

06-1291-CD

Margaret Hamilton vs Ronald Rowles et al

2006-1291-CD  
Margaret Hamilton vs Ronald Rowles et al

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

MARGARET E. HAMILTON,  
Plaintiff,  
vs.  
RONALD ROWLES and NANCY,  
ROWLES, Husband and Wife,  
Defendants.

No. 06-1291-CD

Type of case: Civil Action

Type of pleading: Complaint

Filed on behalf of: Plaintiff,  
Margaret E. Hamilton

Counsel for Plaintiff:  
Frederick M. Neiswender, Esquire  
Supreme Court No. 74456

NEISWENDER & KUBISTA  
501 East Market Street, Suite 3  
Clearfield, Pennsylvania 16830  
(814) 765-6500

FILED  
013:28/01  
AUG 11 2006 Atty pd .85.00  
3cc Atty Neiswender  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET E. HAMILTON,	:	
Plaintiff,	:	
vs.	:	
	:	No. 06- -CD
RONALD ROWLES and NANCY,	:	
ROWLES, Husband and Wife,	:	
Defendants.	:	

**NOTICE TO DEFEND**

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

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

COURT ADMINISTRATOR  
1 North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

MARGARET E. HAMILTON, :  
Plaintiff, :  
: vs. : No. 06- -CD  
RONALD ROWLES and NANCY, :  
ROWLES, Husband and Wife, :  
Defendants. :

COMPLAINT

AND NOW, comes the Plaintiff, MARGARET E. HAMILTON, by and through her attorneys, NEISWENDER & KUBISTA, and files this Complaint against the Defendants, RONALD ROWLES and NANCY ROWLES, on a cause of action upon which the following is a statement:

1. That Plaintiff, Margaret E. Hamilton, is an adult individual residing at 931 Wm Cemetery Road, New Millport, Clearfield County, Pennsylvania 16861.
2. That Defendants, Ronald Rowles and Nancy Rowles, are Husband and Wife residing at 685 Wm Cemetery Road, Curwensville, Clearfield County, Pennsylvania 16833.
3. That on or about May 23, 1999, Plaintiff and Defendants entered into an oral agreement whereby Plaintiff loaned Defendants Twenty-five Thousand Dollars (\$25,000.00).
4. That in return, Defendants agreed to make deposits of Five Hundred Dollars (\$500.00) per month into a savings account designated as Account Number 1551006396 at Northwest Savings Bank until the loan had been paid in full.
5. That Plaintiff entered into the agreement for a "no interest loan" because the Defendant, Ronald Rowles, is her nephew.

6. That from the date of the agreement until on or about May 26, 2006, Defendants made sporadic payments totaling Fourteen Thousand Six Hundred and Fifty Dollars (\$14,650.00).

7. That the last full payment made by Defendants was on May 25, 2005 in the amount of Five Hundred Dollars (\$500.00). *A true and correct copy of the Savings Account Statement is attached as Exhibit "A".*

8. That since their last full payment, Defendants have made two (2) partial payments in the amount of One Hundred Dollars (\$100.00) each on May 5, 2006 and May 26, 2006 respectively. *A true and correct copy of the Savings Account Statement is attached as Exhibit "B".*

9. That since May 26, 2006, the Defendants have not made a payment to Plaintiff.

10. That on March 14, 2006, the Plaintiff through counsel, contacted the Defendants by letter requesting that the remaining amount due on the loan of Eleven Thousand Dollars (\$11,000.00) be paid to the Plaintiff within thirty (30) days of the date of the letter.

11. That as of the date of this Complaint the Defendants have not responded to Plaintiff's request for payment.

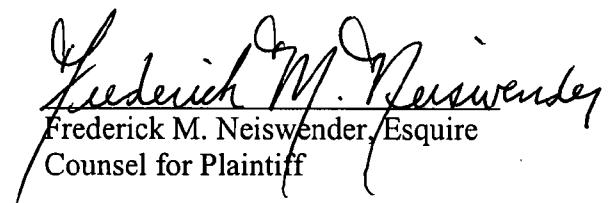
12. That the Defendants' refusal to pay is a direct breach of the oral agreement between Plaintiff and Defendants.

