

06-861-CD

Kathy Hoover vs Mark Peffer

Kathy Hoover et al vs Mark Peffer et al
2006-861-CD

Date: 5/3/2007
Time: 10:04 AM
Page 1 of 3

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2006-00861-CD

Current Judge: Fredric Joseph Ammerman

Kathy Hoover, Edward Hoover vs. Mark Peffer, Robyn Merritt

District Justice Appeal

| Date | | Judge |
|-----------|--|-------------------------|
| 5/30/2006 | New Case Filed. | No Judge |
| | ✓ Filing: Notice of Appeal and Praeclipe to Enter Rule to File Complaint and Rule to File. (notice of appeal from MDJ Rudella, SUPERSEDEAS signed. Paid by: Peffer, Mark (defendant) Receipt number: 1914031 Dated: 05/30/2006 Amount: \$85.00 (Check) 1CC MDJ Rudella, 1CC Plff-Kathy Hoover and Green copy to Deft to serve on MDJ Rudella. | No Judge |
| 6/12/2006 | ✓ Transcript from Michael A. Rudella MDJ, filed. NO CC. | No Judge |
| 6/14/2006 | ✓ Complaint, filed by s/ John R Ryan Esq. 6CC Atty Ryan. | No Judge |
| 6/21/2006 | ✓ Affidavit of Service filed. Served a certified copy of Complaint filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter to Mark Peffer and Robyn Merritt on the 16th day of June 2006, filed by s/ John R. Ryan Esq. No CC. | No Judge |
| 7/17/2006 | ✓ Answer Containing New Matter, filed by s/ David R. Thompson Esq. 2CC Thompson. | No Judge |
| 7/21/2006 | ✓ Certificate of Service, copy of the Answer Containing New Matter, served by First Class Mail on July 17, 2006 upon Kathryn Hoover and Edward Hoover. Filed by s/ David R. Thompson, Esquire. 1CC to Atty | No Judge |
| 7/31/2006 | ✓ Reply To New Matter, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan | No Judge |
| 8/1/2006 | ✓ Certificate of Service, filed. Served a certified copy of Reply to New Matter filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter on David R. Thompson Esq., on the 1st day of August 2006, filed by s/ John R. Ryan Esq. No CC. | No Judge |
| 8/2/2006 | ✓ Petition to Compel Payment of Rent, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan | No Judge |
| 8/8/2006 | ✓ Order, NOW, this 7th day of Aug., 2006, upon consideration of the foregoing Petition a Rule is issued upon the Defendants to show cause why the relief requested therin should not be granted. rule made returnable for hearing the 1st day of Sept. 2006, at 10:30 a.m. in Courtroom No. 1. By the Court, /s/ Fredric J. Ammerman, 3CC To Atty | Fredric Joseph Ammerman |
| 8/9/2006 | ✓ Certificate of Service, filed. Served a certified copy of Petition to Compel Payment of Rent, along with the scheduling Order, filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter on the 8th day of August 2006 on David R. Thompson Esq., filed by s/ John R. Ryan Esq. No CC. | Fredric Joseph Ammerman |
| 8/29/2006 | ✓ Motion For Expedited Hearing on the Merits/Motion for Partial Summary Judgment, filed by s/ John R. Ryan Esq. 3CC Atty Ryan. | Fredric Joseph Ammerman |
| 8/30/2006 | ✓ Order, NOW, this 30th day of August, 2006, hearing on Motion for Partial Summary Judgment and hearing on the merits is scheduled for the 8th day of Sept., 2006 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Judge. 3CC Atty. Ryan | Fredric Joseph Ammerman |
| 8/31/2006 | ✓ Certificate of Service, filed. Served a certified copy of Motion for Expedited Hearing on the Merits/Motion for Partial Summary Judgment, along with the scheduling Order filed on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter on the 30th day of August 2006 on David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. | Fredric Joseph Ammerman |

List of Jurors for Criminal Court
Scheduled for Thursday, February 15, 2007 at 8:45AM in Court Room 1

Page 4
Date Printed 01/03/2007

| Juror# | Juror Name | Number of Jurors Selected | Address Line 1 | Session # | Address Line 2 | Address Line 3 |
|--------|-----------------------------|---------------------------|------------------------|-----------|------------------------|----------------|
| 58 | 2291 DOTTI, LYNN M. | 265 | 233 TWOEY HOLLOW RD | | WEST DECATUR PA 16878 | |
| 59 | 159 DUFFTON, JOHN KIR | E-X. 1-15-07 | 327 W. MARKET ST. | | CLEARFIELD PA 16830 | |
| 60 | 2758 ECKLEY, GALE | | 77 KNOX RUN RD | | MORRISDALE PA 16858 | |
| 61 | 1302 ENNANIELSON, RONNIE G. | E-X. 1-15-07 | 117 SWEET SHERBURN AVE | | DUBOIS PA 15801 | |
| 62 | 4812 ENGLISH, JERRILIE | E-X. 1-19-07 | 1015 HILL ST. HA | | PHILIPSBURG PA 16866 | |
| 63 | 4240 FARRAHAN, SHIRLEY J. | 119 | 473 LINCOLN DRIVE | | DUBOIS PA 15801 | |
| 64 | 69 FARRRELL, SCOTT T. | 12 | 118 N. THIRD ST. | | DUBOIS PA 15801 | |
| 65 | 1324 FEELEY, HELEN S. | E-X. 1-23-07 | 1002 COUNTRY CLUB RD | | CLEARFIELD PA 16830 | |
| 66 | 2362 FRAZER, DANNY | E-X. 1-22-07 | 454 BOROUGH ROAD | | PUNXSUTAWNEY PA 15767 | |
| 67 | 4289 FRAYMAN, YEVGENIYA | | 1133 TREASURE LAKE | | DUBOIS PA 15801 | |
| 68 | 3533 FREEMAN, JOSEPH | E-X. 1-25-07 | R.D.4, BOX 636 | | CENTERVILLE PA 15767 | |
| 69 | 662 FRITZ, JILL L. | | 209 W GARFIELD AVE | | DUBOIS PA 15801 | |
| 70 | 2662 FULTON, RABBIT | E-X. 1-23-07 | 279 FULTON LANE | | WESTOVER PA 16892 | |
| 71 | 2059 FUNDANISH, KIRBY | E-X. 1-19-07 | 2160 UTAHVILLE ROAD | | CENTERPORT PA 16692 | |
| 72 | 179 GABRIELSON, RICHARD | | 502 NEW ST | | CLEARFIELD PA 16830 | |
| 73 | 4735 GALLAGHER, APRIL M | | PO BOX 16 | | RAMEY PA 16671 | |
| 74 | 1343 GARVEY, AMY ANNE | | 129 MAPLEDALE CT | | OSCEOLA MILLS PA 16666 | |
| 75 | 169 GLASS, EVELYN | E-X. 1-23-07 | 305 SPRING ST | | HOMEDALE PA 16651 | |
| 76 | 4308 GOOD, JOSEPH | | 386 NEWELL ROAD | | DUBOIS PA 15801 | |

Date: 5/3/2007

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:04 AM

ROA Report

Page 2 of 3

Case: 2006-00861-CD

Current Judge: Fredric Joseph Ammerman

Kathy Hoover, Edward Hoover vs. Mark Peffer, Robyn Merritt

District Justice Appeal

| Date | | Judge |
|------------|--|-------------------------|
| 9/5/2006 | ✓ Order, NOW, this 1st day of Sept., 2006, following presentation by Plaintiffs' counsel on the Petition to Compel Payment of Rent, it is ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty: Ryan, Thompson | Fredric Joseph Ammerman |
| 10/25/2006 | ✓ Motion For Telephone Testimony, filed by s/ John R. Ryan, Esquire. 1CC Atty. Ryan ✓ Certificate of Service, filed. Served a true and correct copy of Motion for Telephone Testimony filed on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter on the 25th day of October 2006 to David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. | Fredric Joseph Ammerman |
| | ✓ Order, NOW, this 8th day of Sept., 2006, 1. The Plaintiff's Motion for Partial Summary Judgment is denied; 2. The Motion for Expedited Hearing on the Merits is granted. Hearing on the merits in this matter is scheduled for Oct. 30, 2006, at 1:30 p.m. in Courtroom No. 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Ryan & Thompson | Fredric Joseph Ammerman |
| | ✓ Order, Motion For Telephone Testimony is granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC to Atty. | Fredric Joseph Ammerman |
| 11/3/2006 | ✓ Order, NOW, this 30th day of Oct., 2006, following the conclusion of the taking of testimony, it is the Order of this Court that both counsel provide the Court with appropriate brief within no more than 10 days from this date. The briefs shall deal with the merits of the case, as well as the Defendants' Motion to Dismiss as was stated on the record subsequent to the Plaintiff resting from its case in chief. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Ryan & Thompson | Fredric Joseph Ammerman |
| 11/7/2006 | ✓ Certificate of Service, filed. Served a true and correct copy of the Brief submitted on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter on the 7th day of November 2006 to Ronda Wisor, Deputy Court Administrator and David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. | Fredric Joseph Ammerman |
| 12/8/2006 | ✓ Order, NOW, this 7th day of Dec., 2006, following non-jury trial held Oct. 30, 2006, it is the findings and Order of this Court as follows: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty; Ryan, Thompson | Fredric Joseph Ammerman |
| 1/15/2007 | ✓ Petition For Contempt/Enforcement of Order, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan | Fredric Joseph Ammerman |
| 1/16/2007 | ✓ Order, NOW, this 15th day of Jan., 2007, upon consideration of the Petition for Contempt/Enforcement of Order, the Defendants are directed to appear and show cause why the relief requested therein should not be granted. Rule returnable for hearing the 8th day of Feb., 2007, at 9:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Ryan | Fredric Joseph Ammerman |
| 1/17/2007 | ✓ Certificate of Service, filed. Served a certified copy of the Petition for Contempt/Enforcement of Order filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition, on the 16th day of January 2007, on David R. Thompson Esq., filed by s/ John R. Ryan Esq. No CC. | Fredric Joseph Ammerman |
| 1/19/2007 | ✓ Supplemental Petition for Contempt/Enforcement of Order, filed by Atty. Ryan. 3 Cert. to Atty. | Fredric Joseph Ammerman |

District Justice Appeal

| Date | Judge |
|------------|--|
| 05/30/2006 | New Case Filed. |
| | No Judge |
| | No Judge |
| | Paid by: Peffer, Mark (defendant) Receipt number: 1914031 Dated: 05/30/2006 Amount: \$85.00 (Check) |
| | 1CC MDJ Rudella, 1CC Plff-Kathy Hoover and Green copy to Deft to serve on MDJ Rudella. |
| 06/12/2006 | Transcript from Michael A. Rudella MDJ, filed NO CC. |
| 06/14/2006 | No Judge |
| 06/14/2006 | Complaint, filed by s/ John R Ryan Esq. 6CC Atty Ryan. |
| 06/14/2006 | No Judge |
| 06/21/2006 | Affidavit of Service filed. Served a certified copy of Complaint filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter to Mark Peffer and Robyn Merritt on the 16th day of June 2006, filed by s/ John R. Ryan Esq. No CC. |
| 06/21/2006 | No Judge |
| 07/17/2006 | Answer Containing New Matter, filed by s/ David R. Thompson Esq. 2CC Thompson. |
| 07/17/2006 | No Judge |
| 07/21/2006 | Certificate of Service, copy of the Answer Containing New Matter, served by First Class Mail on July 17, 2006 upon Kathryn Hoover and Edward Hoover. Filed by s/ David R. Thompson, Esquire. 1CC to Atty |
| 07/21/2006 | No Judge |
| 07/31/2006 | Reply To New Matter, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan |
| 07/31/2006 | No Judge |
| 08/01/2006 | Certificate of Service, filed. Served a certified copy of Reply to New Matter filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter on David R. Thompson Esq., on the 1st day of August 2006, filed by s/ John R. Ryan Esq. No CC. |
| 08/01/2006 | No Judge |
| 08/02/2006 | Petition to Compel Payment of Rent, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan |
| 08/02/2006 | No Judge |
| 08/08/2006 | Order, NOW, this 7th day of Aug., 2006, upon consideration of the foregoing Petition a Rule is issued upon the Defendants to show cause why the relief requested therin should not be granted. rule made returnable for hearing the 1st day of Sept. 2006, at 10:30 a.m. in Courtroom No. 1. By the Court, /s/ Fredric J. Ammerman, 3CC To Atty |
| 08/08/2006 | Fredric Joseph Ammerman |
| 08/09/2006 | Certificate of Service, filed. Served a certified copy of Petition to Compel Payment of Rent, along with the scheduling Order, filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter on the 8th day of August 2006 on David R. Thompson Esq., filed by s/ John R. Ryan Esq. No CC |
| 08/09/2006 | Fredric Joseph Ammerman |
| 08/29/2006 | Motion For Expedited Hearing on the Merits/Motion for Partial Summary Judgment, filed by s/ John R. Ryan Esq. 3CC Atty Ryan. |
| 08/29/2006 | Fredric Joseph Ammerman |
| 08/30/2006 | Order, NOW, this 30th day of August, 2006, hearing on Motion for Partial Summary Judgment and hearing on the merits is scheduled for the 8th day of Sept., 2006 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Judge. 3CC Atty. Ryan |
| 08/30/2006 | Fredric Joseph Ammerman |
| 08/31/2006 | Certificate of Service, filed. Served a certified copy of Motion for Expedited Hearing on the Merits/Motion for Partial Summary Judgment, along with the scheduling Order filed on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter on the 30th day of August 2006 on David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. |
| 08/31/2006 | Fredric Joseph Ammerman |

Date: 5/3/2007
Time: 10:04 AM
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Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2006-00861-CD

Current Judge: Fredric Joseph Ammerman

Kathy Hoover, Edward Hoover vs. Mark Peffer, Robyn Merritt

District Justice Appeal

| Date | | Judge |
|-------------|--|-------------------------|
| 1/25/2007 | ✓ Order, NOW, this 24th day of Jan. 2007, upon consideration of the Supplemental Petition for Contempt/Enforcement of Order, Rule returnable for hearing the 8th day of Feb., 2007, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Ryan, Thompson | Fredric Joseph Ammerman |
| | ✓ Certificate of Service, filed. Served a certified copy of the Supplemental Petition for Contempt/Enforcement of Order filed on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition, on the 25th day of January 2007 to David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. | Fredric Joseph Ammerman |
| 2/9/2007 | ✓ Order, NOW, this 8th day of Feb., 2007, Ordered that Defendants are found to be in contempt (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Ryan & D. Thompson | Fredric Joseph Ammerman |
| 4/27/2007 | ✓ Petition for Contempt, filed by s/ John R. Ryan Esq. 3CC Atty Ryan. | Fredric Joseph Ammerman |
| 5/1/2007 | ✓ Order, this 30th day of April, 2007, Petition for Contempt will be heard the 11th day of May, 2007, at 9:30 a.m. in Courtroom No. 1. 1/2 hour is set aside for the hearing of this matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Ryan | Fredric Joseph Ammerman |
| 5/2/2007 | ✓ Certificate of Service, filed. Served a certified copy of Petition for Contempt filed on behalf of Kathryn Hoover and Edward Hoover, plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition to David R. Thompson Esq., on the 1st day of May 2007, filed by s/ John R. Ryan Esq. No CC. | Fredric Joseph Ammerman |

District Justice Appeal

| Date | Selected Items | Judge |
|------------|---|-------------------------|
| 9/5/2006 | ✓ Order, NOW, this 1st day of Sept., 2006, following presentation by Plaintiffs' counsel on the Petition to Compel Payment of Rent, it is ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty: Ryan, Thompson | Fredric Joseph Ammerman |
| 10/25/2006 | ✓ Motion For Telephone Testimony, filed by s/ John R. Ryan, Esquire. 1CC Atty. Ryan | Fredric Joseph Ammerman |
| | ✓ Certificate of Service, filed. Served a true and correct copy of Motion for Telephone Testimony filed on behalf of Kathryn Hoover and Edward Hoover, Plaintiffs in the above captioned matter on the 25th day of October 2006 to David R. Thompson Esq., filed by s/ John R. Ryan Esq. NO CC. | Fredric Joseph Ammerman |
| | ✓ Order, NOW, this 8th day of Sept., 2006, 1. The Plaintiff's Motion for Partial Summary Judgment is denied; 2. The Motion for Expedited Hearing on the Merits is granted. Hearing on the merits in this matter is scheduled for Oct. 30, 2006, at 1:30 p.m. in Courtroom No. 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Ryan & Thompson | Fredric Joseph Ammerman |
| | ✓ Order, Motion For Telephone Testimony is granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC to Atty. | Fredric Joseph Ammerman |

✓ 11-3-2006 ✓ Order, dated 10-30-06
 ✓ 11-7-2006 ✓ Certificate of Service
 ✓ 12-8-06 ✓ Order, dated 12-7-06
 ✓ 1-15-07 ✓ Petition for Contempt/Enforcement of Order
 ✓ 1-16-07 ✓ Order, dated 1-15-07
 ✓ 1-17-07 ✓ Certificate of Service
 ✓ 1-19-07 ✓ Supplemental Petition for Contempt/Enforcement of Order
 ✓ 1-25-07 ✓ Order, dated 1-24-07
 ✓ 1-25-07 ✓ Cert of Service
 ✓ 2-9-07- Order, dated 2-8-07

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Kathy Hoover
(Plaintiff)

985 Wallaceton Rd
(Street Address)

Morrisdale PA 16858
(City, State ZIP)

CIVIL ACTION

No. Cl-861-CD

Type of Case: _____

Type of Pleading: District Justice appeal

vs.

Mark Peffer
(Defendant)

1043 Wallaceton Rd
(Street Address)

Morrisdale PA 16858
(City, State ZIP)

Filed on Behalf of:

(Plaintiff/Defendant)

FILED
0/11/00 cm *RP* \$85.00 *deft*
ICC MDJ Rudella
ICC PISF
MAY 30 2000 *green copy to deft to*
serve on MJ
Rudella

William A. Shaw
Prothonotary

Mark Peffer

(Filed by)

1043 Wallaceton Rd

Morrisdale PA 16858

(Address)

814 342-1101

(Phone)

Mark A Peffer
(Signature)

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD
Judicial District, County Of

46TH

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 06-861-CJ

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 referenced below.

| | | |
|--|--|--|
| NAME OF APPELLANT Mark Peffer | MAG. DIST. NO. 46-3-03 | NAME OF D.J. Michael Rudella |
| ADDRESS OF APPELLANT 1043 Wallaceton Rd. morrisdale | CITY CITY | STATE PA |
| DATE OF JUDGMENT 5-19-06 | IN THE CASE OF (Plaintiff) Kathy Hoover | (Defendant) mark Peffer |
| DOCKET No. LT - 000 - 226 - 06 | SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT Mark A. Puffer | |
| This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. 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. <i>W. Peffer</i> Signature of Prothonotary or Deputy | | If appellant was Claimant (see Pa.R.C.P.D.J. No. 1001(6) in action before a District Justice, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL. FILED MAY 30 2006 |

William A. Shaw
Prothonotary

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. 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 **Kathy Hoover**

appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. _____)

) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Mark A. Puffer

Signature of appellant or attorney or agent

RULE: To **Kathy Hoover**, 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 MAY BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: **May 30, 2006**

W. Peffer

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

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 of the notice of appeal. Check applicable boxes.)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF _____ ss

AFFIDAVIT: I hereby (swear) (affirm) that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, 20_____. by personal service by (certified) (registered) mail,
sender's receipt attached hereto, and upon the appellee, (name) _____, on
_____, 20_____. by personal service by (certified) (registered) mail,
sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 20_____. Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 20_____. *Signature of affiant*

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

MARK PEFFER
1043 WALLACETON RD.
MORRISDALE, PA 16858

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF: **HOOVER, KATHY** NAME and ADDRESS

985 WALLACETON RD.
MORRISDALE, PA 16858

DEFENDANT: **PEFFER, MARK, ET AL.** NAME and ADDRESS

1043 WALLACETON RD.
MORRISDALE, PA 16858

Docket No.: **LT-0000226-06**
Date Filed: **5/04/06**



THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **HOOVER, KATHY**

Judgment was entered against **PEFFER, MARK** in a

Landlord/Tenant action in the amount of \$ **122.50** on **5/19/06** (Date of Judgment)
The amount of rent per month, as established by the Magisterial District Judge, is \$ **125.00**.

