

06-66-CD
Frank Horchen Inc. vs Tri-Woods

Frank Horchen, Inc vs Tri-Woods
2006-66-CD

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

FRANK HORCHEN, INC.,

Plaintiff,

vs.

TRI-WOODS, INC.,

Defendant.

No. *06-66-CD*

PRAECIPE TO ENTER FOREIGN JUDGMENT

TO THE PROTHONOTARY

Kindly enter in favor of plaintiff, Frank Hochen, Inc., a Pennsylvania corporation, and against defendant, Tri-Woods, Inc., a Pennsylvania corporation, the Judgment obtained by plaintiff, Frank Hochen, Inc. against defendant, Tri-Woods, Inc., a Pennsylvania corporation, on December 8, 2005, in the Circuit Court of Randolph County, West Virginia, in the amount of \$60,000.00, plus interest at the rate of ten percent (10%) per year from December 8, 2005, and court costs of \$125.00.

Dated: 1/11/06

By: *Eric W. Santos*
Eric W. Santos, Esquire (PA I.D. #70477)
Bailey, Riley, Buch & Harman
The Riley Building STE 900
53 Fourteenth Street
Post Office Box 631
Wheeling, WV 26003-0081
Tele.: (304) 232-6675
Fax: (304) 232-98978

Attorney for Plaintiff

FILED *cc & Notice*
to Def.
11:54 AM
JAN 13 2006 *Statement to*
Atty
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 20.00
3 cc Atty

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

FRANK HORCHEN, INC.,)	
)	
Plaintiff,)	No.
)	
vs.)	AFFIDAVIT OF FOREIGN JUDGMENT
)	
TRI-WOODS, INC.,)	
)	
Defendant.)	

AFFIDAVIT OF FOREIGN JUDGMENT

STATE OF WEST VIRGINIA)	
)	ss.
COUNTY OF OHIO, TO-WIT:)	

I, Eric W. Santos, being duly sworn according to law, deposes and says as follows:

1. That I am the attorney for the Plaintiff in the above matter;
2. That the Defendant is Tri-Woods, Inc., and its last known post office address is 305 Aspen Way, Du Bois, PA 15801;
3. That the Plaintiff is Frank Hochen, Inc., and its post office address is Indian Run, Box 135, Johnsonburg, PA 15845; and,
4. That the foreign judgment, an authenticated copy of which is attached hereto as Exhibit "A", obtained by plaintiff, Frank Hochen, Inc. against defendant, Tri-Woods, Inc., a Pennsylvania corporation, on December 8, 2005, in the Circuit Court of Randolph County, West Virginia, in the amount of \$60,000.00, plus interest at the rate of ten percent (10%) per year from December 8, 2005, and court costs of \$125.00, no part of which has

been paid, is valid, enforceable and unsatisfied.

Further affiant sayeth naught.

Eric W. Santos

Eric W. Santos (PA I.D. #70477)

Sworn to and subscribed before me this 11th day of January, 2006.

Karen L. Barnhart

Notary Public

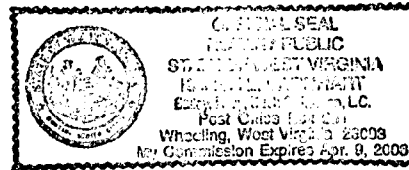


EXHIBIT A

**State of West Virginia,
County of Randolph, To-wit:**

I, Philip D. Riggelman, Clerk of the Circuit Court in and for the County of Randolph, in the State of West Virginia, do hereby certify that the document to which this authentication is affixed is a true copy of the record preserved in the Circuit Court in and for the County of Randolph, in the State of West Virginia, and that I am the Clerk of such Court.


In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Circuit Court, this 27th day of December, 2005.


Clerk of the Circuit Court of Randolph County, West Virginia

**State of West Virginia,
County of Randolph, To-wit:**

I, John Henning, Judge of the Circuit Court in and for the County of Randolph, in the State of West Virginia, do hereby certify that the document to which this authentication is affixed is a true copy of the record preserved in the Circuit Court in and for the County of Randolph, in the State of West Virginia, and that I am the Judge of such Court.

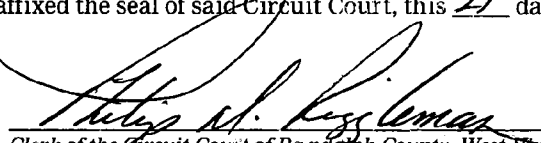
In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Circuit Court, this 27th day of December, 2005.


Judge of the Circuit Court of Randolph County, West Virginia

**State of West Virginia,
County of Randolph, To-wit:**

I, Philip D. Riggelman, Clerk of the Circuit Court in and for the County of Randolph, in the State of West Virginia, do hereby certify that John L. Henning, whose genuine signature is affixed to the foregoing authentication, is and was at the time of the signing the same Judge of the said Court, duly qualified.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Circuit Court, this 27th day of December, 2005.


Clerk of the Circuit Court of Randolph County, West Virginia

**State of West Virginia,
County of Randolph, To-wit:**

I, John Henning, Judge of the Circuit Court in and for the County of Randolph, in the State of West Virginia, do hereby certify that Philip D. Riggelman, whose genuine signature is affixed to the foregoing authentication is and was at the time of the signing the same Clerk of the said Court, duly qualified.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Circuit Court, this 27th day of December, 2005.


Judge of the Circuit Court of Randolph County, West Virginia

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

**SANDRA M. SIMMONS and
WILLIAM E. SIMMONS,**

Plaintiffs,

VS.

CIVIL ACTION NO. 04-C-43

**STANLEY R. NELSON and
FRANK HORCHEN, INC., and
TRI-WOODS, INC.,**

Defendants.

DEFAULT JUDGMENT ORDER CONCERNING DAMAGES

Pursuant to Notice provided to all parties and/or their counsel of record, this matter came on before the Honorable John L. Henning for a hearing pursuant to Rule 55(b)(2) of the West Virginia Rules of Civil Procedure to ascertain the amount of damages with respect to the Default Judgment Order entered on June 17, 2005, on Defendant, Frank Horchen, Inc.'s Motion for Default Judgment on its cross-claim against Co-Defendant, Tri-Woods, Inc.

After considering the arguments of counsel and any evidence presented, the Court is of the opinion that satisfactory evidence has been provided to enable the Court to determine the amount of damages with respect to Default Judgment entered on June 17, 2005.

Therefore, it is hereby **ADJUDGED** and **ORDERED** as follows:

1. Judgement be entered in favor of the Defendant/Cross-Claimant, Frank Horchen, Inc., and against the Co-Defendant, Tri-Woods, Inc., in the sum of Sixty

Thousand Dollars (\$60,000.00), plus post-judgment interest from the date of judgment herein until satisfied at the statutory rate of ten percent (10%) per annum, plus costs of this action on Defendant/Cross-Claimant, Frank Horchen, Inc.'s behalf incurred and expended in the amount of One Hundred Twenty-Five Dollars (\$125.00).

2. The Clerk is directed to transmit and serve an attested and certified copy of this Order to and upon all parties and/or their counsel of record *and furnish this case from the Court's active docket*

ENTERED this 8th day of December, 2005.


John L. Henning, Judge

ENTERED

DEC 08 2005

Civil ORDER BOOK

NUMBER 80 PAGE 298

PHILIP D. RIGGLEMAN, CLERK

By [Signature] Deputy

cc: Santos
Wilson, C.
Mehency

A TRUE COPY:
ATTEST:
PHILIP D. RIGGLEMAN
CLERK OF THE CIRCUIT COURT
BY [Signature] DEPUTY

PREPARED BY:

Eric W. Santos

ERIC W. SANTOS
W.Va. Bar ID #8078
The Riley Building, STE 900
53 Fourteenth Street
P.O. Box 631
Wheeling, WV 26003-0081

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

FRANK HORCHEN, INC.,)	
)	
Plaintiff,)	No.
)	
vs.)	AFFIDAVIT OF NON-MILITARY
)	SERVICE
TRI-WOODS, INC.,)	
)	
Defendant.)	

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF WEST VIRGINIA)	
)	ss.
COUNTY OF OHIO, TO-WIT:)	

I, Eric W. Santos, being duly sworn according to law, deposes and says as follows:

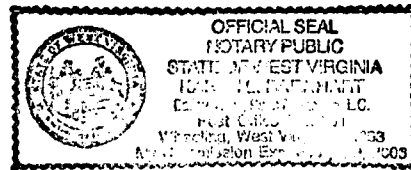
1. That I am the attorney for the Plaintiff in the above matter;
2. That the above-named Defendant is a Pennsylvania corporation, and its last known post office address is 305 Aspen Way, Du Bois, PA 15801; and
3. That the above-named Defendant is not in the Military Service of the United States, nor any State or Territory thereof or its Allies as defined in the Soldiers' and the Sailors' Civil Relief Act of 1940 and amendments thereto.

Further affiant sayeth naught.

Eric W. Santos
Eric W. Santos (PA I.D. #70477)

Sworn to and subscribed before me this 11th day of January, 2006.

Karen L. Barnhart
Notary Public



FILED


JAN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

 COPY

Frank Hochen, Inc.

Vs.

No. 2006-00066-CD

Tri-Woods, Inc.

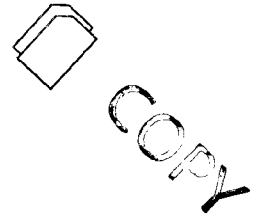
To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$60,000.00 on January 13, 2006.

William A. Shaw
Prothonotary

William A. Shaw

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

COPY

Frank Hochen, Inc.
Plaintiff(s)

No.: 2006-00066-CD

Real Debt: \$60,000.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Tri-Woods, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Foreign Judgment

Date of Entry: January 13, 2006

Expires: January 13, 2011

Certified from the record this 13th day of January, 2006.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

FRANK HORCHEN, INC.,

Plaintiff,

vs.

TRI-WOODS, INC.,

Defendant.

No. *06-66-CD*

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY

Kindly enter my appearance on behalf of Plaintiff, Frank Hochen, Inc. as to the
above-indicated matter.

Dated: *1/11/06*

By: *Eric W. Santos*

Eric W. Santos, Esquire (PA I.D. #70477)
Bailey, Riley, Buch & Harman
The Riley Building STE 900
53 Fourteenth Street
Post Office Box 631
Wheeling, WV 26003-0081
Tele.: (304) 232-6675
Fax: (304) 232-98978

Attorney for Plaintiff

FILED *icc Des.*
m11:54301 3 cc Amy
JAN 13 2006
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts