

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.

No.: 05-1235-CJ

Gerald Kerin,

Defendant

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 3cc
013-17-001 Atty Robbins
AUG 17 2005
LM

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

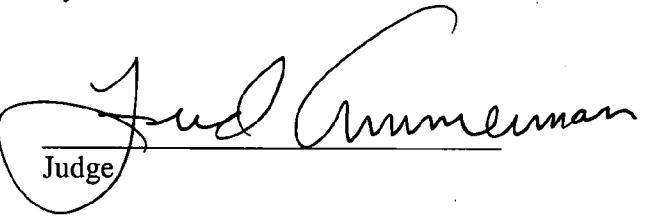
ORDER

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.

FJA

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

By the Court



Judge

FILED 30e
03-2005 Atty Robbins
AUG 23 2005 WITP 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 : No.:

vs.

Gerald Kerin,

Defendant :

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

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

Carol L. Kerin,

Plaintiff : No.:

vs. :

Gerald Kerin,

Defendant :

:

:

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

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

MOJ 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**

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**

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

Date: **8/2/05** Time: **9AM** Magisterial District Judge
Received Date: **8/5/05** Time: **2:30 PM** By: **J. Cornman** 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 _____

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 \$ _____

Chits \$ _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

SERVICE OF PROCESS

Mag. Dkt. 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:

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

NAME and ADDRESS

VS.

DEFENDANT:

KERIN, GERALD
43 RAILROAD ST.
MORANN, PA 16663

NAME and ADDRESS

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



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

Served upon **KERIN, GERALD**, by handing a copy of
(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, Morann, Pa 16663
(Location)

Miles Traveled: _____

(Signature)

(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 *by*
ICE Atty Robbins
09/11/05 LM
SEP 01 2005

William A. Shaw
Prothonotary

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

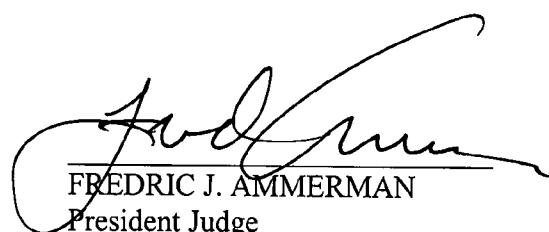
CAROL L. KERIN, :
Plaintiff :
 :
vs. : NO. 05-1235-CD
 :
GERALD KERIN, :
Defendant :
 :

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/~~REDENDED~~.

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

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED ^{cc}
01/11/2005 Atty 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 : No.:

vs.

Gerald Kerin,

Defendant :

:

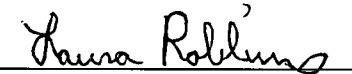
AMENDED PRAECIPE TO PROCEED IN FORMA PAUPERIS

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-CJ

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

(Defendant)

Gerald Kerin

vs.

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

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, 2005.

(Signature of Prothonotary or Deputy)

COURT FILE 05-1235-CJ

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
01/14/2006
OCT 04 2005
Atty
RobbinsWilliam 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

Writ of

Type of Case: Certiorari

(City, State ZIP)

Type of Pleading: Certificate of Service

VS.

Carol Kerin
(Defendant)

Filed on Behalf of:

Gerald Kerin
(Plaintiff/Defendant)

(Street Address)

(City, State ZIP)

Dawn Robbins, Esq.
(Filed by)

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

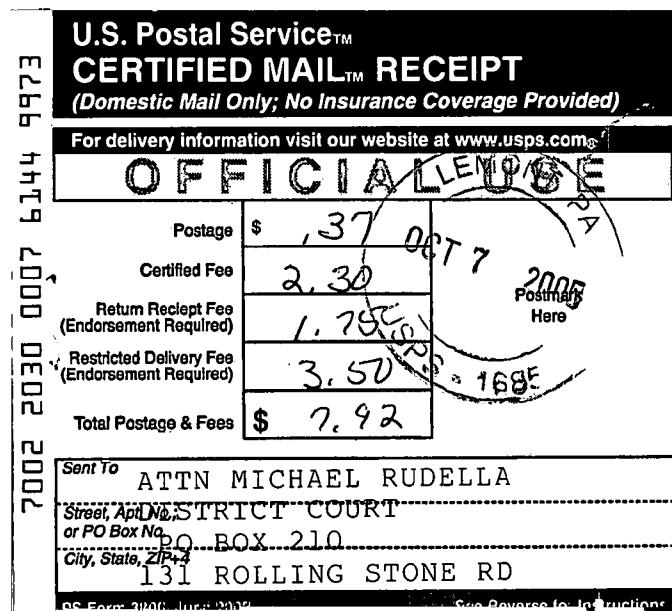
16801

814-238-4958 ext. 1121
(Phone)

FILED
11/4/06
OCT 10 2006

Dawn Robbins
(Signature)

William A. Shaw
Prothonotary/Clerk of Courts



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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.**

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. 65-1235-C

PRAECIPE FOR A WRIT OF CERTIORARI

NAME OF PARTY FILING THIS PRAECIPE AND OBTAINING THIS WRIT

Gerald Kerin

DOCKET NO.
LT-0000148-05DATE JUDGMENT RENDERED
06/23/2005

IN THE CASE OF (Plaintiff)

Carol L. Kerin

(Defendant)
Gerald Kerin

vs.

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)

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

WRIT OF CERTIORARI

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

Laura Robbins
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

Laura Robbins
(Signature of Prothonotary or Deputy)

COURT FILE 2005-1235-C

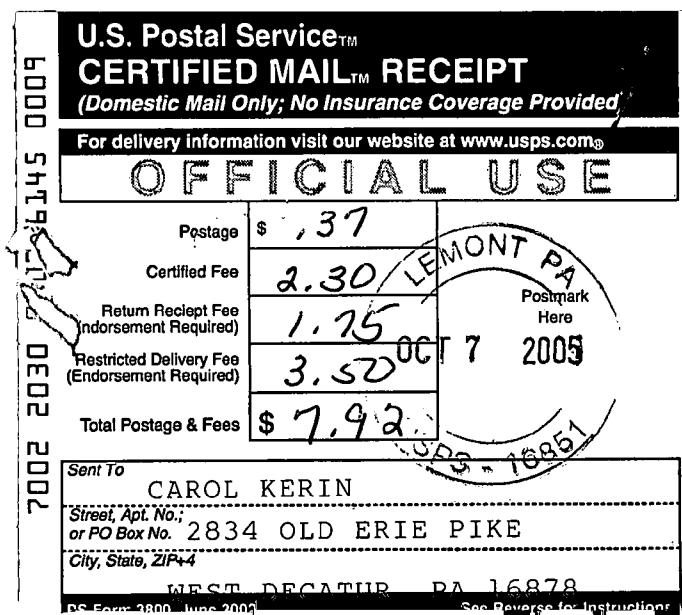
PROOF OF SERVICE OF WRIT OF CERTIORARI

(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. 65-1235-C, 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.*Janet L. Decker*
(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, 2006Notarial Seal
Janet L. Decker, Notary Public
College Twp., Centre County
My Commission Expires Sept. 26, 2006



Certified Mail Provides:

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

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

Important Reminders:

- 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 wait 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.

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-C

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
06/23/2005IN THE CASE OF (Plaintiff)
Carol L. Kerin

(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 _____
 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 Roblin

(Signature of party filing praecipe or attorney or agent)

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

WRIT OF CERTIORARI

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

Janet L. Decker
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.

JD
(Signature of Prothonotary or Deputy)

COURT FILE 2005-1235-C

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-C, 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. Kerin*
(Signature of affiant)*Janet L. Decker*
(Signature of official before whom affidavit was made)

Notary Publ.
(Title of official)

My commission expires on Sept. 26, 2006

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

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
FEB 14 2006 Atty Robbins
LCK

William A. Shaw
Prothonotary/Clerk of Courts

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

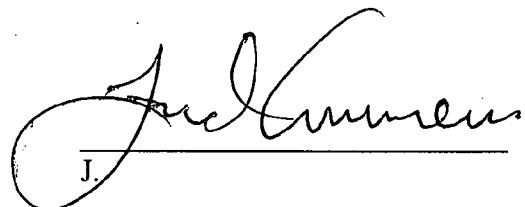
CAROL L. KERIN, :
Plaintiff :
vs. :
No. 05-1235-CD
GERALD KERIN, :
Defendant :
Writ of Certiorari

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. Kline

FILED
01/31/06 BOL
FEB 16 2006
61

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

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

CAROL L. KERIN,	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1235-CD
	:	
GERALD KERIN,	:	Writ of Certiorari
Defendant	:	

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:

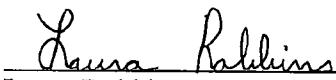
1. On October 4, 2005, upon application of the Petitioner, a Writ of Certiorari was issued directing Magisterial District Judge Michael A. Rudella to transmit the record of proceedings in an Action for Possession of Real Property and Rental Arrears filed by the Plaintiff/Respondent, Carol L. Kerin, No.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

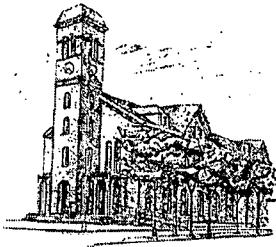
- A. Schedule a hearing on the above-captioned matter; and
- B. After said hearing, set aside Plaintiff's Judgment.

Respectfully Submitted:

MIDPENN LEGAL SERVICES



Laura Robbins
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

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

*
*
* No. 05-1235-CD

GERALD KERIN,
Defendant

* 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
6/11/07 cm fm
MAR 13 2008

William A. Shaw
Prothonotary

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

CAROL L. KERIN,
Plaintiff

*
*
* **No. 05-1235-CD**
*
*
*
*

GERALD KERIN,
Defendant

*
*
*
*

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.

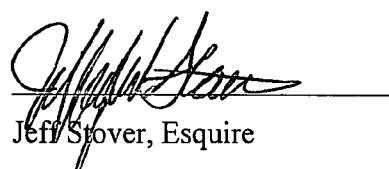
5. This Stipulation shall not be voided or invalidated by any subsequent agreements between Plaintiff and Defendant relating to the house located at 43 Railroad Street, Moran, Pennsylvania, 16663.



Carol L. Kerin, Plaintiff



Gerald Kerin, Defendant

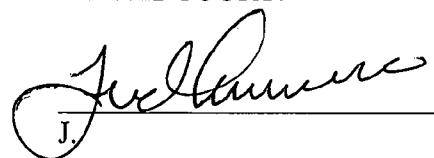


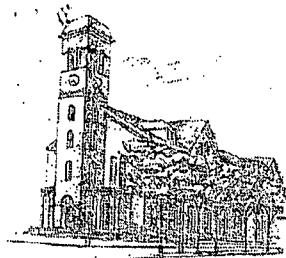
Jeff Stover, Esquire



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

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Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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Sincerely,

William A. Shaw
Prothonotary

DATE: 03-13-2004

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: