

05-1295-CD  
George E. Taylor vs Robert Burns

George E. Taylor vs. Robert C. Burns et al  
2005-1295-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

TAYLOR, GEORGE E  
(Plaintiff)

CIVIL ACTION

1751 TREASURE LK.  
(Street Address)

No. 2005-1295-C0

Du Bois, PA 15801  
(City, State ZIP)

Type of Case: \_\_\_\_\_

Type of Pleading: DISTRICT JUSTICE  
APPEAL

VS.

Filed on Behalf of:

BURNS, ROBERT C  
(Defendant)

ROBERT BURNS  
(Plaintiff/Defendant)

1356 TREASURE LK  
(Street Address)

Du Bois PA 15801  
(City, State ZIP)

FILED

AUG 25 2005

0/1130/1  
William A. Shaw

Prothonotary/Clerk of Courts  
NOTICE MAILED TO

M.D.J. Fono

PLAINTIFF

SENT TO  
DEFENDANT

ROBERT BURNS  
(Filed by)

1356 TREASURE LK  
(Address) DUBOIS, PA 15801

814-325-1116  
(Phone)

[Signature]  
(Signature)

COURT OF COMMON PLEAS  
CLEARFIELD County  
JUDICIAL DISTRICT

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-1295-CD

## NOTICE OF APPEAL

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

ROBERT C. BURNS

NAME OF APPELLANT

1356 TREASURE LK.

ADDRESS OF APPELLANT

MAG. DIST. NO. OR NAME OF D.J.

46-3-01

CITY

STATE

ZIP CODE

DUBOIS

PA

15801

DATE OF JUDGMENT

7/27/05

IN THE CASE OF (Plaintiff)

GEORGE E. TAYLOR

vs.

(Defendant)

ROBERT C. BURNS

CLAIM NO.

CV  
LT

0000237-05

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Robert C. Burns

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

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

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

## PRAECIPE: To Prothonotary

Enter rule upon GEORGE E. TAYLOR, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2005-1295-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Robert C. Burns

Signature of appellant or his attorney or agent

**RULE:** To GEORGE E. TAYLOR, appellee(s).

Name of appellee(s)

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

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

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

Date: AUG 25, 2005

William A. Shaw

Signature of Prothonotary or Deputy

WILLIAM A. SHAW

FILED

AUG 25 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS

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

- ☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

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

\_\_\_\_\_  
Signature of affiant

\_\_\_\_\_  
Signature of official before whom affidavit was made

\_\_\_\_\_  
Title of official

My commission expires on \_\_\_\_\_

**FILED**  
**AUG 25 2005**  
William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon. **PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **TAYLOR, GEORGE E, ET AL.**  
1451 TREASURE LAKE  
DUBOIS, PA 15801

VS.  
DEFENDANT: **BURNS, ROBERT C, ET AL.**  
1356 TREASURE LAKE  
T/D/B/A BURNS CONTRACTING  
DUBOIS, PA 15801

Docket No.: **CV-0000237-05**  
Date Filed: **6/06/05**



**THIS IS TO NOTIFY YOU THAT:**  
Judgment:

**FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **TAYLOR, GEORGE E, ET AL.**

☒ Judgment was entered against: (Name) **BURNS, ROBERT C**

in the amount of \$ **7,580.50** on: (Date of Judgment) **7/27/05**

☐ Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <b>7,450.00</b>
Judgment Costs	\$ <b>130.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 7,580.50</b>

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

**Certified Judgment Total** \$ \_\_\_\_\_

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

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE 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.

7/27/05 Date Patrick N. Ford, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

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

SEAL

AOPC 315-05

**DATE PRINTED: 7/27/05 10:06:32 AM**

200/2002

DIST-JUSTICE PAT FORD

08/25/2005 12:31 FAX 8143715323

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**

MDJ Name: Hon.  
**PATRICK N. FORD**

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

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

**BURNS CONTRACTING  
1356 TREASURE LAKE  
ROBERT C. BURNS  
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **TAYLOR, GEORGE E, ET AL.**  
1451 TREASURE LAKE  
DUBOIS, PA 15801

VS.  
DEFENDANT: **BURNS, ROBERT C, ET AL.**  
1356 TREASURE LAKE  
T/D/B/A BURNS CONTRACTING  
DUBOIS, PA 15801

Docket No.: **CV-0000237-05**  
Date Filed: **6/06/05**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **TAYLOR, GEORGE E, ET AL.**

☒ Judgment was entered against: (Name) **BURNS CONTRACTING**

in the amount of \$ **7,580.50** on: (Date of Judgment) **7/27/05**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

Amount of Judgment	\$ <b>7,450.00</b>
Judgment Costs	\$ <b>130.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 7,580.50</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

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7-27-05 Date Patrick N. Ford, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

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

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon. **PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

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

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **TAYLOR, GEORGE E, ET AL.**  
1451 TREASURE LAKE  
DUBOIS, PA 15801

VS.  
DEFENDANT: **BURNS, ROBERT C, ET AL.**  
1356 TREASURE LAKE  
T/D/B/A BURNS CONTRACTING  
DUBOIS, PA 15801

Docket No.: **CV-0000237-05**  
Date Filed: **6/06/05**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **TAYLOR, GEORGE E, ET AL.**

☒ Judgment was entered against: (Name) **BURNS CONTRACTING**

in the amount of \$ **7,580.50** on: (Date of Judgment) **7/27/05**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

**FILED**  
**AUG 30 2005**  
William A. Shaw  
Prothonotary/Clerk of Courts

Amount of Judgment	\$ <b>7,450.00</b>
Judgment Costs	\$ <b>130.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>7,580.50</b>
Post Judgment Credits	\$
Post Judgment Costs	\$
<b>Certified Judgment Total</b>	\$

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**7-27-05** Date **Patrick N. Ford**, Magisterial District Judge

