

2006-1681-CD  
Lloyd-Dimmitk vs Viola Hockenberry

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06-1681-CD  
Lloyd-Dimmitk al vs V. Hockenberry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

LLOYD-DIMMICK FUNERAL HOME, INC.

CIVIL DIVISION, ARBITRATION  
AND STATUTORY APPEALS ONLY

vs.

VIOLA HOCKENBERRY

CASE NO. 2006-1681-CJ

TYPE OF PLEADING:

Civil Action Complaint

CODE AND CLASSIFICATION:

FILED ON BEHALF OF :

Plaintiff(s)

NAME, ADDRESS AND TELEPHONE OF:

Counsel of Record

Robert E. Cherwony, Esquire  
KRAFT & KRAFT, P.C.  
1311 Spruce Street  
Philadelphia, PA 19107  
215-546-5100  
Attorney No. 17623

**FILED**

Oct 13 2006

12:45 PM

William A. Shaw  
Prothonotary/Clerk of Courts

1 CIVIL TO ATTY

1 CIVIL TO SHAW

KRAFT & KRAFT, P.C.  
BY: Robert E. Cherwony, Esquire  
Identification No. 17623  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

LLOYD-DIMMICK FUNERAL HOME, INC.  
91 Rose Street  
Irvington, PA 16656

VS.

VIOLA HOCKENBERRY  
5 Water Street  
Westover, PA 16694

Attorney for Plaintiff(s)

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

CIVIL ACTION AT LAW

NO.

**CIVIL ACTION COMPLAINT**

**"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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER."

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David Meholic  
Court Administrator  
1 N. 2nd Street  
Clearfield, PA 16830

**"AVISO"**

"Le han demandado a usted en la corte. Si usted quiere defenderse de este demanda expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted."

"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

KRAFT & KRAFT, P.C.  
BY: Robert E. Chewony, Esquire  
Attorney No. 17623  
1311 Spruce Street  
Philadelphia PA 19107  
(215) 546-5100

Attorney for Plaintiff(s)

LLOYD-DIMMICK FUNERAL HOME, INC.  
91 Rose Street  
Irvington, PA 16656

: COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

v.

: CIVIL ACTION AT LAW

VIOLA HOCKENBERRY  
5 Water Street  
Westover, PA 16694

: No.

CIVIL ACTION

1. On or about September 18, 2004, the plaintiff by its duly authorized agent and the defendant(s) entered into a written contract a copy of which is attached hereto, and made part hereof, and marked Exhibit "A".

2. Under the terms of said written contract, the plaintiff agreed to sell to the defendant(s), and the defendant(s) agreed to purchase the merchandise and/or services set forth therein, and the defendant(s) agreed to pay for such merchandise and/or services in accordance with the terms of said written contract.

3. The plaintiff has done all the things required of it under the terms of the said written contract, but the defendant(s) failed to make the required payments and are now indebted to the plaintiff in the amount of \$6,405.00.

4. The plaintiff has made demand upon the defendant(s) for payment of the said sum, but the defendant(s) failed and refused and still refuse(s) to pay the said sum or any part thereof.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$6,405.00, plus interest in the amount of \$1,979.13, plus attorney's fees in the amount of \$2,766.76, for a total of \$11,150.89, plus costs, all of which is justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Chewony, Esquire  
Attorney for Plaintiff



## AFFIDAVIT

STATE OF Pa. }  
COUNTY OF Clearfield }

KNOW ALL YE MEN BY THESE PRESENTS,

That on this 2 day of June, 2006

Don R. Dimmick personally appeared before me who after being first duly sworn, deposes and says: I am a representative of Lloyd-Dimmick Funeral Home Inc  
(your company Name)  
Which is a  corporation  sole proprietor  individual or  other. My position with this company is Owner/SUPERVISOR and I have direct knowledge of the events  
(your title)  
with regards to Viola Hockenberry known to us as a  
(debtors name)  
( corporation  sole proprietor  individual or  other. And located at:

Water St. P.O. Box 119 Westover Pa. 16692  
(debtors address)

They have an original balance owed in the amount of \$ 64405.00, with no  
Interest or late charges added and all just credits and debits given.

