

05-1338-CD

Leslie H. Smith vs Lori L. Smith et al

Leslie Smith vs Lori Smith, Rodney Smith
2005-1338-CD

2005-1338 CD

Leslie H. Smith
385 Lecontes Road
Frenchville, PA 15836

vs

Brain K. Marshall

Lori L. Smith
Rodney G. Smith

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

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **SMITH, LESLIE H**
385 LECONTES MILLS
RD
FRENCHVILLE, PA 16836

DEFENDANT: **SMITH, LORI L, ET AL.**
BALD HILL RD
BOX 332
FRENCHVILLE, PA 16836

Docket No.: **CV-0000154-05**
Date Filed: **6/29/05**



THIS IS TO NOTIFY YOU THAT:
Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **SMITH, LESLIE H**
☒ Judgment was entered against: (Name) **SMITH, LORI L**
in the amount of \$ **8,122.50** on: (Date of Judgment) **8/02/05**

☐ 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 \$ William A. Shaw
Prothonotary/Clerk of Courts

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

FILED *no cc*
m h 560
SEP 14 2005

Amount of Judgment	\$ 8,000.00
Judgment Costs	\$ 122.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 8,122.50
Post Judgment Credits	\$ —
Post Judgment Costs	\$ —
Certified Judgment Total	\$ 8,122.50

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.

8-2-05 Date *MA Rudella*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
8/31/05 Date *MA Rudella*, Magisterial District Judge

My commission expires first Monday of January, 2006.

SEAL

AOPC 315-05

DATE PRINTED: **8/02/05 3:11:33 PM**

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**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**SMITH, LESLIE H
385 LECONTES MILLS
RD
FRENCHVILLE, PA 16836**

VS.

DEFENDANT:

NAME and ADDRESS

**SMITH, LORI L, ET AL.
BALD HILL RD
BOX 332
FRENCHVILLE, PA 16836**

Docket No.: **CV-0000154-05**
Date Filed: **6/29/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **SMITH, LESLIE H**

☒ Judgment was entered against: (Name) **SMITH, RODNEY G.**

in the amount of \$ **8,122.50** on: (Date of Judgment) **8/02/05**

☐ 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	\$ 8,000.00
Judgment Costs	\$ 122.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 8,122.50

Post Judgment Credits	\$ —
Post Judgment Costs	\$ —

Certified Judgment Total \$ 8122.50

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8-2-05 Date MARUDELLA, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
8/31/05 Date ma, Magisterial District Judge

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

SEAL

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 05-1338-CD
)
) Type of Case: Appeal from
) Magisterial District Court (Civil)
)
) Type of Pleading: Notice of Appeal
) from District Justice Judgment
)
) Filed on Behalf of:
) Defendant Lori L. Smith
)
) Counsel for This Party:
)
) Brian K. Marshall, Esquire
) I.D. No.: PA87331
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

(copies,

m/13: 2287

see page 2)

AUG 30 2005

LM

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 _____, _____

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

JUDICIAL DISTRICT

46th

FROM


DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

05-1338-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT Lori L. Smith		MAG. DIST. NO. OR NAME OF D.J. 46-3-03 (Rudella)	
ADDRESS OF APPELLANT 1220 Joseph Road		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 8/2/05	IN THE CASE OF (Plaintiff) Leslie H. Smith		(Defendant) Lori L. Smith and Rodney G. Smith
CLAIM NO. CV 154-05 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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.

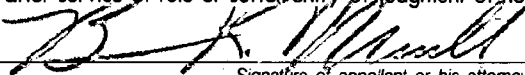
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(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 **Leslie H. Smith**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **05-1338-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or his attorney or agent


RULE: To **Leslie H. Smith**, 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: **August 30, 2005**


Signature of Prothonotary or Deputy

(LH)

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 _____

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**

ATTORNEY DEF PRIVATE :

BRIAN K. MARSHALL
MILLER KISTLER
124 ALLEGHENY ST
BELLEFONTE, PA 16823

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
SMITH, LESLIE H
385 LECONTES MILLS
RD
FRENCHVILLE, PA 16836

VS.
DEFENDANT: NAME and ADDRESS
SMITH, LORI L, ET AL.
BALD HILL RD
BOX 332
FRENCHVILLE, PA 16836

Docket No.: **CV-0000154-05**
Date Filed: **6/29/05**



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FOR PLAINTIFF

☒ Judgment was entered for: (Name) **SMITH, LESLIE H**

☒ Judgment was entered against: (Name) **SMITH, LORI L**

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☐ 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	\$ 8,000.00
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Attorney Fees	\$.00
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Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

Certified Judgment Total \$ _____

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8-2-05 Date MA Rudella, 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

Date: 10/05/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 09:03 AM

Hearings by Judge

Page 2 of 7

CT COMMON PLEAS,

All Case Types

From 10/10/2005 08:00 AM to 10/14/2005 05:00 PM

Paul E. Cherry

Begin Date and Time End Date and Time

10/10/2005 09:00 AM 10/11/2005 04:00 PM **Sinclair, Cory A.**

Case: 2005-0000496-CR

Jury Trial

Courtroom:

Prosecutor: District Attorney's Office

Defendant: Sinclair, Cory A.

Days to Speedy Trial:

Speedy Trial Date:

Attorney: Public Defender

Charge: Manuf/Del/Poss/W Int Manuf or Del

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: Possession of a Controlled Substance

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: Use/Possession Drug Paraphernalia

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: False I.D. to Law Enf. Off.

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

10/10/2005 09:00 AM 10/10/2005 12:00 PM **Sinclair, Cory A.**

Case: 2005-0000496-CR

Hearing

Courtroom:

Suppression Hearing on Defendant's Motion to Suppress Evidence

Prosecutor: District Attorney's Office

Defendant: Sinclair, Cory A.

Days to Speedy Trial:

Speedy Trial Date:

Attorney: Public Defender

Charge: Manuf/Del/Poss/W Int Manuf or Del

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: Possession of a Controlled Substance

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: Use/Possession Drug Paraphernalia

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Charge: False I.D. to Law Enf. Off.

Arresting Officer: Clark, Douglas J.

Issue Date: 05/17/2005

Date: 11/01/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 03:39 PM

ROA Report

Page 1 of 1

Case: 2005-01338-CD

Current Judge: Fredric Joseph Ammerman

Leslie H. Smith vs. Lori L. Smith, Rodney G. Smith

District Justice Appeal

Date		Judge
08/30/2005	New Case Filed.	No Judge
	✓ Filing: Notice of Appeal and Praeipce to Enter Rule to File Complaint and Rule to filed. Paid by: Marshall, Brian K. (attorney for Smith, Lori L.) Receipt number: 1907444 Dated: 08/30/2005 Amount: \$85.00 (Check) Copies to: Rodney Smith, Atty Marshall, Plff- Leslie Smith and MDJ Rudella.	No Judge
09/14/2005	✓ Transcript, filed. No CC.	No Judge
09/19/2005	✓ Complaint, filed by s/ Leslie H. Smith. 3CC plff.	No Judge
10/05/2005	✓ Preliminary Objections, filed by s/ Brian K. Marshall, esquire. 1CC to Atty	No Judge
	✓ Notice of Service of Interrogatories and Request for Production of Documents, filed by s/ Brian K. Marshall, Esquire. No cc	No Judge
10/12/2005	✓ Order AND NOW, this 11th day of October. 2005, upon consideration of Defendant Lori L. Smith's Preliminary Objections filed by Attorney Brian K. Marshall in the above matter, it is the Order of the Court that argument has been scheduled for the 10th day of November 2005 at 2:00 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff-385 Lecontes Mills Road, Frenchville, PA 16836, 1CC Atty B. Marshall and 1CC R. Smith-385 Lecontes Mills Rd, Frenchville, PA 16836	Fredric Joseph Ammerman

(

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

LESLIE H. SMITH

Plaintiff,

VS.

**LORI L. SMITH and
RODNEY G. SMITH,**

Defendants

*

*

*

* **DISTRICT JUSTICE APPEAL**

* **CASE NO. 05-1338-CD**

*

*

*

* **Type of Pleading:**

* **COMPLAINT**

*

*

*

* **Filed on behalf of:**

* **PLAINTIFF**

*

*

* **Plaintiff's Address:**

*

* **385 LeContes Mills Road**

* **Frenchville, PA 16836**

* **(814) 263-4982**

*

*

FILED

01/11/25/01
SEP 19 2005

3cc
PIH

LM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

LESLIE H. SMITH,
Plaintiff,

vs.

LORI L. SMITH and
RODNEY G. SMITH,
Defendants

*
*
* DISTRICT JUSTICE APPEAL
* NO. 05-1338-CD
*
* TYPE OF PLEADING:
* COMPLAINT
*

NOTICE

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

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

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 88-89

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

LESLIE H. SMITH,
Plaintiff,

vs.

LORI L. SMITH and
RODNEY G. SMITH,
Defendants

*
*
* DISTRICT JUSTICE APPEAL
* CASE NO. 05-1338-CD
*
*
* TYPE OF PLEADING:
* COMPLAINT

COMPLAINT

NOW COMES the Plaintiff, Leslie H. Smith, who files this Complaint and
avers as follows:

1. Plaintiff, Leslie H. Smith, is an adult individual residing at 385 LeContes Mills Road, Frenchville, Clearfield County, Pennsylvania 16836.
2. Defendant, Lori L. Smith, is an adult individual who is believed to be currently residing at 1220 Joseph Road, Clearfield, Clearfield County, Pennsylvania 16838.
3. Defendant, Rodney G. Smith, is an adult individual who resides at 385 LeContes Mills Road, Frenchville, Clearfield County, Pennsylvania 16836.
4. Defendants are married but living separately and a divorce action is pending.

5. On or about May 1, 2002, Defendants were married and renting a house, hereinafter referred to as "house") as their marital residence with an address of Bald Hill Road, Box 332, Frenchville, Clearfield County, Pennsylvania 16836.

6. When the house became available for sale, the parties agree to purchase it but required the sum of Eight Thousand (\$8,000.00) Dollars for a downpayment and closing costs.

7. Defendant Rodney G. Smith with the knowledge and agreement of Defendant Lori L. Smith, contacted Plaintiff requesting a loan of Eight Thousand (\$8,000.00) Dollars in order to purchase the said house.

8. Plaintiff agreed to lend the Eight Thousand (\$8,000.00) Dollars to his son and daughter-in-law, the Defendants, thus enabling them to purchase the said house on or about June 2, 2002.

9. At all times prior to Plaintiff lending the money to Defendants, both Defendants indicated to Plaintiff their agreement to repay the money to him as soon as they could.

10. Since the time that the Defendants purchased the said house, they have separated and have a divorce action pending.

11. Since on or about October of 2003, Defendant Lori L. Smith has had sole and exclusive use of the said house and on April 23, 2004, obtained an Order of Court for exclusive use of said house.

12. Plaintiff has made repeated requests of both Defendants for repayment of the loan that he made to them.

13. Although having exclusive control and use of the house, Defendant Lori L. Smith has repeatedly refused to make any repayment of this loan.

14. Defendant Rodney G. Smith has acknowledged this debt but is unable to pay anything toward it and since Defendant Lori L. Smith has exclusive control of the house he believes that it should be her obligation to satisfy this debt.

15. As a result of the ongoing marital dispute between the Defendants, Plaintiff has not received any payment and filed a claim with District Justice Rudella obtaining judgment which has been appealed by Defendant Lori L. Smith..

16. Plaintiff seeks repayment of the Eight Thousand (\$8,000.00) Dollars together with interest from the date of the filing of this Complaint and the Magistrate costs of \$122.50 incurred by Plaintiff to file and serve the Complaint on Defendants.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter a judgment in his favor against Defendants for the principal sum of Eight Thousand (\$8,000.00) Dollars, interest from the date of filing this Complaint, along with all court costs including the \$122.50 incurred by Plaintiff to file with the Magistrate.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie H. Smith", written over a horizontal line.

Leslie H. Smith

Pro Se

385 LeContes Mill Road
Frenchville, PA 16836

VERIFICATION

I, Leslie H. Smith, verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: Sept 19-05

Leslie H. Smith
Leslie H. Smith

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,

Defendants

)
) No. 2005-1338-CD
)
) Type of Case: Appeal from
) Magisterial District Court (Civil)
)
) Type of Pleading: Preliminary
) Objections
)
) Filed on Behalf of:
) Defendant Lori L. Smith
)
) Counsel for This Party:
)
) Brian K. Marshall, Esquire
) I.D. No.: PA87331
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

OCT 05 2005

m/2005
William A. Shaw

Prothonotary/Clerk of Courts

1 Cert to App

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

LESLIE H. SMITH,

Plaintiff

vs.

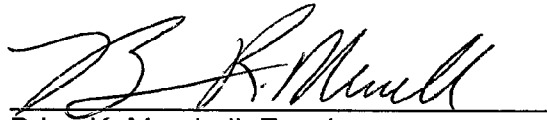
LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
)
)
)
)

NOTICE TO PLEAD

To: Leslie H. Smith

You are hereby notified to file a written response to the enclosed Preliminary Objections within twenty (20) days from service hereof, or a judgment may be entered against you.


Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Lori L. Smith

Date: 10/4/05

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

LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	

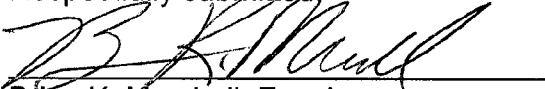
PRELIMINARY OBJECTIONS

NOW COMES the Defendant, Lori L. Smith, by and through her attorneys, Brian K. Marshall, Esquire and Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., who files Preliminary Objections to the Complaint filed by Leslie H. Smith as follows:

1. The Complaint fails to conform to Pa. R.C.P. 1019 in that it fails to state specifically whether the agreement alleged between Plaintiff and Defendants is oral or written, and further fails to include a copy of the writing if it is alleged that the agreement is in writing.

WHEREFORE, Defendant Lori L. Smith requests the Honorable Court strike the Plaintiff's Complaint for failing to conform to the Pennsylvania Rules of Civil Procedure and enter Judgment in favor of the Defendant with prejudice.

Respectfully submitted;



Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Date: 10/4/05

Counsel for Defendant Lori L. Smith

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
)
)
)
)

VERIFICATION

I, Brian K. Marshall, Esquire, verify that the statements contained in the foregoing Preliminary Objections are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



Brian K. Marshall, Esquire

Dated: 10/4/05

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
)
)
)
)


CERTIFICATE OF SERVICE

I, Brian K. Marshall, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Preliminary
Objections was served this 4th day of October, 2005 by
mailing same first class United States mail, postage prepaid, addressed to:

Leslie H. Smith
385 Lecontes Mills Road
Frenchville, PA 16836

Rodney Smith
385 Lecontes Mills Road
Frenchville, Pa 16836

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Brian K. Marshall, Esq.

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
) Type of Case: Appeal from
) Magisterial District Court (Civil)
)
) Type of Pleading: Notice of Service
) of Interrogatories and Request for
) Production of Documents
)
) Filed on Behalf of:
) Defendant Lori L. Smith
)
) Counsel for This Party:
)
) Brian K. Marshall, Esquire
) I.D. No.: PA87331
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16323
) 814-355-5474

FILED

OCT 05 2005
mo/ 2:30 PM
William A. Shaw
Prothonotary/Clerk of Courts
no 4c

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


LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	

**NOTICE OF SERVICE OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

TO THE PROTHONOTARY:

You are hereby notified that on October 4, 2005, original Interrogatories and a an original Request for Production of Documents were served upon Plaintiff Leslie H. Smith by mailing the same by first class mail, postage prepaid, addressed as follows:

Leslie H. Smith
385 Lecontes Mills Road
Frenchville, PA 16836



Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Lori L. Smith

Date: October 4, 2005

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
)
)
)
)

CERTIFICATE OF SERVICE


I, Brian K. Marshall, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of
Service of Interrogatories and Request for Production of Documents was served this
4th day of October, 2005 by mailing same first class

United States mail, postage prepaid, addressed to:

Leslie H. Smith
385 Lecontes Mills Road
Frenchville, PA 16836

Rodney Smith
385 Lecontes Mills Road
Frenchville, Pa 16836

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Brian K. Marshall, Esq.

FILED

OCT 05 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

LESLIE H. SMITH

vs.

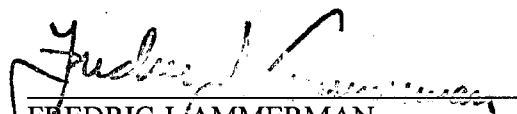
LORI L. SMITH and
RODNEY G. SMITH

:
:
: No. 05-1338-CD
:
:
:

ORDER

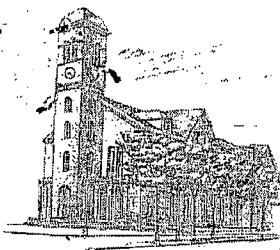
AND NOW, this 11th day of October, 2005, upon consideration of Defendant Lori L. Smith's Preliminary Objections filed by Attorney Brian K. Marshall in the above matter, it is the Order of the Court that argument has been scheduled for the 10th day of November, 2005, at 2:00 P.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 1cc
01313611 Piff-
OCT 12 2005 385 LeContes Mills
Frenchville, PA 16836
William A. Shaw
Prothonotary/Clerk of Courts 1cc
1cc R. Smith
385 LeContes Mills
Frenchville, PA 16836
1cc Ang. B. Marshall

FILED
OCT 12 2005
William A. Shaw
Prothonotary/Clerk of Courts



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

Date: September 19, 2005

Over the past several weeks, 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

_____ You are responsible for serving all appropriate parties.

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

X_____ Plaintiff(s)/Attorney(s)

X_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,
Defendants

)
) No. 2005-1338-CD
)
) Type of Case: Appeal from
) Magisterial District Court (Civil)
)
) Type of Pleading: Praecipe
)
)
) Filed on Behalf of:
) Defendant Lori L. Smith
)
) Counsel for This Party:
)
) Brian K. Marshall, Esquire
) I.D. No.: PA87331
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

0/12:14 am

NOV - 7 2005

cc Atty Marshall

Ⓢ

William A. Shaw
Prothonotary

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,


Defendants

)
) No. 2005-1338-CD
)
)
)
)
)

PRAECIPE

TO THE PROTHONOTARY

Please withdraw the Preliminary Objections to Plaintiffs' Complaint filed by
Defendant Lori Smith on October 5, 2005.



Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellevue, PA 16823
814-355-5474

Counsel for Defendant Lori L. Smith

Date: 11/7/05

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

LESLIE H. SMITH,)
Plaintiff) No. 2005-1338-CD
)
vs.)
)
LORI L. SMITH and RODNEY G. SMITH,)
Defendants)


CERTIFICATE OF SERVICE

I, Brian K. Marshall, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Praecipe was
served this 7th day of November, 2005 by mailing same first
class United States mail, postage prepaid, addressed to:

Leslie H. Smith
385 Lecontes Mills Road
Frenchville, PA 16836

Rodney Smith
385 Lecontes Mills Road
Frenchville, Pa 16836

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Brian K. Marshall, Esq.

FILED

NOV - 7 2005

William A. Shaw
Prothonotary

LAW OFFICES OF
MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC.
A PROFESSIONAL CORPORATION

JOHN R. MILLER, JR.
RICHARD L. CAMPBELL
JOHN R. MILLER, III
TERRY J. WILLIAMS
TRACEY G. BENSON*
SCOTT C. ETTER, Ph.D.
ELIZABETH A. DUPUIS
DAVID B. CONSIGLIO**
STACY PARKS MILLER
JULIA R. CRONIN
BRIAN K. MARSHALL
RENEE R. LAWRENCE***

*ALSO ADMITTED IN WEST VIRGINIA
**ALSO ADMITTED IN MARYLAND
***ALSO ADMITTED IN VIRGINIA

PLEASE REPLY TO:
BELLEFONTE OFFICE

November 7, 2005

124 NORTH ALLEGHENY STREET
BELLEFONTE, PA. 16823-1695
(814) 355-5474
GENERAL FAX (814) 355-5340
REAL ESTATE FAX (814) 357-0264
AND
720 SOUTH AHERTON STREET
STATE COLLEGE, PA. 16801-4628
(814) 234-1500
FAX (814) 234-1549

COUNSEL TO THE FIRM
ROBERT K. KISTLER

William Shaw, Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

RE: Leslie H. Smith v. Lori L. Smith and Rodney G. Smith
No. 2005-1338-CD (Clearfield County, PA)

Dear Mr. Shaw:

Enclosed please find an original and one copy of Defendant Lori Smith's Praecipe to withdraw the Preliminary Objections filed on her behalf on October 5, 2005.

The hearing scheduled before Judge Ammerman on November 10, 2005 at 2:00 p.m. may be cancelled.

Thank you.

Very truly yours,

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.

By:


Brian K. Marshall

BKM/lac
cc: Leslie Smith, w/enc.
Rodney Smith, w/enc.

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

LESLIE H. SMITH,

Plaintiff

vs.

LORI L. SMITH and RODNEY G. SMITH,

Defendants

)
) No. 2005-1338-CD
)
) Type of Case: Appeal from
) Magisterial District Court (Civil)
)
) Type of Pleading: Answer and New
) Matter
)
) Filed on Behalf of:
) Defendant Lori L. Smith
)
) Counsel for This Party:
)
) Brian K. Marshall, Esquire
) I.D. No.: PA87331
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED No cc
MAR 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	

NOTICE TO PLEAD

TO THE WITHIN NAMED PLAINTIFFS:

You are hereby notified to plead to the enclosed New Matter, within twenty (20) days from service hereof or a default judgment may be entered against you.



Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Date: 3/27/06

Counsel for Defendant Lori L. Smith

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

LESLIE H. SMITH,)
Plaintiff) No. 2005-1338-CD
vs.)
LORI L. SMITH and RODNEY G. SMITH,)
Defendants)

ANSWER AND NEW MATTER

NOW COMES the Defendant, Lori L. Smith, by and through her attorneys, Brian K. Marshall, Esquire and Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., who files this Answer and New Matter, and in support thereof avers as follows:

ANSWER

1. Admitted.
2. Admitted.
3. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to the truth of paragraph 3.
4. Admitted.
5. Defendant Lori Smith admits that she was married to Defendant Rodney Smith on or about May 1, 2002. Defendant Lori Smith further admits that at that time, she was renting a house with Defendant Rodney Smith on Bald Hill Road in Frenchville, Clearfield County, Pennsylvania.
6. Admitted in part and denied in part. Defendant Lori Smith admits that when the house became available for sale, she and Defendant Rodney Smith agreed to purchase the said property. Defendant Lori Smith specifically denies that the parties needed the sum of \$8,000.00 for a down payment and closing costs.

7. Denied. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Defendant Rodney Smith contacted Plaintiff Leslie Smith regarding a loan of \$8,000.00 in order to assist with the purchase of the residence referred to in paragraph 5 of Plaintiff's Complaint. Defendant Lori Smith specifically denies that any conversations regarding a loan between Plaintiff Leslie Smith and Defendant Rodney Smith took place with her knowledge and agreement.

8. Denied. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Plaintiff Leslie Smith agreed to lend \$8,000.00 to his son, Defendant Rodney Smith, for the purposes of purchasing the residence referred to in paragraph 5 of Plaintiff's Complaint. Defendant Lori Smith specifically denies that Plaintiff Leslie Smith agreed to loan her any monies at any time, including, but not limited to June 2, 2002.

9. Denied. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Defendant Rodney Smith indicated any agreement to repay monies at any time. Defendant Lori Smith specifically denies that she made any indications to Plaintiff Leslie Smith that she was in agreement with repaying him any sum of money at any time.

10. Admitted.

11. Admitted in part and denied in part. Defendant Lori Smith admits that she obtained an Order for exclusive possession of the marital residence described in paragraph 5 of Plaintiff's Complaint. Defendant Lori Smith denies that she has had sole and exclusive use of the residence from April 23, 2004 to the present.

12. Denied. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Plaintiff Leslie Smith has made any requests of Defendant Rodney Smith for repayment of the alleged loan. Defendant Lori Smith specifically denies that Plaintiff Leslie Smith made any request to her for repayment of the alleged loan other than the filing of a Complaint.

13. Admitted in part and denied in part. Defendant Lori Smith specifically denies that she had exclusive control and use of the residence. Defendant Lori Smith admits that she refused to make any payments to Plaintiff Leslie Smith as she is of the position that there was no bona fide loan made by Plaintiff to either Defendant.

14. Denied. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Defendant Rodney Smith has acknowledged the alleged debt as well as his ability to pay the same. As stated previously, Defendant Lori Smith specifically denies that she has exclusive control of the residence. Defendant Lori Smith is unable to form an opinion as to what Plaintiff Leslie Smith's beliefs are with regard to the satisfaction of the alleged debt.

15. Admitted in part and denied in part. Defendant Lori Smith admits that she has not made any payment to Plaintiff Leslie Smith, and further admits that Plaintiff Leslie Smith filed a claim with District Judge Michael Rudella. Defendant Lori Smith further admits that she filed the instant appeal. After reasonable investigation, Defendant Lori Smith is without knowledge or information sufficient to form a belief as to whether or not Plaintiff Leslie Smith has received any payment from Defendant Rodney Smith, and as such, demands strict proof at trial.

16. No response required. To the extent that a response is required, Defendant Lori Smith specifically denies each and every averment in this paragraph. Strict proof is demanded at trial.

WHEREFORE, Defendant Lori L. Smith respectfully requests this Honorable Court enter judgment in her favor and against Plaintiff Leslie H. Smith and to assess fees, costs and counsel fees against the Plaintiff.

NEW MATTER

17. Defendant Lori Smith asserts that any and all monies that may have been received from Plaintiff Leslie Smith in connection with the purchase of the residence described in paragraph 5 of Plaintiff's Complaint were a gift.

18. Plaintiff Leslie Smith has not commenced the instant civil action in a timely manner with respect to the applicable statute of limitations.

19. Defendant Lori Smith asserts that she is not bound by any documents relating to a purported loan that may have been signed by Plaintiff Leslie Smith and Defendant Rodney Smith, as she was not aware of their existence and was not a party to any negotiations that led to any alleged agreement.

WHEREFORE, it is respectfully requested that judgment be entered in favor of
Defendant Lori L. Smith and against Plaintiff Leslie H. Smith.

A handwritten signature in cursive script, appearing to read "B. K. Marshall", written over a horizontal line.

Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Lori L. Smith

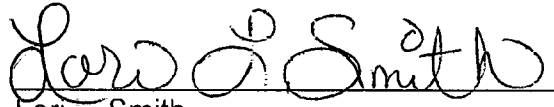
Date: 3/27/04

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

LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	

VERIFICATION

I, Lori L. Smith, Esquire, verify that the statements contained in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.


Lori L. Smith

Dated: 3/27/06

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

LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	


CERTIFICATE OF SERVICE

I, Brian K. Marshall, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Answer and
New Matter was served this 27th day of March, 2006 by
mailing same first class United States mail, postage prepaid, addressed to:

Leslie H. Smith
385 Lecontes Mills Road
Frenchville, PA 16836

Rodney Smith
385 Lecontes Mills Road
Frenchville, Pa 16836

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Brian K. Marshall, Esq.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Leslie H Smith
(Plaintiff)

CIVIL ACTION

385 Lecontes Mills Rd
(Street Address)

No. 2005 1338 CD

Frenchville Pa 16836
(City, State ZIP)

Type of Case: Civil

Type of Pleading: ANSWER

VS.

Filed on Behalf of:

LORI L SMITH & Rodney G Smith (Plaintiff/Defendant)
(Defendant)

(Street Address)

(City, State ZIP)

Leslie H Smith
(Filed by)

385 Lecontes Mills Rd
(Address) Frenchville Pa 16836

814-263-4982
(Phone)

FILED

MAY 18 2006

0/12205/122
William A. Shaw
Prothonotary/Clerk of Courts

2 CENTS TO

PLAINTIFF

Leslie H Smith
(Signature)

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

LESLIE H. SMITH,)	
Plaintiff)	No. 2005-1338-CD
)	
vs.)	
)	
LORI L. SMITH and RODNEY G. SMITH,)	
Defendants)	

**DEFENDANT LORI L. SMITH'S INTERROGATORIES DIRECTED TO
PLAINTIFF LESLIE H. SMITH**

To: Leslie H. Smith
385 Lecontes Road
Frenchville, PA 16836

Pursuant to Pennsylvania Rules of Civil Procedure 4006, et seq., Defendant Lori L. Smith by her attorneys, Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., files upon Plaintiff Leslie H. Smith Interrogatories and demands that he file full, complete and verified written answers thereto within thirty (30) days after the date of service hereof, pursuant to the Pennsylvania Rules of Civil Procedure No. 4006. In accordance with said rule, any objections shall be signed by the attorney making them.

These Interrogatories are continuing and require supplemental answers under oath if Plaintiff, his attorney or representative, obtain any additional information requested in these Interrogatories prior to the time of trial.

INSTRUCTIONS FOR ANSWERING INTERROGATORIES

A. In accordance with Pa. R.C.P. No. 4005, original written Interrogatories have been served upon you to be answered by the party served or, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party.

B. In accordance with Pa. R.C.P. No. 4006, written answers shall be inserted in the spaces provided in the Interrogatories. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

C. In accordance with Pa. R.C.P. No. 4006(b), a sufficient answer to such an Interrogatory shall be to specify the records from which the answer may be derived or ascertained.

D. Please return these original Interrogatories to our office with inserted answers.

E. For purposes of these Interrogatories, the following definitions shall apply:

1. "Document" means any written, printed, recorded or graphic matter, photographic film or videotaped matter or sound reproductions, however produced or reproduced, pertaining in any manner to the subject of this litigation.

2. "Identify," "identity" and/or "identification" when used in reference to a person means to state the full name, present or last known address, present or last known business address, present or last known job title, and the name and address of his/her last known employer.

3. "Identify," "identity" and/or "identification" when used with respect to a document mean to describe the document by date, subject matter, the name of each person who wrote, signed, initialed, dictated or otherwise participated in the preparation of same, the name and address of each addressee (if any) and the name and address of each person who has possession, custody, or control of such document.

4. "Identify," "identity" and/or "identification" when used with respect to an act, occurrence, statement or conduct, including an alleged violation or breach of duty (hereinafter collectively called an "act") mean to: (1) describe the substance of each event constituting such act and to state the date when such act occurred; (2) identify each person participating in such act; (3) identify each person present when such act occurred; (4) state whether the occurrence of such act was recorded or described in a document; (5) state whether such document or a copy thereof now exists; and (6) identify the person presently having possession, custody or control of each such document.

5. "You," "your" or "plaintiff" mean or refer to Leslie H. Smith, his employees, agents, representatives, accountants and attorneys.

6. "Defendant" means or refers to Lori L. Smith, her employees, agents, representatives, accountants and attorneys.

7. "Incident" or "accident" mean or refer to the circumstances on which this lawsuit is based as alleged in the Complaint.



Brian K. Marshall, Esquire
I.D. No.: PA87331

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Date: 10/4/05

Counsel for Defendant Lori L. Smith

INTERROGATORIES

1. Please state the exact date upon which you provided the proceeds of the \$8,000.00 loan alleged in your Complaint to Rodney Smith and/or Lori Smith.

ANSWER:

- (1) \$5,000 in cash was loaned on about May 13, 2002, to be used toward the downpayment and closing costs to Rodney and Lori Smith; handed to Rodney Smith
 - (2) \$3,000 was transferred from account of Plaintiff to account of Rodney Smith at CNB bank on May 11, 2002, per prior agreement.
2. With regard to the loan proceeds, please state specifically:

- (a) the name(s) of the person(s) to whom you delivered the proceeds of the alleged loan;
- (b) the location of the delivery; and
- (c) the method of delivery (e.g. hand delivery, United States Mail, etc).

ANSWER:

- (a)
- (b) CNB Bank, Corner of Second & Market Streets
- (c) \$5,000 in cash - hand delivery; \$3,000 - bank transfer

3. Please state specifically what form, including, but not limited to, cash, check and/or any other form, that the loan proceeds took at the date and time that you delivered the loan proceeds as stated above.

ANSWER:

- (a) \$5,000 - cash
- (b) \$3,000 - bank counter check

4. Please state the precise date when you first made a demand for payment upon:

- (a) Rodney Smith - October 30, 2003
- (b) Lori Smith - October 30, 2003

ANSWER:

- (a) Rodney Smith - October 30, 2003
- (b) Lori Smith - October 30, 2003

5. If you allege that Lori Smith requested a loan from you, please state with specificity:

- (a) each and every date, time and location where Lori Smith requested a loan;
- (b) the amount of any loan requested;
- (c) the form of her request, whether it be written, oral, or any other form; and
- (d) the stated purpose for the loan.

ANSWER:

- (a) Lori Smith was present when Rodney Smith requested a loan from Plaintiff to enable them to purchase the house that they were living in at the time. It was represented to the Plaintiff that they did not have enough to purchase the house and were unable to borrow it from the bank. At no time during this discussion did Lori Smith indicate to Plaintiff that she opposed the loan or that she did not intend for them to pay it back.
- (b) \$8,000.00
- (c) Request was oral, confirmed in writing by Rodney Smith
- (d) Downpayment on real estate and closing costs.

6. Please state whether the agreement for the alleged loan is written or oral.

ANSWER:

Agreement between Plaintiff and Rodney and Lori Smith was oral; however, Rodney Smith had the terms written down and signed and notarized them to confirm the parties' agreement.

7. If the agreement regarding the loan is written, please state with specificity the names of all persons who signed the written agreement.

ANSWER:

While the agreement for the loan was oral as between Plaintiff and Rodney and Lori Smith; Rodney Smith had the terms of their agreement set forth in writing which he signed before a notary on May 2, 2002, before receiving any proceeds of the loan.

8. If the agreement regarding the alleged loan is in writing, please state the name of the individual who prepared the written agreement.

ANSWER:

Prepared by Alison Kurtz, notary public, employed by Ameron Constuction.

9. With regard to any payments which you have received, whether in cash or in kind, upon the indebtedness you allege is owed to you by Rodney Smith and Lori Smith, please state specifically the dates, amounts, and the identity of the person making such payment.


ANSWER:

In October and November, 2005, Rodney Smith has put a new roof on Plaintiff's house and sided a garage, purchasing the materials and providing the labor for an "in kind" credit of \$5,000.

New roof for house - \$3,500 credit

Siding garage - \$1,500 credit

Exact dates cannot be given since this was over a 2 month period.



Brian K. Marshall, Esquire
I.D. No.: PA87331

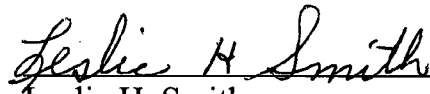
MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Date: 10/4/05

Counsel for Defendant Lori L. Smith

VERIFICATION

I verify that the statements made in the Answers to Defendant's Interrogatories are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



Leslie H. Smith

Dated: May 16, 2006

REQUESTS

1. Copies of any and all written agreements relating to the alleged loan.

RESPONSE:

Copies of Agreement prepared and signed by Rodney G. Smith, dated May 2, 2002, setting forth the parties verbal agreement.

2. Copies of any and all checks, money orders, or other drafts transmitting the proceeds of the alleged loan to the Defendants.

RESPONSE:

Copy of counter check for \$3,000, drawn on Leslie H. Smith and Ricky A. Smith account

3. Copies of all statements for any and all bank, brokerage or other accounts from which the loan proceeds were drawn for the period beginning 90 days before the date of delivery of the loan proceeds through and including 90 days subsequent to the date of delivery of loan proceeds.

RESPONSE:

Copy of statement of checking account of Rodney G. Smith with \$3,000 deposit from Leslie Smith as set forth above. Copy of savings account of Rodney G. Smith showing \$5,000 that was loaned to Defendants by Leslie H. Smith.


Brian K. Marshall, Esquire
I.D. No.: PA87331

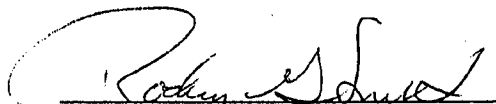
MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Date: 10/14/05

Counsel for Defendant Lori L. Smith

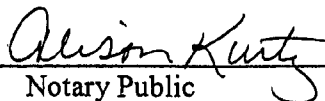
AGREEMENT

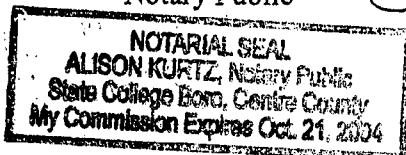
I, Rodney Smith, hereby acknowledge that on this day, I am borrowing \$8,000 from Leslie H. Smith for the purpose of a downpayment and closing costs for purchasing a home on Bald Hill Road from Gary Bluebell. Furthermore, I agree to repay this sum within three years from the date below.


Rodney G. Smith

05-02-04
Date

Signed and sealed on this day May 2, 2002.


Notary Public



B-1

NAME Leslie & Ricky Smith 5222-
ACCT. NO. 1-24923-4
DATE MAY 06-2002
CNS
COUNTY NATIONAL BANK
4200 S 54th ST
CO 31306 2784 600

5/06/02 \$522.00

NAME Leslie H. Smith may 11-02
ACCT. NO. 1249234
DATE may 11-02
CNS
COUNTY NATIONAL BANK
4200 S 54th ST
CO 31306 2784

5/13/02 \$3,000.00

NAME Leslie H. Smith may 11-02
ACCT. NO. 1249234
DATE may 11-02
CNS
COUNTY NATIONAL BANK
4200 S 54th ST
CO 31306 2784 1816

4/25/02 \$150.00

Statement of Account

0002841781
Rodney G Smith
July 8, 2002
Page 2 of 2

Savings Plus 0002841781

Average balance \$1,310.55
Interest paid year to date \$37.44

Date	Description	Additions	Subtractions	Balance
05-31	Beginning balance			\$5,727.31
06-06	#Transfer Debit		-5,000.00	727.31 192000606100756
	Transfer To Deposit Account			
	0001559178			
06-28	#Automatic Transfer		-165.90	561.41 000000000000000
	Transfer To Deposit System			
	Account 0001559178			
06-28	#Transfer Charge		-10.97	550.44 000000000000000
07-05	#Closing Interest	1.66		552.10 132000705090711
07-05	#Withdrawal		-552.10	0.00 132000705090711
07-08	Ending totals	1.66	-5,728.97	\$0.00
	Annual percentage yield earned		1.26%	
	Interest-bearing days		37	
	Average balance for APY		\$1,310.55	
	Interest earned		\$1.66	

b-2

0001559178 PAGE

Statement of Accounts

0001559178
Rodney G Smith
June 10, 2002
Page 2 of 4

Regular Checking 0001559178

Date	Description	Additions	Subtractions	Balance	Number	Date	Amount
05-08	Beginning balance	\$425.61		\$658.95	590	05-20	47.50
05-09	Check 593	00000011005141	-40.00	618.95	591	05-10	90.85
05-09	#POS Purchase	00003477230000	-29.18	589.77	592	05-13	28.95
	POS Purchase Terminal 567000053				593	05-09	40.00
	Ames Dubois PA 53 Dubois PA				594	05-13	50.00
05-09	#Service Charge	00003477230000	-1.09	588.68	595	05-13	100.00
	POS Purchase				597	05-21	25.00
05-09	#POS Purchase	0009921110000	-71.13	517.55	598	05-13	40.00
	POS Purchase Terminal 76600054				599	05-14	29.63
	2129 Wal-WAL922123 CLEARFI21 PA				600	05-15	277.00
05-09	#Service Charge	0000921110000	-1.09	516.46	602	05-22	281.25
	POS Purchase				603	05-15	24.79
05-10	Check 591	00000011038902	-90.85	425.61	604	05-21	325.50
05-13	Deposit	100.00		525.61	605	05-20	89.95
05-13	Deposit	217.05		742.66	606	06-03	75.67
05-13	Deposit	3,000.00		3,742.66	607	06-03	33.34
05-13	#Automatic Ln Paymt	00000000000000	-175.62	3,567.04	608	06-03	60.94
	Automatic Loan Pay				609	06-04	18.00
05-13	Check 592	00000011018822	-28.95	3,538.09	610	05-23	54.53
05-13	Check 594	00000011020720	-50.00	3,488.09	611	05-28	45.00
05-13	Check 595	00000011014143	-100.00	3,388.09	612	06-04	140.00
05-13	Check 598	00000011018142	-40.00	3,348.09	613	05-30	77.12
05-13	#POS Purchase	00001460110000	-26.54	3,321.55	614	05-31	25.00
	POS Purchase Terminal 76600054				620	06-04	33.95
	2129 Wal-WAL622637 CLEARFI21 PA				621	06-04	44.52
05-13	#Service Charge	00001460110000	-1.09	3,320.46	622	06-04	70.85
	POS Purchase				624	06-07	10.20
05-13	#POS Purchase	00003279330000	-19.30	3,301.16	625	06-10	7,173.54
	Merchant Purchase Terminal 413829				629	06-10	90.85
	Lowe S 273 State Col PA						
05-14	Check 599	00000011016373	-29.63	3,271.53			
05-15	Check 600	00000011010895	-277.00	2,994.53			
05-15	Check 603	00000011028148	-24.79	2,969.74			
05-16	#ATM Withdrawal	0000040470000	-60.00	2,909.74			
	Cash Withdrawal Terminal S01601						
	221 E Cherry St Clearfiel PA						
05-17	#Preauthorized Wd	52000114518206	-30.00	2,879.74			
	Life Of MD Prem Ins Prem						
	020515 01101068289						
05-20	Deposit	300.00		3,179.74			
05-20	Deposit	500.00		3,679.74			
05-20	Check 590	00000011012325	-47.50	3,632.24			
05-20	Check 605	00000011038890	-89.95	3,542.29			
05-21	Deposit	100.00		3,642.29			

* Skip in check sequence

Statement of Accounts

0001559178

Rodney G Smith

June 10, 2002

Page 4 of 4

Date Description

Date	Description	Additions	Subtractions	Balance
06-03	Check 608	00000011020217	-60.94	3,619.77
06-03	#POS Purchase	00000023690000	-10.01	3,609.76
	POS Purchase Terminal 051768001			
	RR2, Box 247 Clearfiel PA			
06-03	#Service Charge	00000023690000	-1.09	3,608.67
	POS Purchase			
06-03	#POS Purchase	0001259110000	-14.25	3,594.42
	POS Purchase Terminal 76600054			
	2129 Wal-WAL242522 CLEARFI21 PA			
06-03	#Service Charge	00001259110000	-1.09	3,593.33
	POS Purchase			
06-04	#ATM Withdrawal	00000025480000	-21.50	3,571.83
	Cash Withdrawal Terminal NC4487			
	690 Shaffer RD. Dubois PA			
06-04	#Service Charge	00000025480000	-1.09	3,570.74
	ATM Withdrawal			
06-04	Check 609	00000011038633	-18.00	3,552.74
06-04	Check 612	00000011001685	-140.00	3,412.74
06-04	Check 620	00000011014444	-33.95	3,378.79
06-04	Check 621	00000011014683	-44.52	3,334.27
06-04	Check 622	00000011028985	-70.85	3,263.42
06-06	#Transfer Credit	5,000.00	192000606100756	8,263.42
	Transfer From Deposit Account			
	0002841781			
06-07	Check 624	00000011001750	-10.20	8,253.22
06-10	Deposit	100.00	00000011036617	8,353.22
06-10	#ATM Withdrawal	00000091710000	-60.00	8,293.22
	Cash Withdrawal Terminal S01601			
	221 E Cherry St Clearfiel PA			
06-10	Check 625	00000011010758	-7,173.54	1,119.68
06-10	Check 629	00000011036467	-90.85	1,028.83
06-10	#POS Purchase	00000057650000	-6.80	1,022.03
	POS Purchase Terminal SAS252			
	Rte 2 Box 247 Clearfiel PA			
06-10	#Service Charge	00000057650000	-1.09	1,020.94
	POS Purchase			
06-10	#POS Purchase	00000055010000	-33.45	987.49
	POS Purchase Terminal 242129001			
	100 Supercenter Dr Clearfiel PA			
06-10	#Service Charge	00000055010000	-1.09	986.40
	POS Purchase			
06-10	Ending totals	10,588.19	-10,260.74	\$986.40

VERIFICATION

I verify that the attached represent true and correct copies of documents in my possession requested by the Defendant in her Request for Production of Documents. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


Leslie H. Smith

Dated: may 16, 2006