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

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

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

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon. **PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **TAYLOR, GEORGE E, ET AL.**  
1451 TREASURE LAKE  
DUBOIS, PA 15801

VS.  
DEFENDANT: **BURNS, ROBERT C, ET AL.**  
1356 TREASURE LAKE  
T/D/B/A BURNS CONTRACTING  
DUBOIS, PA 15801

Docket No.: **CV-0000237-05**  
Date Filed: **6/06/05**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **TAYLOR, GEORGE E, ET AL.**

☒ Judgment was entered against: (Name) **BURNS, ROBERT C**

in the amount of \$ **7,580.50** on: (Date of Judgment) **7/27/05**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

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

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<b>Total</b>	<b>\$ 7,580.50</b>

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

**Certified Judgment Total** \$ \_\_\_\_\_

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**7-27-05** Date **Patrick N. Ford**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

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

SEAL



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**CIVIL COMPLAINT**

Mag. Dist. No.: **46-3-01**  
DJ Name: Hon. **PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**  
Telephone: **(814) 371-5321**

PLAINTIFF: NAME and ADDRESS  
[ **GEORGE E. TAYLOR and DONNA M. TAYLOR**  
**1451 Treasure Lake**  
**DuBois, PA 15801-9039**

**VS.**  
DEFENDANT: NAME and ADDRESS  
[ **ROBERT C. BURNS, SR., individually and**  
**t/d/b/a BURNS CONTRACTING**  
**1356 Treasure Lake**  
**DuBois, PA 15801**

Docket No.: **CV-237-05**  
Date Filed: **6/6/05**



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>130.50</u>	<u>6/6/05</u>
POSTAGE	\$ _____	<u>/ /</u>
SERVICE COSTS	\$ _____	<u>/ /</u>
CONSTABLE ED.	\$ _____	<u>/ /</u>
TOTAL	\$ _____	<u>/ /</u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 7,745.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated): Plaintiffs entered into a contract with Defendant on June 29, 2001, for the construction of Plaintiffs' home. Defendant commenced construction on or about September 11, 2001, and Plaintiffs moved into the home at Treasure Lake in February of 2002. Plaintiffs discovered that the new home leaked along the first floor basement walls and all attempts to get Defendant back to correct the problem have failed because Defendant has wholly failed and/or refused to return to Plaintiffs' residence. Accordingly, Plaintiffs had to make repairs to rectify the poor construction of Defendant and now seek reimbursement for the same.

I, GEORGE E. TAYLOR, on behalf of both/ Plaintiffs, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

George E. Taylor  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Toni M. Cherry, Esq. Address: P. O. Box 505  
Telephone: (814) 371-5800 DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

:  
: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:  
: Type of Pleading: COMPLAINT

:  
: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:  
: Counsel of Record for these Parties:

:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

:  
: (814) 371-5800

FILED  
012:1934 2cc  
SEP 14 2005 Amy

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

:  
:  
:  
: No. 2005 - 1295 C.D.  
:  
:  
:  
:  
:

**NOTICE**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 88-89

GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

No. 2005 - 1295 C.D.

**COMPLAINT**

AND NOW, comes the Plaintiffs, GEORGE E. TAYLOR and DONNA M. TAYLOR, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this Complaint against Defendant, ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, on a cause of action whereof the following is a statement:

1. Plaintiffs, GEORGE E. TAYLOR and DONNA M. TAYLOR, are adult individuals, husband and wife, whose residence address is 1451 Treasure Lake, DuBois, Pennsylvania 15801.

2. Defendant, ROBERT C. BURNS, is an adult individual, trading and doing business as BURNS CONTRACTING, with a business address at 1356 Treasure Lake, DuBois, Pennsylvania 15801.

3. On June 29, 2001, Defendant prepared and submitted to Plaintiffs a certain written proposal for the construction of a home for Plaintiffs being 1,148 square feet with a 400 square foot finished basement and a 564 square foot garage for a total price of \$92,600.00. A true and

correct copy of the proposal made by Defendant and accepted by Plaintiffs is attached hereto and made a part hereof as Exhibit "A".

4. The Plaintiffs have fulfilled all the provisions of the proposal on their part to be performed.

5. The Defendant has not fulfilled the provisions of the agreement on his part to be performed.

6. That Defendant commenced construction of the premises situate on Lot 159, Section 15 on Caribbean Road in the Treasure Lake Subdivision of Sandy Township on September 11, 2001.

7. That at all times during the construction of the premises, Plaintiffs relied upon the expertise of the Defendant who held himself out as a professional contractor with experience in the field of construction.

8. That Defendant was aware of the contour of the site prior to his commencement of construction of the premises and despite having promised Plaintiffs a finished basement, Defendant wholly failed to take those steps required to assure that the basement would be waterproof and performed other work in a poor, improper and unworkmanlike manner causing water to enter the basement of Plaintiffs' home.

9. That during construction, Plaintiffs noticed that ground water had leaked through the basement walls onto the first floor and notified Defendant of this problem but Defendant assured them that this situation would be alleviated after the house was finished.

10. That after Plaintiffs moved into the home in the Spring of 2002, Plaintiffs began to notice stains on the drywall in the basement and that water was creeping onto the floor because the carpeting was wet.

11. That thereafter, Plaintiffs began to notice that mold was accumulating on the walls of the basement and on the cabinetry installed in the basement.

12. That Plaintiffs repeatedly contacted Defendant with their complaints and repeatedly requested that he return to the premises but Defendant failed and wholly refused to cure the aforesaid breaches, despite Plaintiffs' repeated demands.

13. Defendant has wholly neglected to do and perform certain things which were expressly or by necessary implication required to be done and performed by the agreement he made to provide Plaintiffs with a finished basement, as follows:

- (a) installing a rubber membrane to the exterior walls of the home structure;
- (b) installing trench drains around the structure to receive and carry storm water away from the basement area of the house;
- (c) contouring the front yard away from the house to keep storm water from being transported to the finished basement.

