

06-1350-CD
Travis Tumbleson vs Timothy Britton

Travis Tumbleson vs Timothy Britton
2006-1350-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION - LAW

TRAVIS TUMBLESON,
Plaintiff

v.

TIMOTHY BRITTON,
Defendant

)
)
)
)
)
)
)

No. 06-1350-CD

 ORIGINAL

To.: Timothy Britton, 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 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 OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Main Street
Clearfield, PA 16830
814-765-2641, Ext. 5982

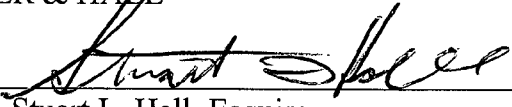
FILED
m13:52/01
AUG 21 2006

1cc SHFF
Any pd.
85.00

William A. Shaw
Prothonotary/Clerk of Courts

MILLER & HALL

By


Stuart L. Hall, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION - LAW

TRAVIS TUMBLESON,)	
Plaintiff)	
)	
v.)	No.
)	
TIMOTHY BRITTON,)	
Defendant)	

COMPLAINT

1. Plaintiff Travis Tumbleson is an adult individual who resides at 455 Elm Road, Moshannon, Centre County, Pennsylvania 16859.
2. Defendant Timothy Britton is an adult individual who resides at 109 Main Street, Falls Creek, Clearfield County, Pennsylvania 15840.
3. Plaintiff, a student at Penn State, DuBois Campus, rented a room from Defendant for the Fall 2005 and Spring 2006 semesters. The room was located at 107 East Dubois Avenue, Apt. H, DuBois, Clearfield County, Pennsylvania.
4. At the time of entering into the lease, Plaintiff gave Defendant a security deposit in the amount of \$189.00.
5. Plaintiff complied with all terms of the lease and paid for all months of the lease.
6. When Plaintiff returned the key for the property to Defendant in May of 2006, Plaintiff provided his home address to Defendant.

7. Defendant wrote down Plaintiff's home address when Plaintiff met with him to return the key.

8. Despite Defendant having Plaintiff's written forwarding address, Defendant failed to return Plaintiff's security deposit.

9. Despite repeated requests, Defendant continues to refuse to return Plaintiff's security deposit.

10. At no time, did Defendant inform Plaintiff of any reason why Defendant was refusing to return Plaintiff's security deposit.

Count I

11. Paragraphs One (1) through Ten (10) of this Complaint are hereby incorporated by reference as if fully set forth.

12. At no time did Defendant landlord provide Plaintiff with a written list of any damages to the leasehold premises for which the landlord claimed Plaintiff is liable.

13. When Plaintiff turned over possession of the property to Defendant landlord, the property was not damaged and was clean.

14. Landlord has never notified Plaintiff that the property was damaged or of any other reason for refusing to return Plaintiff's security deposit.

15. Pursuant to 68 P.S. §512(b) any landlord who fails to provide a written list within thirty days as required in §512(a) shall forfeit all rights to withhold any portion of sums held in escrow, including any unpaid interest thereon.

16. By failing to return Plaintiff's security deposit, Defendant landlord is liable for twice the amount of the security deposit. 68 P.S. Section 512(c).

THEREFORE, Plaintiff Travis Tumbleson demands judgment in his favor and against Defendant Timothy Britton in an amount less than the compulsory arbitration limits, together with costs of this action and such other and further relief as this Court deems just and appropriate.

Count II
Unfair Trade Practice and Consumer Protection Law

17. Paragraphs One (1) through Sixteen (16) of this Complaint are hereby incorporated by reference as if fully set forth.

18. By withholding the security deposit without just cause, Defendant has violated the Unfair Trade Practices and Consumer Protection law, 73 P.S. §201-1, et seq.

19. By violating the Pennsylvania Landlord and Tenant Act, 68 P.S. §250.101, et seq., as described in this Complaint, Defendant also violated the Pennsylvania Unfair Trade Practice and Consumer Protection law.

20. Pursuant to 73 P.S. §201-9.2, a person may bring a private action to recover actual damages or \$100.00, whichever is greater. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$100.00 and may provide such additional relief as it deems necessary or proper.

21. Pursuant to 73 P.S. §201-9.2(a), the Court may award to Plaintiff, in addition to the other relief provided, costs and reasonable attorneys fees.

22. Defendant knowingly, or in reckless disregard of the law, retained Plaintiff's security deposit.

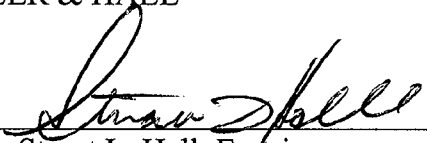
23. Based upon Defendant's violations of the Pennsylvania Landlord and Tenant Act, Defendant is liable to Plaintiff under the Pennsylvania Unfair Trade Practice and Consumer Protection law (See, Hurkmans v. Deaktor, Allegheny County September 29, 1999).

24. Defendant's actions as described in the above-paragraphs violate 73 P.S. §201-2(4).

THEREFORE, Plaintiff Travis Tumbleson demands judgment in his favor and against Defendant Timothy Britton for compensatory damages, treble damages, attorneys fees, interest, costs and such other relief as Plaintiff is entitled under the Pennsylvania Landlord and Tenant Act and the Pennsylvania Unfair Trade Practice and Consumer Protection law. Plaintiff's damages are in an amount less than the compulsory arbitration limits.

