

Howard R. Thompson
Allen Godissart

06-1448-CD
Wallacetton Boggs vs Clair Godissart

1900-1948	CA	1948	1900	1948	CA	1900-1948	1948	1900
1900-1948	CA	1948	1900	1948	CA	1900-1948	1948	1900

06-1448-CD
Wallacetton Boggs vs Clair Godissart

Date: 11/3/2014

Clearfield County Court of Common Pleas

User: LMILLER

Time: 08:04 AM

ROA Report

Page 1 of 1

Case: 2006-01448-CD

Current Judge: Fredric Joseph Ammerman

Wallacetton-Boggs Municipal Authority vs. Clair Godissart

CIVIL OTHER

Date		Judge
9/7/2006	New Case Filed. ✓ Filing: Notice of Appeal and Praeclipe to Enter Rule to File Complaint and Rule to File Paid by: Godissart, Clair (defendant) Receipt number: 1915453 Dated: 09/07/2006 Amount: \$85.00 (Check) Copies to Plff., deft., and MDJ Rudella.	No Judge
9/13/2006	✓ Case Filed. ✓ Transcript from District Justice Rudella, filed.	No Judge
10/3/2006	✓ Petition to Consolidate, filed by s/ George S. Test, Esquire. No CC ✓ Complaint, filed by s/ George S. Test Esq. No CC. ✓ Certificate of Service, filed. Served true and correct copies of the Complaints and Petition to Consolidate in the above captioned matter on Mr. Clair Godissart, filed by s/ George S. Test Esq. No CC.	No Judge
10/5/2006	✓ Order, NOW, this 4th day of October, 2006 upon Petition of the Plaintiff, the Fredric Joseph Ammerman above actions are consolidated to Number, 2006-1448 and all documents filed from this date forward will be filed at said term and number, By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Test	
11/9/2006	✓ Answer to Complaint Containing New Matter, filed by s/ David R. Thompson Esq. 2CC Atty Thompson.	No Judge
7/29/2014	✓ Entry of Appearance, filed by David J. Nelson, 1cc.	No Judge
7/30/2014	✓ Motion for Judicial Status Conference, filed by Daniel J. Nelson. 1cc Atty. Nelson	No Judge
8/5/2014	✓ Order, this 4th of Aug., 2014, judicial status conference is scheduled for the 24th of Sept., 2014, at 1:30 p.m. in Judge Ammerman's Chambers. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Nelson	Fredric Joseph Ammerman
8/29/2014	✓ Motion for Leave of Court to File Amended Complaint and Answer New Matter, Filed by Daniel J. Nelson, Esquire. 1cc Atty. Nelson. ✓ Certificate of Service filed. On August 29th, 2014, a true and correct copy of Deft's Motion for Leave of Court to File Amended Complaint and Answer New Matter was served upon David R. Thompson, Esq. via US First Class mail, postage prepaid. Filed by s/Daniel J. Nelson, Esq. 1CC Atty Nelson.	Fredric Joseph Ammerman
9/4/2014	✓ Motion for Continuance, filed by s/ Daniel J. Nelson, Esq. 3CC Atty. Nelson	Fredric Joseph Ammerman
9/8/2014	✓ Order, this 2nd of Sept., 2014, hearing and argument on Plaintiff Wallacetton Boggs Municipal Authority's Motion for Leave of Court to File Amended Complaint and Answer, New Matter is scheduled for the 24th of Sept., 2014, at 1:30 p.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Nelson	Fredric Joseph Ammerman
11-3-14 UM	✓ Order, this 5th of Sept., 2014, Plaintiff Wallacetton Boggs Municipal Authority's Motion for Continuance is Granted. A Judicial Status Conference is rescheduled for the 13th of Oct., 2014, at 9:00 a.m. in Judge Ammerman's Chambers. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Nelson	Fredric Joseph Ammerman
10/16/2014	Order, this 13th of Oct., 2014, Plaintiff's shall have no more than 25 days to file a proposed Amended Complaint. Defendant shall have no more than 15 days thereafter to file objections to the Amended Complaint. (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Nelson, Thompson	Fredric Joseph Ammerman

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

LVNV Funding LLC
625 Pilot Road, Suite 3
Las Vegas, NV 89119

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2011-242-CD

Gary Shifter
PO BOX 34
KARTHAUS PA 16845-0034

and

CNB Bank
1231 S. Second Street
Clearfield, PA 16830
GARNISHEE

WRIT OF EXECUTION

Amount Due	\$3,548.69
Interest from February 14, 2011	\$32.67
Costs	
Prothonotary fee	\$20.00
Sheriff fee	\$200.00
Less: Payments on Account	<u>\$0.00</u>
TOTAL	\$3,801.36

FREDERIC I. WEINBERG, ESQUIRE &
JOEL M. FLINK, ESQUIRE
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WARRACKTON BOGGS.
(Plaintiff)

P.O. BOX 87
(Street Address)

WEST DECATUR PA 16878
(City, State ZIP)

CIVIL ACTION

No. de-1448-cd

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

VS.

CHARL GODISSANT
(Defendant)

505 KEYSTONE HIGH ROAD
(Street Address)

PITTSBURGH PA 16866
(City, State ZIP)

(Plaintiff/Defendant)

CHARL GODISSANT
(Filed by)

505 KEYSTONE HIGH ROAD
(Address)
PITTSBURGH PA 16866
814 342 4149
(Phone)

Char Godissant
(Signature)

FILED Def pd. \$5.00
d/s/kb
SEP 07 2006 Copies to: DEF
Def
NJ Rudella
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 06-1448-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 referenced below.

NAME OF APPELLANT Clair Godissart	MAG. DIST. NO. 46-3-03	NAME OF D.J. Michael A. Rudella
ADDRESS OF APPELLANT 525 Keystone Hill	CITY Philipsburg	STATE PA
DATE OF JUDGMENT Aug 8, 2006	IN THE CASE OF (Plaintiff) Wallacetton Boggs Municipal Authority	(Defendant)
DOCKET No. CV-0000319-06	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT 	
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.		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. <i>[Signature of Prothonotary or Deputy]</i>

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.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 Wallacetton Boggs Municipal Authority appellee(s), to file a complaint in this appeal
 Name of appellee(s)

(Common Pleas No. 06-1448-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.



Signature of appellant or attorney or agent

RULE: To Wallacetton Boggs Municipal Authority 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: 9/7/06



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 , 20 .

Signature of affiant

Signature of official before whom affidavit was made

Title of official

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA

Telephone: (814) 345-6789

16847-0444

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

WALLACETON-BOGGS MUNICIPAL AUTH.
P.O. BOX 97
WEST DECATUR, PA 16878

NAME and ADDRESS

DEFENDANT:

GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG, PA 16866

NAME and ADDRESS

VS.

Docket No.: **CV-0000318-06**
Date Filed: **6/27/06**



CLAIR GODISSART
525 KEYSTONE HILL
PHILIPSBURG, PA 16866

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

(Date of Judgment) **8/08/06**

Judgment was entered for: (Name) **WALLACETON-BOGGS MUN, ICIPAL A**

Judgment was entered against: (Name) **GODISSART, CLAIR**
in the amount of \$ **168.50**

Defendants are jointly and severally liable.

Damages will be assessed on Date & Time _____

This case dismissed without prejudice.

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 111.00
Judgment Costs	\$ 57.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 168.50
Post Judgment Credits	\$ _____
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.

8-8-06 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.

Date _____, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: 8/09/06 8:27:00 AM

FILED

SEP 07 2006

William A. Shaw
Prothonotary/Clerk of Courts

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**

2006-1448-C0

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

WALLACETON-BOGGS MUNICIPAL AUTH.
P.O. BOX 97
WEST DECATUR, PA 16878

NAME and ADDRESS

DEFENDANT:

GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG, PA 16866

NAME and ADDRESS

VS.

Docket No.: **CV-0000318-06**
Date Filed: **6/27/06**



MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA 16847-0444

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

(Date of Judgment) **8/08/06**

Judgment was entered for: (Name) **WALLACETON-BOGGS MUN, ICIPAL A**

Judgment was entered against: (Name) **GODISSART, CLAIR**
in the amount of \$ **168.50**

Defendants are jointly and severally liable.

Damages will be assessed on Date & Time _____

This case dismissed without prejudice.

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 111.00
Judgment Costs	\$ 57.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 168.50
Post Judgment Credits	\$ —
Post Judgment Costs	\$ —
Certified Judgment Total \$ 168.50	

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

SEP 13 2006

01 2:30 PM

William A. Shaw
Prothonotary/Clerk of Courts

8-8-06 Date *MA Rudella*

, Magisterial District Judge

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

9/18/06 Date *MA Rudella*, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **8/09/06** **8:27:00 AM**

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY,

Plaintiff

*
* No. 2006-1448-CD
* No. 2006-1449-C D

vs.

CLAIR GODISSART,

Defendant

*
*
*
*
PETITION TO CONSOLIDATE

Filed on behalf of:
Wallaceton Boggs Municipal Authority,
Plaintiff

Attorney of record for this party:
George S. Test, Esquire
P O Box 706
Philipsburg, PA 16866
(814) 342-4640

P.A.I.D. #15915

GEORGE S. TEST
ATTORNEY AT LAW
PHILIPSBURG, PA

FILED NO. CC
OCT 03 2006
6P

William A. Shaw
Prothonotary/Clerk of Courts

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

PETITION TO CONSOLIDATE

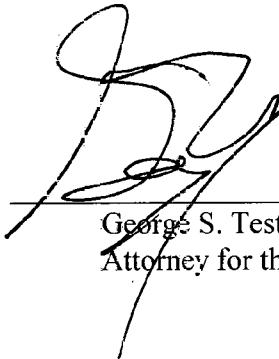
Your Petitioner is the Wallacetown-Boggs Municipal Authority by its attorney, George S. Test, Esquire and Petitioner represents as follows:

1. The Petitioner is a municipal authority providing sewage collection and treatment in Boggs Township and Wallaceton Borough in Clearfield County.
2. Your Petitioner is the Plaintiff in two (2) legal actions with the above two (2) terms and numbers.
3. Clair Godissart is the Defendant in each of the above terms and numbers.
4. Both of the above actions are appeals from decisions by the District Justice for sewage bills in Boggs Township.
5. Except for the amount in controversy, which is less than \$200.00 in each case, the facts in each case are the same.

**GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA**

WHEREFORE, in the interest of judicial economy, Petitioner requests that the above

actions be consolidated at 2006-1448.



George S. Test, Esquire
Attorney for the Petitioner

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

FILED
OCT 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY,
Plaintiff
vs.
CLAIR GODISSART,
Defendant

*
* No.: 2006-1448-CD
*
* COMPLAINT
*
*
*
*

Filed on behalf of:
Wallaceton Boggs Municipal Authority,
Plaintiff

Attorney of record for this party:
George S. Test, Esquire
P C Box 706
Philipsburg, PA 16866
(814) 342-4640

P.A.I.D. #15915

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

FILED NO cc
OCT 10 2006
OCT 03 2006
WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY,
Plaintiff

*
* No.: 2006-1448-CD

VS.

CLAIR GODISSART,
Defendant

222

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 OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
Clearfield County Court House
Clearfield PA 16830
(814) 765-2641 Ext. 5982

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA



George S. Teague

George S. Test, Esquire

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

COMPLAINT

1. The Plaintiff is a municipal authority organized and existing under Pennsylvania Law whose address is P. O. Box 97, West Decatur, Pennsylvania 16878-0097.
2. The Plaintiff collects and treats sewage.
3. The Defendant is owns a rental property on SR 2024 which is connected to Plaintiff's sewer system.
4. Defendant is indebted to the Plaintiff in the amount of \$172.20.
5. Defendant refuses to pay Plaintiff the amount Defendant owes.

WHEREFORE, Plaintiff requests judgment against the Defendant in the amount of \$172.20 with costs and interest.

WALLACETON-BOGGS MUNICIPAL AUTHORITY
By: 
George S. Test, Solicitor
Attorney for Plaintiff

**GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA**

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF CLEARFIELD } SS:
} }

AFFIDAVIT

On this, the 29th day of SEPTEMBER, 2006, before me, a Notary Public, personally appeared CHRISTOPHER P. BUNGO, (title) SECRETARY of the WALLACETON-BOGGS MUNICIPAL AUTHORITY, the Plaintiff herein and acknowledged that he has read the foregoing Complaint and that the statements made therein are true and correct to the best of his knowledge, information, and belief.

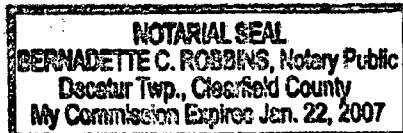
Christopher P. Bungo

SWORN to and SUBSCRIBED
before me, this 29th day of

September, 2006.

Bernadette C. Robbins

Notary Public



FILED

OCT 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

CERTIFICATE OF SERVICE

The undersigned, George S. Test, Esquire hereby certifies that he has served true and correct copies of the Complaints and the Petition to Consolidate in the above captioned matter via first class mail, postage prepaid in Philipsburg, Pennsylvania, on October 2, 2006 addressed to the following:

Mr. Clair Godissart
525 Keystone Hill
Philipsburg, PA 16866


George S. Test, Esquire
Attorney for Plaintiff/Petitioner

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

FILED NO
m 10:50 AM
OCT 03 2006 cc

William A. Shaw
Prothonotary/Clerk of Courts

FILED
OCT 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY,

Plaintiff

*
* No.: 2006-1448-CD
* No.: 2006-1449-C D

vs.

CLAIR GODISSART,

Defendant

ORDER

AND NOW, this 4th day of October, 2006 upon Petition of the Plaintiff, the above actions are consolidated to Number 2006-1448 and all documents filed from this date forward will be filed at said term and number.