14. Defendant has performed in a poor, improper and unworkmanlike manner certain other things which were expressly or by necessary implication required by the agreement reached by the parties to be done and performed in a proper and workmanlike manner, as follows:

(a) He discharged the roof drain leaders into the same corner of the dwelling before routing them to day light in the back yard, causing water to collect at the basement corner and seep through the exterior walls of the basement into the interior of Plaintiffs' home.

(b) Applying cementitious parging and tar sealer to the basement walls when he knew or should have known that such a procedure would be insufficient to insure a water-free basement.

15. That because Defendant wholly refused to remedy the situation or to provide Plaintiffs with any instruction as to what they could do to remedy the situation, Plaintiffs were forced to hire an engineer to provide them with instruction as to how they could correct the situation brought about by Defendant after the house was constructed at a cost to them of \$650.00.

16. That in order to remedy the aforesaid breaches of the Defendant, Plaintiffs were required to install additional french drains and to re-plant and re-mulch the area surrounding their house where the landscaping had to be dug up for the installation of these french drains at a cost of \$2,295.00. A true and correct copy of the invoice paid by Plaintiffs for this work is attached hereto and made a part hereof as Exhibit "B".

17. That because Defendant had not properly waterproofed the basement, Plaintiffs were required to install a sump pump system at a cost of \$4,800.00. A true and correct copy of that bill is attached hereto and made a part hereof as Exhibit "C".

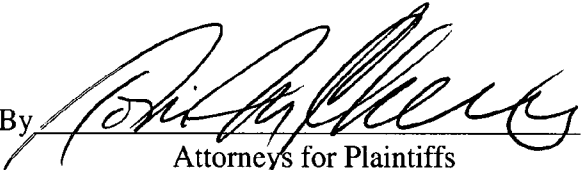
18. Finally, because of the aforesaid breaches by Defendant, Plaintiffs had to repair water damage to their drywall, cabinets, shower and had to install another shower door at a

total cost for labor and materials of \$550.00. A true and correct copy of that bill is attached hereto and made a part hereof as Exhibit "D".

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$8,295.00, together with interest thereon from December 26, 2003, to the present and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By   
Attorneys for Plaintiffs

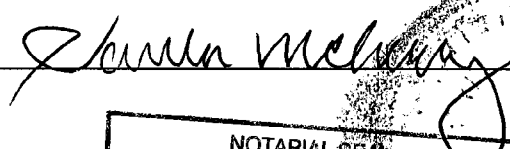
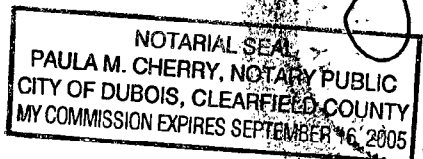


COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, DONNA M. TAYLOR, who, being duly sworn according to law, deposes and says that she is one of the Plaintiffs named herein; that she is authorized to make this Affidavit on behalf of both of the Plaintiffs; and who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

  
Donna M. Taylor

Sworn to and subscribed before me this 14<sup>th</sup> day of September, 2005.

# PROPOSAL

1356 TREASURE LK  
DUBOIS, PA 15801

No. 7-01

Date 6/29/01

Sheet No. 6

## Proposal Submitted To:

Name MR + MRS GEORGE TAYLOR  
Street 1091 NEMETH RD.  
City COOPERSBURG State PA 18026  
Phone 610-346-9564

## Work To Be Performed At:

TREASURE LK SEC. 15 LOT 159  
Street CARIBBEAN RD  
City DUBOIS State PA  
Date of Plans Architect

We hereby propose to furnish the materials and perform the labor necessary for the completion of

1148 SQ. FT. HOME

400 SQ FT FINISHED BASEMENT

564 SQ FT GARAGE

JOB SPECIFICATIONS ARE ATTACHED  
FLOOR PLANS ARE ATTACHED

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of NINETY-TWO THOUSAND, SIX HUNDRED Dollars (\$ 92,600.00) with payments to be made as follows:

AS PER DISBURSEMENT SCHEDULE (ATTACHED)

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted

Per BURNS CONTRACTING

Note: This proposal may be withdrawn by us if not accepted within 30 days.

EXHIBIT "A"