Respectfully submitted,
MILLER & HALL

By

A handwritten signature in cursive script, appearing to read "Stuart L. Hall", written over a horizontal line.

Stuart L. Hall, Esquire
Attorney for Plaintiff
138 East Water Street
Lock Haven, PA 17745
(570) 748-4802

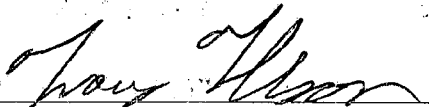
VERIFICATION

I, Travis Tumbleson, hereby state that the language set forth in foregoing Complaint is that of counsel and not necessarily my own; however, I have read the foregoing Complaint and, to the extent it is based upon information that I have given to counsel, it is true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities.

Date: August 8/1, 2006

By


Travis Tumbleson

VERIFICATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101859
NO: 06-1350-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: TRAVIS TUMBLESON
vs.
DEFENDANT: TIMOTHY BRITTON

SHERIFF RETURN

NOW, August 28, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON TIMOTHY BRITTON.

NOW, August 29, 2006 AT 4:50 PM SERVED THE WITHIN COMPLAINT ON TIMOTHY BRITTON, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
9/2:52 am
SEP 06 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101859
NO: 06-1350-CD
SERVICES 1
COMPLAINT

PLAINTIFF: TRAVIS TUMBLESON
vs.
DEFENDANT: TIMOTHY BRITTON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILLER&HALL	984	10.00
SHERIFF HAWKINS	MILLER&HALL	984	21.39
JEFFERSON CO.	MILLER&HALL	950	38.04

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

No. 06-1350 C.D.

Personally appeared before me, Gary Lias, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on August 29, 2006 at 4:50 o'clock P.M. served the Notice and Complaint upon TIMOTHY BRITTON, Defendant, at the address of 109 Main Street, Borough of Falls Creek, County of Jefferson, State of Pennsylvania, by handing to Blair Michrel, Office Manager and adult person in charge at time of service, a true copy of the Notice and Complaint and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 36.04 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 38.04
Refunded:	\$ 86.96

Sworn and subscribed

to before me this 31st
day of August 19 2006

By Kristen J. Hoffmann
Deputy Clerk of Courts

So Answers

Gary Lias Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION - LAW

TRAVIS TUMBLESON,
Plaintiff

v.

TIMOTHY BRITTON,
Defendant

No.06-1350-CD

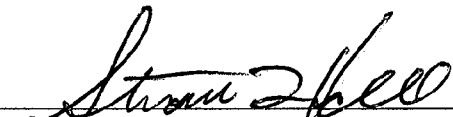
 ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2006, I served a copy of the foregoing Important Notice upon Timothy Britton, 109 Main Street, Falls Creek, Pennsylvania, 15840, by United States first class mail, postage prepaid.

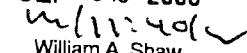
LAW OFFICES OF MILLER & HALL

By


Stuart L. Hall, Esquire
Miller & Hall
138 East Water Street
Lock Haven, PA 17745
570-748-4802

FILED

SEP 22 2006


William A. Shaw
Prothonotary/Clerk of Courts

1 SENT TO AGENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION - LAW

TRAVIS TUMBLESON,
Plaintiff

v.

TIMOTHY BRITTON,
Defendant

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No. 06-1350-CD

 ORIGINAL

PRAECIPE TO SETTLE AND DISCONTINUE

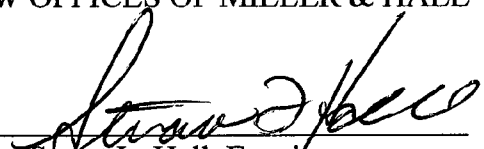
TO THE PROTHONOTARY:

Please mark the above-captioned matter SETTLED and DISCONTINUED.

Thank you for your cooperation.


LAW OFFICES OF MILLER & HALL

By



Stuart L. Hall, Esquire
Attorneys for Plaintiff
138 East Water Street
Lock Haven, PA 17745
570-748-4802

FILED 1CC + 1CeA
4/3/30 LM of disc issued
OCT 23 2006 b Atty Hall


William A. Shaw
Prothonotary/Clerk of Courts



Craig P. Miller, Esquire
(570) 748-4802
(800) 974-1901

Law Offices of
Miller and Hall
138 East Water Street, Lock Haven, PA 17745

Stuart L. Hall, Esquire
Fax: (570) 748-9369

October 18, 2006

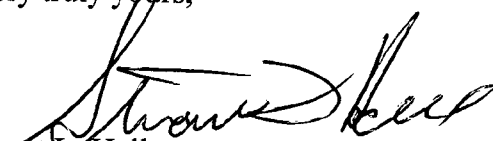
Clearfield County Courthouse
Attn: William A. Shaw, Sr., Prothonotary
230 East Market Street
Clearfield, PA 16830

Re: Travis Tumbleson v. Timothy Britton
Clearfield County Civil No. 06-1350-CD

Dear Mr. Shaw:

Enclosed please find an original and one copy of the Praecipe to Settle and Discontinue to be filed in the above-referenced matter. Please time stamp the copy and return it to me in the enclosed self addressed stamped envelope. Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Stuart L. Hall

SLH:fmn
Enclosures

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Travis Tumbleson

Vs.

No. 2006-01350-CD

Timothy Britton

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 23, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Stuart L. Hall Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of October A.D. 2006.



William A. Shaw, Prothonotary