J. J. Kline

GEORGE S. TEST
ATTORNEY-AT-LAW
PHILIPSBURG, PA

FILED *ICC Atty Test*
OCT 11 2006
OCT 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-5-2004

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
 Other (please list):

FILED

OCT 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

WALLACETON BOGGS MUNICIPAL,
AUTHORITY,

Plaintiff

*

*

*

*

*

No. 2006-1448-CD

*

TYPE OF CASE:

Civil Matter

*

*

TYPE OF PLEADING:

ANSWER TO COMPLAINT

CONTAINING NEW MATTER

*

*

FILED ON BEHALF OF:

Defendant

*

*

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

01/15/2006
NOV 09 2006

Atty Thompson
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

*

*

*

No. 2006-1448-CD

Plaintiff

*

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*

*

vs.

CLAIR GODDISSART,

*

*

*

*

*

*

*

NOTICE TO PLEAD

TO: Wallacetton Boggs Municipal Authority
c/o George S. Test, Esquire
P.O. Box 706
Philipsburg, PA 16866

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
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

WALLACETON BOGGS
MUNICIPAL AUTHORITY,

*
* No. 2006-1448-CD

Plaintiff

*

*

vs.

*

*

CLAIR GODISSART,

*

*

Defendant

*

*

***ANSWER TO COMPLAINT
CONTAINING NEW MATTER***

AND NOW, comes the Defendant, Clair Godissart, by and through his attorney, David R. Thompson, Esquire and files the following Answer to Complaint Containing New Matter:

1. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
2. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
3. Admitted. By way of further pleading, Defendant's sewer pipe does connect to the lateral sewer pipe at the street.
4. This paragraph is specifically denied for reasons more fully stated in New

Matter herein.

5. Admitted in part and denied in part. It is admitted that Defendant refuses to pay the amount requested. It is denied that Defendant owes said amount.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in his favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice.

NEW MATTER

Paragraphs 1 through 5 of Defendant's Answer are incorporated by reference as though the same were set forth at length herein.

6. Defendant did not use Plaintiff's system during the times that it is attempting to collect monies.

7. Plaintiff is attempting to collect payments for services that it did not provide.

8. Plaintiff's complaint fails to state a cause of action for which relief can be granted.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in his favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice.

Respectfully submitted,



David R. Thompson, Esquire
Attorney for Defendant

VERIFICATION

I certify that the facts set forth in the foregoing ***ANSWER TO COMPLAINT***
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:

Clair Godissart
Clair Godissart

FILED

NOV 09 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS MUNICIPAL AUTHORITY

PLAINTIFF

vs.

CLAIR GODISSART

DEFENDANT

* COUNSEL OF RECORD FOR THIS
* PARTY:
* Daniel J. Nelson, Esquire
* I.D. No. 208506
* Mason Law Office
* 200 N. Front St., Suite 201
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

* COUNSEL OF RECORD FOR
* DEFENDANT:
* David R. Thompson, Esquire
* I.D. No. 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* Philipsburg, PA 16866
* (814) 342-4100

FILED 1/15/85

JUL 29 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

M/1107/B15
cc Atty. Nelson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

Vs.

CLAIR GODISSART

DEFENDANT

*
* No. 2006-1448-CD
* 2006-1449-CD

*
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*
*
*

PRAECIPE FOR ENTRY OF APPEARANCE

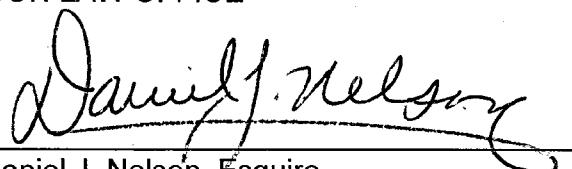
TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of WALLACETON BOGGS MUNICIPAL AUTHORITY, the above named Plaintiff.

MASON LAW OFFICE

DATED: 7/23/2014

By:


Daniel J. Nelson, Esquire
Attorney for Wallacetton Boggs Municipal
Authority, Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF

Vs.

CLAIR GODISSART

*
*
*
*
*
*

DEFENDANT

CERTIFICATE OF SERVICE

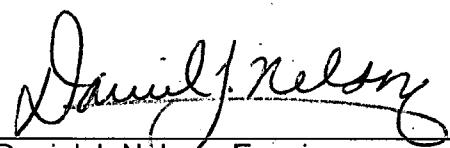
I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of a PRAECIPE TO ENTER APPEARANCE filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

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

MASON LAW OFFICE

DATED: 7/28/2014

By:



Daniel J. Nelson, Esquire
Attorney for Plaintiff

FILED

JUL 29 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURT

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

WALLACETON BOGGS MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

*

*

*

*

*

MOTION FOR JUDICIAL STATUS CONFERENCE

NOW comes the Plaintiff, Wallacetton-Boggs Municipal Authority, by and through its duly appointed solicitor, Daniel J. Nelson, Esquire, who files the following Motion for Judicial Status Conference, and, in support thereof, avers as follows:

1. Plaintiff is a Pennsylvania municipal authority organized and existing under Pennsylvania law, whose address is PO BOX 97, 59 Blue Ball Road, West Decatur, Boggs Township, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at Keystone Hill Road, Decatur Township, Clearfield County, Philipsburg, Pennsylvania.
3. Plaintiff owns and operates a sanitary sewerage system, which services parts of Boggs Township and Wallacetton Borough, and collects and treats municipal sewage.
3. Defendant owns other, additional property along State Route 2024, situate in

Boggs Township, that is directly connected to and serviced by the Wallacetown Boggs Municipal Authority sewer system.

4. On or about October 3, 2006, Plaintiff instituted two (2) civil actions against the defendant for the purpose of collecting any and all delinquent sewer bills owed to Plaintiff by Defendant, being docketed at 2006—1448 & 1449-CD.

5. On or about October 4, 2006, and upon consideration of Plaintiff's contemporaneously filed Petition to Consolidate, this Honorable Court entered an Order, granting Plaintiff's petition and consolidating both matters for the purposes of trial.

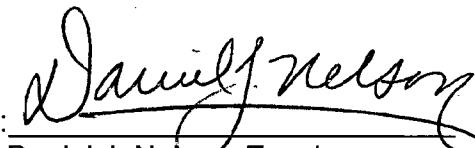
5. On or about November 9, 2006, Defendant, by and through his counsel, David R. Thompson, Esq., filed an Answer to Plaintiff's Complaint, which included a count containing new matter.

6. Since that date and until through the present, no further action has been taken by either party to prosecute, defend, or dismiss these civil actions.

WHEREFORE, for the reasons set out herein, Plaintiff respectfully requests this Honorable Court grant its Motion for Status Conference and schedule a judicial status conference with the involved parties at its earliest convenience.

DATE: *July 29, 2014*

Respectfully submitted,
MASON LAW OFFICE:

By: 
Daniel J. Nelson, Esquire
Attorney for Plaintiff

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

*

VS.

*

CLAIR GODISSART,

*

DEFENDANT.

*

CERTIFICATE OF SERVICE

I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of the Defendant's Motion for Status Conference, filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

David R. Thompson, Esquire
Thompson Law Offices, LLC
PO BOX 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

MASON LAW OFFICE:

DATED: July 29, 2014

By: Daniel J. Nelson
Daniel J. Nelson, Esquire
Attorney for Plaintiff

FILED

JUL 30 2014

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART

DEFENDANT.

*
* No. 2006-1448-CD
* 2006-1449-CD

SA FILED CC A/A
OF 10:14 am Nelson
AUG 05 2014

61

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

ORDER

Now, this 4th day of August, 2014, upon
consideration of Plaintiff Wallaceton Boggs Municipal Authority's Motion for Judicial
Status Conference, filed in the above-captioned civil matters, it is the ORDER of this
Court that a judicial status conference shall be and is hereby scheduled for the
24th day of September, 2014, at 1:30 p.m., in

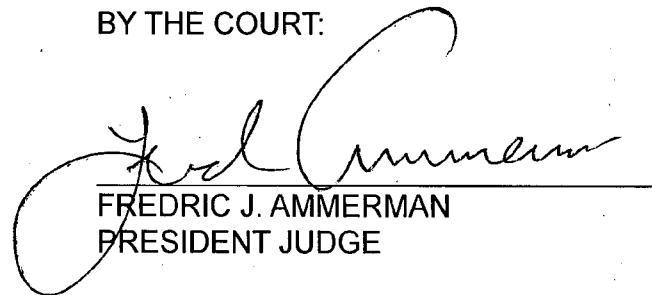
Courtroom # _____ of



President Judge Ammerman's Chambers at

the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

AUG 05 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

WALLACETON BOGGS MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

FILED

AUG 29 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

M | 940 | B1s
Ice Atty. Nelson

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

**PLAINTIFF'S MOTION FOR LEAVE OF COURT
TO FILE AMENDED COMPLAINT & ANSWER NEW MATTER**

NOW comes the Plaintiff, Wallacetton-Boggs Municipal Authority, by and through its duly appointed solicitor, Daniel J. Nelson, Esquire, who files the following Motion for Leave of Court to File Amended Complaint and Answer New Matter and, in support thereof, avers as follows:

1. Plaintiff is a Pennsylvania municipal authority organized and existing under Pennsylvania law, whose address is PO BOX 97, 59 Blue Ball Road, West Decatur, Boggs Township, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at Keystone Hill Road, Decatur Township, Clearfield County, Philipsburg, Pennsylvania.

3. Plaintiff owns and operates a sanitary sewerage system, which services parts of Boggs Township and Wallacetown Borough, and collects and treats municipal sewage.

3. Defendant owns other, additional property along State Route 2024, situate in Boggs Township, that is directly connected to and serviced by the Wallacetown Boggs Municipal Authority sewer system.

4. On or about October 3, 2006, Plaintiff instituted two (2) civil actions against the defendant for the purpose of collecting any and all delinquent sewer bills owed to Plaintiff by Defendant, being docketed at 2006—1448 & 1449-CD.

5. On or about October 4, 2006, and upon consideration of Plaintiff's contemporaneously filed Petition to Consolidate, this Honorable Court entered an Order, granting Plaintiff's petition and consolidating both matters for the purposes of trial.

5. On or about November 9, 2006, Defendant, by and through his counsel, David R. Thompson, Esq., filed an Answer to Plaintiff's Complaint, which included a count containing new matter.

6. Since that date and until through the present, no further action has been taken by either party to prosecute, defend, or dismiss these civil actions.

7. The reasons for the failure to prosecute claims, on behalf of Plaintiff, is largely unexplainable, except to note that George S. Test, Esq., subsequent to the filing of these actions, became ill and passed away around July of 2009.

8. Pennsylvania Rule of Civil Procedure 1033 allows for the amendment of pleadings, with leave of court, at any time and may be amended to include transactions and occurrences that have happened before and since the filing to the Complaint.

9. Plaintiff requests leave of court to amend its Complaint for three (3) reasons:

- (i) To revise its original claim for damages which stands today at a significantly high amount than in 2006;
- (ii) To respond to the New Matter set out in Defendant's Answer of November of 2006; and
- (iii) To search and name Defendant's tenants, past and present, as possible indispensable parties to the instant actions.

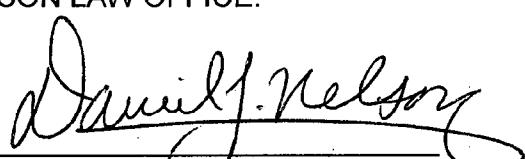
10. Little prejudice will result to Defendant because of the explained passage of time and Plaintiff's failure to prosecute, since Defendant has continued to receive the benefits of the sewer services provided by Plaintiff without interruption and the underlying facts and circumstances, which are the basis of this action, remain largely the same as of this date.

WHEREFORE, for the reasons set out herein, Plaintiff respectfully requests this Honorable Court grant his Motion for Leave of Court to File Amended Complaint and Answer New Matter, pursuant to Pa.R.C.P. 1033, and enter an Order allowing Plaintiff to file an Amended Complaint within the next thirty (30) days.

DATE: Aug. 28, 2014

Respectfully submitted,
MASON LAW OFFICE:

By:


Daniel J. Nelson, Esquire
Attorney for Plaintiff

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

VS.

CLAIR GODISSART,

DEFENDANT.

* No. 2006-1448-CD ✓
* 2006-1449-CD

- * TYPE OF PLEADING: Certificate of Service
- * FILED ON BEHALF OF: Plaintiff
* Wallaceton Boggs Municipal Authority
- * COUNSEL OF RECORD FOR THIS
* PARTY:
 - * Daniel J. Nelson, Esquire
 - * Supreme Court ID#208506
 - * MASON LAW OFFICE
 - * 200 North Front Street, Suite 201
 - * P.O. Box 28
 - * Philipsburg, PA 16866
 - * Ph: 814-342-2240
- * ATTORNEY FOR DEFENDANT:
 - * David R. Thompson, Esquire
 - * Supreme Court ID # 73053
 - * Thompson Law Offices, LLC
 - * 308 Walton Street, Suite 4
 - * Philipsburg, PA 16866
 - * Ph: 814-342-4100

16
FILED
M/9:43 a.m. GK
AUG 29 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

cc Atty Nelson

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

*
* No. 2006-1448-CD
* 2006-1449-CD
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CERTIFICATE OF SERVICE

I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of the Defendant's Motion for Leave of Court to File Amended Complaint and Answer New Matter, filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

David R. Thompson, Esquire
Thompson Law Offices, LLC
PO BOX 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

MASON LAW OFFICE:

DATED: Aug. 29, 2014

By: Daniel J. Nelson
Daniel J. Nelson, Esquire
Attorney for Plaintiff

PROTHONOTARY & CLERK OF COURTS
BRIAN K. SPENCER

AUG 29 2014

FILED

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

VS.

CLAIR GODISSART,

DEFENDANT.