13. That the Plaintiff is entitled to monetary damages because she has upheld her end of the agreement to her great detriment and loss.

14. That because the terms of the agreement required that the full balance of the loan be paid by September 23, 2003, the Plaintiff is entitled to simple interest of six percent (6%) per annum on the remaining balance due.

WHEREFORE, Plaintiff requests that your Honorable Court enter a judgment in favor of the Plaintiff and against the Defendants in the amount of Ten Thousand Three Hundred Fifty Dollars (\$10,350.00) plus interest and costs of the suit.

Respectfully submitted,

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff



## SAVINGS ACCOUNT STATEMENT

ACCOUNT STATEMENT  
NUMBER DATE

1551006396 6-30-05

MARGARET E HAMILTON  
931 WM CEMETERY RD  
NEW MILLPORT PA 16861

Previous Balance	3-31-05	1,241.53
+Deposits/Credits	2	1,000.00
-Withdrawals/Debits		.00
-Service Charge		.00
+Interest Paid		5.54
Current Balance		2,247.07

\* - - - - - TRANSACTION SUMMARY - - - - - \*

Withdrawal	Withdrawal	Deposit	Date	Balance
DEPOSIT		500.00	4-27	1741.53
DEPOSIT		500.00	5-25	2241.53
INTEREST		5.54	6-30	2247.07

\* - - - - - INTEREST SUMMARY - - - - - \*

Interest Earned From 3/31/05 To 6/30/05	
Days in Period	91
Interest Earned	5.54
Annual Percentage Yield Earned	1.25
Interest Paid this Year	7.19
Interest Withheld this Year	.00
Average Ledger Balance	1,790.98

APPLY FOR A LOAN ON-LINE AT [NORTHWESTSAVINGSBANK.COM](http://NORTHWESTSAVINGSBANK.COM)  
OR CALL 1-877-672-5678, M-F 8 AM-8 PM OR S, 9 AM-1 PM.



## SAVINGS ACCOUNT STATEMENT

ACCOUNT STATEMENT  
NUMBER DATE

1551006396 6-30-06

071774

MARGARET E HAMILTON  
931 WM CEMETERY RD  
NEW MILLPORT PA 16861

Previous Balance	3-31-06	1,108.48
+Deposits/Credits	3	250.00
-Withdrawals/Debits		.00
-Service Charge		.00
+Interest Paid		3.89
Current Balance		1,362.37

TRANSACTION SUMMARY				
Withdrawal	Withdrawal	Deposit	Date	Balance
DEPOSIT		50.00	4-03	1158.48
DEPOSIT		100.00	5-05	1258.48
DEPOSIT		100.00	5-26	1358.48
INTEREST		3.89	6-30	1362.37

INTEREST SUMMARY				
Interest Earned From	3/31/06 To	6/30/06		
Days in Period			91	
Interest Earned			3.89	
Annual Percentage Yield Earned			1.25	
Interest Paid this Year			7.10	
Interest Withheld this Year			.00	
Average Ledger Balance			1,256.83	

APPLY FOR A LOAN ON-LINE AT [NORTHWESTSAVINGSBANK.COM](http://NORTHWESTSAVINGSBANK.COM)  
OR CALL 1-877-672-5678, M-F 8 AM-8 PM OR S, 9 AM-1 PM.

"EXHIBIT B"

MARGARET E. HAMILTON hereby states that she is the Plaintiff in this action and that the statements of fact made in the foregoing Complaint are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE:

May 18 2006

Mary Margaret E. Hamilton

MARGARET E. HAMILTON

**FILED**

**AUG 11 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101811  
NO: 06-1291-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: MARGARET E. HAMILTON  
vs.  
DEFENDANT: RONALD ROWLES and NANCY ROWLES, Husband & Wife

SHERIFF RETURN

---

NOW, August 15, 2006 AT 9:49 AM SERVED THE WITHIN COMPLAINT ON RONALD ROWLES and NANCY ROWLES, Husband & wife DEFENDANT AT 685 WM. CEMETERY ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO NANCY ROWLES, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	KUBISTA	464	10.00
SHERIFF HAWKINS	KUBISTA	464	23.73

0/310 LM  
AUG 18 2006 LM

William A. Shaw  
Prothonotary

Sworn to Before Me This

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

So Answers,

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

FILED

AUG 18 2006

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET E. HAMILTON,

CIVIL ACTION

Plaintiff No. 06 - 1291 - cd

vs.

