

06-1363-CD

Comm Fin. System vs Donna L. Henry

2006-1363-CD

Comm Financial vs Donna Henry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC. NO. *60-1363-CD*
IN CIVIL ACTION

-vs-

Plaintiff(s)

DONNA L. HENRY

Defendant(s)

**NOTICE OF APPEAL
FROM DISTRICT
JUSTICE JUDGMENT**

**CODE -
FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone (412) 682-1466
Fax (412) 682-3138

FILED *Atty pd. 85.00*

AUG 15 2006 Copies to Atty

William A. Shaw
Prothonotary/Clerk of Courts

Def.
DJ Ford

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

06-13603-CD

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 mentioned below.

| | | | | |
|--|---|---|-------------|-------------------|
| NAME OF APPELLANT COMMONWEALTH FINANCIAL SYSTEMS, INC. | | MAG. DIST. NO. OR NAME OF D.J. 46-3-02 Patrick N. Ford | | |
| ADDRESS OF APPELLANT c/o APPLE AND APPLE, P.C., 4650 Baum Blvd. | | CITY Pittsburgh | STATE PA | ZIP CODE 15213 |
| DATE OF JUDGMENT 7/17/06 | IN THE CASE OF (Plaintiff) Commonwealth Financial Systems, Inc. | (Defendant) vs. DONNA L. HENRY | | |
| CLAIM NO. CV-190-06 TA 19 LT 19 | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT  | | | |
| <p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p><i>Signature of Prothonotary or Deputy</i></p> <p>If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p> | | | | |

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. 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 _____, 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.

RULE: To _____

Name of appellee(s)

Signature of appellant or his attorney or agent

(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 WILL BE ENTERED AGAINST YOU.

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

Date: _____, 20 ____.

Signature of Prothonotary or Deputy

FILED

AUG 15 2006

m/3-20/06

William A. Shaw
Prothonotary/Clerk of Courts

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 the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____, _____, PA

AFFIDAVIT: I hereby swear or 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.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed 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_____.

DEJF

2005 11 02A

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

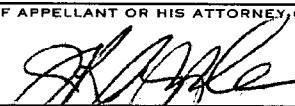
FROM
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

DL-13603-CD

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 mentioned below.

| | | | | |
|--|--|--|--------------------|--------------------------|
| NAME OF APPELLANT COMMONWEALTH FINANCIAL SYSTEMS, INC. | | MAG. DIST. NO. OR NAME OF D.J. 46-3-02 Patrick N. Ford | | |
| ADDRESS OF APPELLANT 690c/o APPLE AND APPLE, P.C., 4650 Baum Blvd. | | CITY Pittsburgh | STATE PA | ZIP CODE 15213 |
| DATE OF JUDGMENT 7/17/06 | IN THE CASE OF (Plaintiff) Commonwealth Financial Systems, Inc. | (Defendant) vs. DONNA L. HENRY | | |
| CLAIM NO. CV-190-06 | SIGNATURE OF APPELLANT OR HIS ATTORNEY, OR AGENT  | | | |
| TA 19 _____ | | | | |
| LT 19 _____ | | | | |

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. 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.

(Signature of Prothonotary or Deputy)

If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. 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 _____, 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.

RULE: To

Name of appellee(s)

Signature of appellant or his attorney or agent

(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 WILL BE ENTERED AGAINST YOU.

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

Date: _____, 20 ____.

Signature of Prothonotary or Deputy

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 the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____, STATE OF PENNSYLVANIA

AFFIDAVIT: I hereby swear or 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.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed 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 affiant before whom affidavit was made

Title of affiant

My commission expires on _____, 20_____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** 15801

ATTORNEY FOR PLAINTIFF :

PATRICIA A. COBB
120 NORTH KEYSER AV
SCRANTON, PA 18504

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

COMMONWEALTH FINANCIAL SYSTEMS, INC
120 NORTH KEYSER AVENUE
SCRANTON, PA 18504

VS.