## JOB SPECIFICATIONS

**BURNS CONTRACTING**

1356 TREASURE LAKE  
DUBIOS PA 15801

ALL EXCAVATION DONE TO A ROUGH GRADE  
10" BLOCK TYPE S MORTAR FOUNDATION  
3/8" TYPE N PARGING WITH FOUNDATION COATING BELOW GRADE  
FORM-A-DRAIN FRENCH DRAIN SYSTEM  
8" X 20" FOOTERS 3000 PSI CONCRETE  
BASEMENT & GARAGE FLOOR 4" 3500 PSI CONCRETE  
DRAIN IN GARAGE AND LAUNDRY ROOM  
2 X 10 FLOOR JOIST 16" O.C.  
3/4" T & G OSB SUBFLOOR, NAILED AND GLUED  
2 X 6 EXTERIOR WALLS 24" O.C.  
7/16" OSB SHEETING ON EXTERIOR WALLS  
2 X 4 INTERIOR WALLS 16" O.C.  
ROOF TRUSSES & RAFTERS 24" O.C.  
7/16" OSB SHEETING ON ROOF WITH CLIPS  
VINYL CLAD DOUBLE HUNG WINDOWS WITH INSULATED GLASS AND SCREENS  
16' RAISED PANEL STEEL GARAGE DOOR  
9-LITE 2 PANEL FRONT ENTRY DOOR  
VINYL SLIDING PATIO DOORS  
R 19 INSULATION, SIDE WALLS  
R 38 INSULATION, CEILINGS  
4 X 5 CONCRETE FRONT STOOP  
ALCOA BRENTWOOD VINYL SIDING  
ALCOA PRO TECH VINYL SOFFIT, ALUMINUM FACCIA  
ALUMINUM GUTTER SYSTEM  
25YRS. 3-TAB FIBERGLASS SHINGLES  
PVC DRAIN SYSTEM  
PEX PIPE PLUMBING SYSTEM  
ONE OUTSIDE FAUCET  
ONE PIECE FIBERGLASS UNIVERSAL-RUNDEL ATLAS TUB/SHOWERS  
MIRRORS IN BATHS  
UNIVERSAL RUNDEL WATER CLOSETS, STOCK COLORS  
DELTA FAUCETS, CHROME  
FAN- LIGHT IN BATHROOMS  
WOOD TOWEL BARS AND TOILET PAPER HOLDERS IN BATHS  
50 GAL. HOT WATER TANK, LP  
200 AMP ELECTRIC SERVICE  
ELECTRICAL AS PER CODE  
FIVE PHONE AND CABLE JACKS  
TWO OUTSIDE RECEPTACLES  
1/2" DRYWALL, ONE COAT PRIMER, ONE COAT PAINT, SAME COLOR ENTIRE HOUSE  
FORCED AIR HEAT, LP/AIR CONDITIONING  
SIX PANEL COLUMNIST DOORS, PINE JAMBS, BRASS KNOBS  
COLONIAL PINE TRIM, PRIMED, TWO COATS SIMI-GLOSS WHITE PAINT  
VINYL COATED CLOSET SHELVING, ONE SHELF PER CLOSET, FOUR PER LINEN CLOSET  
12 X 20 SUN ROOM / WHITE TRIPLE TRACK STORM WINDOWS  
10 X 20 DECK / VINYL DECKING AND RAILING  
CONTRACTOR TO OBTAIN BUILDING PERMIT  
HOME OWNER RESPONSIBLE FOR UTILITY HOOK-UP AND SURVEY FEES  
ONE YEAR WARRANTY ON LABOR

## JOB SPECIFICATIONS

### ALLOWANCES:

KITCHEN: CABINETS AND COUNTER TOPS	\$3,500.00
BATH: VANITIES AND LAVATORIES TOPS	\$800.00
LIGHTING: ALL LIGHT FIXTURES , FANS AND DIMMER SWITCHES	\$600.00
FLOOR COVERING: ALL FLOOR COVERINGS, SUBFLOORS AND LABOR	\$4,700.00

PRICE AS PER THESE SPECIFICATIONS  
**\$92,600.00**

### DISBURSEMENT SCHEDULE:

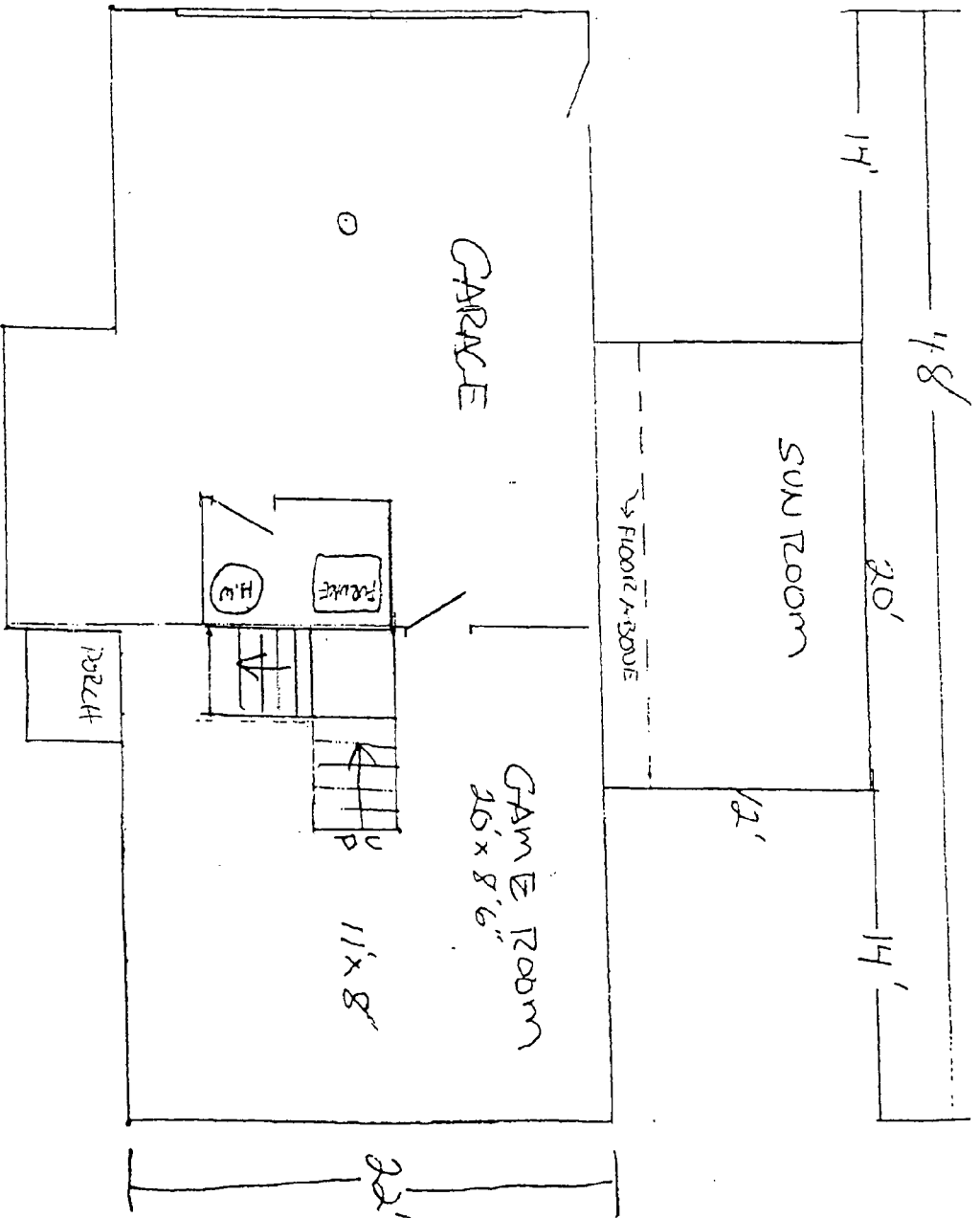
1. 10% FOUNDATION: FOUNDATION COMPLETED
2. 20% FRAMING: HOUSE UNDER ROOF, ROOF FELTED
3. 15% ROUGH-INS: PLUMBING, HEAT, ELECTRIC AND INSULATION
4. 20% EXTERIOR: ROOF SHINGLED, SIDING INSTALLED, WINDOWS AND DOORS
5. 10% INTERIOR: DRYWALL FINISHED, PAINTED, CONCRETE FLOORS FINISHED  
FURNACE SET AND READY FOR OPERATION
6. 10% TRIM: DOORS HUNG AND FINISHED, TRIM COMPLETE, SHELVING INSTALLED  
ALL FLOOR COVERING, EXCEPT FOR CARPETING INSTALLED
7. 15% FINAL: ENTIRE HOUSE COMPLETE, UTILITIES CONNECTED  
RECEIPT OF THE OCCUPANCY PERMIT