The total amount of the Security Deposit is \$ **.00**

| | Total Amount Established by MDJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---|-------------------------------|----------------------|
| Rent in Arrears | \$.00 | -\$.00 | \$.00 |
| Physical Damages Leasehold Property | \$.00 | -\$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | -\$.00 | \$.00 |
| | Less Amt Due Defendant from Cross Complaint | -\$.00 | \$.00 |
| | Interest (if provided by lease) | \$.00 | \$.00 |
| | L/T Judgment Amount | \$.00 | \$.00 |
| <input type="checkbox"/> Attachment Prohibited/ 42 Pa.C.S. § 8127 | Judgment Costs | \$ 122.50 | |
| <input type="checkbox"/> This case dismissed without prejudice. | Attorney Fees | \$.00 | |
| <input checked="" type="checkbox"/> Possession granted. | Total Judgment | \$ 122.50 | |
| <input type="checkbox"/> Possession granted if money judgment is not satisfied by time of eviction. | Post Judgment Credits | \$.00 | |
| <input type="checkbox"/> Possession not granted. | Post Judgment Costs | \$.00 | |
| | Certified Judgment Total | \$ 122.50 | |

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

5-19-06 Date

M.A. Rudella

Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

5-16-06 Date

M.A. Rudella

Magisterial District Judge

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

THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **FOR PLAINTIFF**
HOOVER, KATHY

Judgment was entered against **MERRITT, ROBYN**

Landlord/Tenant action in the amount of \$ **122.50** on **5/19/06** (Date of Judgment)
The amount of rent per month, as established by the Magisterial District Judge, is \$ **125.00**.

The total amount of the Security Deposit is \$ **.00**

| Rent in Arrears | Total Amount Established by MDJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---------------------------------|-------------------------------|----------------------|
| Physical Damages Leasehold Property | \$.00 | \$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | \$.00 | \$.00 |
| | \$.00 | \$.00 | \$.00 |
| | | | |
| Less Amt Due Defendant from Cross Complaint | | | |
| Interest (if provided by lease) | | | \$.00 |
| L/T Judgment Amount | | | \$.00 |
| Judgment Costs | | | \$.00 |
| Attorney Fees | | | \$.00 |
| Total Judgment | | | \$ 122.50 |
| Post Judgment Credits | | | \$ — |
| Post Judgment Costs | | | \$ — |
| Certified Judgment Total | | | \$ 122.50 |

Attachment Prohibited/
42 Pa.C.S. § 8127

This case dismissed without prejudice.

Possession granted.

Possession granted if money judgment is not satisfied by time of eviction.

Possession not granted.

Defendants are jointly and severally liable.

FILED *cc*
JUN 08 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

5-19-06 Date

M A Rudella

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

5/31/06 Date

M A Rudella

, Magisterial District Judge

My commission expires first Monday of January, 2012.
AOPC 315A-05

SEAL



Docket No.: **LT-0000226-06**
Date Filed: **5/04/06**

VS.
DEFENDANT: **PEPPER, MARK, ET AL.** NAME and ADDRESS
1043 WALLACETON RD.
MORRISDALE, PA 16858

L

L

06-861-CJ

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

THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **FOR PLAINTIFF**
HOOVER, KATHY

Judgment was entered against **PEFFER, MARK**

Landlord/Tenant action in the amount of \$ **122.50** on **5/19/06** (Date of Judgment)
The amount of rent per month, as established by the Magisterial District Judge, is \$ **125.00**.

The total amount of the Security Deposit is \$ **.00**

| Rent in Arrears | Total Amount Established by MDJ | Less Security Deposit Applied | = Adjudicated Amount |
|---|---------------------------------|-------------------------------|----------------------|
| Physical Damages Leasehold Property | \$.00 | \$.00 | \$.00 |
| Damages/Unjust Detention | \$.00 | \$.00 | \$.00 |
| | \$.00 | \$.00 | \$.00 |
| | | | |
| Less Amt Due Defendant from Cross Complaint | | | |
| Interest (if provided by lease) | | | \$.00 |
| L/T Judgment Amount | | | \$.00 |
| Judgment Costs | | | \$.00 |
| Attorney Fees | | | \$ 122.50 |
| Total Judgment | | | \$ 122.50 |
| Post Judgment Credits | | | \$ — |
| Post Judgment Costs | | | \$ — |
| Certified Judgment Total | | | \$ 122.50 |

Attachment Prohibited/
42 Pa.C.S. § 8127

This case dismissed without prejudice.

Possession granted.

Possession granted if money judgment is not satisfied by time of eviction.

Possession not granted.

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

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THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

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5-19-06 Date

M A Rudella

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

5/19/06 Date

M A Rudella

, Magisterial District Judge

My commission expires first Monday of January, 2012.

AOPC 315A-05

SEAL



Docket No.: **LT-0000226-06**
Date Filed: **5/04/06**

PLAINTIFF: **HOOVER, KATHY**
NAME and ADDRESS

985 WALLACETON RD.
MORRISDALE, PA 16858

DEFENDANT: **PEFFER, MARK, ET AL.**
NAME and ADDRESS

1043 WALLACETON RD.
MORRISDALE, PA 16858

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 – 861 – C.D.
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

COMPLAINT

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 6cc
07/31/06 JUN 14 2006 Atty Ryan
S

William A. Shaw
Prothonotary/Clerk of Courts

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

| | |
|--------------------------------|---------------------|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| vs. | : |
| | No. 06 - 861 - C.D. |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

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 Plaintiffs. 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's Office
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 1300

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 – 861 – C.D.
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

COMPLAINT

NOW COMES, Kathryn Hoover and Edward Hoover, Plaintiffs above named, and by their attorneys, Belin & Kubista, file their complaint against the Defendants and aver as follows:

1. Plaintiffs are Kathryn Hoover and Edward Hoover, wife and husband, residing at 985 Wallacetton Road, Morrisdale, Clearfield County, Pennsylvania, 16858.
2. Defendants are Mark Peffer and Robyn Merritt, adult individuals residing at 1043 Wallacetton Road, Morrisdale, Clearfield County, Pennsylvania, 16858.
3. Plaintiffs and Defendants are parties to an oral lease agreement for the rental by Defendants of certain real estate owned by the Plaintiffs, said real estate being situated at 1043 Wallacetton Road, Morrisdale, Clearfield County, Pennsylvania. Defendants are the owners of a mobile home situated on the leased premises.
4. Pursuant to the said oral lease agreement, Defendants are to pay rent in the amount of One Hundred Twenty Five Dollars (\$125.00) per month. Defendants have paid rent through May, 2006.

5. On or about April 3, 2006, Plaintiffs gave notice to Defendants that they were terminating the said lease agreement and that Defendants were to vacate the premises.
6. Defendants have failed and refused to vacate the premises.
7. A judgment for possession of the premises was granted by District Judge Michael Rudella after hearing held May 19, 2006. Defendants have filed an appeal from the entry of said judgment.
8. Plaintiffs are entitled to the possession of their property, having provided adequate notice of the termination of the said oral lease agreement to the Defendants, who have failed and refused to vacate the property of Plaintiffs.
9. The actions of the Defendants in failing to vacate the property of Plaintiffs is without any basis or legal justification, and in filing an appeal has required Plaintiffs to expend needless legal fees and costs, for which Plaintiffs are entitled to recovery.
10. Further, Plaintiffs are entitled to the possession of their property free of junk and debris, which Defendants have allowed to accumulate thereon.
11. Further, as a matter of law, Plaintiffs are entitled to be paid rent by the Defendants pending the resolution of this appeal, in that Defendants are required to pay rent into Court until said appeal is resolved.

WHEREFORE, Plaintiffs demand that judgment be entered in their favor and against the Defendants as follows:

- a. An award of possession of the said real property, free of the junk, debris and personal property of the Defendants;

- b. An award of the reasonable counsel fees and costs incurred in the litigation of this action;
- c. Payment of rent at the rate of \$125.00 per month until the conclusion of this litigation;
- d. Interest and record costs, both at the District Court level and in this Court.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

We 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 Pa. C.S. 4904, relating to unsworn falsification to authorities.

Kathryn Hoover
Kathryn Hoover

Edward Hoover
Edward Hoover

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 – 861 – CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

AFFIDAVIT OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
06/30/2006 NO
JUN 21 2006
LAW

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 - 861 - CD
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

AFFIDAVIT OF SERVICE

This is to certify that I have served a certified copy of Complaint filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following parties by postage prepaid first-class United States certified mail, return receipt requested, on the 16th day of June, 2006, as evidenced by the attached Postal Service Forms 3811:

Mark Peffer
1043 Wallacetton Road
Morrisdale, PA 16858
Defendant

Robyn Merritt
1043 Wallacetton Road
Morrisdale, PA 16858
Defendant

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robyn Merritt
1043 Wallacetton Road
Morrisdale, PA 16858

COMPLETE THIS SECTION ON DELIVERY

| | |
|--|---|
| A. Signature  | <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee |
| B. Received by (Printed Name) <i>Robyn Merritt</i> | C. Date of Delivery <i>6-16-06</i> |
| D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

| | |
|--|---------------------------------|
| 2. Article Number (Transfer from service label) | 111 1 7005 31101 0002 0405 1380 |
|--|---------------------------------|

| | |
|-----------------------------|-------------------------|
| PS Form 3811, February 2004 | Domestic Return Receipt |
|-----------------------------|-------------------------|

102595-02-M-1540

UNITED STATES POSTAL SERVICE

First Class Mail

Postage & Fees Paid

USPS

Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

JOHN R. RYAN, ESQUIRE
BELIN & KUBISTA
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

15 JULY 2005

RE: Hooper

| COMPLETE THIS SECTION ON DELIVERY | | | |
|--|--|---|--|
| <p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Mark Peffer 1043 Wallacetton Road Morrisdale, PA 16858</p> | | | |
| <p>A. Signature <i>Mark Peffer</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Bob W. Martin</i> <input type="checkbox"/> C. Date of Delivery <i>6-16-02</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>JUN 18 2002 USBANK - PSC Cincinnati, OH Agent for Internal Revenue Service</p> | | | |
| <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | | | |
| <p>2. Article Number (Transfer from service label)</p> <p>7005 3110 0002 0405 1373</p> | | <p>PS Form 3811, February 2004</p> <p>Domestic Return Receipt</p> <p>102595-02-M-1540</p> | |

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

JOHN R. RYAN, ESQUIRE
BELIN & KUBISTA
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

RE: Hoover

CLIFFFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

KATHRYN HOOVER and,
EDWARD HOOVER,

*

*

*

Plaintiff

*

No. 06-861-CD

*

vs.

*

*

MARK PEFFER AND ROBYN MERRITT,

*

*

Defendants

*

*

NOTICE TO PLEAD

TO: Kathryn Hoover and Edward Hoover
c/o John R. Ryan
BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830

You are hereby notified to file a written response to the enclosed Answer Containing
New Matter within twenty (20) days from service hereof.