PRAECIPE TO ENTER APPEARANCE

RONALD ROWLES and NANCY  
ROWLES, Husband and Wife,

Filed on behalf of:

Defendant

Defendants: RONALD ROWLES  
and NANCY ROWLES

Counsel of Record for Said  
Party:

JOSEPH CCLAVECCHI, ESQUIRE  
PA I.D. 06810

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

SEP 01 2006

10:30 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

COPY TO CA

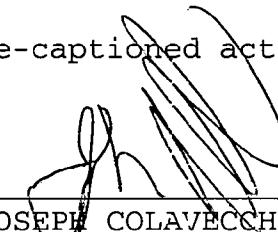
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

MARGARET E. HAMILTON, :  
Plaintiff :  
:  
vs. : No. 06 - 1291 - CD  
:  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendant :  
:

PRAECIPE TO ENTER APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of Ronald Rowles and  
Nancy Rowles, Defendants in the above-captioned action.



---

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

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

MARGARET E. HAMILTON, :  
Plaintiff, :  
vs. : No. 06 - 1291 - C.D.  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendants. :  
: Type of case: Civil  
: Type of pleading: Certificate of Readiness  
: Filed on behalf of: Plaintiff,  
: Margaret E. Hamilton  
: Counsel for Plaintiff:  
: Frederick M. Neiswender, Esquire  
: Supreme Court No. 74456  
: NEISWENDER & KUBISTA  
: 211½ North Second Street  
: Clearfield, Pennsylvania 16830  
: (814) 765-6500

FILED  
O 11:32 A.M. 6K  
FEB 06 2007 3cc to Atty  
William A. Shaw  
Notary/Clerk of Courts

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

MARGARET E. HAMILTON, :  
Plaintiff, :  
:  
vs. : No. 06 - 1291 - C.D.  
:  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendants. :

**CERTIFICATE OF READINESS**

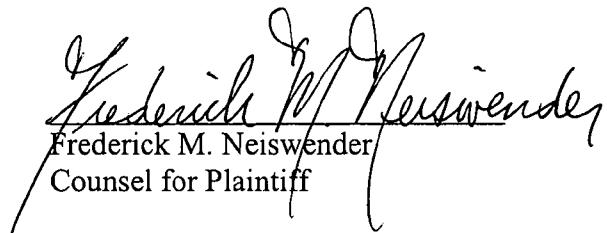
TO THE PROTHONOTARY:

Please place the above captioned case on the Civil Trial List.

1. Date presented: February 6, 2007.
2. Date compliant filed: August 11, 2006.
3. Type of trial requested: Arbitration.
4. Estimated trial time:  $\frac{1}{2}$  day.
5. Amount at issue: \$10,350.00 plus interest and costs of the suit.
6. Counsel for the Defendants: Joseph Colavecchi, Esq., Telephone: (814) 765-1566.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Respectfully submitted,

  
Frederick M. Neiswender  
Counsel for Plaintiff

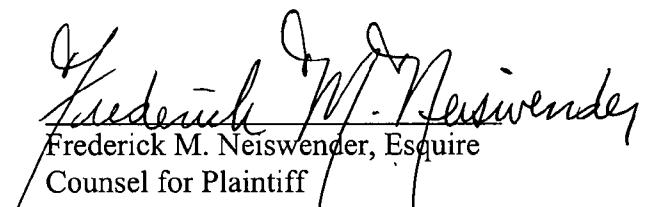
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

MARGARET E. HAMILTON, :  
Plaintiff, :  
: :  
vs. : No. 06 - 1291 - C.D.  
: :  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendants. :  
:

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Certificate of Readiness was made upon the Ronald and Nancy Rowles, by mailing, first class, postage prepaid, a true copy to the office of their attorney of record, Joseph Colavecchi, Esquire, on February 6, 2007, at the following address:

Joseph Colavecchi, Esquire  
Colavecchi & Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, Pennsylvania 16830

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff  
211½ North Second Street  
Clearfield, Pennsylvania 16830

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

MARGARET E. HAMILTON :  
vs. : No. 06-1291-CD  
RONALD ROWLES and NANCY :  
ROWLES, husband and wife :  
:

**ORDER**

AND NOW, this 17 day of May, 2007, it is the ORDER of the Court  
that the above-captioned matter is scheduled for Arbitration on Friday, June 29, 2007 at 9:00  
A.M. in the Conference/Hearing Room No. 3, 2<sup>nd</sup> Floor, Clearfield County Courthouse,  
Clearfield, PA. The following have been appointed as Arbitrators:

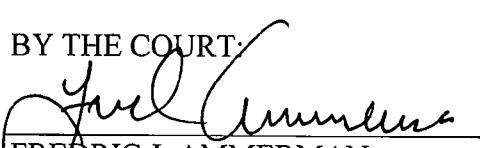
David P. King, Esquire

Christopher E. Mohney, Esquire

Peter J. Carfley, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven  
(7) days prior to the scheduled Arbitration. The original should be forwarded to the Court  
Administrator's Office and copies to opposing counsel and each member of the Board of  
Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form  
is enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
019-20341 LCC  
MAY 18 2007 CIA  
(-R)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET E. HAMILTON,

CIVIL ACTION

Plaintiff

No. 06 - 1291 - CD

vs.

ANSWER AND NEW MATTER

RONALD ROWLES and NANCY  
ROWLES, Husband and Wife,

Filed on behalf of:

Defendants

Defendants: RONALD ROWLES  
and NANCY ROWLES

Counsel of Record for Said  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
PA I.D. 06810

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

814/765-1566

FILED

MAY 30 2001  
01/210/WM  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO ATT

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

MARGARET E. HAMILTON, :  
Plaintiff :  
:  
vs. : No. 06 - 1291 - CD  
:  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendant :  
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this New Matter is 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 New Matter or for any other claim or relief requested by the Defendants. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830  
Phone 814/765-2641

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  
CIVIL DIVISION

MARGARET E. HAMILTON, :  
Plaintiff :  
:  
vs. : No. 06 - 1291 - CD  
RONALD ROWLES and NANCY :  
ROWLES, Husband and Wife, :  
Defendant :  
:

ANSWER

NOW COMES, Ronald Rowles and Nancy Rowles, his wife, who, through their Attorney, Joseph Colavecchi, Esquire, file their Answer and New Matter to the Complaint in the above-captioned case, and respectfully aver as follows:

1. Admitted.
2. Admitted.
3. Denied. On the contrary, Plaintiff loaned Twenty-five Thousand (\$25,000) Dollars to Ronald Rowles. Nancy Rowles had no part in this transaction.
4. Denied. On the contrary, there was no agreement as to the terms of repayment.
5. Admitted.

6. Admitted in part and Denied in part. Defendant did make sporadic payments. However, the total amount of payments were Sixteen Thousand One Hundred Seventy-five (\$16,175) Dollars. Ronald Rowles is currently making monthly payments of Two Hundred Fifty (\$250) Dollars to Plaintiff.

7. Denied. As set forth above, Ronald Rowles has been making monthly payments of Two Hundred Fifty (\$250) Dollars.

8. Denied. Ronald Rowles has continued to make monthly payments in the amount of Two Hundred Fifty (\$250) Dollars to Plaintiff.

9. Denied. See above answers. Ronald Rowles continues to make monthly payments to Plaintiff.

10. Denied. Joseph Colavecchi, Esquire, did not enter his appearance on behalf of Defendants until approximately August 31, 2006.

11. Denied. After reasonable investigation, Defendants are unable to ascertain the truth of this averment and strict proof is demanded at the trial of this case.