HOMEOWNERS \_\_\_\_\_ DATE: \_\_\_\_\_

CONTRACTOR \_\_\_\_\_ DATE: \_\_\_\_\_

BURNS CONTRACTING

MRS + MRS GEORGE TAYLOR



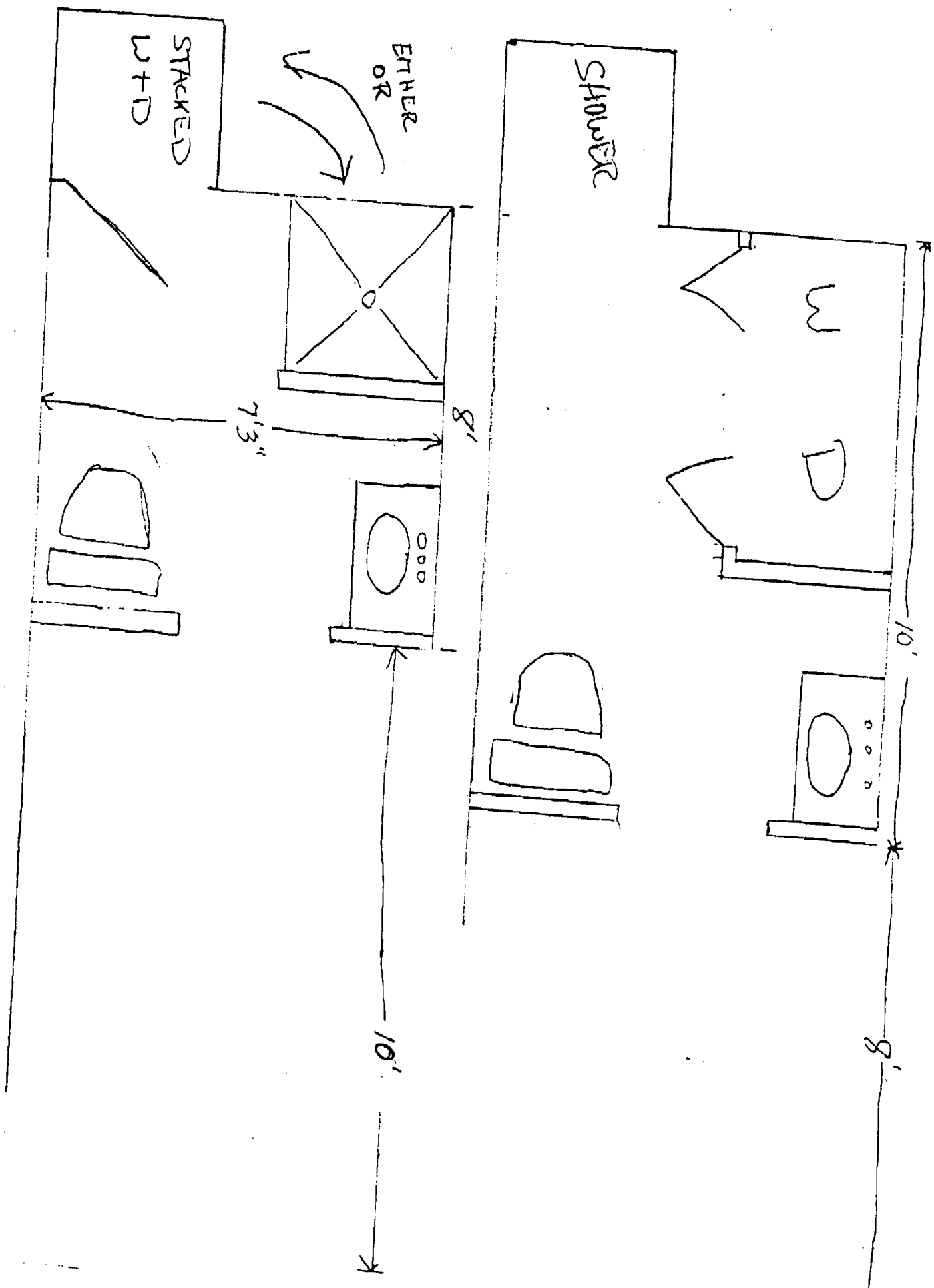
PLANS  
ACCEPTED BY

OWNER

DRAWN

DATE

GEORGE TAYLOR  
BASEMENT FLOOR PLAN  
FINISHED 400 SQ. FT.  
GARAGE 564 SQ. FT.