By: 

David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

| | |
|----------------------------------|-----------------|
| KATHRYN HOOVER and EDWARD HOOVER | * |
| | * |
| Plaintiffs | * No. 06-861-CD |
| | * |
| vs. | * |
| | * |
| MARK PEFFER and ROBYN MERRITT, | * |
| | * |
| Defendants | * |
| | * |

ANSWER CONTAINING NEW MATTER

AND NOW, comes the Defendants, Mark Peffer and Robyn Merritt, by and through their attorney, David R. Thompson, Esquire and files the following answer to Plaintiffs complaint:

1. Admitted.
2. Admitted.
3. Admitted in part. Denied in part. It is admitted that the Plaintiffs and Defendants are said parties in a written Lease Agreement for the rental by Defendants of certain real estate owned by Plaintiffs. The written Lease Agreement is pleaded in New Matter herein. It is further admitted that said real estate is located at 1043 Wallaceton Road, Morrisdale, Clearfield County, Pennsylvania. It is denied that Defendants are owners of a mobile home situated on the leased premises. By way of further pleading, Defendants allege that the mobile home is affixed to the real property, as more particularly pleaded in New Matter herein.

4. Admitted in part, and denied in part. It is denied that the Lease Agreement is oral.

5. Admitted.

6. Admitted in part, and Denied in part. It is admitted that Defendants have not moved from the premises.

7. Admitted.

8. Denied. Defendants deny that Plaintiffs are entitled to possession, as more particularly stated in New Matter herein.

9. Denied. Paragraph 9 is specifically denied, and strict proof to the contrary is demanded at the time of hearing.

10. Denied. Paragraph 9 is specifically denied, and strict proof to the contrary is demanded at the time of hearing.

11. Admitted.

NEW MATTER

Paragraphs 1 through 11 of Defendants' Answer are incorporated by reference as though the same were set forth at length herein.

12. On or around April 3, 2006, Plaintiffs sent a letter of termination of the said lease. The letter contained a demand that Defendants vacate premises in 30 days.

13. The written Lease Agreement between Plaintiffs and Defendants sets forth terms granting Defendants 90 days to vacate premises after notice of termination of said lease. Plaintiffs notice to vacate the premises was inadequate. (A copy of the written Lease Agreement is attached hereto and made a part hereof).

14. Plaintiffs initiated this action on or about May 4, 2006 by filing a complaint in the District Magistrate's office

15. Had Plaintiffs given Defendants the proper notice, Plaintiffs' right to possession still would not have accrued until July 3, 2006.

16. Defendants plead alternative defenses to this action.

17. Defendants' home is not mobile, and is in fact affixed to the real property. As a result, Defendants allege that they have purchased the real property when the home was purchased.

18. After completion of the agreement for the home, the parties entered into an oral agreement in which Plaintiffs agreed to allow Defendants to purchase the real property.

19. Defendants allege that the oral contract for purchase is confirmed by the fact that the home is part of the real property, and is not mobile.

20. Plaintiffs knew that the mobile home was affixed to the real property.

21. It is not possible to remove the home from the real property without damaging the real property and the home itself.

22. The wheels and axels on the home have been removed.

22. Plaintiffs failed to disclose that mobile home was not removable from said property.

WHEREFORE, Defendants respectfully request this Honorable Court to enter judgment in their favor as follows:

a. dismiss Plaintiffs' Complaint;

- b. order that Defendants are the owners of real property upon which the home sets;
- c. confirm the existence of the agreement of sale of the real property in accordance to the terms therewith;
- d. such other relief that the Court deems appropriate.

Respectfully submitted,



David R. Thompson, Esquire
Attorney for Defendants

VERIFICATION

I certify that the facts set forth in the foregoing **ANSWER CONTAINING NEW MATTER** 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:

Robyn Merritt
Robyn Merritt

LEASE AGREEMENT

THIS AGREEMENT made this 21st day of February 2004, by and
Between EDWARD R.HOOVER and KATHRYN A.HOOVER, husband and wife, of
985 Wallaceton Road, Morrisdale, Pennsylvania, hereinafter referred to as 'LESSORS',

AND

MARK PEFFER and ROBYN MERRITT, individuals, of 1043 Wallaceton Road,
Morrisdale, Pennsylvania, hereinafter referred to as "LESSEES"

The parties to this Agreement, each intending to be legally bound, have
agreed as follows:

1. Lessor leases to Lessees, upon the terms and conditions provided in
this Agreement, a lot being 240' long x 120' deep, situate in Morris
Township, Clearfield County, Pennsylvania. Lessees have purchased
the mobile home presently is located on said lot.
2. The term of this agreement shall begin 01/01 2004, and shall
continue for a term of twelve (12) months, with an option to extend
the term as the parties hereto may agree.
3. Rent shall be paid monthly in the amount of \$125.00. Rent is to be
paid and due on the first day of each month. If rent is delinquent after
thirty days, Lessors shall provide written notice to Lessees. Lessees
shall have thirty (30) days from that date of said notice to cure the
default. If the default has not been cured during that period, Lessor
may terminate this agreement, and take possession of the lot.

4. A security deposit of \$250.00 shall be paid upon signing this agreement and may be used to satisfy any of the Lessees' obligations under this agreement. Upon termination of this agreement, the security deposit will be refunded to Lessees, however, Lessors may deduct from the security deposit any past due rents which Lessees failed to pay.
5. Lessors shall be responsible for any and all repairs to foundation upon which the mobile home is situate.
6. Lessees shall not vacate or desert said premises during the term of this lease, or permit the same to be empty or unoccupied. Lessees shall not permit any persons other than immediate family members to occupy the premises on a permanent basis during the term of this lease without prior written consent of the Lessors.
7. Lessors may at any reasonable times by themselves or their duly authorized agents go upon and inspect the premises and every part thereof, and/or at their option make repairs, alterations and additions to the premises.
8. At any time or times and from time to time Lessors may make such rules and regulations as in their judgment may be necessary for the safety, care and cleanliness of the premises, and for the preservation of good order thereon. Such rules and regulations shall when notice thereof is given to Lessees form a part of this lease.
9. Lessees agree to be responsible for and to relieve Lessors from all liability by reason of any injury or damage to any person or property on the premises, whether belonging to the Lessees or any other person, caused by fire, breakage, leakage in any portion of the premises.
10. Should Lessees become embarrassed or insolvent, or makes an assignment for the benefit of creditors; or if a petition in bankruptcy is filed by or against the Lessees, or a bill in equity or other proceeding for the appointment of a receiver for the Lessee is filed, or if proceedings for reorganization or for composition with creditors

under any state or federal law be instituted by or against Lessees, or if the real or personal property of Lessee shall be sold or levied upon by a Sheriff, Marshall or Constable, then and in any or either of said events shall be deemed to be a breach of this lease.

11. Lessors shall be responsible for all real estate taxes assessed against the leased premises for the term of this lease. However, should Lessees make improvements to the premises, which increase the real estate tax assessment, Lessees, shall be responsible for the increase in the tax.
12. Lessees will be responsible for all utilities, including, but not limited to, electric service, water, sewage and garbage removal. Lessees shall be responsible for lawn maintenance and snow removal. Lessees shall be and hereby agree that Lessees shall be solely liable for any accidents due or alleged to be due and accumulations of snow and ice.
13. Furnace and fuel tank situated in the foundation, has been sold with the mobile home to the Lessees. They are the sole responsibility of Lessees. They are to be maintained so that no damage or fuel leakage is made to premises.
14. Lessees agree that they have knowledge of the creek, which runs through the property, and are therefore aware of the dangers, which may be associated with the creek.
15. Lessees shall use the premises only for legal and lawful purposes and shall abide by the provisions of this agreement.
16. Lessees will not alter the premises nor assign, sublet or in any way convey their rights to a third party. The premises will be occupied only by Lessees.
17. Lessees shall carry liability insurance coverage on the premises in an amount not less than Fifty Thousand Dollars (\$50,000.00) and shall provide proof of such insurance coverage to the Lessors annually.

18. Lessees shall save, hold, and keep the Lessors safe, harmless and indemnified from and against any and all claims, demand, actions, causes of actions, penalties, judgments, court costs, reasonable attorneys' fees and liabilities of every kind and description for injury to and death of persons and damage to and loss of property which are caused by, arise from or grow out of Lessees' use of the premises, or any act or omission of the Lessees, their employees, agents or servants, and are not caused in whole or in part by the Lessor, its agents, servants or employees.
19. Lessors may terminate this lease at any time after 12 months by serving Lessees 30 days notice of such termination. Lessees will have 90 days from the date of said notice to vacate and deliver the premises to Lessors. The Lessees agree to surrender the demised premises in the same condition in which Lessees have herein agreed to keep the same during the continuance of this lease.
20. On failure of the Lessee to pay the rents herein, or other sums of money payable by to the Lessors hereunder, as they may become due, or to keep all covenants of this of the term hereof of the earlier termination or this lease, the Lessees hereby authorize and empower any attorney of any court of record to appear in the said court and to confess judgment against the Lessees in an amicable action of ejectment for the above described premises hereby authorizing the immediate issuance of a writ of possession with a clause of execution for rent due and the costs of the proceedings, together with attorney's commission of 5%, without obtaining leave of court. Lessees will be responsible for the remaining balance of rents due under the term of this lease.
21. All notices which are required under this agreement must be in writing and will be deemed given when deposited by certified mail, postage prepaid, addressed to the other party at the following addresses:

To the Lessors at:

985 Wallaceton Road
Morrisdale PA 16858

To the Lessees at:

1043 Wallacetown Road
Morrisdale, PA 16858

22. This agreement contains all of the representations and agreements between the parties with respect to the premises and supersedes any and all previous or other arrangements or undertakings, verbal or in writing, regarding same.
23. This Agreement is intended to be binding upon the parties, their heirs, executors and assigns.

IN WITNESS THEREOF, the parties hereto, intending to be legally bound, have hereunto set their hands and seals the day and year first above written.

WITNESSES:

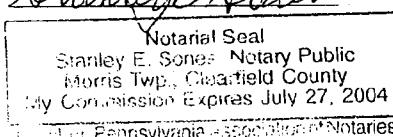
February 21, 2004

Stanley E. Jones

Edward R. Hoover
Edward R. Hoover

Stanley E. Jones

Kathryn A. Hoover
Kathryn A. Hoover



Lessors

WITNESSES:

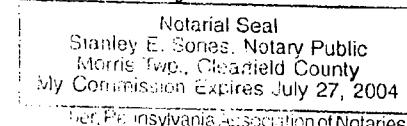
February 21, 2004

Stanley E. Jones

Mark A. Peffer
Mark Peffer

Stanley E. Jones

Robyn Merritt
Robyn Merritt



Lessees

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

KATHRYN HOOVER and,
EDWARD HOOVER,

Plaintiff

*
*
* No. 06-861-CD

vs.