FURTHER AFFIANT SAYETH NOT

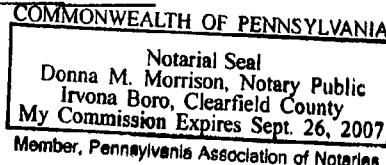
Signature: Don R. Dimmick

SUBSCRIBED TO AND SWORN TO before me this 9th day of June, 2006

Notary Public Donna M. Morrison

My commission expires \_\_\_\_\_

Seal:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102038  
NO: 06-1681-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: LLOYD-DIMMICK FUNERAL HOME, INC.  
VS.  
DEFENDANT: VIOLA HOCKENBERRY

**SHERIFF RETURN**

---

NOW, November 02, 2006, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON VIOLA HOCKENBERRY.

NOW, November 06, 2006 AT 11:45 AM SERVED THE WITHIN COMPLAINT ON VIOLA HOCKENBERRY, DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

**FILED**  
01315677  
JAN 31 2007  


William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102038  
NO: 06-1681-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: LLOYD-DIMMICK FUNERAL HOME, INC.  
vs.  
DEFENDANT: VIOLA HOCKENBERRY

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KRAFT	8761	10.00
SHERIFF HAWKINS	KRAFT	8761	50.37
CAMBRIA CO.	direct by atty		36.58

Sworn to Before Me This

So Answers,

Day of \_\_\_\_\_ 2007

  
Chester A. Hawkins  
Sheriff

CASE # PLAINTIFF DEFENDANT  
90267-06 LLOYD-DIMMICK FUNERAL HOME INC HOCKENBERRY, VIOLA 06-1681  
DATE 11/06/06

AT 11:45AM - SERVED THE COMPLAINT IN CIVIL ACTION UPON  
VIOLA HOCKENBERRY BY HANDING A TRUE AND ATTESTED COPY  
THEREOF TO HER PERSONALLY AT 4007 CRAWFORD AVENUE #1,  
NORTHERN CAMBRIA, PA 15714 AND MAKING CONTENTS THEREOF KNOWN  
TO HER.

MY COSTS PAID BY PLAINTIFF'S ATTORNEY.

SHERIFF COSTS \$33.58  
PROTHONOTARY 3.00  
TOTAL \$36.58

SO ANSWERS

  
BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 27TH DAY OF NOV 2006

PROTHONOTARY: Wally Berkobitis

**FILED**

**JAN 31 2007**

**William A. Shave  
Prothonotary/Clerk of Courts**

**2007-1-17 DRAFTING DAVID JONATHAN HARRIS**

**RE: A motion for a writ of habeas corpus filed by the defendant, David Jonathan Harris, on January 17, 2007, in cause number 06-10000, in the Superior Court of the Commonwealth of Massachusetts, Boston, Massachusetts, and the defendant, David Jonathan Harris, is hereby granted.**

**IT IS ORDERED THAT THE DEFENDANT, DAVID JONATHAN HARRIS,**

**BE SET FREE FROM THE BOSTON JAIL, BOSTON, MASSACHUSETTS, AND THAT HE BE TURNED OVER TO THE SUPERIOR COURT OF MASSACHUSETTS, BOSTON, MASSACHUSETTS, FOR FURTHER DETERMINATION.**

**DAVID JONATHAN HARRIS, BOSTON, MASSACHUSETTS, IS HEREBY ADVISED THAT HE IS FREE TO LEAVE MASSACHUSETTS.**

**DAVID JONATHAN HARRIS, BOSTON, MASSACHUSETTS, IS HEREBY ADVISED THAT HE IS FREE TO LEAVE MASSACHUSETTS.**

KRAFT & KRAFT, P.C.  
By: Robert E. Cherwony  
Attorney No. 17623  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

Attorney for Plaintiff

01/20/09 AM  
FILED  
11:00 AM ICC Notice  
FEB 05 2007  
to deft  
ICC Statement  
Atty

LLOYD-DIMMICK FUNERAL HOME, INC.  
91 Rose Street  
Irvington, PA 16656

: COURT OF COMMON PLEAS OF William A. Shaw  
CLEARFIELD COUNTY, PA Prothonotary/Clerk of Courts

VS.