* No. 2006-1448-CD ✓
* 2006-1449-CD

* TYPE OF PLEADING: Motion for
* Continuance

* FILED ON BEHALF OF: Plaintiff
* Wallacetton-Boggs Municipal Authority

* COUNSEL OF RECORD FOR THIS
* PARTY:

* Daniel J. Nelson, Esquire
* Supreme Court ID #208506
* MASON LAW OFFICE
* 200 North Front Street, Suite 201
* P.O. Box 28
* Philipsburg, PA 16866
* Ph: 814-342-2240

* ATTORNEY FOR DEFENDANT:
* David R. Thompson, Esquire
* Supreme Court ID # 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* Philipsburg, PA 16866
* Ph: 814-342-4100

3 CC A74
FILED 9/11/14 km Nelson
SEP 04 2014
OK

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
*
*
No. 2006-1448-CD
2006-1449-CD

PLAINTIFF,

*

*

vs.

*

*

CLAIR GODISSART,

*

*

DEFENDANT.

*

MOTION FOR CONTINUANCE

NOW comes the Plaintiff, Wallacetton-Boggs Municipal Authority, by and through its duly appointed solicitor, Daniel J. Nelson, Esquire, who files the following Motion for Continuance and, in support thereof, avers as follows:

1. Plaintiff is a Pennsylvania municipal authority organized and existing under Pennsylvania law, whose address is PO BOX 97, 59 Blue Ball Road, West Decatur, Boggs Township, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at 525 Keystone Hill Road, Decatur Township, Clearfield County, Philipsburg, Pennsylvania.
3. On or about October 3, 2006, two (2) civil actions were filed by Plaintiff and against Defendant for failure to pay accumulated, delinquent sanitary sewer bills, relative two (2) piece of real property owned by Defendant and service by Plaintiff.

4. Since approximately November of 2006, these two consolidated civil matters have laid dormant without any further legal action being taken by either Plaintiff or Defendant or any further judicial action by the Court.

5. In response to the filing of Plaintiff's Motion for Judicial Status Conference, filed on or about July 30, 2014, this Honorable Court scheduled this matter for a Judicial Status Conference to occur on Wednesday, September 24, 2014, at 1:30 P.M., in Chambers.

6. Undersigned counsel, unfortunately, is unavailable to attend this status conference, as he is scheduled to depart for a pre-paid vacation to the Outer Banks of North Carolina, beginning on Sunday, September 21, 2014, and lasting until Sunday, September 28, 2014.

7. In the alternative and with the Court's permission only, undersigned counsel could make himself available for a phone conference with the Court, if it is determined that Plaintiff's continuance request will not be granted.

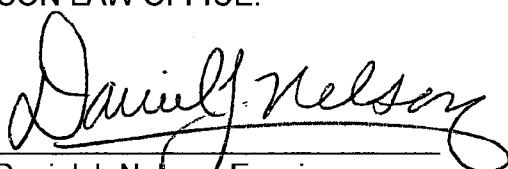
8. Opposing counsel, David R. Thompson, Esquire, has been contacted and did offer his consent to Plaintiff's continuance request.

WHEREFORE, for the reasons set out herein, Plaintiff respectfully requests this Honorable Court grant his Motion for Continuance and set a new date and time for a Judicial Status Conference at the convenience of the Court.

DATE: Sept. 4, 2014

Respectfully submitted,
MASON LAW OFFICE:

By:


Daniel J. Nelson, Esquire
Attorney for Plaintiff

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

VS.

CLAIR GODISSART,

DEFENDANT.

*
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* TYPE OF PLEADING: Certificate of
* Service
*
* FILED ON BEHALF OF: Plaintiff
* Wallaceton Boggs Municipal Authority
*
* COUNSEL OF RECORD FOR THIS
* PARTY:
* Daniel J. Nelson, Esquire
* Supreme Court ID#208506
* MASON LAW OFFICE
* 200 North Front Street, Suite 201
* P.O. Box 28
* Philipsburg, PA 16866
* Ph: 814-342-2240
*
* ATTORNEY FOR DEFENDANT:
* David R. Thompson, Esquire
* Supreme Court ID # 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* Philipsburg, PA 16866
* Ph: 814-342-4100

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

CERTIFICATE OF SERVICE

I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of the Plaintiff's Motion for Continuance, filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

David R. Thompson, Esquire
Thompson Law Offices, LLC
PO BOX 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

MASON LAW OFFICE:

DATED: Sept. 4, 2014

By: Daniel J. Nelson
Daniel J. Nelson, Esquire
Attorney for Plaintiff

FILED

SEP 04 2014

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART

DEFENDANT.

*
* No. 2006-1448-CD ✓
* 2006-1449-CD

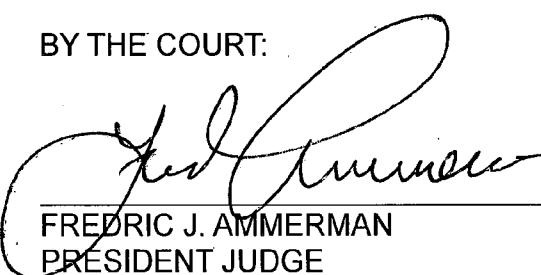
FILED cc Atty
O/9.31cm SEP 08 2014 Nelson

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

ORDER

Now, this 2 day of September, 2014, upon
consideration of Plaintiff Wallacetton Boggs Municipal Authority's Motion for Leave of
Court to File Amended Complaint and Answer New Matter, filed in the above-captioned
civil matters, it is the ORDER of this Court that hearing and argument on said Motion
shall be and is hereby scheduled for the 24th day of
September, 2014, at 1:30 p.m., in Courtroom # 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED
SEP 08 2014

BRIAN K. SPENCER
PROTHOMOTARY & CLERK OF COURTS

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

CA
WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

*
* No. 2006-1448-CD✓
* 2006-1449-CD

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0/8/30m Nelson
SEP 09 2014

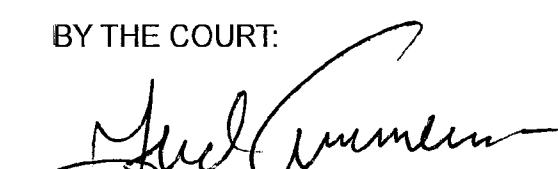
ORDER

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

Now, this 5th day of September, 2014, upon
consideration of Plaintiff Wallacetton Boggs Municipal Authority's Motion for
Continuance, filed in the above-captioned civil matters, the Court noting opposing
counsel's consent to the same, it is the ORDER of this Court that said Motion shall be
and is hereby GRANTED.

It is further ORDERED that a Judicial Status Conference shall be and is hereby
rescheduled for the 13th day of October, 2014, at
9:00 a.m., in President Judge Ammerman's Chambers, at the Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

SEP 09 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

WALLACETON BOGGS MUNICIPAL
AUTHORITY

Plaintiff

vs.

CLAIR GODISSART

Defendant

* NO. 2006-1448-CD

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ORDER

FILED ICC Atlys
S of 10:24 am Nelson
OCT 16 2014

Thompson

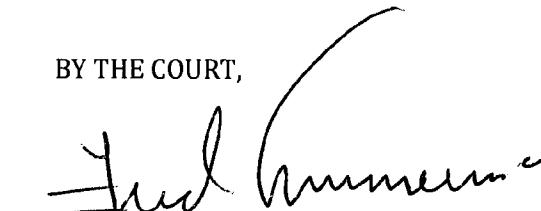
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

6K

NOW, this 13th day of October, 2014, following status conference and relative the Plaintiff's Motion to File Amended Complaint with counsel for the parties ; it is the ORDER of this Court as follows:

1. Plaintiff shall have no more than 25 days to file a proposed Amended Complaint which the Court will consider to be joined with the Motion to File an Amended Complaint.
2. Defendant shall have no more than 15 days thereafter to file objections to the Amended Complaint. If objections are filed, the Court will schedule argument thereon.
3. If no objections are filed to the Amended Complaint, then the Defendant will have no more than 30 days after the expiration of the said 15 days to file an Answer or other appropriate legal document(s) to the Amended Complaint.
4. This case, which is consolidated with 2006-1449-CD, shall be scheduled for arbitration in approximately 120 days from this date.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

DATE: 10-16-14

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

OCT 16 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

VS.

CLAIR GODISSART,

DEFENDANT.

*
* No. 2006-1448-CD
* 2006-1449-CD

*
*
* TYPE OF PLEADING: Plaintiff's First
* Amended Complaint

*
* FILED ON BEHALF OF: Plaintiff
* Wallaceton-Boggs Municipal Authority

*
* COUNSEL OF RECORD FOR THIS
* PARTY:

* Daniel J. Nelson, Esquire
* Supreme Court ID #208506
* MASON LAW OFFICE
* 200 North Front Street, Suite 201
* P.O. BOX 28
* Philipsburg, PA 16866
* Ph: 814-342-2240

*
* ATTORNEY FOR DEFENDANT:

* David R. Thompson, Esquire
* Supreme Court ID # 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* P.O. BOX 587
* Philipsburg, PA 16866
* Ph: 814-342-4100

FILED

BS

5 NOV 10 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

0134/B/s

2cc Nelson

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

*

PLAINTIFF'S FIRST AMENDED COMPLAINT

Introduction:

NOW comes the Plaintiff, Wallacetton-Boggs Municipal Authority, by and through its duly appointed solicitor, Daniel J. Nelson, Esquire, sets forth the following claims against the Defendant named herein and, in support thereof, avers as follows:

1. Plaintiff is a Pennsylvania municipal authority organized and existing under Pennsylvania law, whose address is PO BOX 97, 59 Blue Ball Road, West Decatur, Boggs Township, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at 525 Keystone Hill Road, Decatur Township, Clearfield County, Philipsburg, Pennsylvania.
3. Plaintiff owns and operates a sanitary sewerage system, which services parts of Boggs Township and Wallacetton Borough, Clearfield County, and collects and treats municipal sewage.

4. Defendant is the owner of other, additional real property along State Route 2024, situate in Boggs Township, that is directly connected to, serviced by, or required to be serviced by the Wallaceton Boggs Municipal Authority sewer system.

5. In June of 2006, a civil action was brought by Plaintiff and against Defendant for delinquent sanitary sewer bills, owed to Plaintiff and of which Defendant had failed or refused to pay.

6. On August 8, 2006, a judgment was entered against Defendant and in favor of Plaintiff by Magisterial District Judge Michael A. Rudella.

7. Thereafter, on September 7, 2006, an appeal of this judgment to the Court of Common Pleas of Clearfield County was taken by Defendant.

8. On or about October 3, 2006, as required by court rules, Plaintiff filed two (2) separate civil actions against Defendant, alleging Defendant's indebtedness to Plaintiff and seeking to collect back sanitary sewer bills, costs, and interest, each action being docketed at 2006—1448 & 1449—CD.

9. Contemporaneously filed with the two (2) aforementioned Complaints, Plaintiff filed a Petition to Consolidate the actions, which was granted by this Honorable Court by Order dated October 4, 2006.

10. No further action, by Plaintiff or Defendant, has occurred his October 4, 2006.

11. On or about September 8, 2014, Plaintiff filed both (i) a Petition for Judicial Status Conference and (ii) Motion for Leave of Court to File Amended Complaint.

12. Following a Judicial Status Conference, held by this Honorable Court on October 13, 2014, an order was issued granted Plaintiff twenty-five (25) days within

which to file and Amended Complaint and Defendant additional time to respond with any appropriate court filing.

13. This Amended Complaint follows.

Count 1: Action to Collect Judgment & Subsequent Indebtedness

14. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth at length.

15. As stated before, in June of 2006, a judgment was entered in favor of Plaintiff and against Defendant by Magisterial District Judge Michael A. Rudella.

16. Because an appeal was taken to the Court of Common Pleas by Defendant, Plaintiff did timely respond to that appeal by filing a Complaint in an effort to collect that judgment amount, including costs and fees.

17. Plaintiff is entitled to the aforementioned judgment, along with accompanying costs and fees, necessary to enforce the collection of this judgment.

18. Since 2006 and until the present, Defendant has continued to enjoy the benefits of the sanitary sewer system operated by Plaintiff.

19. Since 2006 and until the present, Defendant has failed or refused to pay Defendant's sanitary sewer bill for services provided to Defendant's property by Plaintiff's system.

20. To date, Defendant's unpaid sanitary sewer bill stands at four thousand one hundred thirty-nine dollars and fifty-six cents (\$4,378.56), along with accompanying costs and interest at six percent (6%), since the reinstatement of the action in August of 2014.

21. Because of Defendant's failure and refusal to pay this debt and because Defendant has offered no clear defense for his apparent unwillingness to pay, Plaintiff has been forced to incur legal costs, legal fees, and attorneys fees to continue with the prosecution of this matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter a judgment in favor of Plaintiff and against Defendant in the amount of five thousand nine hundred three dollars and ninety-nine cents (\$5,903.99), including costs and fees, interest since August of 2014, and attorneys fees.

Count 2: Municipal Claim Action, pursuant to 53 P.S. § 7101

22. Paragraphs 1 through 21 are incorporated herein by reference as though fully set forth at length.

23. The Pennsylvania Municipal Claims and Tax Lien Law of 1923, as amended, allows any municipality or municipal entity to collect for any cognizable legal claim for any "service provided, work done, or improvement authorized" from the property owner to which that service is rendered or improvement made. See 53 P.S. § 7101, et seq.

24. From approximately 2006 through the present, Plaintiff has provided for the clear improvement to Defendant's real property, in terms of installing and maintaining sanitary sewer service and system, thereby making Defendant's property habitable and marketable as a rental property.

25. From approximately 2006 through the present, Plaintiff has provided and continues to provide sanitary sewer service to Defendant's property, at cost to Plaintiff.

26. The Pennsylvania Municipal Claims and Tax Lien Law also allows a municipality or municipal entity to seek and collect any "charges, expenses, and fees" incurred by the municipality or municipal entity in any effort to file and collect any municipal claim against a property owner. Id.