# INVOICE

**Bill To:**

**JOB LOCATION:**

## TERMS

DATE	DESCRIPTION	TOTAL
10/16-17/03	Put in (2) french drains, re-plant and re-mulch where landscaping was dug up, seed, starter fertilizer, and roll yard.	\$2,100.00
10/20/03	Extra work: Put down river stone border around mulch.	\$195.00
	Total	\$2,295.00
	Paid	\$1,100.00
	BALANCE	\$1,195.00

**EXHIBIT "B"**

INSTALLATION  
DATE

# Proposal



## Waterproofing Specialties, Inc.

RD 2, Box 346B, Johnsonburg Road  
Ridgway, PA 15853  
(800) 538-5201 • Phone/Fax: (814) 772-9291

PROPOSAL SUBMITTED TO

George Taylor

STREET

1451 Treasure Lake

CITY STATE AND ZIP CODE

DuBois PA 15801

PHONE (HOME)

375-0139

DATE

8/8/03

PHONE (WORK)

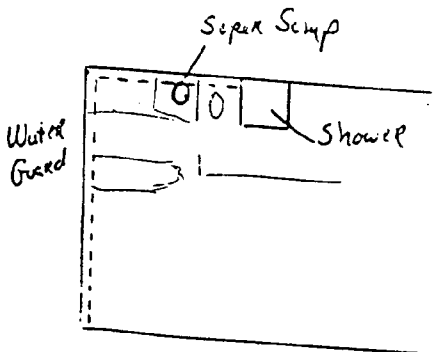
ALTERNATIVE PHONE

JOB LOCATION

Install Water Guard in the areas of the dotted line to drain the walls, and collect any incoming water. Drain the Water Guard to a Super Sump with a Ultra Sump battery back up system. (locate under storage cabinet) Discharge the pump above the ceiling tile to the exterior.

Note: Owner will have cubards, heating units, and any other items against the wall removed before work arrived. We will remove approx 2 ft of the drywall, cut off the studs and pin it to the wall, to support the wall.

Replacement of the plate, drywall and finished carpentry are not included.



We hereby submit specifications and estimates:

Wall Opening to cut: ☐ Wood Wall ☐ Block Wall ☐ Other \_\_\_\_\_

Type of Wall: ☒ Block ☐ Poured Concrete ☐ Stone ☐ Other \_\_\_\_\_

System to drain into: ☒ SuperSump-New ☐ Floor Drain ☐ Existing Sump ☐ Other \_\_\_\_\_

Type of Wall Finish: ☐ Plain ☐ Paneling ☒ Sheetrock ☐ Other \_\_\_\_\_

Type of Floor Finish: ☒ Concrete ☐ Tile ☐ Carpeting ☐ Other \_\_\_\_\_

Obstacles to go around: ☐ Pilaster ☐ Water Heater ☐ Oil Tank ☐ Behind \_\_\_\_\_

Quantity System Features:

34 WaterGuard®

1 DryTrak®

1 SuperSump®

1 IceGuard®

50 1 1/2" Pipe

1 FloodRing™

1 Wall Injection

1 BrightWall® Panels

1 TrenchDrain™

1 Extended Warranty

1 Air Purifier

Quantity System Features:

WaterGuard Por

WaterWatch Alarm

UltraSump®

LawnScape®

3" or 4" Pipe

WellDuct™

Pipe Injection

ThermalDry™ Floor

Dehumidifier

Extra Battery

The contractor's representative has fully explained the merits of the waterproofing system. I understand a DryTrak or WaterGuard system will remedy the problem with water involving walls and the joint where the floors and walls meet. I fully understand the warranty which covers only the areas of the basement addressed and accept the warranty which is transferable. There will be no charge for service calls which are leaks in the system covered under warranty. Any service calls which are not leaks in the system or leaks from damage or abuse will be charged at \$55 minimum and \$25 per man hour. Sump pumps are covered under a separate manufacturer warranty which doesn't include labor for pump service. Installation of DryTrak alone will not eliminate seepage from floor cracks. Installation of the system does not include painting, finished carpentry, extending discharge lines, electrical work, or replacement of floor tile or carpeting unless specified. Contractor is not responsible for frozen discharge lines without an IceGuard, condensation, water once pumped from house, window well flooding, or fuel tanks or lines. Homeowner responsible for moving objects away from walls and back. Some dust should be expected from work. Payments to be made in full upon completion.

We Propose hereby to furnish material and labor—complete in accordance with above specifications, for the sum of:

Four thousand eight hundred

Deposit Required \$

0

Deposit Paid \$

0

Balance Due Upon Installation \$

4,800.00

100%

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to the standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Homeowner assumes all responsibility for damages due to breakage of any hidden fuel/utility service lines, though we will do our best to avoid such damage. All proposals based primarily on homeowners description of problem.

Authorized Signature

*Walter P...*

Note: This proposal may be withdrawn by us if not accepted within 90 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. Payment will be made as outlined in EXHIBIT "C"

Date of Acceptance:

Signature X

Signature



# NEWELL PAINTING AND REMODELING

RR 2, Box 441  
DUBOIS, PA 15801  
814-371-7124

**INVOICE**

001116

DATE: 12-26-03

SOLD TO

George Taylor  
Treasure Lake

SHIP TO

CUST. ORDER NO.	DATE SHIPPED	SHIPPED VIA	TERMS	SALESMAN	F.O.B.	OUR ORDER NO.
-----------------	--------------	-------------	-------	----------	--------	---------------

Thanks!	Paid in Full. Cash	H2O Damage Repairs on Dry wall, Cabinets, Shower, etc. PP. 146.66 TO INSTALL SHOWER DOOR 1/31/04			
		Labor & Materials total			\$550.00

INVCC-755-2  
PRINTED IN U.S.A.