NAME and ADDRESS

HENRY, DONNA L
111 WEST LONG AVE. APT/STE 1B
PO BOX 34
DUBOIS, PA 15801

Docket No.: **CV-0000190-06**
Date Filed: **4/25/06**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

(Date of Judgment) **7/17/06**

| | |
|--|------------------------------------|
| <input checked="" type="checkbox"/> Judgment was entered for: (Name) HENRY, DONNA L | Amount of Judgment \$.00 |
| <input checked="" type="checkbox"/> Judgment was entered against: (Name) COMMONWEALTH FINANCIAL SYSTEMS in the amount of \$.00 | Judgment Costs \$.00 |
| <input type="checkbox"/> Defendants are jointly and severally liable. | Interest on Judgment \$.00 |
| <input type="checkbox"/> Damages will be assessed on Date & Time _____ | Attorney Fees \$.00 |
| <input type="checkbox"/> This case dismissed without prejudice. | Total \$.00 |
| <input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____ | Post Judgment Credits \$ _____ |
| <input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____ | Post Judgment Costs \$ _____ |
| Certified Judgment Total \$ _____ | |

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT 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.

7-17-06 Date Patrick N. Ford - PNF, Magisterial District Judge

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

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-06

DATE PRINTED: **7/16/06** 7:59:00 AM

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PATRICK N. FORD
309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

COMMONWEALTH FINANCIAL SYSTEMS, INC
120 NORTH KEYSER AVENUE
SCRANTON, PA 18504

NAME and ADDRESS

DEFENDANT:

HENRY, DONNA L
111 WEST LONG AVE. APT/STE 1B
PO BOX 34
DUBOIS, PA 15801

NAME and ADDRESS

Docket No.: **CV-0000190-06**
Date Filed: **4/25/06**



06-1363-CD

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

(Date of Judgment) **7/17/06**

| | |
|---|---|
| <input checked="" type="checkbox"/> Judgment was entered for: (Name) HENRY, DONNA L | Amount of Judgment \$ 00 Judgment Costs \$ 00 Interest on Judgment \$ 00 Attorney Fees \$ 00 |
| <input checked="" type="checkbox"/> Judgment was entered against: (Name) COMMONWEALTH FINANCIAL SYSTEMS in the amount of \$ 00 | |
| <input type="checkbox"/> Defendants are jointly and severally liable. | Total \$ 00 |
| <input type="checkbox"/> Damages will be assessed on Date & Time _____ | Post Judgment Credits \$ _____ |
| <input type="checkbox"/> This case dismissed without prejudice. | Post Judgment Costs \$ _____ |
| <input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____ | ===== |
| <input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____ | Certified Judgment Total \$ _____ |

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT 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.

FILED NO. **CC**
07/17/06
AUG 28 2006
2006

William A. Shaw
Prothonotary/Clerk of Courts

7-17-06 Date Patrick N. Ford POF, Magisterial District Judge

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

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-06

DATE PRINTED: **7/18/06** 7:59:00 AM

COMMONWEALTH OF PENNSYLVANIA

County of : Clearfield

Mag. Dist. No.: 46-3-01

DJ Name: Hon. Patrick N Ford

Address: 309 Maple Ave
Du Bois, PA 15801

Telephone: 814-371-5321

CIVIL COMPLAINT

PLAINTIFF: NAME and ADDRESS

Commonwealth Financial Systems, Inc
120 North Keyser Avenue
Scranton, PA 18504

VS.

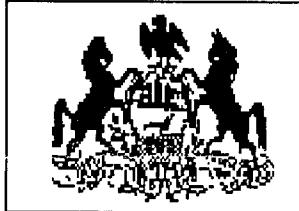
DEFENDANT: NAME and ADDRESS

DONNA L HENRY
111 W Long Ave Apt 1B
PO Box 34
Du Bois, PA 15801-0034

| | Amount | Date Paid |
|---------------|----------|-----------|
| Filing Costs | \$ 89.00 | 4/25/06 |
| Postage | \$ _____ | _____ |
| Service Costs | \$ _____ | _____ |
| Constable Ed | \$ _____ | _____ |
| Total | \$ _____ | _____ |

Docket No.: CV-19006

Date Filed: 4-25-06



Pa. R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$3,862.56 together with Costs upon the following claim (Civil fines must include citation of the statute or ordinance Violated):

The amount of \$3,862.56 (File # 1556497) is due and owed for a revolving credit card issued by Universal where the balance is in default since 06/14/2002. Commonwealth Financial Systems, Inc. purchased this account on or about 07/26/2004 and is entitled to all rights, assignments and judgments. The Plaintiff respectfully requests that this court grant judgment in favor of plaintiff and against defendant in the amount of \$3,862.56 plus court costs.

I, Patricia A Cobb verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. ss 4904) related to unsworn falsification to authorities.



(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney:

Telephone:

Patricia A Cobb, Esquire120 North Keyser Ave(570)-347-1115 Ext. 202Scranton, PA 18504

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District office at the address above or telephone number. We are unable to provide transportation.