27. Defendant, despite due and proper notice of all outstanding and delinquent sanitary sewer bills, fails or refused to pay to Plaintiff those due and owing sums.

28. Defendant continues to derive rental income from the two aforementioned properties all the while refusing to pay Plaintiff.

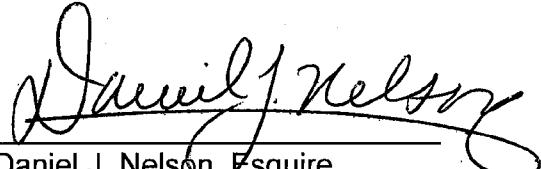
29. This is a legally cognizable claim.

30. To date, Plaintiff outstanding costs for sanitary sewer services provided, legal costs, and attorneys fees, along with six percent (6%) interest since August of 2014, has accumulated to five thousand nine hundred three dollars and ninety-nine cents (\$5,903.99).

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in favor of Plaintiff and against Defendant in the amount of five thousand nine hundred three dollars and ninety-nine cents (\$5,903.99), including costs and fees, interest since August of 2014, and attorneys fees, pursuant to the Municipal Claim and Tax Lien Act of 1923.

DATE: *Nov. 10, 2014*

Respectfully submitted,
MASON LAW OFFICE:

By: 
Daniel J. Nelson, Esquire
Attorney for Plaintiff

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF,

vs.

CLAIR GODISSART,

DEFENDANT.

*
* No. 2006-1448-CD
* 2006-1449-CD

*
* TYPE OF PLEADING: Certificate of
* Service
*
* FILED ON BEHALF OF: Plaintiff
* Wallaceton Boggs Municipal Authority
*
* COUNSEL OF RECORD FOR THIS
* PARTY:

* Daniel J. Nelson, Esquire
* Supreme Court ID#208506
* MASON LAW OFFICE
* 200 North Front Street, Suite 201
* P.O. Box 28
* Philipsburg, PA 16866
* Ph: 814-342-2240
*

* ATTORNEY FOR DEFENDANT:
* David R. Thompson, Esquire
* Supreme Court ID # 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* P.O. Box 587
* Philipsburg, PA 16866
* Ph: 814-342-4100

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

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
* 2006-1449-CD

PLAINTIFF,

VS.

CLAIR GODISSART,

DEFENDANT.

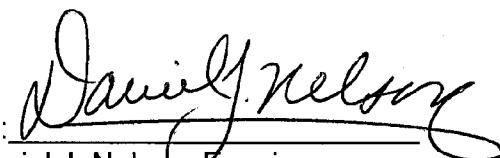
CERTIFICATE OF SERVICE

I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of the Plaintiff's First Amended Complaint, filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

David R. Thompson, Esquire
Thompson Law Offices, LLC
PO BOX 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

DATED: Nov. 11, 2014

MASON LAW OFFICE:

By: 
Daniel J. Nelson, Esquire
Attorney for Plaintiff

FILED

NOV 10 2014

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

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

WALLACETON BOGGS MUNICIPAL
AUTHORITY

Plaintiff,
vs.

CLAIR GODISSART

Defendant,

NO. 2006-1448-CD

And

NO. 2006-1449-CD

[cases are consolidated]

ORDER

NOW, this 19TH day of January, 2015, it is the ORDER of this Court that the above-captioned matter is scheduled for a one day Arbitration on **Thursday, February 12, 2015, at 9:00 A.M.** in Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

James A. Naddeo, Esquire

Leanne Nedza, Esquire

Carl J. Zwick, 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.

S FILED

SP

JAN 19 2015
01/21/15
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
6cc CJA

BY THE COURT:

Fredric J. Ammerman

FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED
JAN 19 2015

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION – LAW

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

Plaintiff,

vs.

CLAIR GODISSART,

Defendant.

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No. 2006-1448-CD
2006-1449-CD

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Type of Pleading: Defendant's
Answer to Plaintiff's First Amended
Complaint Containing New Matter

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Filed on Behalf of: Defendant

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*
*
*
*

BY:
David R. Thompson, Esquire
Thompson Law Offices, LLC
PO Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
Phone: (814) 342-4100
Fax: (814) 342-7081
Supreme Court ID: 73053

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FILED

DEC 22 2014
0111:24/12

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

ace
Atty
Thompson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – LAW & EQUITY

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

Plaintiff,

vs.

CLAIR GODISSART,

Defendant.

*
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No. 2006-1448-CD
2006-1449-CD

TO: Wallaceton Boggs Municipal Authority
C/O Daniel Nelson, Esquire
Mason Law Office
200 N. Front Street, Suite 201
PO Box 28
Philipsburg, Pennsylvania 16866

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

By: 

David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – LAW & EQUITY

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

*

*

*

Plaintiff,

*

*

VS.

No. 2006-1448-CD
2006-1449-CD

CLAIR GODISSART,

*

*

Defendant.

*

ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT WITH NEW MATTER

AND NOW comes the Defendant, by and through his counsel, David R. Thompson, Esquire, who answers Plaintiff's First Amended Complaint as follows:

Introduction:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted and denied in part. For purposes of clarity, it is admitted that Plaintiff owns land that touches and is connected to the Wallacetton Boggs Municipal Authority sewer system, however it is denied that said real property locations are "serviced," where since the commencement of this action, services have been terminated.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Denied. Plaintiff since October 4, 2006 has not sought judicial recourse but has however continued serving Defendant with ongoing "termination" notices despite Defendant's water having already being shut off.

11. Admitted.

12. Admitted.

13. Paragraph 13 of Plaintiff's Amended First Complaint is not an averment of fact to which requires a response by Defendant.

14. Paragraph 14 of Plaintiff's Amended First Complaint is an incorporation by reference and is not an allegation of fact to which demands a response by Defendant.

15. Admitted.

16. Admitted.

17. Paragraph 17 is a conclusion of law to which requires no responsive pleading. To the extent an answer is deemed necessary, the same is denied specifically.

18. Denied. Defendant has not received services or benefits from the Municipal Sewage System, but rather, service has been terminated since this action was started.

19. Admitted and denied in part. Defendant admits refusal to pay the Authority; however, bases his refusal to pay the municipality on the objection that no "services" were provided and that the alleged utility bills relate only to a period where the properties were vacant, unoccupied and service terminated.

20. Denied. Defendant denies the figure presented by Plaintiff as outrageous and unrelated to any alleged services provided by the Plaintiff and specifically avers that any costs or interest is the result of Plaintiff's own failure to prosecute the action has left the Defendant severely prejudiced with thousands of dollars of claimed penalties.

21. Denied. Defendant incorporates the answers set forth in paragraphs 19, and 20, specifically avers that vast amounts of correspondence has been traded by the Defendant and Plaintiff whereby Defendant specifically states that the basis for his objections.

WHEREFORE, Defendant respectfully requests this Honorable Court deny Plaintiff's prayer for relief, and dismiss Plaintiff's claim with prejudice.

COUNT II

Municipal Claim Action pursuant to 53 P.S. §7101:

Paragraphs 1-21 of Defendant's Answer are incorporated by reference as though the same were set forth at length herein.

22. Paragraph 22 of Plaintiff's First Amended Complaint is an incorporation by reference and not an averment of fact to which requires a response by Defendant.

23. Paragraph 23 of Plaintiff's First Amended Complaint is a restatement of the law to which no answer is required by Defendant.

24. Denied. The 4017 Old Erie Pike property is abandoned, vacated, dilapidated, unoccupied, and is not providing "service," and has not enriched the property - it is not habitable. The utility bill for the 4029 Old Erie Pike property has been paid and kept current, and the delinquent amount requested relates only to when the property was vacant and unoccupied.

25. Denied. The first property located at 4029 Old Erie Pike, West Decatur, PA 16878, is a residence occupied by a tenant of Mr. Godissart which has its own account and has an unpaid service bill of \$224.56 (as of last termination notice dated May 28, 2014). The initial judgment requested at the Magistrate level was \$111.00. The second property, located at 4017 Old Erie Pike, West Decatur, PA 16878, has been unoccupied, uninhabited, and without

electricity or a water meter since the commencement of this dispute. The original judgment requested for this account was \$114.70. This property is the location in which the authority is claiming thousands of dollars in "service" fees have accrued.

26. Paragraph 26 of Plaintiff's First Amended Complaint is a restatement of the law to which no answer is required.

27. Admitted.

28. Denied. Defendant incorporates paragraph 25 herein as though the same were set forth at length.

29. Paragraph 26 of Plaintiff's First Amended Complaint is a conclusion of law to which no answer is required by Defendant.

30. Denied. Plaintiff's alleged costs, interest, and penalties have only arisen as a result of Plaintiff's own inaction.

WHEREFORE, Defendant respectfully requests this Honorable Court deny Plaintiff's prayer for relief, and dismiss Plaintiff's claim with prejudice.

NEW MATTER

Paragraphs 1-30 of Defendant's Answer are incorporated by reference as though the same were set forth at length herein.

31. Plaintiff's action is barred by the doctrine of laches.

32. Given that Plaintiff has instituted a cause of action, but the length of the statute of limitations has run and expired since that date, a presumption of laches applies. By way of further pleading, the expiration of that period of time is the result of inaction, undue delay, and inaction on the part of Plaintiff.

33. Plaintiff's original complaints in front of this court, respectively, alleged damages in the amount of \$172.20 (2006-1448-CD), and \$168.50 (06-1449-CD). By way of further pleading, Plaintiff is now requesting a total of \$5,903.99, with additional requests for counsel fees and costs, which have arisen only as a result of Plaintiff's own inaction to the detriment of the Defendant.

34. The Authority's claim alleges unpaid service bills for two properties:

a. The first property located at 4017 Old Erie Pike, West Decatur, PA 16878, is a residence occupied by a tenant of Mr. Godissart which is serviced by the Authority which has an unpaid service bill of \$224.56 (as of last termination notice dated May 28, 2014). By way of further pleading, this unpaid bill accounts for a period in which no service was connected to the property because tenant had vacated the property for approximately one year.

b. The second property, located at 4029 Old Erie Pike, West Decatur, PA 16878, has been unoccupied, uninhabited, without electricity, and has not even had a water meter since the commencement of this dispute. By way of further pleading, despite the original requested damages at approximately \$172.20, and despite the property not being occupied since the commencement of this dispute, Plaintiff is not claiming thousands of dollars in unwarranted damages.

35. Plaintiff now claims thousands of dollars of penalty and interest based on its own failure to timely pursue the action which severely prejudices the Defendant.

36. The substantial portion (majority) of the damages alleged by Plaintiff account for principal and interest only which have accrued during the period where Plaintiff failed to pursue the action.

37. Plaintiff is a Municipal Authority and has no reasonable grounds for failing to pursue the action.

38. Plaintiff asserts that its delay in pursuing this action resulted because of the death of the Plaintiff's prior attorney; however, this is something the Plaintiff either knew or should have known and does not justify delaying the action. By way of further pleading, even after this action was commenced, Plaintiff continued a non-judicial course of action via letters and termination notices.

38. Plaintiff has not suffered injury to its detriment beyond the original damages requested in its original complaint and Plaintiff's request ultimately is unconscionable and shocks the conscience and would not serve the interest of justice, specifically when the massive amounts of penalty and interest requested is associated with their own failure to pursue the action.

39. The interest of justice would not be served by allowing the Plaintiff to recover fees and penalties associated with an account (4029 Old Erie) which has lied dormant since the start of this action. The interest of justice would not be served by forcing the Defendant to pay for "services" during periods where services were terminated.

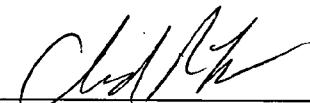
40. Plaintiff's damages account for "services" provided during periods of termination only; and penalty and interest accruing thereafter. To allow Plaintiff recovery would be allowing Plaintiff to recover would be an unjust enrichment of the Plaintiff to the detriment of Mr. Godissart.

41. Plaintiff has failed to timely file his amended Complaint by the Order of this Court dated October 13, 2014, wherein Plaintiff was obligated to file an amended complaint within twenty-five (25) days of said Order which expired on November 07, 2014.

WHEREFORE, Defendant respectfully requests that the above-consolidated action(s) be dismissed with prejudice and in the alternative, that Plaintiff's damages be limited to those amounts which were set forth in its original complaint in light of Plaintiff's failure to timely

pursue this action and the prejudice resulting to the Defendant as a consequence thereof.

Respectfully submitted,



David R. Thompson, Esquire

VERIFICATION

I certify that the facts set forth in the foregoing Answer to Plaintiff's Proposed Amended Complaint 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: 12-19-2019



CLAIR GODISSART

FILED

DEC 22 2014

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

vs.

CLAIR GODISSART

DEFENDANT

*
* No. 2006-1448-CD
* AND
* 2006-1449-CD
* [cases are consolidated]

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* TYPE OF PLEADING: MOTION FOR
* CONTINUANCE

*

* FILED ON BEHALF OF: Plaintiff

*

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* Daniel J. Nelson, Esquire
* I.D. No. 208506
* Mason Law Office
* 200 N. Front St., Suite 201
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

*

* COUNSEL OF RECORD FOR
* DEFENDANT:

* David R. Thompson, Esquire
* I.D. No. 73053
* Thompson Law Offices, LLC
* 308 Walton Street, Suite 4
* Philipsburg, PA 16866
* (814) 342-4100

FILED

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JAN 30 2015

(RJS)

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

1/924/B/S
Ken A. Nelson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

vs.

CLAIR GODISSART

DEFENDANT

*
* No. 2006-1448-CD
* AND
* 2006-1449-CD
* [cases are consolidated]

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MOTION FOR CONTINUANCE

NOW comes the Plaintiff, Wallacetton Boggs Municipal Authority, by and through its duly appointed Solicitor, DANIEL J. NELSON, ESQUIRE, and files the following Motion for Continuance to which the following is averred:

1. Plaintiff is a Pennsylvania municipal authority organized and existing under Pennsylvania law, whose address is PO BOX 97, 59 Blue Ball Road, West Decatur, Boggs Township, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at 525 Keystone Hill Road, Decatur Township, Clearfield County, Philipsburg, Pennsylvania.
3. On or about October 3, 2006, two (2) civil actions were filed by Plaintiff and against Defendant for failure to pay accumulated, delinquent sanitary sewer bills, relative two (2) piece of real property owned by Defendant and service by Plaintiff.
4. From October of 2006 through August of 2014, this civil action laid dormant

with no action being made by either Plaintiff or Defendant.

5. On or about October 13, 2014, a status conference was held by this Honorable Court and an Order followed, granting Plaintiff leave to file an Amended Complaint and Defendant an opportunity file an Answer to the same.

6. On or about November 10, 2014, Plaintiff filed its First Amended Complaint; and on or about December 22, 2014, Defendant filed its Answer to Plaintiff's First Amended Complaint and New Matter.

7. Pursuant to an Order dated January 19, 2015, a Board of Arbitration was appointed by this Honorable Court and a hearing was scheduled for Thursday, February 12, 2015, at 9:00 a.m. in Courtroom No. 3 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

8. In Defendant's Answer to Plaintiff's First Amended Complaint and New Matter, Defendant raises and asserts affirmative defenses that, before this date, were not raised by Defendant, specifically:

- a.) The existence of a tenant in one of the subject property, serviced by Plaintiff's sanitary sewer system, who has been paying the disputed sewer bill;
- b.) That the second subject property, owned by Defendant, is neither occupied nor connected to the sanitary sewer system.

9. Given the nature and character of the assertions made in Defendant's New Matter, Plaintiff specifically requests the opportunity to engage in pre-hearing discovery to determine the factual basis underpinning Defendant's specific defenses.

10. To date, no discovery has taken place in this matter.

11. If allowed to undergo the discovery process and it is established that

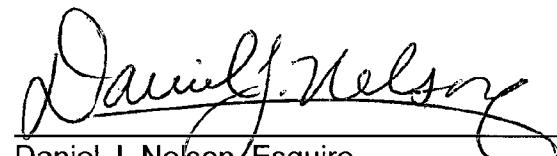
Defendant's assertions are true and correct, it quite possible Plaintiff would move to settle and discontinue this matter without any involvement of the Court or the needless use of judicial resources.

12. Although Plaintiff indicated to this Honorable Court, at the time of the October 12, 2014, judicial status conference that this matter was ready for arbitration, Plaintiff made said assertion being unaware of Defendant's the nature of Defendant's specific, factual defenses.

WHEREFORE, Plaintiff prays your Honorable Court for the entry of an Order directing that the hearing scheduled for February 12, 2015, at 9:00 a.m., be cancelled and rescheduled to a new date for Arbitration Hearing be set, following the completion of the Discovery process.

Respectfully submitted,

DATE: Jan. 28, 2015



Daniel J. Nelson, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD

PLAINTIFF

*

v.

*

CLAIR GODISSART

*

DEFENDANT

*

*

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*

CERTIFICATE OF SERVICE

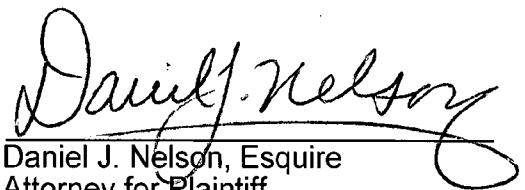
I, DANIEL J. NELSON, Esquire, do hereby certify that I served a true and correct copy of a MOTION FOR CONTINUANCE, filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

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

Sharon S. Whipple
Deputy Court Administrator
Office of Court Administrator
230 E. Market Street
Clearfield, PA 16830

MASON LAW OFFICE

DATED: Jan. 28, 2015

By: 
Daniel J. Nelson, Esquire
Attorney for Plaintiff

FILED

JAN 30 2015

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

v.

CLAIR GODISSART

DEFENDANT

*
* No. 2006-1448-CD
* AND
* 2006-1449-CD
* [cases are consolidated]

ORDER

AND NOW, this _____ day of _____, 2015, upon Plaintiff's Motion for Continuance, it is hereby ORDERED and DECREED that said continuance be granted and therefore this matter is rescheduled to be heard on the _____ day of _____, 2015, at _____ o'clock in Courtroom No. _____, in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

J.

CA

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

WALLACETON BOGGS MUNICIPAL AUTHORITY * No. 2006-1448-CD
Plaintiff *

vs.
CLAIR GODISSART
Defendant *

WALLACETON BOGGS MUNICIPAL AUTHORITY * Consolidated with
Plaintiff * No. 2006-1449-CD

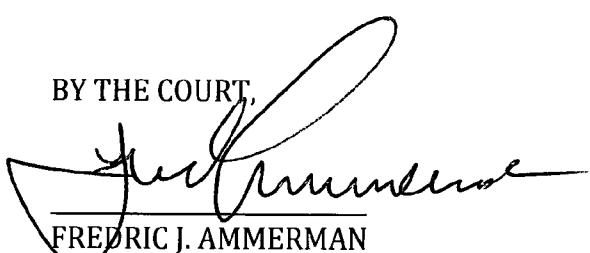
vs.
CLAIR GODISSART
Defendant *

ORDER

NOW, this 2nd day of February, 2015, upon receipt and review of the Plaintiff's Motion for Continuance; it is the ORDER of this Court that said Motion be and is hereby DENIED.

The Arbitration will proceed as scheduled on February 12, 2015.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

Son S. McC Alley
FILED *ice Alley*
Nelson
FEB 02 2015 *ice Alley*
01/31/07/LR *Thompson*
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

FILED

FEB 02 2015

**BRIAN K. SPENCER
PROTHONOTARY & CLERK, C. COURTS**

*Generation: Feb. 12
@ 9:00*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

Plaintiff,

vs.

CLAIR GODISSART,

Defendant.

No. 2006-1448-CD
2006-1449-CD
(Consolidated to:
2006-1448-CD)

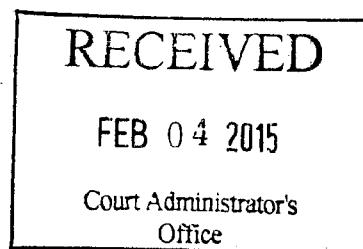
Type of Pleading: Pre-trial
Memorandum

Filed on Behalf of: Defendant

By:
Brian D. Jones, Attorney at Law
Thompson Law Offices, LLC
PO Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
Phone: (814) 342-4100
Fax: (814) 342-7081
Supreme Court ID: 319679

Attorney of Record for this Party:
David R. Thompson, Attorney at
Law

Thompson Law Offices, LLC
PO Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
Phone: (814) 342-4100
Fax: (814) 342-7081
Supreme Court ID: 73053



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW & EQUITY

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

27

Plaintiff,

2

-VS-

No. 2006-1448-CD

CLAIR GODISSART.

* 2006-1449-CD

2000-1449-CD
(Consolidated)

(Consolidated to:
2021-11-12, ~~SD~~)

2006-1448-CD)

Defendant.

11

PRE-TRIAL MEMORANDUM

AND NOW, comes the Defendant, CLAIR GODISSART, by and through his attorneys, THOMPSON LAW OFFICES, LLC, who files the following Pre-Trial Statement:

I. BACKGROUND/STATEMENT OF THE CASE:

Plaintiff is Wallaceton Boggs Municipal Authority, which provides water and sewer service to the local municipality residents. The Defendant is owner of two properties which are located in said municipality and which are the subject of this suit; being 4017 Old Erie Pike, West Decatur, PA 16878, and 4029 Old Erie Pike, West Decatur, Pennsylvania 16878.

The first property, located at 4017 Old Erie Pike, West Decatur, PA 16878, has been unoccupied, uninhabited, without electricity, and has not even had a water meter since the commencement of this dispute. More accurately, the 4017 Old Erie Pike property has been unoccupied, uninhabited and vacant since December of 2005. Despite the original requested damages at approximately \$172.20, and despite the property not being occupied since the commencement of this dispute, Plaintiff is now

claiming thousands of dollars in unwarranted damages for alleged "service" fees, penalty, interest and costs.

The property located at 4029 Old Erie Pike, West Decatur, PA 16878, is a residence which is currently occupied by a tenant of Mr. Godissart which is serviced by the Authority which has an unpaid service bill of \$224.56 (as of last termination notice received, dated May 28, 2014). This unpaid amount accounts for a period in which no service was connected to the property because the Defendant's tenant at the time had vacated the property from June 2002 to March of 2003. The tenant at the time, a Ricky Biggins, contacted terminated all services prior to vacating the property.

On June 27, 2006, the Plaintiff, by and through their attorney, George Test, Esquire, deceased, filed an action to collect unpaid "service" fees for both properties. Plaintiff, in its original Complaints alleged unpaid debt of \$172.20 (No. 2006-1448-CD) and \$168.50 (No. 2006-1449-CD) respectively. Ultimately, the actions were consolidated into one docket, being the current docket no. 2006-1448-CD. On November 9, 2006, Defendant filed his Answer, raising New Matter on the grounds that the service fees were attributed to periods of vacancy. Over the next eight years, the action remained dormant. Yet, the authority continued its self-help collection efforts, calling the Defendant, posting termination notices on both properties rather than pursuing the action via the judicial process.

Finally, in September of 2014, Plaintiff requested leave of court to file a Proposed Amended Complaint. In said Motion for Leave of Court, Plaintiff cited as cause for delay in the proceedings the death of Plaintiff's original attorney in 2009. During the eight years of Defendant's failure to take judicial action, Defendant's

alleged debt with the Plaintiff climbed exponentially. Plaintiff's originally requested damages of \$340.70 is now alleged in Plaintiff's Amended Complaint to be \$5,903.99, plus costs, fees and interest.

On December 22, 2014, Defendant filed its Answer to Plaintiff's Complaint containing New Matter asserting multiple affirmative defenses.

II. WITNESSES:

Clair Godissart, Defendant

525 Keystone Hill Road
Philipsburg, Pennsylvania 16866

III. POTENTIAL EXHIBITS:

1. Defense Exhibits "1-8" - Correspondence between Defendant and Plaintiff (Cumulative and of the same nature and content).
2. Defense Exhibit "9" Municipality Termination Notice (letter) of 07/22/2009.
3. Defense Exhibit "10" Municipality Termination Notices of 1/11/2013 (both properties).
4. Defense Exhibit "11" Municipality Termination Notices of 05/02/2014 (both properties).
4. Defense Exhibit "12" Municipality Termination Notice of 05/28/2014
5. Defense Exhibit "13" Township of Boggs, Clearfield County, Pennsylvania Municipal Ordinance No. 01-02

IV. STIPULATIONS:

The Defendant is the owner of the subject properties.

V. STATEMENT OF DEFENSE:

The Plaintiff's damages resulting from alleged unpaid service bills account only for periods of vacancy. Defendant asserts that he was not provided a service during

the periods in which the Plaintiff is alleging a utility debt for services rendered. Therefore, the Defendant posits that where no services were provided, a recovery by the Plaintiff would be an unjust compensation or unjust enrichment.

Plaintiff has never produced to the Defendant a Wallaceton Boggs Municipal Ordinance that specifically authorizes the flat fee for sewage wastewater on vacant, unoccupied structures. Even in the event, that the Plaintiff is able to produce authority which authorizes a mandates flat fee, the Defendant is so severely prejudiced as a result of the judicial deficiencies throughout this case that a severe injustice would be served by holding the Defendant liable to Plaintiff's amended damage amount. Other judicial deficiencies include Plaintiff's failure to timely file its amended Complaint in accordance with this Court's Order granting Leave of Court, dated October 13, 2014. Plaintiff was given twenty-five days from the date of the Order to file its Amended Complaint, which would have required Plaintiff to file its Amended Complaint on November 7, 2014; however, Plaintiff did not file its Amended Complaint until November 10, 2014.

Plaintiff's failure to timely prosecute this action has ultimately resulted in the exponential growth of Plaintiff's damages to an unreasonable figure relative to the Plaintiff's original Complaint. The interests of justice would not be served should Plaintiff recover fees and penalties associated with an account that has lied dormant since the commencement of this action. If Plaintiff were permitted recovery under these circumstances, municipalities across the state would be investing in delay tactics by commencing collection proceedings and delaying litigation to allow the potential recovery to grow over time.

VII. RELEVANT LAW:

Township of Boggs, Clearfield County, Pennsylvania Ordinance No. 01-02. Known as the "Wallacetown Boggs Act 537 Plan."

53 P.S. §7101 - Municipalities Generally

Title 52, Chapter 56 of the Pennsylvania Code

66 Pa.C.S. §1406 - Termination of Utility Services

55 Pa. C.S. 5507(d)(9) - Municipal Authority Rates

Pennsylvania Case Law

VII: PROPOSED RESOLUTION:

In light of the severe prejudice cause to the Defendant for Plaintiff's failure to timely prosecute the action and failure to comply with judicial procedure, Defendant proposes that the Court dismiss Plaintiff's claim with prejudice.

In the event that the Defendant is able to produce legislative authority that existed at the time of the debt which authorizes the Municipality to assess fees and penalize the Defendant during periods of inoccupancy, vacancy and termination, the Defendant requests in the alternative, that Plaintiff's damages be limited to the amounts provided in its original Complaint.

Respectfully submitted,



Brian D. Jones, Esquire
Attorney for Defendant

SIMLER INSURANCE AGENCY

General Insurance

EXHIBIT

118 E PRESQUEISLE ST
PHILIPSBURG, PA. 16866
TELEPHONE 814 - 342 1060

Pennsylvania American Water Company
P.O. BOX 578
Alton, IL 62002-0578

July 7, 2003

Re: Accounts # 24-1436756-1 and 24-1436760-3

Gentlemen:

I have phoned your office three times and written a letter with no response. Thus, I am forwarding this correspondance by registered mail with a return receipt to document my files.

On July 3, 2002 the sewer lines were hooked up on the property I own at West Decatur, PA. At the time only one home was in service with the tenant being Marvin Quick who was advised a monthly fee would be levied for his waste water.

The second home was unoccupied with Mr. Ricky Biggins having been called to active duty in the National Guard in the month of June, 2002. Thus, prior to his leaving the area he had contacted all of the utility companies which had serviced his home. The water was turned off, the electricity and phone, etc. Mr. Biggins did not reside in the home nor was ANY water used.... not a drop!

Both of the above accounts were requested be billed to the two seperate individuals whom you have as customers now receiving water service from Pa American Co. Mr. Biggins returned home after serving in Germany with the National Guard. He had his utility companies reinstate his various needs on or about March 15, 2003.

The above accounts are for \$ 570.91 as of July 1, 2003.... and \$ 431.79. At \$ 37.00 per month.... July 3, 2002 to July 1, 2003 the sum amounts to \$ 444.00 (12 x 37 = \$ 444.00)

Mr. Quick is awaiting your billing to himself and Mrs. Quick had stated to myself she was still awaiting a bill in her name before she would pay same:

With Mr. Biggins.... from March 15 until July 15 would be four months.... at \$ 37 per month $4 \times 37 = \$ 148.00$ NOT \$ 431.79
Now, would you PLEASE send to Mr. Marvin Quick his corrected statement who has no objection to paying the useage since July 2002. And, also correct the statement to Mr. Biggins and then forward same to him. Thank you!

Sincerely,

Clair Godissart

FAX 814-342-5321

cc Magistrate file

Bernadette Robbins
Richard J. Shimmel
Wallaceton-Boggs Municipal Authority
P.O. Box 97
West Decatur, PA 16878

Sept. 18, 2003

Re: Clair Godissart - West Decatur Property

Gentlemen:

I am enclosing two separate letters written to Penna. American Water Company dated July 7, 2003 and Feb 11, 2003 pertaining to billings sent myself. Please note the July 7th letter was sent Registered Mail with a Return Receipt as proof of their receiving same. They still have not responded to either myself or Mr. Marvin Quick.

Mr. Quick is still awaiting your billing to him since July 3, 2002 when his service was connected.

Mr. Biggins, as clearly noted in the correspondance, was on military active duty from JUNE 2002 until MARCH 2003. He had ALL utilities disconnected prior to his leaving the United States as was previously noted to Mr. Shimmel in July 2002. Also, the Water was shut off to the home by Andy Lance which can be verified by Bobbie Jo Long of the Water Authority. In March when he did return and requested the Water be turned back on... they had to dig up the curb stop in order to turn it back on!

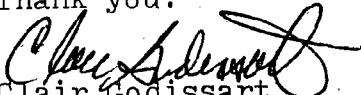
I DO NOT PAY UTILITY BILLS OF ANY KIND FOR TENANTS.

Please forward your billings direct to Mr. Quick at Box 410, West Decatur and Mr. Biggins at Box 4029 Old Erie Pike, West Decatur Pa. 16878. They will then in turn pay their obligation.

I have requested by phone three different times the Penna American Co. bill the above. Instead of billing the users, they continued to bill myself. I pay my bills, but not the tenants.

Also, Mr. Biggins did not return to the United States until this year. His billings should then begin after mid-March. NOT in 2002 when he was out of the country.

Thank you.


Clair Godissart
525 Keystone Hill Road
Philipsburg, PA 16866

cc Mr. Marvin Quick
cc Mr. Richard Biggins
cc Magistrate file

SEE - COPY ATTACHED

Pennsylvania American Water Co.
P.O. BOX 578
Alton, IL 62002-0578

Feb 11, 2003

Re: Account # 24 1436756-1 & 24 1436760-3
Clair Godissart

Gentlemen:

In July 2002 the Boggs / Wallaceton Sewer Authority sewer lines was installed on my property. I own two homes for which the enclosed notices represent.

In August 2002 I had contacted your office by phone explaining to them the one property was vacant and had been since June at which time the tenant was called to active military duty. The water service was shut off at the curb for the vacant property.

I do not know which of the two statements is for the vacant home which has NO WATER SERVICE IN IT, NOR HAS HAD SINCE JUNE 2002.

When I had phoned your office I requested the service be charged to the tenant, Mr. Marvin Quick, whom I had previously informed of the monthly sewer charge. The information is still on your computer screen according to the phone representative I had talked to in January.

The Pennsylvania American Water Company DOES NOT SUPPLY WATER TO THE PROPERTIES. THE BOGGS TOWNSHIP WATER AUTHORITY IS THE LOCAL WATER CO. Also, the water service was unavailable this past summer to residents at West Decatur due to the drought.

Please note in your files the phone number I was given for the local sewer authority 814 342 2504 - which I had phoned did not respond nor the phone for 342 4444 Bungo excavating.

Again, I ask that you bill the tenant Mr. Marvin Quick for the wastewater billing. It appears \$ 49.58 was paid to your office previously on the one billing. His mailing address is RR Box 410, West Decatur, PA 16878

I have several accounts with Pennsylvania on properties which I own and all bills are promptly paid. However, on the two accounts above, I neither use or have used any water. And, as previously noted the one property has remained vacant with all utilities turned off since June 2002.

Sincerely,

Clair Godissart

cc file

cc Marvin Quick

Mr. Richard J. Shimmel
Wallacetton Boggs Municipal Authority
P.O. Box 97
West Decatur, PA 16878

May 15, 2006

Re: Sewer Account # 24-14367560-1
Service to SR 2024

Dear Mr. Shimmel:

The purpose of this correspondance is to acknowledge receipt of your letter Dated May 8, 2006 and post marked May 11, 2006; and received by myself on May 13, 2006.

Please be advised the above property is and has been vacant and unoccupied since December 2005 when the former tenant, Mr. Marvin Quick moved from the home in late November, early December 2005. Marvin had purchased a home and moved into it prior to the Holidays in 2005.

The Pennsylvania Water Company was notified by Mr. Quick of his family moving in December. He also opened his own account with PAWC which can be easily verified by contacting either Mr. Quick or PAWC!

In early January Sue Burns of the PAWC, Philipsburg office came to the property and did both shut off the water at the curb and the water meter was removed to avoid freezing. This was verified by Bill Hallman and Frank Godissart who was at the time installing all new windows in the vacated building.

Thus not only was the water service terminated, but the home was and has been vacated since December to the present. A time period of over five (5) months.

I contacted the customer service toll free phone number of 1-800 565 7292 advising them the home was without water or tenant in early January 2006 and also noted the property would remain vacant. I have talked to a Mary, Eric, and Elizabeth over the past months with PAWC noting the above.

They continue to bill myself for waste water useage which I refuse to pay. Perhaps Magistrate Rudella will be able to convince your folks your services were not used.

If and when the home is ever rented again, you will be notified by mail.

Sincerely,


Clair Godissart

cc Magistrate Rudella
cc file
cc Mr. Marvin Quick



SIMLER INSURANCE AGENCY, INC.

118 E. PRESQUEISLE STREET
PHILIPSBURG, PENNA. 16866
PHONE NO. 814-342-1060

EXHIBIT

5

Michael A. Rudella
District Justice 46-3-03
Mountain View Plaza
P.O. Box 210
Kylertown, PA 16847

May 22, 2006

Re: Residential Wastewater Charges
Godissart vrs. Wallaceton Boggs

Dear Magistrate Rudella:

The enclosed correspondance is the reason for this letter to your office. It seems I am about to forced to pay for waste water treatment, which did not exist, on properties in Boggs Township. two homes as is noted.

I have contacted three other municipalites where I also own property serviced by the Pennsylvania American Water Company for waste water treatment..... All three, Decatur Township, Chester Hill Borough, and Philipsburg Borough have advised me when the water is shut off to a given property, the charges for waste water then ceases until said property is again using water. You may wish to confirm this by a simple phone call.

Pennsylvania American continues to contact myself by phone no less than once weekly in efforts to collect "overdue" billings as depicted on the statements. The many numerous phone calls have on file (which you may also confirm by phone to them) the fact that they were advised by letter and verbal by myself the reasons they would not be paid for waste water treatment which was not used due to the vacant unoccupied dwellings.

Trusting the enclosed will enable you to have some insight for this dilemma.

Kind regards,

Bud Godissart
Bud Godissart

Ms. Carlson, Secretary
Wallacetton Boggs Municipal Authority
59 Blue Ball Road
West Decatur, PA 16866

September 12, 2008

EXHIBIT

6

Re: Letters dated Sept. 10, 2008

Dear Ms. Carlson:

I am in receipt of your two letters which advised myself if I did not respond to your letter, action would be taken to "SHUT OFF" the water to the two separate properties.

In response, the following:

1. The water WAS SHUT OFF in January 2006 by Sue Burns of the Pennsylvania Water Co at my request. No one has lived in or occupied the home since December 2005. In addition to the water ALLOTHIR UTILITIES WERE SHUT OFF.

I refuse to pay for services not rendered nor requested as was previously advised to your representatives over the past three years. The home will not be occupied until the Court of Common Please of Clearfield County rules on my appeal submitted to them on November 9, 2006

Thus, the \$ 1,110.00 which you are charging for an unoccupied and vacant home are denied.

2. The second home which is tenant occupied. Your letter noted the sum of \$ 114.70 remains unpaid, and you are also stating the water will be shut off for the unpaid waste water billing.

This sum was charged when the home was vacated in June 2003 when the tenant was called to active duty in the National Guard, Mr. Richard Biggins. He had all utilities shut off to the home, and, Richard Shimmel was notified as was the secretary, Bernadette Robbins.

Thus, the \$ 114.70 which your are charging for time the home was unoccupied with all utilities shut off while Mr. Biggins was over seas serving his country is denied.

I also question the legality of your having an elderly widow's water shut off when she pays her bills on time, and to Pennsylvania Water Co.

As previous correspondance to your office did note, I own property in Decatur Township, Chester Hill Borough, Philipsburg Borough whose policy clearly states that when a home is vacated with the water service shut off, the charge for waste water is discontinued until said home has the water re connected.

In talking to Represenative George in his office some time ago, he was displeased to find out a local town was trying to levy charges against unoccupied homes whose water had been turned off. No waste water can come from the property and was certainly not proper. It seems that legislation is needed to make uniform your policy of charging for unused service.

Sincerely,

Clair Godissart
525 Keystone Hill Road
Philipsburg, PA 16866

Phcne 814 342 4149

CC Represenative Bud George
cc Attorney David Thompson
cc file

EXHIBIT

7

Wallacetton Boggs Municipal Authority
59 Blue Ball Road, P.O. Box 97
West Decatur, PA 16878

July 25, 2009

RE: Clair Godissart Acct # 1436756

Gentlemen:

In reply to your letter of July 22, 2009 in which you have advised me you are going to have the water shut off at the home not resided in since December 2005.

If you will review your file on the account:

1. The water WAS SHUT OFF.... and the meter removed as you have been informed by written correspondance numerous times over the past five years!
2. A brief was filed in Clearfield County Court noting why I refuse to pay for sewage charges when the home is not occupied nor liveable as all utilities were terminated when Mr. Marvin Quick vacated the premises owing six months rents, etc. in 2005.
3. The home will not be occupied until the court rules on the brief submitted by attorney Thompson over three years ago.

In the event the court should rule in your favor, I will have the home demolished and removed from the Tax rolls in Clearfield County.

I receive many calls for rentals weekly and many folks asking to rent this West Decatur property which I refuse to consider due to the pending decision of the court. I own several rental units in Decatur Township, Borough of Philipsburg, etc. whose policy is and has been, when a property has the water shut off and the meter removed so that no water discharge or sewage is generated, then the cost for sewage is discontinued.

How many of you on the board of directors would pay for electric, cable or any other utility if it was not used or needed. Not one of you if you are honest!

Sincerely,

Clair Godissart
Clair Godissart
525 Keystone Hill Road
Philipsburg, PA 16866
Phone 814 342 4149

cc Camille " Bud" George
cc file /

You folks are trying to collect monies for services which were not provided or used in any way, shape or form. Also, PAWC was notified by registered mail of the status of this account and did not respond.

I have explained the contents of this letter to each of the PAWC attempted collection people who had phoned my home.

It seems only the magistrate can now rule on this file.

In the event It is determined that I must pay your Authority these unearned monies..... I will have the home torn down and you will never collect another cent for wastewater.

Again, it is not the sum of monies but the principal of the matter.

Sincerely,

Clair Godissart
525 Keystone Hill Road
Philipsburg, PA 16866

cc Mr. Marvin Quick / Richard Biggins
cc Magistrate Rudella
cc file

Enclosures (2)

EXHIBIT

8

Fact Sheet

Clair Godissart, 525 Keystone Hill Road, Decatur Township
Philipsburg, PA 16866 Phone 814 342 4149

For the past five years I have been seeking to bring about a legal ruling against the Boggs/Wallaceton Sewer Authority. Thus, the reason for now requesting legislation be inacted to prohibit sewer charges be levied against a property owner for sewage (waste water) when the home is unoccupied without water service.... which has been turned off at the curb stop.

Please note the enclosed correspondance, complaints filed against myself in 2006, and the Brief filed in the Clearfield County Court by attorney Thompson.

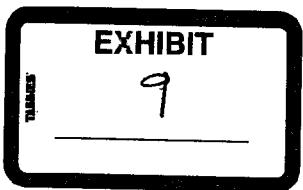
As noted in the various letters enclosed, I have an unoccupied home which has been vacant since December 2005. The water was shut off as well as all other utilities which was clearly noted numerous times. As of this date October 1, 2010 the sum billed myself for unused and not requested waste water/sewage by Boggs Township and the Pennsylvania American Water Co. is \$ 2,122.00 for this account number 24-1436756-1. Again, this home is vacant with all utilities shut off and disconnected!