Thank You

EXHIBIT "D"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

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:  
: No. 2005 - 1295 C.D.  
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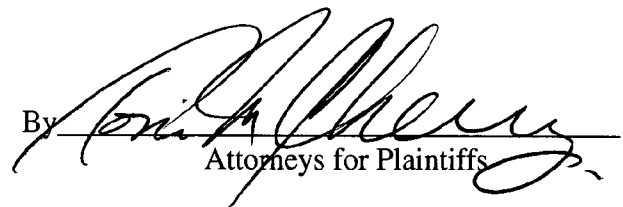
**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2005, a certified copy of the Complaint filed on behalf of Plaintiffs was served upon Defendant, ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

By

  
Attorneys for Plaintiffs

Dated: September 14, 2005

FILED<sup>NO CC</sup>  
SEP 15 2005  
SEP 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

:

: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:

: Type of Pleading: TEN-DAY DEFAULT  
: NOTICE

:

: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:

: Counsel of Record for these Parties:

:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

:

: (814) 371-5800

FILED

OCT 06 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

:  
:  
:  
: No. 2005 - 1295 C.D.  
:  
:  
:

TO: ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

Date of Notice: October 6, 2005

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

Attorneys for Plaintiffs  
One North Franklin Street  
P. O. Box 505  
DuBois, PA 15801

Dated: October 6, 2005

**FILED**

OCT 06 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

: No. 2005 - 1295 C.D.

:

: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:

: Type of Pleading: PRAECIPE TO ENTER  
: DEFAULT JUDGMENT

:

: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:

: Counsel of Record for these Parties:

:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:

: GLEASON, CHERRY AND

: CHERRY, L.L.P.

: Attorneys at Law

: P. O. Box 505

: One North Franklin Street

: DuBois, PA 15801

:

: (814) 371-5800

FILED

013:283d  
OCT 20 2005

ICC Statement  
to App  
Notice to Def.

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 20.00

GR

FILED  
OCT 19 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

:  
:  
:  
: No. 2005 - 1295 C.D.  
:  
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**PRAECIPE TO ENTER DEFAULT JUDGMENT**

TO WILLIAM A. SHAW, PROTHONOTARY

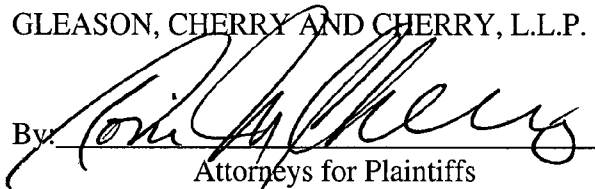
SIR:

Kindly enter a default judgment against ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, Defendant above-named, for failure to answer the Complaint filed by Plaintiffs within the time permitted by the Rules of Civil Procedure. A certified copy of the Notice sent to Defendant of Intent to enter such Default Judgment, together with a true and correct copy of the Certificate evidencing service of said Notice upon the Defendant is attached hereto as required by Pa. R.C.P. 237.1. More than ten days from the date that service of said Notice was made on Defendant has passed and Defendant has neither filed an Answer nor secured an agreement pursuant to 237.2 to extend the time in which to plead following the Ten-Day Notice

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By:



Attorneys for Plaintiffs

Dated: October 19, 2005



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

:  
: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:  
: Type of Pleading: TEN-DAY DEFAULT  
: NOTICE

:  
: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:  
: Counsel of Record for these Parties:

:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

:  
: (814) 371-5800

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

OCT 06 2005

Attest.

*Christine L. Shaw*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

:  
:  
:  
: No. 2005 - 1295 C.D.  
:  
:  
:

TO: ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

Date of Notice: October 6, 2005

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.

By. 

Attorneys for Plaintiffs  
One North Franklin Street  
P. O. Box 505  
DuBois, PA 15801

Dated: October 6, 2005

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

•

•

:

: No. 2005 - 1295 C.D.

**VS.**

•

:

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

•

•

Defendant

•

## CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of October, 2005, a true and correct copy of the Praecipe to Enter Default Judgment was served upon Defendant, ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

Bx

Attorneys for Plaintiffs

Dated: October 19, 2005

**FILED**

OCT 20 2005

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

OCT 19 2005

William A. Shaw  
Prothonotary/Clerk of Courts

 COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

:  
: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:  
: Type of Pleading: JUDGMENT

:  
: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:  
: Counsel of Record for these Parties:

:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

:  
: (814) 371-5800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant


No. 2005 - 1295 C.D.

**ENTRY OF JUDGMENT WITH ASSESSMENT OF  
INTEREST ON AWARD**

AND NOW, this 20<sup>th</sup> day of October, 2005, judgment is entered in favor of the  
Plaintiffs, GEORGE E. TAYLOR and DONNA M. TAYLOR, and against the Defendant,  
ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, by default in the  
sum of \$8,445.50.

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Prothonotary

 COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

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: No. 2005 - 1295 C.D.  
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**ASSESSMENT OF DAMAGES**

Damages are assessed on the judgment in this action as follows:


Amount claimed and awarded on default	\$ 8,295.00
Record costs from Magistrate	130.50
Record costs to enter judgment	<u>20.00</u>
Total	\$ 8,445.50

---

Prothonotary



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

 COPY

George E. Taylor  
Plaintiff(s)

No.: 2005-01295-CD

Real Debt: \$8,445.50

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robert C. Burns, individually and  
t/d/b/a Burns Contracting  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 20, 2005

Expires: October 20, 2010

Certified from the record this 20th day of October, 2005.

\_\_\_\_\_  
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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

:

: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

:

: Type of Pleading: AMENDED PRAECIPE TO  
: ENTER DEFAULT JUDGMENT

:

: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

:

: Counsel of Record for these Parties:

:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

:

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.

