

06-851-CD

Billy Lumadue vs. William S. Albert

Billy Lumadue vs William Albert
2006-851-CD

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

BILLY J. LUMADUE,
Plaintiff,

v.

WILLIAM S. ALBERT,
Defendant.

*
*
*
* No. 06 - 851 - CD
*

* Type of Pleading:

* **COMPLAINT**

* Filed on behalf of:

* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

MAY 26 2006

0/3:45/wm

William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO ATTY

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

BILLY J. LUMADUE,
Plaintiff,

v.

WILLIAM S. ALBERT,
Defendant.

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* No. 06 - - CD
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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
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

BILLY J. LUMADUE,
Plaintiff,

*

*

*

v.

* No. 06 - - CD

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WILLIAM S. ALBERT,
Defendant.

*

COMPLAINT

NOW COMES the Plaintiff, Billy J. Lumadue, and by his attorney, James A. Naddeo, Esquire, sets for the following:

1. That the Plaintiff is Billy J. Lumadue, an adult individual, who resides at 8081 Old Erie Pike, West Decatur, Pennsylvania 16878.

2. That the Defendant is William S. Albert, an adult individual, who resides at R. R. 1, Box 219CC, West Decatur, Pennsylvania 16878.

3. That at all times referred to herein, the Plaintiff was the owner of a piece or parcel of land located in Boggs Township, Clearfield County, Pennsylvania, by virtue of a deed from the Tax Claim Bureau of Clearfield County, Pennsylvania, dated December 10, 1993 and recorded in Clearfield County Deed and Record Book 1579, page 515. A copy of said Deed is attached hereto as Exhibit "A", said premises being more particularly bounded and described as follows:

BEGINNING at an existing 1" iron pin, said pin being the southwesterly corner of other lands of Lumadue

(Deed Book 1195 Page 108) and also the northeast corner of the Drinker warrant; Thence, N 82°10'39" W along the north line of the aforesaid warrant and Simler (Deed Book 1944 Page 112), a distance of 1473.81' to a set 5/8" rebar w/cap, said point also being the southeasterly corner of Albert (Inst.#199907870); Thence, N 10°22'19" E along the east line of said Albert and along an existing stone wall, a distance of 386.85' to a set 5/8" rebar w/cap at the corner of said wall; Thence, S 89°20'23" E along the southerly line of said Albert and still along said stone wall, a distance of 1137.71' to a set 5/8" rebar w/cap, said point lying on the westerly line of other lands of Lumadue; Thence, S 23°59'33" E along said westerly line of Lumadue, a distance of 621.73' to a point and the Place of Beginning.

CONTAINING 13.9172 acres according to the Plan of survey prepared by Land & Mapping Services dated July 28, 2000 and recorded in the Clearfield County Courthouse.

COUNT I

4. That the Defendant, William S. Albert, individually and/or through his employees, agents and contractors on or about August 25, 1999, entered upon the Plaintiff's property as described in Paragraph 3 hereof and removed there from standing timber having a fair market value of \$15,628.48 as appears from the report of John Chapman, a copy of which is attached hereto as Exhibit "B".

5. That Plaintiff confronted Defendant in respect to the conduct described in Paragraph 4 hereof at which time Defendant claimed ownership of Plaintiff's land.

6. That Plaintiff caused suit in ejectment to be filed against the Defendant in the Court of Common Pleas, Clearfield County, Pennsylvania, to No. 01-582-CD on April 23, 2001.

7. That trial of Plaintiff's suit in ejectment resulted in an Opinion and Order dated April 20, 2004 in favor of Plaintiff. A copy of said Opinion and Order is attached hereto as Exhibit "C".

8. That Defendant filed a series of post-trial motions all of which were dismissed by the Court resulting in a Praecept for Final Judgment in favor of Plaintiff which was entered to said suit on November 22, 2005 from which Defendant failed to appeal.

9. That when judgment as to ownership of the land became final, Plaintiff made demand upon Defendant to compensate him for the reasonable market value of trees removed by Defendant from Plaintiff's property but Defendant has refused to do so.

WHEREFORE, Plaintiff claims damage from Defendant in the amount of \$15,628.48 with interest as allowable by law.