On the same property, a second dwelling is located. This home is now occupied for which I have paid the monthly sewage billing except for the time period when the tenant was called to active duty in the National Guard. (see exhibit # 4, letter from Mr. Richard Biggins which clearly states all utilities were discontinued.) He served in Kosovo Europe for a year.

This property is now occupied by Mr. Bill Hallman as the tenant. The Boggs / Wallaceton Sewer folks have now posted a notice on his door that they are having his water service turned off for reasons the sewage billing of \$ 74.00 was not paid for the time Mr. Biggins was overseas , and I refused to pay for the home when all services were discontinued. (see letter dated September 12, 2008 to Carlson of the authority exhibit # 5)

As noted in the letter of September 2008, the authority was to levy against myself the monthly sum of \$ 74.56 plus the regular monthly amount of \$ 42.00 which I have paid when due but refuse to pay for the time in 2003 when the home was NOT occupied with all services discontinued.

I have contacted Clearfield Borough, Decatur Township, Chester Hill Borough and Philipsburg Borough who have ALL advised myself the charge for waste water/sewage is NOT made when the water utility is turned off. It seems we have two standards which are very unequal to the people of Pennsylvania when it comes to unoccupied home when water is turned off.

EXHIBIT
9

WALLACETON-BOGGS MUNICIPAL AUTHORITY
59 BLUE BALL ROAD, PC BOX 97
WEST DECATUR, PA 16878
814-342-0725; FAX: 814-343-4846
wallacetonboggs@comcast.net

July 22, 2009.

Clair Godissart
RR 1 Box 437
Philipsburg, PA 16866

Premise # 240628540

Account # 1436756

Dear Customer:

Sewage charges for the above in the amount of \$1480.00 are delinquent and overdue.

Pursuant to the Pennsylvania Public Utility Code whereby Wallacetton-Boggs Municipal Authority has the authority to have your water turned off due to delinquent sewage treatment charges.

If your account is not paid in full within 30 days of the date of this letter, Wallacetton-Boggs Municipal Authority will request that water service be terminated at your residence.

FAILURE TO TAKE APPROPRIATE ACTION IN RESPONSE TO THIS LETTER WILL RESULT IN YOUR WATER BEING SHUT OFF.

Please give this matter your immediate attention. Payments are accepted by check or money order mailed to the above address ONLY. Please do not remit to PA American Water.

Sincerely,

Board of Directors
Wallacetton Boggs Municipal Authority

Wallacetton-Boggs Municipal Authority

P.O. Box 97

West Decatur, Pa. 16878

01/11/2013

Phone: (814) 342-0725

EXHIBIT

10

Acct#: 1178

4017 OLD ERIE PIKE

GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG PA 16866

**RE: NOTICE OF INTENT TO TERMINATE WATER SUPPLY SERVICE
DEMAND OF IMMEDIATE PAYMENT OF SEWER CHARGES**

Dear , GODISSART, CLAIR

Allow this letter to serve as written notice to you that, in accordance with applicable provisions, the Wallacetton-Boggs Municipal Authority (hereinafter "Authority") intends to terminate water service to your premises located at: 4017 OLD ERIE PIKE

This termination is as a result of your failure or refusal to pay your sewer bill. Your sewer bill, a copy of which you may obtain from the Authority office, presently stands at \$3,229.00 which includes late fees and other costs. Additionally you owe a current monthly charge of \$42.00 which must be paid by 01/31/2012 . Therefore your combined amount owed is \$3,271.00 . Unless all sums owing are paid immediately your water supply will be terminated on or after 02/28/2013

If the Authority is required to take action to terminate your water service, an additional charge of \$30.00 will be assessed against you . Further, to reactivate your water service later, you will incur an additional charge, based upon the estimated amount of lost revenue, during the period of time your water service was shut off.

Finally, this letter should serve as additional notice that, unless this outstanding bill is paid immediately, legal action will be instituted against you for the collection of all sums within thirty(30) days. This could result in a judgement being entered against you or your property and the payment of legal costs and attorneys fees.

It is important that you give this matter your IMMEDIATE attention.

Payments must be made at the Authority office, during regular business hours (Fridays from 9:00 AM to until 4:00 PM). Thank you , in advance, for your anticipated payment.

Very truly yours,

Wallacetton-Boggs Municipal Authority:

Daniel J. Nelson, Esq.
WBMA Solicitor

Wallacetton-Boggs Municipal Authority

P.O. Box 97

West Decatur, Pa. 16878

01/11/2013

Phone: (814) 342-0725

Acct#: 1179

4029 OLD ERIE PIKE

GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG PA 16866

**RE: NOTICE OF INTENT TO TERMINATE WATER SUPPLY SERVICE
DEMAND OF IMMEDIATE PAYMENT OF SEWER CHARGES**

Dear , GODISSART, CLAIR

Allow this letter to serve as written notice to you that, in accordance with applicable provisions, the Wallacetton-Boggs Municipal Authority (hereinafter "Authority") intends to terminate water service to your premises located at: 4029 OLD ERIE PIKE

This termination is as a result of your failure or refusal to pay your sewer bill. Your sewer bill, a copy of which you may obtain from the Authority office, presently stands at \$169.56 which includes late fees and other costs. Additionally you owe a current monthly charge of \$42.00 which must be paid by 01/31/2012 . Therefore your combined amount owed is \$211.56 . Unless all sums owing are paid immediately your water supply will be terminated on or after 02/28/2013

If the Authority is required to take action to terminate your water service, an additional charge of \$30.00 will be assessed against you . Further, to reactivate your water service later, you will incur an additional charge, based upon the estimated amount of lost revenue, during the period of time your water service was shut off.

Finally, this letter should serve as additional notice that, unless this outstanding bill is paid immediately, legal action will be instituted against you for the collection of all sums within thirty(30) days. This could result in a judgement being entered against you or your property and the payment of legal costs and attorneys fees.

It is important that you give this matter your IMMEDIATE attention.

Payments must be made at the Authority office, during regular business hours (Fridays from 9:00 AM to until 4:00 PM). Thank you , in advance, for your anticipated payment.

Very truly yours,

Wallacetton-Boggs Municipal Authority:

Daniel J. Nelson, Esq.
WBMA Solicitor

05/02/2014

Wallacetton-Boggs Municipal Authority
P.O. Box 97
West Decatur, Pa. 16878
Phone: (814) 342-0725

EXHIBIT

11

Acct#: 1179

4029 OLD ERIE PIKE

GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG PA 16866

**RE: NOTICE OF INTENT TO TERMINATE WATER SUPPLY SERVICE
DEMAND OF IMMEDIATE PAYMENT OF SEWER CHARGES**

Dear , GODISSART, CLAIR ..

Allow this letter to serve as written notice to you that, in accordance with applicable provisions, the Wallacetton-Boggs Municipal Authority (hereinafter "Authority") intends to terminate water service to to your premises located at: 4029 OLD ERIE PIKE

This termination is as a result of your failure or refusal to pay your sewer bill. Your sewer bill, a copy of which you may obtain from the Authority office, presently stands at \$224.56 which includes late fees and other costs. Additionally you owe a current monthly charge of \$42.00 which must be paid by 05/25/2014 . Therefore your combined amount owed is \$266.56 . Unless all sums owing are paid immediately your water supply will be terminated on or after 06/11/2014

If the Authority is required to take action to terminate your water service, an additional charge of \$30.00 will be assessed against you . Further, to reactivate your water service later, you will incur an additional charge, based upon the estimated amount of lost revenue, during the period of time your water service was shut off.

Finally, this letter should serve as additional notice that, unless this outstanding bill is paid immediately, legal action will be instituted against you for the collection of all sums within thirty(30) days. This could result in a judgement being entered against you or your property and the payment of legal costs and attorneys fees.

It is important that you give this matter your IMMEDIATE attention.

Payments must be made at the Authority office, during regular business hours (Fridays from 1:00 PM until 4:30 PM), or by appointment. Thank you , in advance, for your anticipated payment.

Very truly yours,

Wallacetton-Boggs Municipal Authority:

Daniel J. Nelson, Esq.
WBMA Solicitor

Wallacetton-Boggs Municipal Authority**P.O. Box 97****West Decatur, Pa. 16878****05/02/2014****Phone: (814) 342-0725**

Acct#: 1178

4017 OLD ERIE PIKE**GODISSART, CLAIR
525 KEYSTONE HILL
PHILIPSBURG PA 16866****RE: NOTICE OF INTENT TO TERMINATE WATER SUPPLY SERVICE
DEMAND OF IMMEDIATE PAYMENT OF SEWER CHARGES****Dear , GODISSART, CLAIR**

Allow this letter to serve as written notice to you that, in accordance with applicable provisions, the Wallacetton-Boggs Municipal Authority (hereinafter "Authority") intends to terminate water service to your premises located at: **4017 OLD ERIE PIKE**

This termination is as a result of your failure or refusal to pay your sewer bill. Your sewer bill, a copy of which you may obtain from the Authority office, presently stands at **\$3,956.00** which includes late fees and other costs. Additionally you owe a current monthly charge of **\$42.00** which must be paid by **05/25/2014**. Therefore your combined amount owed is **\$3,998.00**. Unless all sums owing are paid immediately your water supply will be terminated on or after **06/11/2014**

If the Authority is required to take action to terminate your water service, an additional charge of **\$30.00** will be assessed against you . Further, to reactivate your water service later, you will incur an additional charge, based upon the estimated amount of lost revenue, during the period of time your water service was shut off.

Finally, this letter should serve as additional notice that, unless this outstanding bill is paid immediately, legal action will be instituted against you for the collection of all sums within thirty(30) days. This could result in a judgement being entered against you or your property and the payment of legal costs and attorneys fees.

It is important that you give this matter your IMMEDIATE attention.

Payments must be made at the Authority office, during regular business hours (Fridays from 1:00 PM until 4:30 PM), or by appointment. Thank you , in advance, for your anticipated payment.

Very truly yours,

Wallacetton-Boggs Municipal Authority:

**Daniel J. Nelson, Esq.
WBMA Solicitor**

10 DAY WATER SHUT-OFF NOTICE:

DATE: May 28, 2014

NAME: Godissart, Clair

Service Address: 4029 Old Erie Pike, West Decatur

Amount Overdue: \$ 224.56

The Overdue Amount reflects the total monthly sewage collection bills for the posted property that have become more than 30 days past due.

The WB Municipal Authority will request the water company to turn off your water anytime after 10 days from the above date due to the nonpayment of the sewage collection bill.

Please make immediate payment to the WB Municipal Authority for the amount overdue to avoid any interruption of your water service.

WALLACETON BOGG MUNICIPAL AUTHORITY
59 Blue Ball Road, P. O. Box 97
West Decatur, PA 16878
814-342-0725

**TOWNSHIP OF BOGGS
CLEARFIELD COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 01-02

AN ORDINANCE OF THE TOWNSHIP OF BOGGS, CLEARFIELD COUNTY, PENNSYLVANIA, REQUIRING AND PROVIDING THAT ALL OWNERS OF IMPROVED PROPERTY WITHIN ONE HUNDRED AND FIFTY (150) FEET OF THE SEWER SYSTEM OWNED AND OPERATED BY THE WALLACETON BOGGS MUNICIPAL AUTHORITY CONNECT TO SAID SEWER SYSTEM, UPON NOTICE BY THE AUTHORITY; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE AUTHORITY TO MAKE SUCH CONNECTIONS AND RECOVER THE COST THEREOF IN CASE OF NEGLECT OR REFUSAL BY PROPERTY OWNERS TO DO SO; PROVIDING PENALTIES AND SETTING FORTH RELATED MATTERS; GRANTING TO WALLACETON BOGGS MUNICIPAL AUTHORITY CERTAIN RIGHTS AND PRIVILEGES IN, ALONG, OVER AND UNDER STREETS, ROADS, LANES, COURTS, CUL-DE-SACS, ALLEYS, PUBLIC WAYS, PUBLIC SQUARES AND OTHER PROPERTIES OF THIS TOWNSHIP FOR USE IN CONNECTION WITH THE SEWER SYSTEM OF SAID AUTHORITY; AND PROVIDING FOR REGULATING THE MANNER IN WHICH SUCH RIGHTS AND PRIVILEGES SHALL BE EXERCISED.

WHEREAS, Boggs Township Municipal Authority (the "Authority") was incorporated on June 4, 1996 under the Municipality Authorities Act of 1945 (the Act of May 2, 1945, P. L. 382, as amended and supplemented) jointly by Boggs Township (the "Township"), Clearfield County, Pennsylvania and Wallacetton Borough (the "Borough") for the purpose of, *inter alia*, the construction, financing, owning and operation of a sewage disposal system, including a sewage treatment plant (the "Sewer System") for the benefit of Boggs Township and Wallacetton Borough in accordance with the Township and Borough's joint Official Plan under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, 35 P.S. §750.1 et seq. ("Wallacetton Boggs Act 537 Plan");

WHEREAS, the Authority has acquired financing for construction of the sewer system from, inter alia, the Pennsylvania Infrastructure Investment Authority, and intends to commence construction and operation of the Sewer System after the effective date of this Ordinance; and

WHEREAS, one condition for such financing is demonstration by the Authority of a minimum number of users; and

WHEREAS, the Supervisors in order to facilitate financing and construction of the Sewer System have agreed to compel all owners of improved property accessible to the Sewer System to make connection therewith and use such sewer system by authority of §1501.1, Article XV of the Second Class Township Code, Act of May 1, 1933, P. L. 103, 53 P.S. §66501.1; and

WHEREAS, the Supervisors also desire to grant to the Authority full rights to lay sewer lines and construct facilities within the streets, alleys and other properties of the Township.

NOW THEREFORE, IT IS ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Boggs, Clearfield County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

1.1. Authority. Wallacetton Boggs Municipal Authority.

1.2. Authority engineer. An engineer retained or employed by the Authority, including any authorized member of the staff of such engineer.

1.3. Improved property. Any property within this Township upon which there is erected any structure intended for continuous or periodic habitation, occupancy or use by human

being or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

1.4. Industrial establishment. Any property situate in the Township used wholly or in part for the manufacture, processing, cleaning, laundering, or assembling of any product, commodity or article, or any other property situate in this Township from which wastes, in addition to or other than sanitary sewage, are discharged.

1.5. Industrial waste. Any solid, liquid or gaseous substance or water borne wastes or form of energy ejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovering or processing of natural resources.

1.6. Lateral sewer or service connection: That part of the Sewer System extending from a sewer to the property or easement line or, if no such lateral shall be provided, then "Lateral Sewer" or "Service Connection" shall mean that portion of, or place, in a sanitary sewer which is provided for the connection of any service line.

1.7. Natural outlet. Any outlet into a water course, ditch, pond, lake or other body of surface or ground water.

1.8. Owner. Any person vested with ownership, legal or equitable, sole or partial, of any property situated in the Township.

1.9. Person. Any individual, partnership, company, association, society, corporation or other group.

1.10. Sanitary Facilities. Toilets, sinks and other plumbing fixtures and related piping intended to receive and discharge sanitary sewage into a service line.

1.11. Sanitary sewage. The normal water-carried household and toilet waste from any improved property, excluding, however, the effluent from septic tanks or cesspools, rain,

storm and ground water, as well as roof or surface water, drainage of percolating or seeping waters, or accumulation thereof; whether underground or in cellars or basements.

1.12. Sanitary sewer. A sewer which is part of the Sewer System and which carries sanitary sewage and/or industrial waste permitted to be discharged into the Sewer System.

1.13. Service line or house connection. That part of the main house drain or sewer line extending from a point five (5) feet outside the outer building wall or foundation wall to its connection with the lateral sewer.

1.14. Sewage Treatment Plant. Devices and/or structures or facilities owned by the Authority for the treatment and disposal of sanitary sewage and industrial waste.

1.15. Sewer. Any pipe or conduit constituting a part of the Sewage System and used or usable for sewage collection or transportation purposes.

1.16. Sewer System. Sewer mains, lateral sewers from a sewer main to service line or house connection, sewage ejector and/or pumping stations, sewer force mains, Sewage treatment Plants and all appurtenant facilities operated by the Wallacetton Boggs Municipal Authority in furnishing sewage service.

1.17. Storm sewer or storm drain. A pipe or conduit which carries storm surface water, drainage and certain industrial water discharges, such as cooling and air-conditioning waters.

1.18. Street. A public way including any highway, street, road, lane, court, public square, alley or other passageway.

1.19. Township. The Township of Boggs, Clearfield County, Pennsylvania.

SECTION 2. CONNECTION AND USE BY OWNERS

2.1. The Owner of any improved property situate in the Township and abutting on, adjoining or adjacent to, any street, casement or right-of-way in which there shall have been constructed a sanitary sewer forming part of the Sewer System, where said property is accessible thereto and any part of the principal building constructed on such improved property is within one hundred fifty (150) feet of such sewer, shall at his (her or their) own expense install suitable sanitary facilities therein, connect such facilities directly with such sewer and use the Sewer System in accordance with the provision of this Ordinance within ninety (90) days after date of official notice from the Authority so to do, which notice shall have been given by personal service or by registered mail as required by §1501.1 of the Second Class Township Code, 53 P.S., §66501.1.

In the event any owner of any improved property shall refuse or neglect to connect such property with such sewer within the sixty (60) day period, the Authority, or the agents or contractors of the Authority, may enter upon such property and construct such connection. In such case, the proper officials of the Authority shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay the bill within thirty (30) days thereafter, it shall be the duty of the officials of the Authority to cause a municipal lien for the construction to be filed, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

2.2 All sanitary sewage and industrial waste from any improved property, after connection of such improved property with a sewer as required under §2.01, shall be established therein or otherwise shall be established from time to time by the Authority.

2.3. It shall be unlawful to discharge or permit the discharge of sanitary or industrial waste or other polluted water into any natural outlet within this Township, unless such discharge is pursuant to a permit issued by, or with the approval of, the Department of Environmental Resources of the Commonwealth of Pennsylvania.

2.4. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, sinkhole or similar receptacle intended for the disposal of sanitary sewage within this Township where such sewage emanates from any improved property which the owner thereof is required to connect to the Sewer System. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be connected with a sewer at any time.

Each such privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be abandoned upon the making of such connection to the Sewer System and, at the request of the Authority, shall be cleansed and filled under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority; cleansed and fill, shall constitute a nuisance and such nuisance shall be abated as provided by law at the expense of the owner of such improved property.

2.5. There is hereby reserved to the Authority, the right to refuse to any person the privilege of connection any improved property to a sewer, or to compel discontinuance of the use of any sewer by any person, or to compel the pretreatment of industrial wastes, in order to prevent discharge into the Sewer System of wastes which may be deemed by the Authority, the

Authority Engineer or this Township, to be harmful to the Sewer System or to have a deleterious effect on sewage treatment processes or to be injurious to personnel operating the Sewer System.

SECTION 3. APPLICATION FOR SERVICE, ISSUANCE OF PERMIT AND CONNECTION

3.1. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer without first making application for and obtaining a permit, in writing, from the Authority. Application to the Authority for a permit required hereunder shall be made by the owner of the improved property to be served, in such form as may be prescribed by the Authority. The Application shall be accompanied by the required tapping or connection fee required by the Authority.

3.2. No connection shall be made except under the supervision, control and approval of the Authority or its authorized representative. The Application and its acceptance by the Authority shall constitute, from the date of acceptance by the Authority, a contract obligating the applicant to pay rates as established from time to time and to comply with the Rules and Regulations as established from time to time.

Sewer service shall be furnished only after:

- (1) The owner of the improved property to be served shall have installed, at his own cost and expense, the service line in accordance with the Rules and Regulations; and
- (2) The Authority has inspected said service line and approved such facilities as complying with the Rules and Regulations.

3.3. All costs and expenses of construction of a service line and all costs and expenses in connection of such service line to a lateral sewer shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless the Authority from

all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of a service line or the connection of a service line to a lateral sewer. However, owner shall not be responsible for unusual or extraordinary costs caused by obstructions between the building and the connection with the lateral sewer, such as by way of illustration but not limitation, state highways and streams, requiring boring or extraordinary cost and expense.

3.4. Whenever the surface of any public street, sidewalk or cartway is disturbed by the construction of a service line, it shall be the responsibility of the applicant for a connection to obtain street opening permits from the Township, or highway occupancy permits from the Pennsylvania Department of Transportation. Unless otherwise required, all surfacing materials must be restored in kind, thickness and construction to the satisfaction of the Township.

SECTION 4. INDIVIDUAL SERVICE LINES AND CONNECTIONS

4.1. Each property must have its own individual service line. Each unit of a double house or townhouse having a solid vertical partition wall shall be considered a separate property requiring individual sewer connections.

4.2. Where commercial or industrial premises in a single ownership consist of more than one building, the Authority reserves the right to determine, under the circumstances of each case, whether each separate building must have its individual sewer connection or whether all buildings together may use a single connection.

4.3. Every service line shall be maintained in a sanitary and safe operating condition by the owner of the improved property served. Whenever the Authority has reason to believe any service line has become defective, such service line shall be subject to test and inspection.

power and authority to act in its stead with regard to the rights and privileges reserved to it hereunder. Should the Township wish to undertake and perform rights, privileges, or responsibilities reserved to it hereunder in lieu of the Authority, it shall give the Authority written notice of its assumption of the right, privilege, or responsibility.

SECTION 8. POWERS AND AUTHORITY FOR INSPECTIONS

8.1. The Authority Engineer and other duly authorized representatives or employees of the Authority bearing proper credentials and identification shall be permitted, at all reasonable times, to enter upon any premises connected or about to be connected or required to be connected to the Sewer System for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

SECTION 9. PENALTIES

9.1. Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction, to the Township to a fine of not more than One Thousand (\$1,000.00) dollars for each violation, together with costs of prosecution. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated. The Authority is hereby designated and appointed as the agent of this Township for the purpose of institution and prosecution of any suit or summary proceeding for violations of any provisions of this Ordinance.

9.2. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

**SECTION 10. GRANT TO AUTHORITY OF RIGHTS AND PRIVILEGES
IN TOWNSHIP STREETS, ROADS, ALLEYS, AND PUBLIC WAYS**

10.1. This Township grants to the Authority, maintaining and operating the Sewer System, its successors and assigns, all easements, rights-of-way, and other rights and privileges necessary and desirable in, along, over and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares, and other properties of this Township, together with other persons having interests, rights, or privileges therein, for use in connection with construction, replacing, repairing, altering, maintaining, and operating the Sewer System, as the same shall exist, from time to time.

10.2. The rights and privileges granted to the Authority under §10.1 shall be exercised by the Authority under and subject to the conditions that the Authority shall provide the Township with written notice at least ten (10) days in advance of any construction or maintenance activities and the Authority shall restore such properties to at least the same condition as such properties existed prior to such use and to such additional reasonable rules, regulations, and conditions as shall be adopted and specified, from time to time, by this Township; and this Township reserves the right to adopt and specify, from time to time, such reasonable rules, regulations, and conditions in connection with exercise by the Authority of such rights and privileges.

SECTION 11. CONSTRUCTION AND SEVERABILITY

11.1. If any of the provisions, section, sentences, clauses, or parts of this Ordinance or the application of any provision hereof shall be held to be invalid, such invalidity shall not affect or impair any of the remainder of this Ordinance, it being the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION 12. REPEALER

12.1. All ordinances or resolutions or parts of ordinance or resolutions inconsistent herewith are hereby expressly repealed or rescinded.

SECTION 13. DECLARATION OF PURPOSE

13.1. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of the Township.

DULY ENACTED AND ORDAINED this 14th day of May, 2001, by the Board of Supervisors of the Township of Boggs, Clearfield County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOGGS TOWNSHIP

Denise Dobo
Denise Dobo, Secretary

Gary R. Straw
Gary Straw, Chairman

(SEAL)

Dennis M. Straw
Dennis Straw

William Dickson
William Dickson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

Plaintiff,

vs.

CLAIR GODISSART,

Defendant.

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No. 2006-1448-CD
2006-1449-CD

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Type of Pleading: Certificate of
Service

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Filed on Behalf of: Defendant

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BY:
David R. Thompson, Esquire
Thompson Law Offices, LLC
PO Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
Phone: (814) 342-4100
Fax: (814) 342-7081
Supreme Court ID: 73053

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FILED
S DEC 29 2014
01117/14
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

cc
Attn
Jones

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION – LAW & EQUITY

WALLACETON BOGGS MUNICIPAL
AUTHORITY,

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Plaintiff,

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vs.

No. 2006-1448-CD
2006-1449-CD

CLAIR GODISSART,

*

Defendant.

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CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, David R. Thompson, Esquire, attorney for Defendant in the above-action, do hereby certify that I served a true and correct copy of the Answer to Plaintiff's First Amended Complaint Containing New Matter pursuant to Pa. R. Civ. P. 237.1 on the Plaintiff by depositing the same U.S. Regular mail to the following address:

Daniel J. Nelson, Esquire
Mason Law Office
Finberg Building
200 N. Front St., Suite 201
P.O. Box 28
Philipsburg, Pennsylvania 16866

Date: 12-22-2014



David R. Thompson, Esq.
Attorney for Defendant

FILED

DEC 29 2014

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

vs.

CLAIR GODISSART

DEFENDANT

WALLACETON BOGGS
MUNICIPAL AUTHORITY

PLAINTIFF

vs.

CLAIR GODISSART

DEFENDANT

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* No. 2006-1448-CD

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD
*

PLAINTIFF

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VS.

CLAIR GODISSART

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DEFENDANT

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WALLACETON BOGGS
MUNICIPAL AUTHORITY

* Consolidated with
* No. 2006-1449-CD
*

PLAINTIFF

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VS.

CLAIR GODISSART

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DEFENDANT

PRAECIPE TO SETTLE AND DISCONTINUE

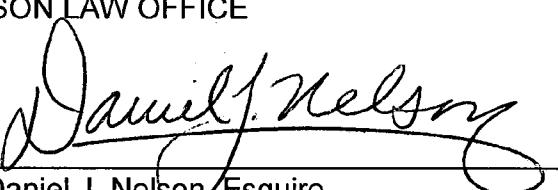
TO THE PROTHONOTARY OF SAID COURT:

Kindly mark the above captioned matters settled and discontinued.

MASON LAW OFFICE

DATED: 2/11/2015

By:


Daniel J. Nelson, Esquire,
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION

WALLACETON BOGGS
MUNICIPAL AUTHORITY

*
* No. 2006-1448-CD

PLAINTIFF

*

vs.

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CLAIR GODISSART

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DEFENDANT

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WALLACETON BOGGS
MUNICIPAL AUTHORITY

* Consolidated with
* No. 2006-1449-CD

PLAINTIFF

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vs.

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CLAIR GODISSART

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DEFENDANT

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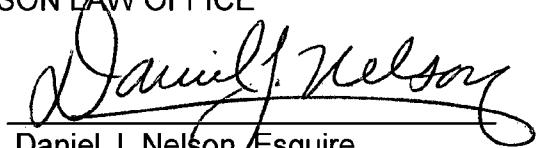
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe to Settle and Discontinue was served upon the following by depositing the same in the U.S. Mail, postage prepaid, and addressed as follows:

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

MASON LAW OFFICE

By:


Daniel J. Nelson, Esquire
Attorney for Plaintiff

DATED: 2/11/2015

FILED
FEB 13 2015
PROTHONOTARY & CLERK OF COURTS
BRIAN K. SPENCE