MARK PEFFER AND ROBYN MERRITT,

Defendants

*
* TYPE OF PLEADING:
* Certificate of Service

*
* FILED ON BEHALF OF:
* Defendants

*
* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esq.
* Attorney at Law
* Supreme Court I.D. 73053
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100
*

FILED

JUL 21 2006

0/10:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

KATHRYN HOOVER and,
EDWARD HOOVER,

Plaintiffs

*
*
* No. 06-861-CD

vs.

MARK PEFFER AND ROBYN MERRITT,

Defendants

*
*
*
*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **Answer Containing New Matter**, in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Kathryn Hoover and Edward Hoover
c/o John R. Ryan
BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830

DATE: July 17, 2006

BY:



David R. Thompson, Esquire

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06-861-CD
:
MARK PEFFER and :
ROBYN MERRITT, :
Defendants :
:

REPLY TO NEW MATTER

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *07/31/06* *sec*
JUL 31 2006 *Atty Ryan*
GW

William A. Shaw
Prothonotary/Clerk of Courts

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

| | |
|--------------------|---------------|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| vs. | No. 06-861-CD |
| MARK PEFFER and | : |
| ROBYN MERRITT, | : |
| Defendants | : |

REPLY TO NEW MATTER

NOW COMES, Plaintiff KATHRYN HOOVER and EDWARD HOOVER, and by their Attorneys, Belin & Kubista, makes their Reply to the New Matter of the Defendants as follows:

11. Paragraphs 1 through and including Paragraph 10 of Plaintiffs' Complaint are incorporated herein by reference as if set forth at length.
12. Admitted.
13. It is denied that there is a written lease agreement between the parties. The agreement attached by Defendants to their Answer and New Matter states on its face that it was for a term of one year and expired January 1, 2005 unless the term was extended by agreement of the parties. Plaintiffs did not agree to extend the term and accordingly Defendants have been in possession for the past eighteen months based on an oral lease. Pursuant thereto, the thirty day notice given was lawful and adequate.
14. Admitted.

15. Denied for the reasons set forth at Paragraph 13.
16. No response required.
17. Denied. On the contrary, the mobile home was purchased by Defendants, but there is no written agreement for the purchase of the real property which remains the property of Plaintiffs. At no time have Plaintiffs delivered a deed for the said real property. By way of further response, it is specifically denied that the mobile home is affixed to the real property. The said mobile home rests on wooden beams which in turn rest on a concrete foundation. The mobile home is not attached to the foundation and can be removed by the attachment of axles and wheels.
18. Denied. Further, Defendants' claim is barred by the Statute of Frauds which requires an agreement for the sale of real property to be in writing. Further, the Defendants knew that in fact they had purchased the mobile home only and not the real property, otherwise it would be absurd for Defendants to subsequently enter first into a written lease, then into an oral lease for the real property.
19. Denied for the reasons set forth above.
20. Denied for the reasons set forth above.
21. Denied for the reasons set forth above.
22. Admitted. However, Plaintiffs believe and therefore aver that axles and wheels can be reattached so that the mobile home can be moved.
23. Denied. At all times relevant herein, the Defendants knew that the mobile home could be removed.

WHEREFORE, Plaintiffs demand that judgment be entered on their favor and against the Defendants, together with the relief requested in their Complaint.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs Kathryn Hoover and
Edward Hoover

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

Kathryn Hoover
Kathryn Hoover

Edward Hoover
Edward Hoover

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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WAM
William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Reply to New Matter filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following party by postage prepaid first-class United States mail, return receipt requested, on the 1st day of August, 2006:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

BELIN & KUBISTA

CLIFARFIELD, PENNSYLVANIA 16830

P. O. BOX 1
15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**PETITION TO COMPEL
PAYMENT OF RENT**

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3CC
01/04/2006 Aug 02 2006 Amy Ryan
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

PETITION TO COMPEL PAYMENT OF RENT

NOW COME, Edward Hoover and Kathryn Hoover, Plaintiffs above named, and by their Attorneys, Belin & Kubista, petition the Honorable Court as follows:

1. The action filed to the above term and number comes before the Court on an appeal by Defendants of a judgment by a Magisterial District Court for possession of certain real property owned by Plaintiffs and leased to Defendants under the terms of an oral lease agreement.
2. The Defendants are obligated, so long as they are in possession of the property, to pay rent to the Plaintiffs in the amount of One Hundred Twenty-Five (\$125.00) Dollars per month.
3. Defendants had paid said rent through May, 2006, but have not paid rent since that time, nor have they paid rent into court pending the resolution of this appeal.
4. It is believed and therefore averred that the applicable statute and Rules of Civil Procedure require a tenant appealing an order for possession to pay the monthly

rent into court pending the outcome of the appeal. 68 Pa.C.S.A. §250.513; Pa.R.C.P.M.D.J. No. 1008.

5. Failure on the part of the Defendants to pay said rent prevents the filing on the instant appeal from acting as a supersedeas, and would allow Plaintiffs to execute on the judgment entered by the Magisterial District Judge.

WHEREFORE, Plaintiffs request that the Court issue an Order directing that the Defendants pay the sum of Two Hundred Fifty (\$250.00) Dollars for the months of June and July, and the amount of One Hundred Twenty-Five (\$125.00) Dollars each month thereafter until the final disposition of this matter, with said amounts to be paid to the Clearfield County Prothonotary's Office, and further direct that the Prothonotary release said amounts to Plaintiffs as they are received.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 11
CLEARFIELD, PENNSYLVANIA 16830

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 7 day of Aug, 2006, upon consideration of the foregoing Petition, a Rule is issued upon the Defendants to show cause why the relief requested therein should not be granted.

Rule made returnable for hearing the 15th day of September, 2006, at 10:30 o'clock A. M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Judge

FILED

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William A. Shaw
Prothonotary/Clerk of Courts
6K

3 CENTS TO ATTY

DATE: 6-8-04

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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO
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William A. Shaw
Prothonotary/Clerk of Courts

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

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|--------------------------------|---|-------------------|
| KATHRYN HOOVER and | : | |
| EDWARD HOOVER, | : | |
| Plaintiffs | : | |
| vs. | : | No. 06 - 861 - CD |
| MARK PEFFER and ROBYN MERRITT, | : | |
| Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition to Compel Payment of Rent, along with the scheduling Order, filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following party by postage prepaid first-class United States mail, on the 8th day of August, 2006:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**MOTION FOR EXPEDITED
HEARING ON THE
MERITS/MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *sc A/H
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WM*
William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**MOTION FOR EXPEDITED HEARING ON THE MERITS/MOTION
FOR PARTIAL SUMMARY JUDGMENT**

NOW COMES, Edward Hoover and Kathryn Hoover, Plaintiffs above named, and by their Attorneys, Belin & Kubista, move the Honorable Court as follows:

MOTION FOR EXPEDITED HEARING ON THE MERITS

1. This matter comes before the Court in an appeal filed by the Defendants from a judgment for possession of real property entered by District Justice Michael Rudella.
2. Plaintiffs have filed a Complaint to the above term and number claiming their right to possession of the property.
3. Defendants have filed an Answer and New Matter raising several issues, which can be fairly summarized as follows:
 - a. The lease between the parties requires ninety (90) days notice before the lease can be terminated. The Plaintiffs contend that the written lease in question expired and that Defendants are in possession pursuant to an oral lease, which requires only thirty (30) days notice as a matter of law;

- b. The parties had a verbal agreement for the sale of the property. The Plaintiffs contend that Defendants are barred from asserting such an agreement by the Statute of Frauds;
- c. The Defendants previously purchased from the Plaintiffs a mobile home, which is situated on the leased real property. Defendants assert that when they purchased the mobile home, they also purchased the property. Plaintiffs contend that the mobile home title only was transferred to Defendants and they have not delivered a deed to Defendants, and further contend that it defies logic for the Defendants to enter into a lease for real property if they believed they had already purchased the property;
- d. The mobile home cannot be removed. Plaintiffs assert that in fact it can be moved and are prepared to prove it.

4. Plaintiffs believe and therefore aver that Defendants seek only to delay having to remove themselves and the mobile home from the premises, and that there is no merit to Defendants' position as set forth above.

WHEREFORE, Plaintiffs request that the Court grant an expedited hearing of the matter on the merits, at a time and date consistent with the Court's earliest availability.

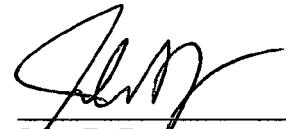
MOTION FOR PARTIAL SUMMARY JUDGMENT

- 5. Paragraphs 1 through and including Paragraph 4 are incorporated herein by reference as if set forth at length.
- 6. Defendants have alleged the existence of an oral contract to purchase the real property which is the subject matter of this action, in that:

- a. Defendants allege that they purchased a mobile home from the Plaintiffs and that the said purchase included the real property; however, Defendants do not plead the existence of any written agreement for the sale of said real property, nor was there a deed for same delivered by Plaintiffs to Defendants;
 - b. In the alternative, Defendants allege the existence of an oral contract to purchase the real property, which was entered into after the purchase of the mobile home.
7. In either event, Plaintiffs believe and therefore aver that the Defendants' claim as to the existence of an oral contract to purchase the said real property is clearly barred by the Statute of Frauds, 33 P.S. Section 1, et seq.
8. As a matter of law, Plaintiffs believe and therefore aver that an oral agreement for the sale of real property cannot be enforced unless the proponent thereof can establish that he is within the equitable doctrine of part performance, or the other party admits the existence of the alleged oral contract.
9. In the case at hand, neither exception applies in that:
 - a. Defendants admit entering into a lease for the real property after purchasing the mobile home, which clearly shows that they did not consider themselves to be the owner of the land at that point;
 - b. Plaintiffs have denied the existence of any oral contract for the sale and purchase of the real property.

10. Accordingly, it is believed and therefore averred that there is no issue of material fact as to the existence of an oral contract in the case at hand, and accordingly Plaintiffs are entitled to judgment in their favor as a matter of law.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

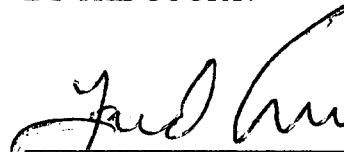
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 30 day of August, 2006, upon consideration of the foregoing Motion for Expedited Hearing on the Merits/Motion for Partial Summary Judgment, it is the ORDER of this Court that hearing on the Motion for Partial Summary Judgment and hearing on the merits is scheduled for the 8th day of September, 2006, at 10:00 o'clock A M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman
Judge

FILED *cc Amy Ryan*
9/10/06
AUG 30 2006
GRO

William A. Shaw
Prothonotary/Clerk of Courts

DATE 8/30/2006

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

AUG 30 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
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AUG 31 2006
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cc

William A. Shaw
Prothonotary/Clerk of Courts

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

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| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| vs. | No. 06 - 861 - CD |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion for Expedited Hearing on the Merits/Motion for Partial Summary Judgment, along with the scheduling Order, filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following party by postage prepaid first-class United States mail, on the 30th day of August, 2006:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiffs

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

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Thompson

William A. Shaw
Prothonotary/Clerk of Courts

KATHRYN HOOVER and EDWARD
HOOVER

-vs-

No. 06-861-CD

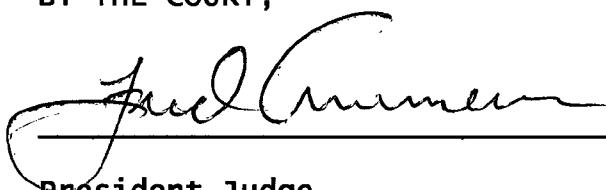
MARK PEFFER and ROBYN
MERRITT

O R D E R

NOW, this 1st day of September, 2006, following presentation by Plaintiffs' counsel on the Petition to Compel Payment of Rent, with the Court noting that neither Defendant or their Defense counsel have appeared, it is the ORDER of this Court that the Defendants pay the amount of One Hundred Twenty-Five (\$125.00) Dollars, through counsel, within no more than seven (7) days from this date, being September 8, 2006. Thereafter, starting with September 15, 2006, and on a monthly basis thereafter, by no later than the 15th day of each month, the Defendants shall pay the amount of One Hundred Twenty-Five (\$125.00) Dollars for monthly rent, again through counsel. The Court notes that payment shall be in the form of a money order or a cashier's check only. The Court does not believe it is appropriate to send cash through the mail, and due to prior difficulties with personal checks, no personal checks are to be used or delivered.

In the event of any failure to make payment in a timely fashion as set forth above, any supersedeas which is in effect on the Plaintiffs' judgment for ejectment shall no longer be in effect or in force.

BY THE COURT,



A handwritten signature in black ink, appearing to read "Fred C. Cunneen". The signature is fluid and cursive, with a horizontal line drawn underneath it.

President Judge

FILED

SEP 05 2006

William A Shaw
Prothonotary/Clerk of Courts

DATE: 9/5/06

 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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**MOTION FOR TELEPHONE
TESTIMONY**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
OCT 25 2006
11:00 AM
cc Atty Ryan
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|--------------------------------|---|-------------------|
| KATHRYN HOOVER and | : | |
| EDWARD HOOVER, | : | |
| Plaintiffs | : | |
| vs. | : | No. 06 – 861 – CD |
| MARK PEFFER and ROBYN MERRITT, | : | |
| Defendants | : | |

MOTION FOR TELEPHONE TESTIMONY

NOW COMES, Kathryn Hoover and Edward Hoover, Plaintiffs above named, and by their Attorneys, Belin, Kubista & Ryan, move the Honorable Court as follows:

1. On October 30, 2006, a hearing on the merits of the above captioned matter is scheduled to be heard by the Honorable Court, commencing at 1:30 p.m.
2. Among the witnesses to be called by the Plaintiff is Mark Harris, who has inspected the mobile home owned by the Defendants for purposes of providing an opinion as to whether the said mobile home can be removed from the foundation.
3. Mark Harris is working out of town and due to the distance from his job site to Clearfield for the said witness to travel to appear in person, it would be less of a burden on him to testify by phone.
4. Obtaining the testimony of this witness by telephone will not prejudice the Defendants, in that counsel will have a full opportunity to cross-examine the witness. Further, it is believed and therefore averred that the Defendants were present during the inspection of the mobile home by Mr. Harris and is fully aware of the witness's opinions.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to present the testimony of Mark Harris by means of telephone on October 30, 2006.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

CR
BELLIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED No. CL.
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OCT 25 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|--------------------------------|---|-------------------|
| KATHRYN HOOVER and | : | |
| EDWARD HOOVER, | : | |
| Plaintiffs | : | |
| | : | |
| vs. | : | No. 06 - 861 - CD |
| | : | |
| MARK PEFFER and ROBYN MERRITT, | : | |
| Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Motion for Telephone Testimony filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following party by facsimile to (814) 342-7081 and by postage prepaid first-class United States mail, on the 25th day of October, 2006:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

CLARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

BELIN, KUBISTA & RYAN

(A)

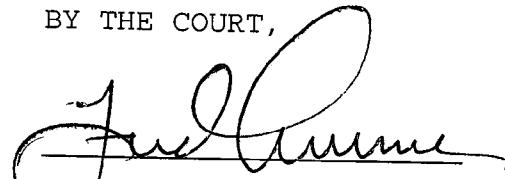
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KATHRYN HOOVER and :
EDWARD HOOVER :
VS. : NO. 06-861-CD
MARK PEFFER and ROBYN MERRITT :

O R D E R

AND NOW, this 30th day of October, 2006, following the conclusion of the taking of testimony in the above-captioned matter, it is the ORDER of this Court that both counsel provide the Court with appropriate brief within no more than ten (10) days from this date. The briefs shall deal with the merits of the case, as well as the Defendants' Motion to Dismiss as was stated on the record subsequent to the Plaintiff resting from its case in chief.

BY THE COURT,



President Judge

FILED

NOV 03 2006
0/3:55/ ✓
William A. Shaw
Prothonotary/Clerk of Courts

CRNT TO RYAN

6K T. Thompson

DATE: 11-3-06

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
NOV 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

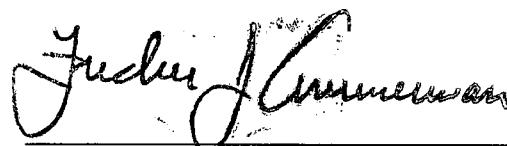
KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 8th day of September, 2006, upon consideration of the foregoing Motion for Expedited Hearing on the Merits/Motion for Partial Summary Judgment, it is the ORDER of this Court as follows:

1. The Plaintiff's Motion for Partial Summary Judgment is denied;
2. The Motion for Expedited Hearing on the Merits is granted. Hearing on the merits in this matter is scheduled for October 30, 2006, at 1:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman
Judge

FILED

Oct 25 2006
012306 W. 60
William A. Shaw
Prothonotary/Clerk of Courts

ENT TO RYAN &

Thomas

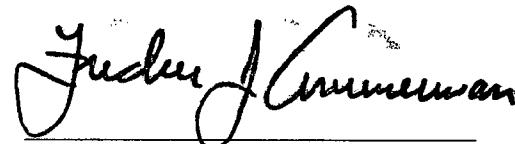
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. :
: No. 06 - 861 - CD
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 25th day of October, 2006, upon consideration of the foregoing Motion for Telephone Testimony submitted by the Plaintiffs and counsel for the Defendants having no objection to same, it is the ORDER of this Court that said Motion be and is hereby granted. Plaintiffs shall supply the Court with a telephone number at which the witness can be reached at the time of the Hearing on October 30, 2006.

BY THE COURT:



Fredric J. Ammerman
President Judge

FILED

OCT 25 2006

012-306-6K
William A. Shaw
Prothonotary/Clerk of Courts

3 cent to Attn.

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
NOV 07 2006
2006
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 – 861 – CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the Brief submitted on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, on the following parties and in manner set forth below on the 7th day of November, 2006:

Ronda Wisor
Deputy Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Via Hand Delivery

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants
Via First Class United States Mail, Postage Prepaid

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH RING STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

1A

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

KATHRYN HOOVER and EDWARD HOOVER,
Plaintiffs

*

*

*

*

*

vs.
MARK PEFFER and ROBYN MERRITT,
Defendants

NO. 06-861-CD

ORDER

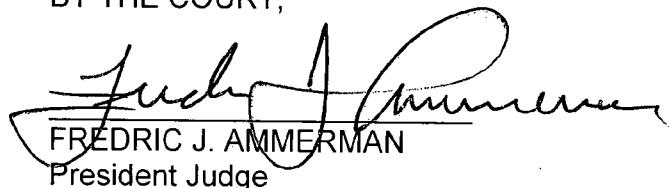
NOW, this 7th day of December, 2006, following non-jury trial held October 30, 2006, it is the findings and ORDER of this Court as follows:

1. Plaintiffs provided adequate notice to the Defendants to vacate the premises. Defendants' Motion to Dismiss is DENIED.
2. No enforceable agreement exists for the sale of the real estate in question from Plaintiffs to Defendants;
3. The mobile home that belongs to the Defendants can be removed from the real estate; and
4. Plaintiffs are not entitled to Attorney's fees under 42 Pa. C.S.A. § 2503.

Judgment is hereby entered in favor of Plaintiffs granting them possession of the real property in question. Defendants shall have no more than 30 days from this date to remove the mobile home and all of their personal property including any junk or debris which has been allowed to accumulate. The Defendants obligation to pay rent of \$125.00 per month shall continue to the day of removal of all items by the Defendants.

Costs of suit to be borne by Defendants.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
01/24/07
DEC 08 2006

1CCAttys:
Ryan
Thompson
⑥

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/8/06

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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**PETITION FOR
CONTEMPT/ENFORCEMENT OF
ORDER**

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3CC
01/15/2007 Atty Ryan
JAN 15 2007
(CR)

William A. Shaw
Prothonotary/Clerk of Courts

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

| | |
|--------------------------------|---|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| | : |
| vs. | : |
| | : |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

PETITION FOR CONTEMPT/ENFORCEMENT OF ORDER

NOW COMES, Kathryn Hoover and Edward Hoover, Plaintiffs above named, and by their Attorneys, Belin, Kubista & Ryan, petition the Honorable Court as follows:

1. The above captioned matter is an action to obtain possession of real property owned by the Plaintiffs and occupied by the Defendants pursuant to an oral lease agreement.
2. After non-jury trial held October 30, 2006, this Court entered an Order dated December 7, 2006, which granted judgment in favor of the Plaintiffs and which directed the Defendants to remove the mobile home situated on the premises together with all personal property including all junk and debris, which has been allowed to accumulate. Said items were to be removed within thirty (30) days of the date of the said Order. Defendants were further ordered to pay the costs of suit. A true and correct copy of the Court's Order of December 7, 2006, is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.
3. Defendants have not filed an appeal from said Order, and the time for the filing of such an appeal has expired.