COUNT II

10. That the Plaintiff incorporates Paragraphs 1 through 9 of this Complaint by reference and makes them a part hereof.

11. That Defendant removed timber from Plaintiff's property as described in Paragraph 3 hereof without the consent of Plaintiff.

12. That prior to removing said trees Defendant knew or had reason to know that he was not the owner of Plaintiff's property.

13. That Plaintiff cautioned Defendant prior to the time that Defendant removed the trees from Plaintiff's property that Defendant was not the owner of the land described in Paragraph 3 hereof.

14. That Defendant acted in total disregard of Plaintiff's ownership of said property and in direct contravention of Plaintiff's rights removed standing timber from Plaintiff's property having a market value of \$15,628.48.

15. That as a direct result of said conduct, the Plaintiff has incurred the cost of a timber survey.

16. That Plaintiff claims damage from the Defendant as Provided in 42 Pa.C.S.A 8311 (a) et seq.

WHEREFORE, Plaintiff claims damage from the Defendant in the amount of \$15,628.48 along with damages as provided by 42 Pa.C.S.A. 8311(a) et. seq.

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared BILLY J. LUMADUE, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.



Billy J. Lumadue

SWORN and SUBSCRIBED before me this 25th day of May, 2006.



Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

AFFIDAVIT No. 21180

VOL 1579 PAGE 515

MADE the Tenth day December, in the year of our Lord, 1993,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee,
under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments
thereto, hereinafter called the GRANTOR,

AND

BILLY J. LUMADUE

hereinafter referred to as "GRANTEE".

WHEREAS, the hereinafter described premises were assessed in the name
of UNKNOWN, and taxes levied which have not been paid and which are
delinquent; and

WHEREAS, the said delinquent taxes against the said property were filed
in the Tax Claim Bureau of Clearfield County, Pennsylvania; and

WHEREAS, after proceeding under the provisions of the Act aforesaid, the
Tax Claim Bureau did expose the said premises to public sale on the
Fourteenth day of September, 1993; and

WHEREAS, the said premises were sold at said public sale to, BILLY J.
LUMADUE, the sum of Three Thousand Dollars, (\$3,000.00), as is more
particularly shown in the report and return of said sale by the Tax Claim
Bureau, and at the subsequent confirmation thereof by the Court of Common
Pleas of Clearfield County, Pennsylvania, at Miscellaneous Docket 10, Page 35.

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum
of Three Thousand Dollars, (\$3,000.00), the receipt thereof is hereby
acknowledged, Grantor does hereby grant and convey unto the said Grantee,
their heirs, successors or assigns the following described property to-wit:

BOGGS TOWNSHIP
MAP# 105-M10-000-00001
14 A

BEING the same property offered for sale for delinquent taxes in
accordance with the provisions of the Act of Assembly hereinbefore recited
under Tax Claim No. 88-2377 as the property of UNKNOWN.

EXHIBIT "A"

VOL 1579 PAGE 516

This deed is executed and acknowledged by MARY ANNE WESDOCK, who was duly appointed Director of the Tax Claim Bureau by Resolution of the County Commissioners of Clearfield County, Pennsylvania, dated August 15, 1989.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name and its official seal to be affixed hereto the day and year first above written.

TAX CLAIM BUREAU OF CLEARFIELD
COUNTY, PENNA.

Witness:

Grace E. Roe

By Mary Anne Wesdock
Mary Anne Wesdock Director

COMMONWEALTH OF PENNSYLVANIA)
) SS:
 COUNTY OF CLEARFIELD)

On this 20 day of December, A. D., 1993, before me, the subscriber personally appeared MARY ANNE WESDOCK, Director of the Tax Claim Bureau of Clearfield County, Pennsylvania, who in due form of law acknowledged the foregoing Indenture to be her act and deed and desired that the same might be recorded as such.

WITNESS my hand and official seal the day and year aforesaid:

Allen D. Bix (SEAL)
Prothonotary.

