

06-1274-CD

Brenda Showers vs John M. Cook Jr.

2006-1274-CD

Brenda Showers vs John Cook

Shannon B. Dersinore

Mom to Rachel Marie Miller

Dad - Richard D. Bee

Adoption:

Matthew J. Dersinore  
2 sons.

Rachel Marie Dersinore

Matthew J. Dersinore

Stately

→ Business Orgn

Rachel Miller

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRENDA L. SHOWERS,  
Plaintiff

CIVIL ACTION

No. 06 - 1274 - CD

Vs.

JOHN M. COOK, JR.  
Defendant

COMPLAINT IN EQUITY-PARTITION

Filed on Behalf of:

Plaintiff, BRENDA L. SHOWERS

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

FILED <sup>3cc</sup>  
06/23/08 L Atty Colavecchi  
AUG 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
⑩ Atty pd. 85.00

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - - CD  
:  
JOHN M. COOK, JR., :  
Defendant :

N O T I C E

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 EXT. 5982

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CLEARFIELD, PA

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - - CD  
:  
JOHN M. COOK, JR., :  
Defendant :  
:

COMPLAINT IN EQUITY - PARTITION

1. Plaintiff is BRENDA L. SHOWERS, an individual residing at 10 West Presqueisle Street, Apt. A, Philipsburg, Pennsylvania, 16866.
2. Defendant is John M. Cook, Jr., an individual residing at 504 Curtin Street, Osceola Mills, Pennsylvania, 16666.
3. Plaintiff and Defendant are the owners of certain real estate situated in Clearfield County, Pennsylvania as described below, and all the interests of the parties in the property are held as tenants in common and are undivided.
4. Plaintiff acquired title to the above property by deed dated July 14, 1994, recorded in Clearfield County in Volume 1619, Page 480, wherein Martin G. Kosut and Lorrie D. Kosut conveyed to John M. Cook, Jr. and Brenda L. Showers, as tenants in common, the

following described tract or lot of land lying in the Borough of Osceola Mills, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the north side of Curtin Street one hundred (100) feet easterly from the northeast corner of Elizabeth and Curtin Streets; thence northwesterly at right angle to said Curtin Street a distance of one hundred ten (110) feet to a ten (10) foot alley; thence by said alley northeasterly a distance of fifty (50) feet to west side of Henry Alley; thence by west side of Henry Alley a distance of one hundred ten (110) feet to north side of Curtin Street; thence by said Curtin Street a distance of fifty (50) feet to the place of beginning. Being a lot of ground fifty (50) feet to one hundred ten (110) feet and the southerly or front portion of Lot No. 216 in the General Plan of Osceola Mills Borough

BEING the same premises conveyed to John M. Cook, Jr. and Brenda L. Showers, as joint tenants in common, from Martin G. Kosut and Lorrie D. Kosut by deed dated July 14, 1994, recorded at Clearfield County Volume 1619, Page 480.

5. No person other than the parties to this suit has any interest in the property, which is presently in the possession of Defendant.

6. No partition or division of the property has ever been made, although Plaintiff has requested the Defendant to join with her in making one.

WHEREFORE, Plaintiff demands that:

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

  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiff  
221 East Market Street  
Clearfield, PA 16830  
(814) 765-1566

7-27-06

DATE

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COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

VERIFICATION

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

Brenda L Showers

BRENDA L. SHOWERS

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P.O. BOX 131  
CLEARFIELD, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101804  
NO: 06-1274-CD  
SERVICE # 1 OF 1  
COMPLAINT IN EQUITY-PARTITION

PLAINTIFF: BRENDA L. SHOWERS  
vs.  
DEFENDANT: JOHN M. COOK JR.

**SHERIFF RETURN**

NOW, August 24, 2006 AT 3:15 PM SERVED THE WITHIN COMPLAINT IN EQUITY-PARTITION ON JOHN M. COOK JR. DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN M. COOK JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY-PARTITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

**FILED**

AUG 30 2006  
012:15 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	COLAVECCHI	8936	10.00
SHERIFF HAWKINS	COLAVECCHI	8936	37.19

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRENDA L. SHOWERS

CIVIL ACTION

Plaintiff

No. 06 - 1274 - CD

vs.

PRAECIPE FOR ENTRY OF JUDGMENT  
BY DEFAULT

JOHN M. COOK

Filed on behalf of:

Defendant

Plaintiff, BRENDA L. SHOWERS

Counsel of Record for this  
Party:

PAUL COLAVECCHI, ESQUIRE  
PA I.D. 83274

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

FILED *01317/06* NOCC  
OCT 27 2006 No Statement  
William A. Shaw *Notice to Def.*  
Prothonotary/Clerk of Courts

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
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COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - 1274 - CD  
:  
JOHN M. COOK, JR., :  
Defendant :  
:

PRAECIPE FOR ENTRY OF JUDGMENT BY DEFAULT

TO THE PROTHONOTARY:

Enter Judgment by default pursuant to Rule 1511 of the Pennsylvania Rules of Civil Procedure, in an equity action, against the Defendant, John M. Cook, Jr., for failure to file an Answer to the Complaint or otherwise to plead thereof.

10-18-06

DATE

  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiff  
221 East Market Street  
Clearfield, PA 16830  
(814) 765-1566

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - 1274 - CD  
:  
JOHN M. COOK, JR., :  
Defendant :  
:

TO: JOHN M. COOK, JR. DATE OF NOTICE: SEPTEMBER 28, 2006  
504 CURTIN STREET  
OSCEOLA MILLS, PA 16666

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR'S OFFICE  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

814/765-2641, Ext. 5982

  
PAUL COLAVECCHI, ESQUIRE  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
814/765-1566

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - 1274 - cd  
:  
JOHN M. COOK, :  
Defendant :  
:

A F F I D A V I T

PAUL COLAVECCHI, ESQUIRE, being duly sworn according to law,  
deposes and states as follows:

1. The last known address of Plaintiff is 10 West Presqueisle  
Street, Apt. A, Philipsburg, Pennsylvania, 16866.
2. The last known address of Defendant is 504 Curtin Street,  
Osceola Mills, Pennsylvania, 16666.

  
PAUL COLAVECCHI, ESQUIRE

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Brenda L. Showers

Vs.

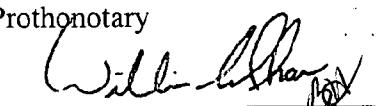
No. 2006-01274-CD

John M. Cook Jr.

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you on October 27, 2006.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRENDA L. SHOWERS,  
Plaintiff  
vs.

JOHN M. COOK, JR.,  
Defendant

CIVIL DIVISION  
No. 06 - 1274 - CD

**PETITION REQUESTING AN ORDER  
OF PARTITION**

Filed on Behalf of:

Plaintiff, BRENDA L. SHOWERS

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED**

NOV 15 2006

11:50 AM

William A. Shaw  
Prothonotary/Clerk of Courts

3 cents toatty

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - - CD  
:  
JOHN M. COOK, JR., :  
Defendant :  
:

PETITION REQUESTING AN ORDER  
OF PARTITION

Paul Colavecchi, Esquire, Attorney for Brenda L. Showers, Plaintiff above named, files this Petition requesting an Order of Partition and respectfully avers as follows:

1. Brenda L. Showers, through her Attorney, Paul Colavecchi, Esquire, filed a Complaint in Partition with the Court on or about August 8, 2006 and which was served on the Defendants on August 24, 2006.
2. The Complaint filed in this action set forth that the parties owned the subject property as tenants in common. However, as set forth in Deed dated July 14, 1994, recorded at Clearfield County Volume 1619, Page 480, the property is owned as joint tenants with right of survivorship. Neither party will be prejudiced by this fact.

3. No answer was filed by the Defendant, at which time a ten day notice was sent to him on September 29, 2006.

4. No further documents have been filed of record to the above-captioned case.

5. Since no Answer has been filed and Plaintiff has the right to Partition, this Petition is being filed requesting that the Court issue an Order directing Partition and that the Court direct the parties to appear for a Preliminary Conference.

WHEREFORE, Plaintiff respectfully asks that the Court issue an Order of Partition and further direct that the parties appear before the Court for a Preliminary Conference as required under Pennsylvania Rule of Civil Procedure 1558.

Respectfully submitted:

  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRENDA L. SHOWERS,  
Plaintiff  
vs.

JOHN M. COOK, JR.,  
Defendant

CIVIL DIVISION  
No. 06 - 1274 - CD

**RULE**

Filed on Behalf of:

Plaintiff, BRENDA L. SHOWERS

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED** 3cc  
01/07/06 Atty P. Colavecchi  
NOV 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
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P. O. BOX 131  
CLEARFIELD, PA

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

BRENDA L. SHOWERS, :  
Plaintiff :  
:  
vs. : No. 06 - 1274 - CD  
:  
JOHN M. COOK, JR., :  
Defendant :

R U L E

AND NOW, this 20<sup>th</sup> day of November, 2006, a Rule  
is hereby issued and directed to the Defendant to Show Cause why  
an Order should not be issued directing partition of the lands  
described in the Complaint herein, and why distribution should not  
be made to Brenda L. Showers.

This Rule is Returnable before the Court on the 2<sup>nd</sup> day of  
January, 2007 at 2:30 o'clock P.M. at  
the Clearfield County Courthouse.

BY THE COURT:

  
JUDGE

**FILED**  
**NOV 21 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/21/06 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

BRENDA L. SHOWERS,  
Plaintiff

CIVIL ACTION

vs.

No. 06 - 1274 - CD

JOHN M. COOK, JR.  
Defendant

**CERTIFICATE OF SERVICE**

Filed on Behalf of:

Plaintiff, BRENDA L. SHOWERS

Counsel of Record for This  
Party:

PAUL COLAVECCHI, ESQUIRE  
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED**

NOV 29 2006

6/2:40 PM

William A. Shaw

Prothonotary/Clerk of Courts

No 4/C

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
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CLEARFIELD, PA

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

BRENDA L. SHOWERS, :  
Plaintiff :  
: vs. : No. 06 - 1274 - CD  
: :  
JOHN M. COOK, JR., :  
Defendant :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 22, 2006, a true and correct copy of a Petition Requesting an Order of Partition, together with a Rule, in the above matter, was served on the following by depositing said copy in the United States Mail, first class, postage prepaid and addressed as follows:

John M. Cook, Jr.  
504 Curtin Street  
Osceola Mills, PA 16666

DATE: 11-22-06

BY:



PAUL COLAVECCHI, ESQUIRE  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
814/765-1566

UP  
**FILED** *2007-01-11 04:51*  
JAN 03 2007 ICC Def.  
William A. Shaw *WS*  
Prothonotary/Clerk of Courts  
504 Curtin St.  
Osceola Mills, PA  
16666

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA L. SHOWERS :

VS. : NO. 06-1274-CD

JOHN M. COOK, JR. :

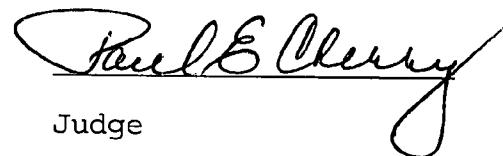
O R D E R

AND NOW, this 2nd day of January, 2007, this being the date set for hearing on Plaintiff's Petition Directing Partition of Land; upon agreement of the parties, it is the ORDER of this Court that Defendant, John M. Cook, Jr., shall pay to the Plaintiff, Brenda L. Showers, at 304 Second Avenue, Osceola Mills, Pennsylvania 16666, the sum of Twenty-two Thousand (\$22,000.00) Dollars, as follows: He shall pay the sum of no less than Six Thousand (\$6,000.00) Dollars by and no later than January 8, 2007; and the sum of no less than Five Thousand (\$5,000.00) Dollars by and no later than January 22, 2007; and that, thereafter, commencing February 15, 2007, and on the 15th of each month thereafter, he pay the sum of no less than Four Hundred (\$400.00) Dollars until total balance of Twenty-two (\$22,000.00) Dollars is paid in full.

Any failure to make payments as noted above shall result in automatic issuance of Bench Warrant without further notice or hearing being provided and, upon his apprehension,

imposition of a period of incarceration of ninety (90) days. If incarcerated, he shall be able to purge himself of contempt and be released upon payment of all outstanding arrearages.

BY THE COURT,

  
Paul E. Cherry

Judge