: Attorneys at Law

: P. O. Box 505

: One North Franklin Street

: DuBois, PA 15801

:

: (814) 371-5800

FILED <sup>rec</sup>  
013:2861 <sup>Att'y</sup>  
OCT 20 2005 <sup>cc</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

:  
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:  
: No. 2005 - 1295 C.D.  
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:

**AMENDED PRAECIPE TO ENTER DEFAULT JUDGMENT**

TO WILLIAM A. SHAW, PROTHONOTARY

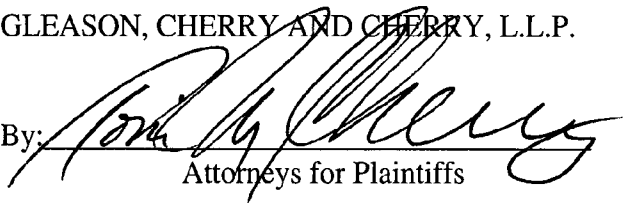
SIR:

Kindly enter a default judgment in the amount of \$8,445.50 against ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, Defendant above-named, for failure to answer the Complaint filed by Plaintiffs within the time permitted by the Rules of Civil Procedure. A certified copy of the Notice sent to Defendant of Intent to enter such Default Judgment, together with a true and correct copy of the Certificate evidencing service of said Notice upon the Defendant is attached hereto as required by Pa. R.C.P. 237.1. More than ten days from the date that service of said Notice was made on Defendant has passed and Defendant has neither filed an Answer nor secured an agreement pursuant to 237.2 to extend the time in which to plead following the Ten-Day Notice

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By:

  
Attorneys for Plaintiffs

Dated: October 20, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
v/d/b/a BURNS CONTRACTING,

Defendant

: No. 2005 - 1295 C.D.

: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

: Type of Pleading: TEN-DAY DEFAULT  
: NOTICE

: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

: Counsel of Record for these Parties:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.

: Attorneys at Law

: P. O. Box 505

: One North Franklin Street

: DuBois, PA 15801

: (814) 371-5800

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

OCT 06 2005

Attest:

Notary Public/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

No. 2005 - 1295 C.D.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

TO: ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

Date of Notice: October 6, 2005

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

Attorneys for Plaintiffs  
One North Franklin Street  
P. O. Box 505  
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

No. 2005 - 1295 C.D.

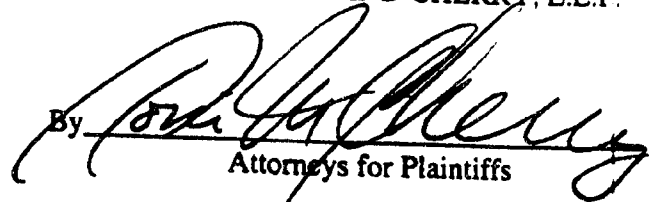
ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of October, 2005, a true and correct copy of the Ten-Day Default Notice was served upon Defendant, ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

By   
Attorneys for Plaintiffs

Dated: October 6, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DCNNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

No. 2005 - 1295 C.D.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>TH</sup> day of October, 2005, a true and correct copy of the Amended Praecipe to Enter Default Judgment was served upon Defendant, ROBERT C. BURNS, individually and t/d/b/a BURNS CONTRACTING, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiffs

Dated: October 20, 2005

**FILED**

**OCT 20 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

: No. 2005 - 1295 C.D.

: Type of Case: APPEAL FROM DISTRICT  
: JUSTICE JUDGMENT

: Type of Pleading: PRAECIPE TO MARK  
: JUDGMENT SATISFIED

: Filed on Behalf of: GEORGE E. TAYLOR and  
: DONNA M. TAYLOR, Plaintiffs

: Counsel of Record for these Parties:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

: (814) 371-5800

**FILED** 1CC # 2 Cert. of  
m/2:17/01 Sat. to Atty  
JAN 05 2006 Atty. pd. 7.00  
William A. Shaw  
Prothonotary/Clerk of Courts ©

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,  
Defendant

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: No. 2005 - 1295 C.D.  
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**PRAECIPE TO MARK JUDGMENT SATISFIED**

TO WILLIAM A. SHAW, PROTHONOTARY

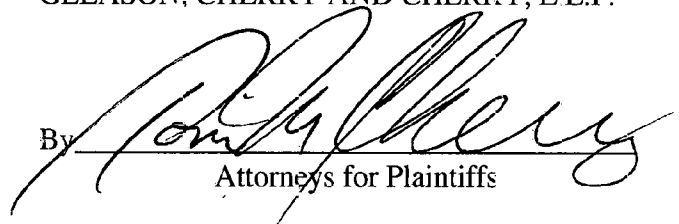
Sir:

Kindly mark the judgment filed in the above-captioned case satisfied of record.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By



Attorneys for Plaintiffs

Dated: January 3, 2006

2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. TAYLOR and DONNA  
M. TAYLOR,

Plaintiffs

vs.

ROBERT C. BURNS, individually and  
t/d/b/a BURNS CONTRACTING,

Defendant

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: No. 2005 - 1295 C.D.  
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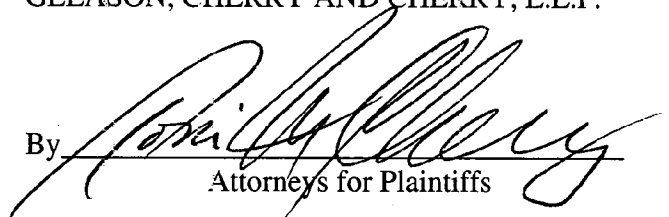
**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of January, 2006, a true and correct copy of the  
Praecipe to Mark Judgment Satisfied was sent to Defendant, ROBERT C. BURNS,  
individually and t/d/b/a BURNS CONTRACTING, by mailing the same to him by United  
States First Class Mail, postage prepaid, by depositing the same in the United States Post  
Office at DuBois, Pennsylvania, addressed as follows:

ROBERT C. BURNS  
t/d/b/a BURNS CONTRACTING  
1356 Treasure Lake  
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.


By

  
Attorneys for Plaintiffs

Dated: January 3, 2006

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

George E. Taylor

No.: 2005-01295-CD

Vs.

Debt: \$8,445.50

Robert C. Burns  
Burns Contracting

Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Thursday, January 05, 2006, directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 5th day of January, A.D. 2006.

\_\_\_\_\_  
Prothonotary