12. Denied. On the contrary, Defendant has been making payments on this account.

13. Denied. Plaintiff is entitled to be repaid the money that she advanced to her nephew, Ronald Rowles, with no interest added to the unpaid balance. Plaintiff has admitted in Paragraph 5 that there was to be no interest on this money.

WHEREFORE, Defendants request that the Complaint be dismissed and that judgment be entered in favor of Defendants.

NEW MATTER

Ronald Rowles and Nancy Rowles, his wife, file their New Matter directed to Margaret E. Hamilton and respectfully aver as follows:

Paragraphs 1 through and including Paragraph 13 are included herein as if set forth at length.

14. Nancy Rowles was not a party to the alleged agreement between Margaret E. Hamilton and Ronald Rowles and for this reason should not be named as a Defendant.

15. By letter dated November 27, 2006 from Frederick M. Neiswender, Esquire, Attorney for Plaintiff, he agreed that the total amount owed was Eight Thousand Eight Hundred Twenty-five (\$8,825) Dollars as of the date of said letter. A copy of said letter is attached hereto marked Exhibit "A".

16. Attorney's fees are not allowable under Pennsylvania law in this type of case.

17. Ronald Rowles agrees that judgment may be entered against Ronald Rowles in the amount of Eight Thousand Eight Hundred Twenty-five (\$8,825) Dollars, less any payments made after November 27, 2006.

WHEREFORE, Ronald Rowles and Nancy Rowles demand that the complaint be dismissed against Nancy Rowles and that judgment be entered against Ronald Rowles in an amount representing the Eight Thousand Eight Hundred Twenty-five (\$8,825) Dollars, less payments made after that date.

Respectfully submitted:



---

JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Ronald Rowles  
and Nancy Rowles  
221 East Market Street  
Clearfield, PA 16830

May 22, 2007

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

VERIFICATION

We verify that the statements made in this Answer and New Matter are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Ronald Rowles

Ronald Rowles

Nancy Rowles

Nancy Rowles

N & K

---

NEISWENDER & KUBISTA

FREDERICK M. NEISWENDER

ATTORNEYS AT LAW

COURTNEY L. KUBISTA

November 27, 2006

Joseph Colavecchi, Esquire  
Colavecchi & Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

**RE: Hamilton v. Rowles  
#2006-1291-CD**

Dear Joe:

Please be advised that I have spoken to my client, Margaret Hamilton in regard to your proposal in your letter dated August 31, 2006. She is willing to accept the total amount owed given by your client's bank statements totaling \$8,825.00. However, she is not willing to accept payments on the amount owed. My client believes that by the original agreement, Mr. Rowles agreed to make payments in the amount of \$500.00 per month. He has failed to uphold his end of the agreement. By this conduct, my client wishes to pursue not only the amount of \$8,825.00 paid in full, but also, interest and attorney's fees.

Please advise as to your client's position on this matter.

Very truly yours,

NEISWENDER & KUBISTA

Frederick M. Neiswender

CLK/cah

cc: Margaret Hamilton

FILED  
MAY 30 2007  
William A. Shew  
Administrator/Clerk of Courts

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

MARGARET E. HAMILTON,  
Plaintiff,  
vs.  
RONALD ROWLES and NANCY,  
ROWLES, Husband and Wife,  
Defendants.

: No. 06-1291-CD

: Type of case: Civil

: Type of pleading: Pre-Trial Statement

: Filed on behalf of: Plaintiff,  
Margaret E. Hamilton

: Counsel for Plaintiff:  
Frederick M. Neiswender, Esquire  
Supreme Court No. 74456

: NEISWENDER & KUBISTA  
211½ North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-6500

Arbitration

6/29

RECEIVED

JUN 15 2007

Court Administrator's  
Office

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

MARGARET E. HAMILTON, :  
Plaintiff, :  
: vs. : No. 06-1291-CD  
RONALD ROWLES and NANCY, :  
ROWLES, Husband and Wife, :  
Defendants. :

**PRE-TRIAL STATEMENT**

**A. STATEMENT OF THE CASE**

The Plaintiff, Margaret E. Hamilton [hereinafter Plaintiff], is an adult individual residing at 931 Wm Cemetery Road, New Millport, Clearfield County, Pennsylvania 16861. The Defendants, Ronald Rowles and Nancy Rowles [hereinafter Defendants] are Husband and Wife residing at 685 Wm Cemetery Road, Curwensville, Clearfield County, Pennsylvania 16833.