: CIVIL ACTION AT LAW

VIOLA HOCKENBERRY  
5 Water Street  
Westover, PA 16694

2006-1681-C0  
: NO. 90267-06

**PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF ANSWER,  
ASSESSMENT OF DAMAGES AND VERIFICATION OF ADDRESS  
AND NON MILITARY SERVICE**

TO THE PROTHONOTARY:

Enter judgment by default for want of an answer in favor of plaintiff and against the above-named defendant(s) only and assess as follows:

Principal	\$ 6,405.00
Interest	1,979.13
Attorney's Fees	<u>2,766.76</u>
Total	\$ 11,150.89

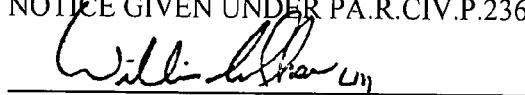
Understanding that false statement herein made are subject to penalty under 18Pa.C.S. Section 4904 relating to unsworn falsification to authority, I verify that:

1. The above are the precise last-known addresses of the judgment debtor(s) and creditor.
2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.
3. The said defendant(s) is(are) not in the Military Service of the United States or its Allies or otherwise within the coverage of the Soldiers and Sailors Relief Act of 1940, as amended; is(are) over 18 years of age; and has(have) civilian occupation(s).



Robert E. Cherwony  
Attorney for Plaintiff

JUDGMENT BY DEFAULT ENTERED AND  
DAMAGES ASSESSED AS ABOVE:  
NOTICE GIVEN UNDER PA.R.CIV.P.236

  
PRO PROTHONOTARY

Date of Notice: December 5, 2006

Viola Hockenberry  
4007 Crawford Avenue  
Apartment 1  
North Cambria, PA 15714

Caption: LLOYD-DIMMICK FUNERAL HOME, INC. v. VIOLA  
HOCKENBERRY  
COMMON PLEAS COURT OF CLEARFIELD COUNTY, PA  
CIVIL ACTION AT LAW No. 90267-06

IMPORTANT

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David Meholick  
Court Administrator  
1 N. 2nd Street  
Clearfield, PA 16830

KRAFT & KRAFT, P.C.

Robert E. Cherwony, Esquire  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

YOU MAY SATISFY THIS MATTER BY PAYMENT BY RETURN MAIL IN THE ENCLOSED ENVELOPE.

(Rule of Civil Procedure No. 236)-Revised

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION AT LAW  
NO. 90267-06  
20061681-C0

COPY

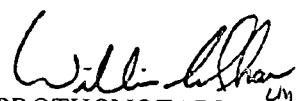
LLOYD-DIMMICK FUNERAL HOME, INC.)  
Plaintiff

VS.

VIOLA HOCKENBERRY)  
Defendant

Notice is given that an Order in Judgment in the above-captioned matter has been entered against you on

February 5  
, 2008.

  
PROTHONOTARY

BY: \_\_\_\_\_  
Deputy

If you have any questions concerning the above, please contact:

KRAFT & KRAFT, P.C.  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

*COPY*

Lloyd-Dimmick Funeral Home, Inc.  
Plaintiff(s)

No.: 2006-01681-CD

Real Debt: \$11,150.89

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Viola Hockenberry  
Defendant(s)

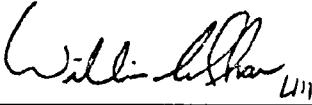
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 5, 2007

Expires: February 5, 2012

Certified from the record this February 5, 2007

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

*Law Offices*  
**KRAFT & KRAFT, P.C.**  
1311 Spruce Street  
Philadelphia, PA 19107

*Paul Kraft-1911-2002*  
*Preston E. Kraft-1945-1975*  
*Steven Koplove*  
*Martin J. Kilstain*  
*Robert E. Cherwony*  
*James M. DeSanto*

215-546-5100  
Fax: 215-732-3468

January 31, 2007

Prothonotary of Clearfield County  
Courthouse Building  
P.O. Box 549  
Clearfield, PA 16830

Re: Lloyd-Dimmick Funeral Home, Inc.  
vs. Viola Hockenberry  
No. 90267-06

Dear Sir/Madam:

Enclosed herewith please find Praecept to Enter Judgment, Certification of Addresses and Rule 236 and an envelope addressed to the defendant. I also enclose my check in the amount of \$20.00, to cover your costs.

Kindly acknowledge receipt by time-stamping a copy of this letter and returning it to this office in the enclosed envelope.

Very truly yours,  
KRAFT & KRAFT, P.C.  
  
Robert E. Cherwony

REC/jz  
Enclosure