Damages Leasehold Property	\$.00	-\$.00	=	\$.00
Damages/Unjust Detention	\$.00	-\$.00	=	\$.00
Less Amt Due Defendant from Cross Complaint				-\$.00
Interest (if provided by lease)				\$.00
L/T Judgment Amount				\$ 7,939.10
Judgment Costs				\$ 150.00
Attorney Fees				\$.00
Total Judgment				\$ 8,089.10
Post Judgment Credits				\$ -
Post Judgment Costs				\$ -
Certified Judgment Total				\$ 8089.10

☐ 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.**FILED****OCT 11 2005**William A. Shaw
Prothonotary/Clerk of Courts

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.

7-18-05 Date **M A Rudella**, Magisterial District Judge

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

10/7/05 Date **M A Rudella**, Magisterial District Judge

CA

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

CAROL L. KERIN,
Plaintiff

vs.

GERALD KERIN,
Defendant

No. 05-1235-CD

Type of Case: Civil

Type of Pleading: Motion
to Set Aside Judgment

Filed on Behalf of: Gerald
Kerin

BY: Laura Robbins
Laura Robbins, Esq.
Attorney for Defendant
MidPenn Legal Services
2054 E. College Ave.
State College, PA 16801
(814) 238-4958 ext. 1121

FILED 3cc
01/10/07/01 Amy Robbins
FEB 14 2006 @

William A. Shaw
Prothonotary/Clerk of Courts

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

CAROL L. KERIN,
Plaintiff

vs.

GERALD KERIN,
Defendant

No. 05-1235-CD

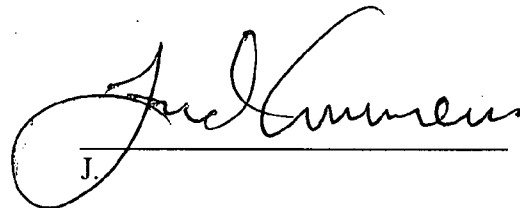
Writ of Certiorari

RULE TO SHOW CAUSE

AND NOW this 15 day of February, 2006, upon
consideration of the foregoing Petition, and averments of Petitioner, a Rule is hereby
issued on the Respondent, Carol L. Kerin, to show cause why the relief requested herein
should not be granted.

Rule Returnable and for hearing on the 3rd day of March, 2006, at
1:30 p.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield,
Pennsylvania, 16830.

BY THE COURT:


J.

FILED
013:10B
FEB 16 2006 (6)

William A. Shaw
Prothonotary/Clerk of Courts
3CC Atty Robbins

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

CAROL L. KERIN,
Plaintiff

vs.

GERALD KERIN,
Defendant

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:
:
:

No. 05-1235-CD

Writ of Certiorari

MOTION TO SET ASIDE JUDGMENT

AND NOW, comes the Defendant/Petitioner, Gerald Kerin, by and through his attorneys, Laura Robbins, Esq. and MidPenn Legal Services, and Moves this Honorable Court as follows:

1. On October 4, 2005, upon application of the Petitioner, a Writ of Certiorari was issued directing Magisterial District Judge Michael A. Rudella to transmit the record of proceedings in an Action for Possession of Real Property and Rental Arrears filed by the Plaintiff/Respondent, Carol L. Kerin, No. L/T-0000148-05.

2. Petitioner's grounds for filing the Writ of Certiorari were that Magisterial District Judge Rudella lacked subject matter jurisdiction over the above-captioned matter.

3. Petitioner believes that Judge Rudella lacked subject matter jurisdiction because the action centered on an alleged breach of an installment land contract, rather than a lease.

4. On October 11, 2005, Magisterial District Judge Rudella submitted a transcript of the record to the Clearfield County Prothonotary.

5. This matter is now ready for a Hearing.

WHEREFORE, Defendant Gerald Kerin moves this Honorable Court to:

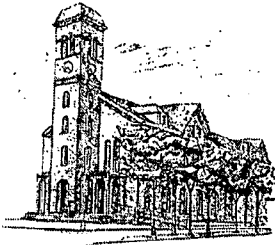
- A. Schedule a hearing on the above-captioned matter; and
- B. After said hearing, set aside Plaintiff's Judgment.

Respectfully Submitted:

MIDPENN LEGAL SERVICES

A handwritten signature in cursive script, appearing to read "Laura Robbins", is written over a horizontal line.

Laura Robbins, Esq.
MidPenn Legal Services
Attorney for Petitioner
2054 E. College Ave.
State College, PA 16801
(814) 238-4958 ext. 1121



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: 2/16/06

X 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 ACTION – LAW

CAROL L. KERIN,
Plaintiff

GERALD KERIN,
Defendant

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No. 05-1235-CD

Type of Case: Civil

Type of Pleading: Stipulation
of the Parties

By: Laura Robbins
Laura Robbins, Esq.
Attorney for Defendant
MidPenn Legal Services
2054 E. College Ave.
State College, PA 16801
(814) 238-4958 ext. 1121
PA Supreme Court ID: 90459

FILED 3cc Atty Robbins
6/11/07cm (m)
MAR 13 2006

William A. Shaw
Prothonotary

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

CAROL L. KERIN,
Plaintiff

GERALD KERIN,
Defendant

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No. 05-1235-CD

STIPULATION OF THE PARTIES

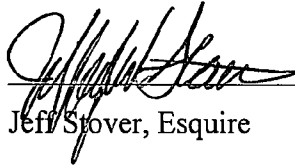
NOW THIS 9th day of March, 2006, appear Jeff Stover, Esquire on behalf of Plaintiff, Carol L. Kerin, and Laura Robbins, Esquire, on behalf of Defendant, Gerald Kerin, who stipulate and agree as follows:

1. Plaintiff, Carol L. Kerin (hereafter "Plaintiff"), agrees that the Judgment she received from Clearfield County District Justice Michael A. Rudella's office, Docket No. LT-0000148-05, on July 18, 2005, is set aside.
2. Plaintiff is granted possession of the house located at 43 Railroad Street, Moran, Pennsylvania, 16663 to the exclusion of the Defendant.
3. Plaintiff hereby releases Defendant from all claims, liabilities, debts, obligations, and causes of action that have been incurred on or before the date of this Order that relate in any way to the house located at 43 Railroad Street, Moran, Pennsylvania, 16663.
4. Defendant agrees to refrain from continuing to pursue the Writ of Certiorari and Motion to Set Aside Judgment he filed against Plaintiff in the above-captioned matter.

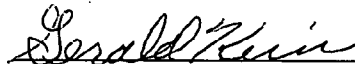
5. This Stipulation shall not be voided or invalidated by any subsequent agreements between Plaintiff and Defendant relating to the house located at 43 Railroad Street, Moran, Pennsylvania, 16663.




Carol L. Kerin, Plaintiff



Jeff Stover, Esquire



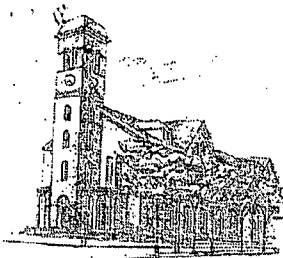
Gerald Kerin, Defendant



Laura Robbins, Esquire

BY THE COURT:





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

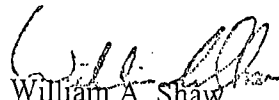
Bonnie Hudson
Administrative Assistant

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: 03-13-2006

☒ 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: