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06-217-CD

Mary Jo Meholick vs Joseph

Mary Meholick vs Joseph Bernardo
2006-217-CD

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

MARY JO MEHOLICK,
Plaintiff

vs.

JOSEPH E. BERNARDO,
Defendant

NO. 06-217-CD

Type of Case: Civil

Type of Pleading: Complaint in
Partition

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED *Atty pd*
03/03/01 85.00
FEB 10 2006
cc Atty
William A. Shaw
Prothonotary/Clerk of Courts

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

MARY JO MEHOLICK, :
Plaintiff :
: :
vs. : NO. _____ C.D.
: :
JOSEPH E. BERNARDO, :
Defendant :
:

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 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
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

MARY JO MEHOLICK, :
Plaintiff :
: vs. : NO. _____ C.D.
: :
JOSEPH E. BERNARDO, :
Defendant :
:

COMPLAINT IN PARTITION

AND NOW, comes MARY JO MEHOLICK, Plaintiff, through her Attorney, David P. King, and brings the following Complaint on her cause of action wherein the following is a statement:

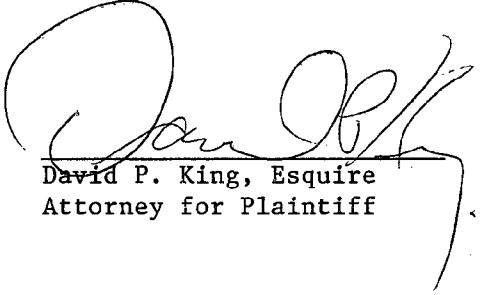
1. The Plaintiff is MARY JO MEHOLICK, an adult individual, residing at 100 East Washington Avenue, DuBois, PA 15801.
2. The Defendant is JOSEPH E. BERNARDO, an adult individual, residing at 2072 Old 255 Road, DuBois, PA 15801.
3. All the parties hereto, that is Plaintiff and Defendant, are the joint owners of a certain parcel or piece or tract of land lying, situated and being in Sandy Township, Clearfield County, Pennsylvania, containing 1.63 acres, more or less, with a home and improvements thereon, and being known as Parcel Number 128-D03-0-48 in the Assessment records of Clearfield County, PA.
4. The parties hereto, Plaintiff and Defendant, acquired ownership of the subject matter premises by Deed dated the 27th day of July, 2000, and recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200010730.

5. No persons other than the parties to this suit have any interest in the said property which is presently in the possession of the Defendant, JOSEPH E. BERNARDO, except Centex Home Equity Company, LLC f/k/a Centex Home Equity Corp., who holds a mortgage on the subject matter premises and who has initiated foreclosure proceedings against the Plaintiff and Defendant herein.

6. No partition or division of the above described property has ever been made.

WHEREFORE, Plaintiff requests your Honorable Court as follows:

- (a) That the Court decree partition of the said real estate;
- (b) That the share to which the parties hereto are entitled be set out to them severally, and that all proper and necessary conveyances and assurances be executed for carrying said partition into effect;
- (c) If the said real estate cannot be divided without prejudice and spoiling the value of the whole, then a proper and necessary sale of the subject matter premises be made by such person and in such manner as the Court may direct; and
- (d) Such other relief as the Court deems just and proper in accordance with the laws of the Commonwealth.


David P. King, Esquire
Attorney for Plaintiff

I verify that the statements made in this Complaint in Partition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: February 10, 2006

Mary Jo McHolick
Mary Jo McHolick
Plaintiff

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Mary Jo Meholick,
Plaintiff

vs.

Joseph E. Bernardo,
Defendant

: No. 06-217

: TYPE OF CASE: Partition

: TYPE OF PLEADING: Answer

: FILED ON BEHALF OF: Defendant

: COUNSEL OF RECORD FOR THIS
: PARTY: Robin Jean Foor

: SUPREME COURT NO.: 41520

: MidPenn Legal Services
: 211 East Locust Street
: Clearfield, PA 16830
: (814)765-9646

FILED 2cc
03/21/06 Atty Foor
MAR 21 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Mary Jo Meholick,
Plaintiff

vs. : NO. 06-217

Joseph E. Bernardo,
Defendant

ANSWER

Defendant, Joseph E. Bernardo, by and through his attorneys, Robin Jean Foor, Esquire and MidPenn Legal Services admits all the averments of the complaint and joins in the prayer for relief.

WHEREFORE, defendant demands that:

a.) the Court decree partition of the real estate;
b.) the share or shares to which the respective parties are entitled be set out to them in severalty and that all proper and necessary conveyances and assurances be executed for carrying such partition into effect; and that, if the real property cannot be divided without prejudice to or spoiling the whole, such proper and necessary sale or sales of the same may be made by such persons and in such manner as the Court may direct;
c.) such other and further relief be granted as the Court deems just and proper.

Respectfully Submitted,



Robin Jean Foor, Esquire
MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830

VERIFICATION

I, Joseph E.Bernardo, verify that the statements made n the foregoing Answer are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. 4904. relating to unsworn falsification to authorities.

Joseph E. Bernardo
Joseph E.Bernardo

3/17/06
Date

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

MARY JO MEHOLICK,
Plaintiff

vs.

JOSEPH E. BERNARDO,
Defendant

NO. 06-217-C.D.

Type of Case: Civil

Type of Pleading: Motion for Order
Directing Partition

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED *acc*
3/10/2006 Atty King
MAR 21 2006 *(68)*

William A. Shaw
Prothonotary/Clerk of Courts

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

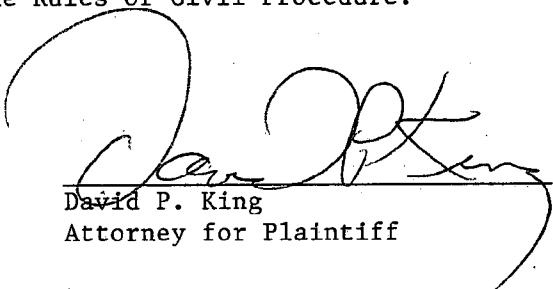
MARY JO MEHOLICK, :
Plaintiff :
: vs. : NO. 06-217-C.D.
: :
JOSEPH E. BERNARDO, :
Defendant :
:

MOTION FOR ORDER DIRECTING PARTITION

AND NOW, comes David P. King, Attorney of record for the Plaintiff above mentioned, and moves your Honorable Court to enter an Order directing Partition, and avers and states as follows:

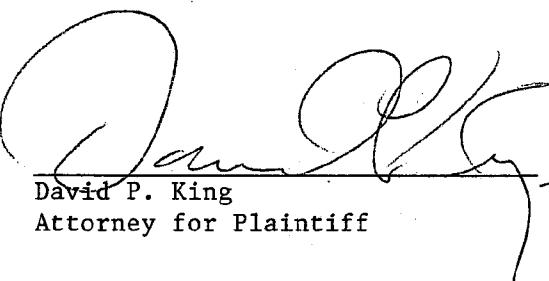
1. A Complaint to Partition realty in this matter was filed on February 10, 2006.
2. The Defendant has been served in accordance with an Acceptance of Service signed by Attorney Robin Foor, copy attached.
3. Twenty (20) days have elapsed since service was accomplished.
4. No objections or response has been filed by the Defendant in this case.

WHEREFORE, Counsel for Plaintiff moves your Honorable Court to enter the appropriate Order in accordance with the Rules of Civil Procedure.


David P. King
Attorney for Plaintiff

I verify that the statements made in this Motion for Order Directing Partition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: March 20, 2006



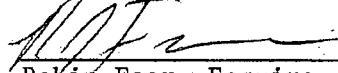
David P. King
Attorney for Plaintiff

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

MARY JO MEHOLICK, :
Plaintiff :
vs. : NO. 06-217-C.D.
JOSEPH E. BERNARDO, :
Defendant :
:

ACCEPTANCE OF SERVICE

The undersigned, ROBIN FOOR, ESQUIRE, of MidPenn Legal Services,
does hereby accept a certified copy of the Complaint in Partition filed in
this matter on behalf of the Defendant, JOSEPH E. BERNARDO, this 17th
day of February, 2006.



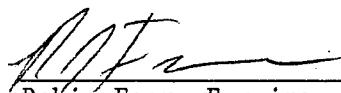
Robin Foor, Esquire
Attorney for Defendant

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

MARY JO MEHOLICK, :
Plaintiff :
: :
vs. : NO. 06-217-C.D.
: :
JOSEPH E. BERNARDO, :
Defendant :
:

ACCEPTANCE OF SERVICE

The undersigned, ROBIN FOOR, ESQUIRE, of MidPenn Legal Services,
does hereby accept a certified copy of the Complaint in Partition filed in
this matter on behalf of the Defendant, JOSEPH E. BERNARDO, this 17th
day of February, 2006.



Robin Foer, Esquire
Attorney for Defendant

FILED ^{No} _{cc}
m102301
MAR 21 2006 Copy to CIA
(lm)
William A. Shaw
Prothonotary/Clerk of Courts

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

MARY JO MEHOLICK, :
Plaintiff :
vs. : NO. 06-217-C.D.
JOSEPH E. BERNARDO, :
Defendant :
: *64*

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MAR 23 2006
William A. Shaw
Prothonotary/Clerk of Courts
2cc Amy King

ORDER DIRECTING PARTITION

AND NOW, this 23rd day of March, 2006, in consideration
of the Motion of Plaintiff's Counsel, it is the Order of this Court and hereby
directed that a Partition of the subject matter real estate be made.

It is further determined by the Court that the names of all of the
co-owners, and the nature and extent of their interest in the real estate is as
follows:

Mary Jo Meholick, an undivided one half interest

Joseph E. Bernardo, an undivided one half interest

The nature of the undivided interest as set forth above between the said
parties in interest, and their respective fractional interests are as tenants in
common.

In accordance with the Rules of Procedure, it is the further Order of this
Court, that the parties, or their Attorneys, shall appear for a Preliminary
Conference to consider:

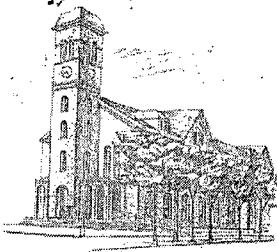
- (1) Whether the parties can agree upon a plan of partition or sale?
- (2) The simplification of issues.
- (3) Whether any issues or matters relating to carrying out the
Order of Partition shall be referred to a Master.

(4) Such other matters as may aid in the disposition of the action.

Said Conference to be held on the 5th day of April, 2006, at 9:00 o'clock A.M., in the Clearfield County Courthouse, Clearfield, PA. The parties or their Attorneys should report to the Court Administrator's Office for proper direction as to the room assigned for said Conference.

BY THE COURT:

Paul E Cheaney



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/23/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

CA

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

MARY JO MEHOLICK

NO. 06-217-CD

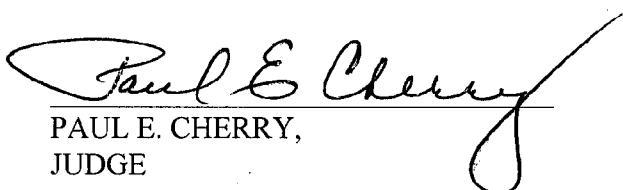
V.

JOSEPH E. BERNARDO

ORDER

AND NOW, this 5th day of April, 2006, following status conference in the above captioned matter, it is the ORDER of this Court that Benjamin S. Blakley, Esquire shall be and is hereby appointed Master in Partition. The parties shall be equally responsible for the Master's fees, which shall be set by the Master, as well as all costs incurred. The Master shall contact counsel for both parties to schedule a pre-trial conference in this matter.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

FILED

APR 05 2006

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William A. Shaw
Prothonotary/Clerk of Courts

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

MARY JO MEHOLICK,
Plaintiff

vs.

JOSEPH E. BERNARDO,
Defendant

NO. 06-217 C.D.

Type of Case: Civil

Type of Pleading: Praeclipe
to Settle and Discontinue

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED
01849cm
MAR 20 2013
S
William A. Shaw
Prothonotary/Clerk of Courts
1cc Atty
King
61C

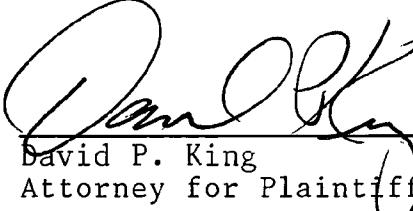
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY JO MEHOLICK, :
Plaintiff :
vs. : NO. 06-217 C.D.
JOSEPH E. BERNARDO, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark this case "SETTLED AND DISCONTINUED" by the
Plaintiff.



David P. King
Attorney for Plaintiff