On or about May 23, 1999, Plaintiff and Defendants entered into an oral agreement whereby Plaintiff loaned Defendants Twenty-five Thousand Dollars (\$25,000.00). In return, Defendants agreed to make deposits of Five Hundred Dollars (\$500.00) per month into a savings account designated as Account Number 1551006396 at Northwest Savings Bank until the loan was been paid in full. Plaintiff entered into the agreement as a "no interest loan" because the Defendant, Ronald Rowles, is her nephew.

From the date of the agreement until on or about May 26, 2006, Defendants made sporadic payments totaling Fourteen Thousand Six Hundred and Fifty Dollars (\$14,650.00). The last full payment made by Defendants was on May 25, 2005 in the amount of Five Hundred Dollars (\$500.00). Since their last full payment, Defendants have made two (2) partial payments

in the amount of One Hundred Dollars (\$100.00) each on May 5, 2005 and May 26, 2006 respectively. The Defendants have not made a payment to Plaintiff since May 26, 2006. On March 14, 2006, the Plaintiff through counsel contacted the Defendants by letter requesting that the remaining amount due on the loan (Eleven Thousand Dollars \$11,000.00) be paid to the Plaintiff within thirty (30) days of the date of the letter. Defendants did not comply with Plaintiff's request for payment. It was later agreed upon by both counsels for Plaintiff and Defendants that the remaining balance due on the loan is Eight Thousand Eight Hundred Twenty-five Dollars (\$8,825.00).

The Defendants' refusal to pay is a direct breach of the oral agreement between Plaintiff and Defendants. The Plaintiff is entitled to monetary damages because she has upheld her end of the agreement to her great detriment and loss. Because the terms of the agreement required that the full balance of the loan be paid by September 23, 2003, the Plaintiff is entitled to simple interest of six percent (6%) per annum on the remaining balance due.

## **B. CITATION TO APPLICABLE CASE LAW OR STATUTES**

1. Basic tenets of Contract Law, including oral agreements and breach.

## **C. LIST OF WITNESSES**

1. Margaret E. Hamilton;
2. Ronald Rowles;
3. Nancy Rowles;
4. Plaintiff reserves the right to call additional witnesses with notice to counsel for Defendants.

#### **D. EXHIBITS**

1. Copies of various deposit slips;
2. Copies of bank statements;
3. Plaintiff reserves the right to offer additional exhibits with notice to counsel for

Defendants.

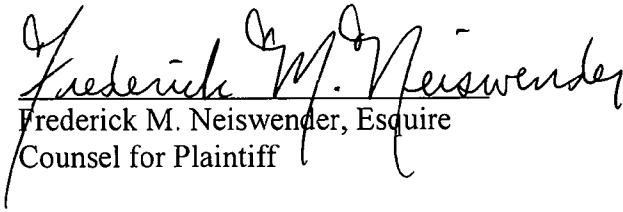
#### **E. DAMAGES**

Plaintiff seeks damages in the amount of \$8,825.00 plus interest and costs of the suit.

#### **F. EVIDENTIARY PROBLEMS**

No evidentiary problems are anticipated.

Respectfully submitted,

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff

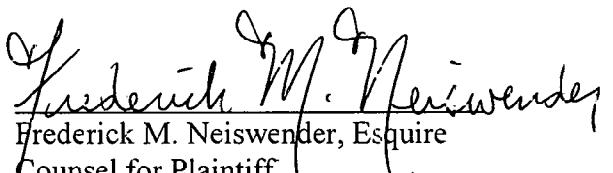
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

MARGARET E. HAMILTON, :  
Plaintiff, :  
: vs. : No. 06-1291-CD  
RONALD ROWLES and NANCY, :  
ROWLES, Husband and Wife, :  
Defendants. :  
:

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing  
Pre-trial Statement was made upon Ronald Rowles and Nancy Rowles, by mailing, first class,  
postage prepaid, a true copy to the office of their attorney of record, Joseph Colavecchi, Esquire,  
on June 15, 2007, at the following address:

Joseph Colavecchi, Esquire  
Colavecchi & Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, Pennsylvania 16830

  
\_\_\_\_\_  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff  
NEISWENDER & KUBISTA  
211½ North Second Street  
Clearfield, Pennsylvania 16830

Arbitration  
6/29

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET E. HAMILTON,  
Plaintiff  
vs.

