

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

RANDY KIRK,

Plaintiff

vs.

SUSAN MEHOK and JEANNE McMINN
CO- EXECUTRICES OF THE HELEN
BLOOM ESTATE,

Defendants

No. 06-827-CD

Filed on behalf of: Randy Kirk,
Plaintiff

Counsel of Record for this party:
HOPKINS HELTZEL LLP

DAVID J. HOPKINS, Esquire
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, Esquire
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

013:09/BN
MAY 25 2006

2cc
Atty Hopkins
Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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

RANDY KIRK,	:	
	:	
Plaintiff	:	
	:	No.
vs.	:	
	:	
SUSAN MEHOK and JEANNE McMINN	:	
CO- EXECUTRICES OF THE HELEN	:	
BLOOM ESTATE,	:	
Defendants	:	

NOTICE

TO DEFENDANTS:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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RANDY KIRK,	:	
Plaintiff	:	
	:	No.
vs.	:	
	:	
SUSAN MEHOK and JEANNE McMINN	:	
CO- EXECUTRICES OF THE HELEN	:	
BLOOM ESTATE,	:	
Defendants	:	

COMPLAINT

AND NOW, comes Plaintiff, Randy Kirk, by and through his attorneys, Hopkins Heltzel LLP, and files the within Complaint and avers as follows:

1. Randy Kirk is an adult individual who resides at 828 Kirk Road, Rockton, Clearfield County, Pennsylvania.

2. Defendants Susan Mehok and Jeanne McMinn are Co-Executrices of the Estate of Helen Bloom whose address is 846 Shamokin Trail, DuBois, Pennsylvania 15801.

3. The property that forms the genesis of this lawsuit is located in Union Township, Clearfield County, Pennsylvania. The property consists of approximately 72 tillable acres and is identified as Tax Parcel No. E05-000-00022.

4. Since 1990, Plaintiff has entered into lease agreements with Decedent, Helen Bloom, and her late husband, Raymond Bloom, leasing the aforesaid 72 acre parcel. Plaintiff then planted and harvested crops upon the property.

5. Plaintiff maintained a yearly lease and rent was due in December of the lease year.

6. Pursuant to the aforesaid arrangement, Plaintiff paid Ms. Bloom a rental fee each year that ran from the planting season until the harvest.

7. Plaintiff leased the property described in paragraph 3 in 2004 and 2005 and paid the Estate of Helen Bloom the lease payment each December.

8. In reliance upon the lease agreement, Plaintiff planted alfalfa upon the property in 2005 that will provide four (4) cuttings in 2006.

9. Defendants, without any prior notice, improperly terminated the lease agreement in December 2005 and has barred Plaintiff from the property described in paragraph 3.

10. Plaintiffs alfalfa crop is ready to be cut and Defendants have denied Plaintiff access to the crop.

11. The value of the alfalfa crop in 2006 is \$33,400.00.

12. As a result of the breach by the Defendants, Plaintiff has suffered damages in the nature of being unable to harvest the alfalfa.

13. Plaintiff has suffered damages from Defendants' breach in the amount of \$33,400.00.

WHEREFORE, Plaintiff respectfully request this Honorable Court enter judgment against the Defendants, Susan Mehok and Jeanne McMinn as Co-Executrices of the Estate of Helen Bloom, for compensatory damages in the amount of \$33,400.00, cost of suit and such other and further relief as the Court deems fair, just and equitable.

COUNT II

14. Plaintiff incorporates the allegations set forth in Count I of his Complaint as if set forth at length herein.

15. The actions of Defendants will have caused Defendants to be unjustly enriched at the expense of Plaintiff in the amount of \$33,400.00.

WHEREFORE, Plaintiff respectfully request this Honorable Court enter judgment against the Defendants, Susan Mehok and Jeanne McMinn as Co-Executrices of the Estate of Helen Bloom, for compensatory damages in the amount of \$33,400.00, cost of suit and such other and further relief as the Court deems fair, just and equitable


COUNT III

16. Plaintiff incorporates the allegations set forth in Count I and Count II of his Complaint as if set forth at length herein.

17. As a result of the arrangement between Plaintiff and Defendants, Plaintiff is entitled to enter the property described in paragraph 3 for the sole purpose of caring for the planted alfalfa and harvesting said alfalfa.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to issue an Order authorizing Plaintiff to enter the lands described in paragraph 3 for the sole purpose of caring for the planted crops and harvesting said crops.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Randy Kirk, Plaintiff

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



Randy Kirk

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(CIVIL DIVISION)

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Plaintiff

vs.

SUSAN MEHOK and JEANNE McMINN
EXECUTRICES OF THE HELEN BLOOM
ESTATE,

Defendants


No. 06-827-CD

LIS PENDENS

TO THE PROTHONOTARY:

Kindly file a Lis Pendens against property known as Tax Parcel No. E05-000-00022 (72 acres) located in Union Township, Clearfield County, Pennsylvania,

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED 2 CC
01/30/06
MAY 25 2006
William A. Shaw
Prothonotary/Clerk of Courts
Atty Hopkins
Atty pd. 20.00

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

RANDY KIRK,

Plaintiff

vs.

SUSAN MEHOK and JEANNE McMINN
CO- EXECUTRICES OF THE HELEN
BLOOM ESTATE,

Defendants

No. 06-827 C.D.

Type of Pleading: Praeipe to Withdraw
Complaint and Lis Pendens

Filed on behalf of: Plaintiff,
Randy Kirk

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court I.D. No. 42519

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

JUN 19 2006

W/ 11-20-06
William A. Shaw
Prothonotary/Clerk of Courts
W. C/C

COPY TO C/A

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Plaintiff

vs.

SUSAN MEHOK and JEANNE McMINN
CO- EXECUTRICES OF THE HELEN
BLOOM ESTATE,

Defendants


No. 06-827 C.D.

PRAECIPE TO WITHDRAW COMPLAINT AND LIS PENDENS

TO THE PROTHONOTARY:

Kindly withdraw the Complaint and Lis Pendens with prejudice filed to the above captioned term and number.

HOPKINS HELTZEL LLP


David J. Hopkins, Esquire
Attorney for Plaintiff, Randy Kirk

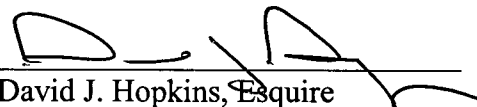
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Plaintiff	:	No. 06-827 C.D.
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vs.	:	
	:	
SUSAN MEHOK and JEANNE McMINN	:	
CO- EXECUTRICES OF THE HELEN	:	
BLOOM ESTATE,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Praecept to Withdraw Complaint and Lis Pendens filed on behalf of Plaintiff, Randy Kirk, was forwarded on the 16th day of June, 2006, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Paula M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
1 North Franklin Street
P.O. Box 505
DuBois, PA 15801



David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519