4. Defendants have failed to comply with the said Order, in that:

- a. They have failed to remove the mobile home from the property of Plaintiffs;
- b. They have failed to remove the junk and debris from the property of Plaintiffs;
- c. They have failed to pay the costs of suit in the amount of \$122.50.

Counsel for Plaintiffs did advise Counsel for Defendants as to the amount of said costs by letter dated December 18, 2006. A true and correct copy of the said letter is attached hereto, marked Exhibit "B" and incorporated herein by reference as if set forth at length.

5. As the result of the Defendants' failure to comply with the Court's Order, Plaintiffs have incurred and will continue to incur counsel fees in seeking enforcement thereof. Plaintiffs will provide the Court with an itemized statement of the amount of counsel fees and any additional costs at the time of hearing of this Petition.

6. It is believed and therefore averred that the Defendants are therefore in contempt of the Court's Order of December 7, 2006.

WHEREFORE, Plaintiffs request that the Court grant the following relief:

- a. Find that the Defendants are in contempt of the said Order;
- b. Enforce compliance with the terms of the said Order;
- c. Grant to Plaintiffs an award of counsel fees and costs incurred in the preparation, filing and litigation of this Petition;

d. Such other relief as the Court deems proper and reasonable under the circumstances.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

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

Kathryn Hoover
Kathryn Hoover

Edward Hoover
Edward Hoover

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

KATHRYN HOOVER and EDWARD HOOVER,
Plaintiffs

vs.
MARK PEFFER and ROBYN MERRITT,
Defendants

*
*
*
*

NO. 06-861-CD

O R D E R

NOW, this 7th day of December, 2006, following non-jury trial held October 30, 2006, it is the findings and ORDER of this Court as follows:

1. Plaintiffs provided adequate notice to the Defendants to vacate the premises. Defendants' Motion to Dismiss is DENIED.
2. No enforceable agreement exists for the sale of the real estate in question from Plaintiffs to Defendants;
3. The mobile home that belongs to the Defendants can be removed from the real estate; and
4. Plaintiffs are not entitled to Attorney's fees under 42 Pa. C.S.A. § 2503.

Judgment is hereby entered in favor of Plaintiffs granting them possession of the real property in question. Defendants shall have no more than 30 days from this date to remove the mobile home and all of their personal property including any junk or debris which has been allowed to accumulate. The Defendants obligation to pay rent of \$125.00 per month shall continue to the day of removal of all items by the Defendants.

Costs of suit to be borne by Defendants.

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

BY THE COURT,

DEC 08 2006

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

Attest.

William L. Ammerman
Prothonotary/
Clerk of Courts

EXHIBIT "A"

CARLA A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN
1901-1997
AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

December 18, 2006

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866

RE: **Kathryn Hoover and Edward Hoover
vs. Mark Peffer and Robyn Merritt
No. 06-861-C.D.**

Dear Dave:

Judge Ammerman's ruling in the above case directs that your clients are responsible for the costs incurred by the Plaintiffs. The sole record costs were those incurred at the District Court and are in the total amount of \$122.50. Please forward that amount to my office.

According to the Hoovers, your clients have vacated the mobile home. I assume they will remove it from the premises within the time provided by the Court.

Very truly yours,

BELIN, KUBISTA & RYAN

John R. Ryan

JRR/kdm

cc: Mr. and Mrs. Edward Hoover

EXHIBIT "B"

BEELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CA

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

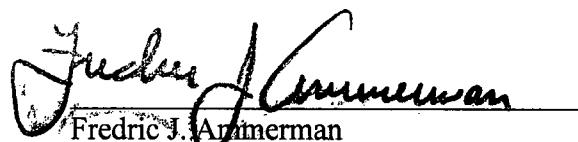
KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 15th day of January, 2007, upon consideration of the foregoing Petition for Contempt/Enforcement of Order, the Defendants are directed to appear and show cause why the relief requested therein should not be granted.

Rule returnable for hearing the 8th day of February, 2007, at 9:00 o'clock A.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Antimerman
President Judge

FILED 3CC
019-33601 Atty Ryan
JAN 16 2007
62
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/16/07

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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 – 861 – CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO cc
1/11/2002
JAN 17 2002
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|--------------------------------|---|-------------------|
| KATHRYN HOOVER and | : | |
| EDWARD HOOVER, | : | |
| Plaintiffs | : | |
| | : | |
| vs. | : | No. 06 - 861 - CD |
| | : | |
| MARK PEFFER and ROBYN MERRITT, | : | |
| Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Petition for Contempt/Enforcement of Order filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition, on the following party by postage prepaid first-class United States mail, on the 16th day of January, 2007:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

Please note that this
Petition Supplements
the Petition for Contempt/
Enforcement of Order
which is scheduled for
be heard on Feb. 8th
at 9:00 am. Therefore
we are asking that
this be heard at the
same time.

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

| | |
|--------------------------------|-------------------|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| vs. | : |
| | No. 06 - 861 - CD |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

ORDER

AND NOW, this _____ day of January, 2007, upon consideration of the foregoing Supplemental Petition for Contempt/Enforcement of Order, the Defendants are directed to appear and show cause why the relief requested therein should not be granted.

Rule returnable for hearing the 8th day of February, 2007, at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Fredric J. Ammerman
President Judge

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

**SUPPLEMENTAL PETITION FOR
CONTEMPT/ENFORCEMENT OF
ORDER**

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *km*

JAN 19 2007

10:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

3 CEN. TO ATT

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 – 861 – CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

SUPPLEMENTAL PETITION FOR CONTEMPT/ENFORCEMENT OF ORDER

NOW, come KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs above named, and by their attorneys, Belin, Kubista & Ryan, petition your Honorable Court as follows:

1. The Plaintiffs have previously filed a Petition for Contempt/Enforcement of Order in this matter on January 15, 2007.
2. Said matter is scheduled for hearing before the Court on February 8, 2007, at 9:00 a.m.
3. In addition to the matters set forth in the original Petition for Contempt/Enforcement, the Defendants are in further contempt of the Court's Order of December 7, 2006, in that they have failed to make the rental payment due on or before January 15, 2007, and which they were obligated to continue to pay until the day of removal of all items from the property of the Plaintiff.

WHEREFORE, the Plaintiffs request that the Court grant the following relief:

- a. Find that the Defendants are in contempt of said Order;

- b. Enforce compliance with the terms of the said Order;
- c. Grant the Plaintiffs an award of counsel fees and costs incurred in the preparation, filing and litigation of this Petition; and
- d. Such other relief as the Court deems appropriate.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

W
BELLIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. :
: No. 06 - 861 - CD
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 24th day of January, 2007, upon consideration of the foregoing Supplemental Petition for Contempt/Enforcement of Order, the Defendants are directed to appear and show cause why the relief requested therein should not be granted.

Rule returnable for hearing the 8th day of February, 2007, at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman
President Judge

FILED *cc: Attns:
918-5964
JAN 25 2007
Ryan
Thompson*

William A. Shaw
Prothonotary/Clerk of Courts

(G)

FILED

JAN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/25/07

 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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED No ec.
03:20pm
JAN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

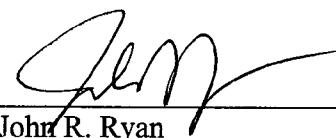
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|--------------------------------|-------------------|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| | : |
| vs. | No. 06 – 861 – CD |
| | : |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Supplemental Petition for Contempt/Enforcement of Order filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition, on the following party by postage prepaid first-class United States mail, on the 25th day of January, 2007:

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

BEELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

KATHRYN HOOVER and EDWARD HOOVER,
Plaintiffs

vs.

MARK PEFFER and ROBYN MERRITT,
Defendants

*

*

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NO. 06-861-CD

*

*

FILED

FEB 09 2007

0/31/07
William A. Shaw
Prothonotary/Clerk of Courts

Berry Ryan & A. Shaw

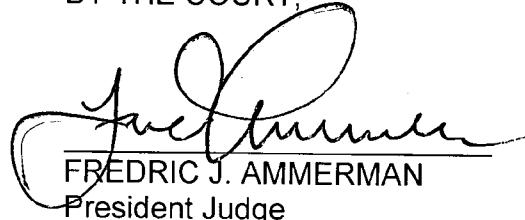
NOW, this 8th day of February, 2007, this being the date set for hearing on the

Plaintiffs' Petition and Supplemental Petition for Contempt/Enforcement of Order; the Defendants being present and being represented by counsel and having admitted that they have not followed the Court's Orders of September 1, 2006 and December 7, 2006, it is the findings and ORDER of this Court as follows:

1. The Defendants are hereby found to be in contempt. They shall pay Attorney's fees to Belin, Kubista and Ryan in the amount of \$500.00 with the said amount to be paid in full within no more than 75 days from this date;
2. Unpaid rent for January 2007 in the amount of \$125.00 and for February 2007 in the amount of \$125.00 shall be paid in full by the Defendants within no more than 60 days from this date. In addition, until such time as the Defendants have fully vacated the premises, rent will continue to be due on the 15th of each month. Payment shall be made pursuant to the Order of September 1, 2006.
3. District Court costs in the amount of \$122.50 shall be paid in full within no more than 60 days from this date;

4. The Defendants shall have no more than 60 days from this date in which to remove their mobile home from the property;
5. Any personal property, toys, trash or otherwise belonging to the Defendants and remaining on the outside of the property shall be immediately cleaned up and removed by the Defendants, who will dispose of any garbage in an appropriate and lawful manner.

BY THE COURT,



Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

DATE: 2-9-01
You are referred to

You are responsible for serving all appropriate partners.