CIVIL DIVISION

NO. 06 - 1291 - CD

RONALD ROWLES and NANCY  
ROWLES, Husband and Wife,  
Defendants

**PRE-TRIAL STATEMENT**

Filed on Behalf of:

Defendants: RONALD ROWLES and  
NANCY ROWLES

Counsel of Record for This  
Party:

JOSEPH COLAVECCHI. ESQUIRE  
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16330

814/765-1566

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  
CIVIL DIVISION

MARGARET E. HAMILTON, :  
Plaintiff : No. 06 - 1291 - CD  
:  
vs. :  
:  
RONALD ROWLES and NANCY ROWLES, :  
Husband and Wife, :  
Defendants:

**PRE-TRIAL STATEMENT**

**A: STATEMENT OF THE CASE**

Margaret E. Hamilton, Aunt of Ronald Rowles, made a loan of \$25,000 to Ronald Rowles on or about May 23, 1999.

The amount was to be repaid with no interest, although no exact amount of payments or period of time was agreed to by the parties.

Nancy Rowles took no part in the loan from Margaret E. Hamilton to her nephew, Ronald Rowles.

Ronald Rowles has since made payments to his Aunt and has reduced the unpaid balance to \$6,575 as of May 24, 2007.

Any additional repayment by Ronald Rowles should be deducted from the \$6,575.

**B: LIST OF WITNESSES:**

Ronald Rowles  
685 Williams Cemetery Road  
Curwensville, PA 16833

Nancy Rowles  
685 Williams Cemetery Road  
Curwensville, PA 16833

Margaret E. Hamilton  
931 Williams Cemetery Road  
New Millport, PA 16861

**C: EXHIBITS:**

Copies of records showing the payments made to Margaret E. Hamilton.

**D. DAMAGES:**

Defendant, Ronald Rowles, agrees that as of May 24, 2007, the amount of \$6,575 was owed to Margaret E. Hamilton.

**E. EVIDENTIARY PROBLEMS:**

No evidentiary problems are anticipated.

Respectfully submitted,



JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendants

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

MARGARET HAMILTON, :  
Plaintiff, :  
: vs. : No. 2006-1291-CD  
: :  
RONALD ROWLES and :  
NANCY ROWLES, Husband and Wife, :  
Defendants. :  
: :  
: : Type of case: Civil  
: :  
: : **PRAECIPE TO SETTLE**  
: : **AND DISCONTINUE**  
: :  
: : Filed on behalf of: Plaintiff,  
: Margaret Hamilton  
: :  
: : Counsel of Record:  
: Frederick M. Neiswender, Esquire  
: Supreme Court No. 74456  
: :  
: : NEISWENDER & KUBISTA  
: 211 1/2 North Second Street  
: Clearfield, Pennsylvania 16830  
: (814) 765-6500

FILED 3CC  
APR 23 2013  
William A. Shaw  
Prothonotary/Clerk of Courts  
6V

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

MARGARET HAMILTON, :  
Plaintiff, :  
: vs. : No. 2006-1291-CD  
RONALD ROWLES and :  
NANCY ROWLES, Husband and Wife, :  
Defendants. :

**PRAECIPE TO SETTLE AND DISCONTINUE**

To the Prothonotary:

Please mark the above captioned matter SETTLED and DISCONTINUED.

04/23/2013  
Date

*Frederick M. Neiswender*  
Frederick M. Neiswender, Esquire  
Attorney for Plaintiff

FILED  
APR 23 2013  
William A. Shaw  
Prothonotary/Clerk of Courts