My commission expires the first Monday of January, 19 .
1st Monday in Jan. 19

I CERTIFY that the precise residence address of the grantee in this
indenture is

R R 1 BOX 214
WEST DECATUR, PA.
16878

VOL 1579 PAGE 517

1 COMMONWEALTH OF PENNSYLVANIA
2 DEPARTMENT OF REVENUE
3
4 REALTY
5 TRANSFER JAN-3-94
6 TAX
P.B.11452

3112

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 10:49 A.M. 1-3-94
BY Karen L. Starck
FEES 1750
Karen L. Starck, Recorder

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

PHILIP DU GOL ELEM. SCHOOL DISTRICT
1% REALTY TRANSFER TAX
AMOUNT \$ 31.12
PAID 1-3-94 KAREN L STARCK
Date 1-3-94 Agree

Entered of Record Jan 3 1994 10:09 AM Karen L Starck, Recorder

JOHN CHAPMAN
Consulting Forester



41 CHAPMAN LANE
BROCKPORT, PA 15823
OFFICE: 814/265-0571
FAX: 814/265-1365
E-MAIL jcforester@alltel.net

April 5, 2006

Billy J. Lumadue
8081 Old Erie Pike
West Decatur, PA 16878

Re: Timber trespass data...

Dear Mr. Lumadue:

At your request I conducted an appraisal of all sawtimber trees removed from your property located in Boggs Township, Clearfield County, Pennsylvania. It was noted during this work that the majority of merchantable timber was cut and removed from your fourteen (14) acres. I did not take into account values for pulpwood removed – only sawtimber size trees.

My methods of determination are accepted industry standard. Those techniques can be further described if you or your attorney requires it. Dollar values applied in this report were as of 1999. A total of 450 stumps were measured and classified by species and diameters breast high. Of this total only 387 were classified as sawtimber size trees. The total value of timber removed from the property in 1999 is **\$15,628.48** (see attached sheet).

Please note, the total timber value is determined as if those trees removed were placed on an open, competitive market. It does not reflect what the individual may have received for them once they were harvested.

If I can be of further assistance do not hesitate to contact my office.

Sincerely,

John N. Chapman, Jr.

enclosure

EXHIBIT "B"

Member of the Society of American Foresters

FOREST MANAGEMENT • TIMBER MARKETING • INVENTORIES • APPRAISALS
Serving Landowners Since 1970

Summary of Volumes and Values by Species

"Billy J. Lumadue"

Boggs Township, Clearfield Co., Penna.

March 27, 2006

Species	Avg.					
	FC*	D.B.H.	# Trees	Volume	Value/mbf	Total Value
Red Oak	80	18.1"	75	14,042	\$650	\$9,127.30
Scarlet Oak	78	14.7"	126	9,482	\$150	\$1,422.30
Soft Maple	80	14.6"	70	5,561	\$265	\$1,473.67
Black Oak	79	15.0"	34	3,233	\$325	\$1,050.73
Black Cherry	82	13.1"	29	1,999	\$1,100	\$2,198.90
White Oak	78	13.0"	42	1,817	\$175	\$317.98
Hickory	78	13.1"	6	281	\$65	\$18.27
Chestnut Oak	78	11.6"	5	129	\$150	\$19.35
		18.2"	387	36,544		\$15,628.48

**Form Class/Doyle Log Rule*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BILLIE J. LUMADUE

:

VS.

: NO. 01-582-CD

WILLIAM S. ALBERT

:

OPINION AND ORDER

This matter comes before the Court on Plaintiff's Petition to Enforce Settlement Agreement. This Court finds as a fact from the hearing thereon that Defendant's attorney, Barbara Hugney-Shope, Esquire, advised Defendant that the agreed-upon settlement would proceed unless she heard from him to the contrary by July 3, 2003. Defendant argues that since Ms. Shope proceeded with the settlement on July 2nd, at which time she had no authority to do so, the settlement should not be approved. This Court finds, however, that, based on the testimony, the Defendant did not advise Ms. Shope that he objected to the settlement either before or on July 3, 2003, and, therefore, while Ms. Shope may not have had the authority to settle the matter on July 2nd, such authority did ripen on July 3rd when the Defendant failed to contact her and, therefore, this Court does grant the Plaintiff's Petition to Enforce the Settlement and enters the following

O R D E R

NOW this 20th day of April, 2004, following hearing and briefs into Plaintiff's Petition to Enforce Settlement in

EXHIBIT "C"

the above-captioned matter, it is the ORDER of this Court that said Petition be and is hereby granted and Defendant ordered to sign the subject deed conveying the premises to the Petitioner forthwith.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

John K. Reilly, Jr.
Senior Judge
Specially Presiding

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

APR 20 2004

Attest.

William D. Allen
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101581
NO: 06-851-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BILLY J. LUMADUE
vs.
DEFENDANT: WILLIAM S. ALBERT

SHERIFF RETURN

NOW, June 07, 2006 AT 2:50 PM SERVED THE WITHIN COMPLAINT ON WILLIAM S. ALBERT DEFENDANT AT RR#1 BOX 219CC, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM S. ALBERT, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
O/10:42 AM
JUN 16 2006 GM

William A. Shaw
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	10899	10.00
SHERIFF HAWKINS	NADDEO	10899	37.97

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
by Marilyn Harris*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BILLY J. LUMADUE,

Plaintiff

VS.

WILLIAM S. ALBERT,

Defendant

*

* No. 06-851-CD

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* TYPE OF PLEADING:

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* PRAECIPE FOR ENTRY OF
* APPEARANCE

*

* FILED ON BEHALF OF:
* Defendant

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* ATTORNEY FOR DEFENDANT:

* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

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FILED NO CC
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JUN 22 2008
CM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BILLY J. LUMADUE,

Plaintiff

*

* **No. 06-851-CD**

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WILLIAM S. ALBERT,

Defendant

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PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above-named Defendant.

DATED: 6 - 21 - 06

MASON LAW OFFICE

By: DCM

David C. Mason, Esquire,
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BILLY J. LUMADUE,

Plaintiff

WILLIAM S. ALBERT

Defendant

*
* No. 06-851-CD

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* TYPE OF PLEADING: DEFENDANT'S
* ANSWER TO PLAINTIFF'S
* COMPLAINT

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* FILED ON BEHALF OF:

* William S. Albert, Defendant

* ATTORNEY FOR DEFENDANT:

* David C. Mason, Esquire
* ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

* ATTORNEY FOR PLAINTIFF:

* James A. Naddeo, Esquire
* ID#06820
* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED
7/3/06 cm Mason
JUL 06 2006


William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BILLY J. LUMADUE,

*

* No. 06-851-CD

Plaintiff

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WILLIAM S. ALBERT

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*

*

Defendant

ANSWER

AND NOW, comes the Defendant, WILLIAM S. ALBERT, by and through his Attorney, DAVID C. MASON, ESQUIRE, and files the following Answer to Plaintiff's Complaint:

1-2. ADMITTED.

3. ADMITTED IN PART AND DENIED IN PART. It is admitted that Plaintiff owns a parcel of land by virtue of a deed dated December 10, 1993. It is denied that at the time of the actions complained of in Plaintiff's complaint that the description of the lands was as provided in Paragraph 3 of Plaintiff's Complaint, as no survey of these lands was available at the time of Defendant's timber harvest.

COUNT I

4. DENIED. It is denied that the Defendant entered upon the lands of the Plaintiff and removed timber having a value of \$15,628.48, and strict proof thereof is demanded at the time of trial.

5. DENIED. It is denied that at the time of the timber harvest Plaintiff confronted

Defendant and claimed ownership of these lands. Strict proof of this averment is demanded at the time of trial.

6. DENIED. It is denied that the Plaintiff caused suit in ejectment to be brought against Defendant, filed at 01-582 CD. To the contrary, the action filed by Plaintiff against the Defendant at 01-582-CD was an action to quiet title, filed April 23, 2001, pursuant to Pa. R. C. P. 1061 (b)(1).

7. ADMITTED IN PART AND DENIED IN PART. It is admitted that the action Plaintiff filed against the Defendant resulted in the opinion and order dated April 20, 2004, which order and opinion is attached to Plaintiff's complaint. By way of further Answer, Defendant incorporates herein his answer to paragraph 6 of Plaintiff's complaint.

8. ADMITTED.

9. DENIED. It is denied that Plaintiff demanded that Defendant compensate him for the timber.

COUNT II

10. No response is necessary or required.

11. DENIED. It is denied that the Defendant removed timber from the property of Plaintiff and strict proof to the contrary is demanded at the time of trial.

12. DENIED. It is denied that Defendant removed trees from the land of the Plaintiff; that Defendant knew or had reason to know that he was not the owner of the lands from which the timber was removed; and it is further denied that Defendant acknowledges he is not the owner of the lands from which this timber was removed. Strict proof of this averment relating to Defendant's knowledge, understanding or belief is demanded at the time of trial.

13. DENIED. It is denied that Plaintiff cautioned Defendant prior to the removal of said trees as the parties were unaware of the location of these lands.

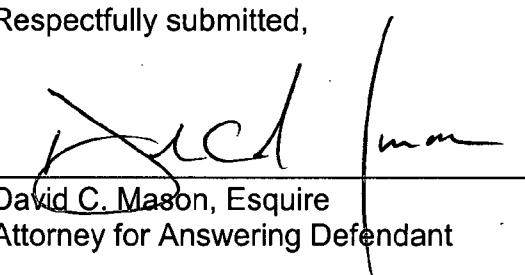
14. DENIED. It is denied that Defendant acted with total disregard of Plaintiff's ownership of said property, in as much as Plaintiff had not yet surveyed these premises and neither Plaintiff nor Defendant was at that time aware of the location of these lands. Strict proof to the contrary is demanded at the time of trial.

15. DENIED. After reasonable investigation answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment, therefore, the same is denied and strict proof thereof to the extent deemed relevant is demanded at the time of trial.

16. No response is necessary or required. To the extent a response is necessary, Defendant incorporates herein each and every factual averment, denial and statement contained in this pleading.

WHEREFORE, Defendant prays your Honorable Court for the entry of an Order dismissing Plaintiff's Complaint, with prejudice, and any other relief which the Court deems appropriate.

Respectfully submitted,



David C. Mason, Esquire
Attorney for Answering Defendant

VERIFICATION

I, WILLIAM S. ALBERT do hereby verify that the facts set forth in the foregoing **ANSWER TO PLAINTIFF'S COMPLAINT** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 7/16/2006

William S. Albert
William S. Albert

C:\OFFICE\COURT\ALBERTWM\AnswerstoLumadue'sComp.wpd\blb

FILED

JUL 06 2006

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BILLY J. LUMADUE,

Plaintiff

WILLIAM S. ALBERT

Defendant

*
* No. 06-851-CD

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* TYPE OF PLEADING: CERTIFICATE OF
* SERVICE

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* FILED ON BEHALF OF:

* William S. Albert, Defendant

*

* ATTORNEY FOR DEFENDANT:

* David C. Mason, Esquire

* ID #39180

* MASON LAW OFFICE

* P.O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

*

* ATTORNEY FOR PLAINTIFF:

*

* James A. Naddeo, Esquire

* ID#06820

* 207 East Market Street

* P.O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

FILED
0/3:40am *acc AAS*
JUL 06 2006 *David C. Mason*
JUL 06 2006 *UN*

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BILLY J. LUMADUE,

*

* No. 06-851-CD

Plaintiff

*

WILLIAM S. ALBERT

*

Defendant

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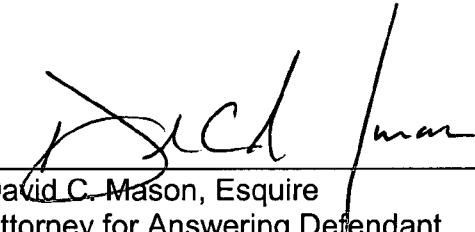
CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT filed in the above captioned action on the following by depositing the same in the U. S. Mail, postage prepaid and addressed as follows:

James A. Naddeo, Esquire
207 East Market Street
P.O. Box 552
Clearfield, PA 16830

DATED:

July 6, 2006



David C. Mason, Esquire
Attorney for Answering Defendant

FILED

JUL 06 2006

William A. Shaw
Prothonotary

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

BILLY J. LUMADUE,
Plaintiff,

v.

WILLIAM S. ALBERT,
Defendant.

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* No. 06 - 851 - CD

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* Type of Pleading:

* **PRAECIPE TO LIST FOR TRIAL**

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

* Dated: September 11, 2006

FILED
09/30/2006
SEP 11 2006
1 CC
Amy Naddeo
CR

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff,

v.

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* No. 06 - 851 - CD

*

WILLIAM S. ALBERT,
Defendant.

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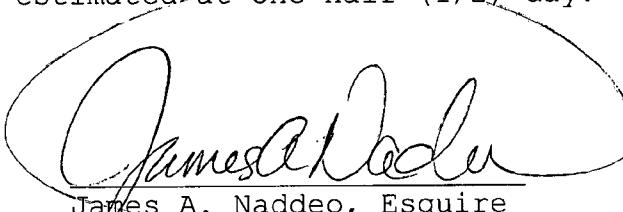
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PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next list
for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready for trial.
3. The case is to be heard by jury.
4. Notice of the Praecipe has been given to opposing counsel.
5. The time for trial is estimated at one-half (1/2) day.


James A. Naddeo, Esquire
Attorney for Plaintiff

Date: September 11, 2006

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

BILLY J. LUMADUE,
Plaintiff,

v.

WILLIAM S. ALBERT,
Defendant.

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* No. 06 - 851 - CD

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* Type of Pleading:

*

*

Certificate of Service

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* Filed on behalf of:
Plaintiff

*

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*

* Counsel of Record for
this party:

*

*

* James A. Naddeo, Esq.
Pa I.D. 06820

*

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*

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* 207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

*

* Dated: September 12, 2006

FILED NO
010-3581 CC
SEP 12 2006
WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff,

*

*

八

V.

*

No. 06 - 851 - CD

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WILLIAM S. ALBERT,
Defendant.

*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to List for Trial was served on the following and in the following manner on the 11th day of September, 2006:

First-Class Mail, Postage Prepaid

David C. Mason, Esquire
Mason Law Office
P.O. Box 28
Philipsburg, PA 16866

James A. Naddeo
Attorney for Plaintiff

James A. Nadelo

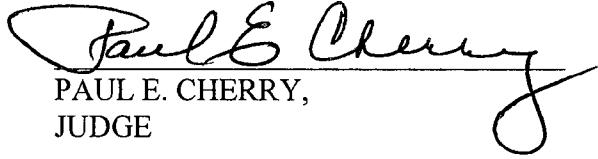
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BILLY J. LUMADUE : NO. 06-851-CD
: :
V. : :
: :
WILLIAM S. ALBERT : :

ORDER

AND NOW, this 24th day of January, 2007, following Pre-Trial Conference, it is
the ORDER of this Court that Non-Jury Trial in this matter is scheduled for March 6,
2007, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

2CC
FILED
01/31/07 Atty: Nadeen
JAN 24 2007 Mason

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/24/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

JAN 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff,

v.

WILLIAM S. ALBERT,
Defendant.

*
*
*
* No. 06 - 851 - CD
*

* Type of Pleading:

* **PRAECIPE TO SETTLE
AND DISCONTINUE**
*

* Filed on behalf of:
* Plaintiff
*

* Counsel of Record for
* this party:
*

* James A. Naddeo, Esq.
* Pa I.D. 06820
*

* Naddeo & Lewis, LLC
* 207 E. Market Street
* Clearfield, PA 16830
* (814) 765-1601
*

*

FILED
01314461
FEB 26 2007
Clerk of
Disc. to Atty
60

William A. Shaw
Prothonotary/Clerk of Courts

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

BILLY J. LUMADUE,
Plaintiff,

*

*

v.

*

No. 06 - 851 - CD

*

WILLIAM S. ALBERT,
Defendant.

*

*

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

NADDEO & LEWIS, LLC

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

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

BILLY J. LUMADUE, *
Plaintiff, *
*
v. * No. 06 - 851 - CD
*
WILLIAM S. ALBERT, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to Settle and Discontinue was served on the following and in the following manner on the 26th day of February, 2007:

First-Class Mail, Postage Prepaid

David C. Mason, Esquire
Mason Law Office
P.O. Box 28
Philipsburg, PA 16866

NADDEO & LEWIS, LLC

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Billy J. Lumadue

Vs.
William S. Albert

No. 2006-00851-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 26, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of February A.D. 2007.



William A. Shaw, Prothonotary