The Photoanalytic office has provided service to the following partners:

Patients(s) _____

Planter(s) _____

Defendant(s) Attorney _____

Defendant(s) Automerger _____

Other _____

Special Instructions:

Prothonotary/Clerk of Courts

09 2007

FILED

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

PETITION FOR CONTEMPT

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc AKA
0/3:10cm
APR 27 2007
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

| | |
|--------------------------------|-------------------|
| KATHRYN HOOVER and | : |
| EDWARD HOOVER, | : |
| Plaintiffs | : |
| vs. | : |
| | No. 06 – 861 – CD |
| MARK PEFFER and ROBYN MERRITT, | : |
| Defendants | : |

PETITION FOR CONTEMPT

NOW COMES, Kathryn Hoover and Edward Hoover, Plaintiffs above named, and by their Attorneys, Belin, Kubista & Ryan, file their Petition and aver as follows:

1. After non-jury trial held in the above captioned matter, this Court issued an Order dated December 7, 2006, finding in favor of the Petitioners and directing that Respondents perform certain actions.
2. Respondents failed to comply with the terms of the December 7, 2006 Order, resulting in the filing by Petitioners of a Petition for Contempt/Enforcement of Order, as well as a Supplemental Petition, both of which were heard by the Court on February 8, 2007.
3. As a result of said hearing, this Court entered an Order dated February 8, 2007, finding Respondents in contempt and directing that they perform certain actions within times as set forth therein. A true and correct copy of the said Order is attached hereto, marked Exhibit "A" and incorporated herein by reference as if set forth at length.
4. Respondents have failed to comply with the terms of the Court's Order of February 8, 2007, in that:

- a. They failed to remove all personal property, toys, trash and garbage from the premises of Petitioners as ordered. As of April 17, 2007, there remained certain items and debris on the premises, in direct contravention of the said Order;
- b. They failed to pay counsel fees to Petitioner's counsel within 75 days of the date of the said Order. Said fees should have been paid on or before April 24, 2007;
- c. They failed to continue to pay rent as ordered in that rent continues to be due and owing to Petitioners until such time as Respondents have fully vacated the premises. Rent should have been paid for the month of April on or before the 15th day of April and has not been paid.

5. Counsel for Petitioners advised Counsel for Respondents of such failure to comply by letter dated April 23, 2007. As of the time of the preparation of this Petition, no response to said letter has been received. A true and correct copy of the said letter is attached hereto, marked Exhibit "B" and incorporated herein as if set forth at length.

6. As the result of the Respondent's failure to comply with the Order of this Court as set forth above, Petitioners have continued to incur counsel fees and have been deprived of the use and enjoyment of their property.

7. Petitioners believe and therefore aver that the repeated failure of the Respondents to comply with the Orders of this Court warrants a strong response by the Court, including the imposition of an additional award of counsel fees, a fine, and such other relief as the Court deems fair and just under the circumstances.

WHEREFORE, Petitioners request that the Court find the Respondents to be in contempt of its Order of February 8, 2007, and further that the Court award counsel fees to Petitioners together with such other relief as the Court deems appropriate, as well as requiring Respondents to immediately perform in accordance with the previous Order of Court.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Petitioners/Plaintiffs

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

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

KATHRYN HOOVER and EDWARD HOOVER,
Plaintiffs

vs.

MARK PEFFER and ROBYN MERRITT,
Defendants

*
*
*
*
*

FEB 09 2007
NO. 06-861-CD

Attest.

William L. Bell
Prothonotary/
Clerk of Court

ORDER

NOW, this 8th day of February, 2007, this being the date set for hearing on the Plaintiffs' Petition and Supplemental Petition for Contempt/Enforcement of Order; the Defendants being present and being represented by counsel and having admitted that they have not followed the Court's Orders of September 1, 2006 and December 7, 2006, it is the findings and ORDER of this Court as follows:

1. The Defendants are hereby found to be in contempt. They shall pay Attorney's fees to Belin, Kubista and Ryan in the amount of \$500.00 with the said amount to be paid in full within no more than 75 days from this date;
2. Unpaid rent for January 2007 in the amount of \$125.00 and for February 2007 in the amount of \$125.00 shall be paid in full by the Defendants within no more than 60 days from this date. In addition, until such time as the Defendants have fully vacated the premises, rent will continue to be due on the 15th of each month. Payment shall be made pursuant to the Order of September 1, 2006.
3. District Court costs in the amount of \$122.50 shall be paid in full within no more than 60 days from this date;

EXHIBIT "A"

4. The Defendants shall have no more than 60 days from this date in which to remove their mobile home from the property;

5. Any personal property, toys, trash or otherwise belonging to the Defendants and remaining on the outside of the property shall be immediately cleaned up and removed by the Defendants, who will dispose of any garbage in an appropriate and lawful manner.

ORDER

BY THE COURT,

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

BELIN, KUBISTA & RYAN

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

April 23, 2007

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866

**RE: Kathryn Hoover and Edward Hoover
vs. Mark Peffer and Robyn Merritt
No. 06-861-C.D.**

Dear Dave:

I wanted to confirm the status of the above matter. First of all, by my calculations, the \$500.00 award of counsel fees from your clients is due tomorrow, April 24, 2007. Second, my clients advise that the trailer has been removed, however, there are various items remaining on the property, as follows:

1. A small pile of debris, including the black ABS drain pipe from inside the trailer;
2. A section of subfloor, which is approximately 2 feet wide by 14 feet in length;
3. The water heater;
4. The hitch and axles;
5. The propane tank;
6. Assorted trash in the yard, mainly consisting of paint buckets, a tire and other items;
7. Part of a dresser, a computer monitor and other items within the foundation.

Judge Ammerman's Order of February 8, 2007, was clear regarding the obligation of your clients' to clean up the property. It is also clear that their obligation to pay rent is continuing until they have fully vacated the premises.

David R. Thompson, Esquire
April 23, 2007
Page Two

Accordingly, please advise your clients to:

1. Make the payment for counsel fees as ordered;
2. Make the April rent payment;
3. Remove all the remaining debris and other items from the property.

My recollection from the hearing in February was that the Judge said he would include a provision in his order scheduling another hearing to determine compliance. Since he either forgot to do so, or decided not to do so, I will have no alternative but to file another Petition for Contempt if your clients fail to comply with the above. Please advise them that if I do that, the Petition will not be withdrawn for any reason, and they will again have to face Judge Ammerman, regardless whether they comply after the filing but before the hearing.

Very truly yours,

BELIN, KUBISTA & RYAN



John R. Ryan

JRR/kdm

cc: Mr. and Mrs. Edward Hoover

**SENT VIA FACSIMILE (814) 342-7081
AND REGULAR U.S. MAIL**

LA
BELLIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

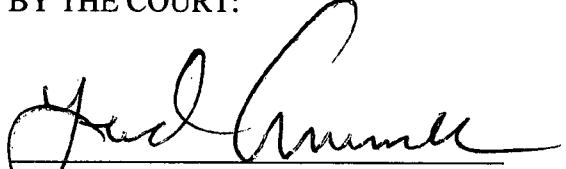
KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
vs. :
No. 06 - 861 - CD
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

ORDER

AND NOW, this 30 day of April, 2007, upon consideration of the foregoing Petition for Contempt, it is the ORDER of this Court that said Petition be heard the 11th day of May, 2007, at 9:30 o'clock A M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

One-half (1/2) hour is set aside for the hearing of this matter.

BY THE COURT:


Fredric J. Ammerman
President Judge

FILED
07/4/2007 3:00 PM
MAY 01 2007 Atty Ryan
CJ

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 01 2007

William A. Shaw
Prothonotary/Clark of Courts

DATE: 5/1/07

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:

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
:
vs. : No. 06 - 861 - CD
:
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
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(814) 765-8972

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9/10/35 cm
MAY 02 2007
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN HOOVER and :
EDWARD HOOVER, :
Plaintiffs :
: :
vs. : No. 06 - 861 - CD
: :
MARK PEFFER and ROBYN MERRITT, :
Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Contempt filed on behalf of KATHRYN HOOVER and EDWARD HOOVER, Plaintiffs in the above captioned matter, together with a certified copy of the Order scheduling a hearing on the Petition, on the following party by postage prepaid first-class United States mail, on the 1st day of May, 2007.

David R. Thompson, Esquire
308 Walton Street, Suite 4
Philipsburg, PA 16866
Attorney for Defendants

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

BEELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

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MAY 14 2007

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ICCA/Hys:

Ryan
Thompson

William A. Shaw
Prothonotary/Clerk of Courts

ICC CCJ

(without memo)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KATHRYN HOOVER and

:

EDWARD HOOVER

:

VS.

: NO. 06-861-CD

MARK PEFFER and ROBYN MERRITT

:

O R D E R

AND NOW, this 11th day of May, 2007, following the argument on the same, it is the ORDER of this Court as follows:

1. The Defendants are hereby found in contempt for failure to abide by the Court's Order of February 8, 2007, relative failure to make payment in the amount of Five Hundred (\$500.00) Dollars in attorney's fees and One Hundred Twenty-five (\$125.00) Dollars in rent. The Court hereby also assesses an additional Four Hundred Fifty-five (\$455.00) Dollars in attorney's fees to Belin and Kubista, consistent with Petitioner's Exhibit B. Total amount due is One Thousand Eighty (\$1,080.00) Dollars.

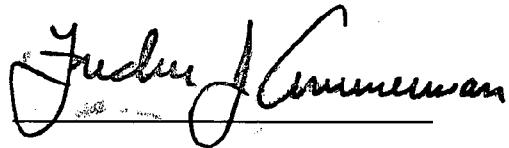
2. The Defendant, Mark Peffer, is hereby sentenced to a period of incarceration in the Clearfield County Jail of thirty (30) days, the said period of incarceration to be initiated by the said Mark Peffer reporting to the Clearfield County Jail no later than 6:00 p.m. on Friday, June 8, 2007.

3. In the event of incarceration, the Defendant, Mark Peffer, shall be able to purge himself of contempt and be

released therefrom upon payment of the said One Thousand Eight (\$1,080.00) Dollars.

4. If, prior to the commitment date of June 8, 2007, all debris is appropriately removed from the Plaintiffs' property and the amount of One Thousand Eighty (\$1,080.00) Dollars is paid to the Plaintiffs (through counsel) by cash, money order or treasurer's check, the Court will consider the Defendant to be purged of contempt and he shall not be required to report to the jail.

BY THE COURT,



President Judge

FILED

MAY 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/14/07

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:

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

KATHY HOOVER and EDWARD HOOVER, *
Plaintiffs * NO. 06-861-CD
vs. *
MARK PEFFER and ROBYN MERRITT, *
Defendants *

ORDER

NOW, this 8th day of June, 2007, the Court being advised by counsel for both parties that the Defendant Mark Peffer has complied with this Court's Order of May 11, 2007 by removing the debris from the Plaintiffs' property and paying \$1,080.00 to the Plaintiffs; the Court finds that the Defendant has purged himself of contempt and is not required to report to the Clearfield County Jail on this date.

BY THE COURT

FREDERIC J. AMMERMAN
President Judge

FILED
JUN 12 2007
1CC Atty's:
Ryan
Thompson
William A. Shaw
Prothonotary/Clerk of Courts
CR

FILED

JUN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/12/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: