



/

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

JAMES A. COLLINS  
d/b/a COLLINS MASONRY,  
Plaintiff

vs.

BRETT BLOXDORF  
d/b/a BLOXDORF CONTRACTING,  
Defendant

No. 2006-2064-CD

Type of Case:  
**CIVIL**

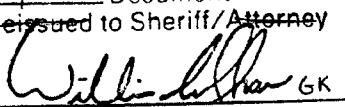
Type of Pleading:  
**COMPLAINT**

Filed on Behalf of:  
**PLAINTIFF**

Counsel for This Party:  
**Peter F. Smith, Esquire**  
Supreme Court ID #34291  
P. O. Box 130  
30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

**FILED** Pff. pd. 85.00  
0110:48/01  
DEC 12 2006 ICC SHF  
William A. Shaw  
Prothonotary/Clerk of Courts ICCA Hy

Jan 22 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

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Defendant

No. 2006-

**NOTICE TO DEFEND**

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

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

Clearfield County Court Administrator  
Clearfield County Courthouse  
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(814) 765-2641, ext. 5982

***AMERICANS WITH DISABILITIES ACT OF 1990***

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Plaintiff

vs.

BRETT BLOXDORF  
d/b/a BLOXDORF CONTRACTING,  
Defendant

No. 2006-

**COMPLAINT**

COMES NOW, James A. Collins d/b/a Collins Masonry, by its attorney Peter F. Smith, who states in support of this complaint:

1. The Plaintiff is **JAMES A. COLLINS d/b/a COLLINS MASONRY**, with business mailing address of P. O. Box 431, Hyde, Clearfield County, Pennsylvania 16843.

2. The name of the Defendant is **BRETT BLOXDORF d/b/a BLOXDORF CONTRACTING**, with address of 318 Wilderness Lane, Mahaffey, Clearfield County, Pennsylvania 15757.

3. On or about August 18, 2005, the Defendant contracted with the Plaintiff to perform masonry work at a home which the Defendant was constructing for Jerry Duffell at Punsxutawney, PA.

4. The parties' agreement was verbal.

5. Defendant agreed to pay Plaintiff on a cost-plus basis of \$30.00 per hours for stone mason's labor and \$20.00 per hour for stone mason's laborers, plus the cost of materials, plus 10% mark-up. Any balance unpaid after thirty days would accrue interest at the rate of 12% per annum.

6. Plaintiff commenced the masonry work and continued until Defendant shut the job

down on December 8, 2005 prior to completion. Defendant advised Plaintiff that work would resume and be completed in the spring of 2006.

7. To date, Defendant has not recalled Plaintiff to the job and unilaterally breached his contract with Plaintiff by advising Plaintiff that he terminated the project with the homeowner.

8. The total due to Plaintiff from Defendant for services pursuant to their agreement is \$11,097.50 plus interest.

9. Plaintiff sent the Defendant invoices for amounts due on or before thirty (30) days after January 23, 2006.

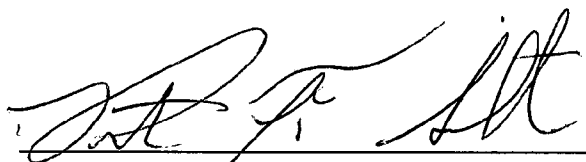
10. To date, Defendant has paid the Plaintiff \$44,785.00 toward the amount due.

11. A true and correct invoice showing the current amount due under the parties' contract plus accrued interest is attached hereto as Exhibit A.

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant Brett Bloxdorf d/b/a Bloxdorf Contracting in the amount of \$11,097.50 together with interest at the contract rate, reasonable attorney fees and court costs.

Respectfully submitted,

Date: 12/8/06

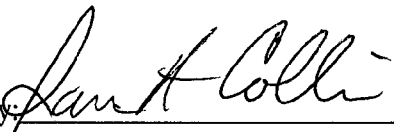
  
Peter F. Smith, Esquire  
Attorney for Plaintiff

## VERIFICATION

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

COLLINS MASONRY

Dated: 11-21-06

By:   
James A. Collins

James A. Collins Masonry Service

PO Box 431  
Hyde, PA 16843**Invoice**

Date	Invoice #
1/23/2006	2

<b>Bill To</b>
Bloxdorf Contracting 318 Wilderness Lane Mahaffey, PA 15757

P.O. No.	Terms	Project
	1 % after 30 days	

Quantity	Description	Rate	Amount
267.5	John - 8/15 - 11/12/05 hours	25.00	6,687.50
132	Bricklayers	30.00	3,960.00
22.5	Laborers	20.00	450.00
	Breakdown for		
	Fireplace Hours - Tim - 34.5 hours,		
	Joe - 89.5		
	Pat - 88.5		
	Jr. - 27		
	Total - 239.5 x 30.00 = 7185.00		
	Brett - 80 x 20.00 = 1600.00		
	Mortar & Sand = 500.00		
	Total= 9285.00		
		<b>Total</b>	<b>\$11,097.50</b>



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

JAMES A. COLLINS  
d/b/a COLLINS MASONRY,  
Plaintiff

vs.

BRETT BLOXDORF  
d/b/a BLOXDORF CONTRACTING,  
Defendant

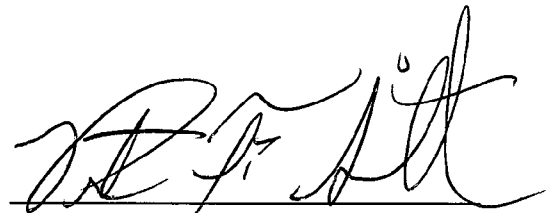
No. 2006-2064-CD

**PRAECIPE TO REINSTATE**

TO: Clearfield County Prothonotary

Please reinstate the Complaint filed in the above-captioned matter and recertify one counterpart of the Complaint.

Date: January 22, 2007



Peter F. Smith, Esquire  
Attorney for Plaintiff  
P. O. Box 130, 30 South Second St.  
Clearfield, PA 16830  
(814) 765-5595

~~Document~~  
~~Reinstated/Reissued to Sheriff/Attorney~~  
~~for service.~~

~~Deputy Prothonotary~~

**FILED** Atty pd. 7.00  
01/31/07  
JAN 22 2007  
1 Complaint  
William A. Shaw Reinstated  
Prothonotary/Clerk of Courts to Sheriff

# In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **102236**

JAMES A. COLLINS d/b/a COLLINS MASONRY

Case # 06-2064-CD

vs.

BRETT BLOXDORF d/b/a BLOXDORF CONTRACTING

TYPE OF SERVICE COMPLAINT

## SHERIFF RETURNS

NOW March 16, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO BRETT BLOXDORF D/B/A BLOXDORF CONTRACTING, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

**FILED**  
013:23/BN  
MAR 16 2007  
JF

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102236  
NO: 06-2064-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: JAMES A. COLLINS d/b/a COLLINS MASONRY

vs.

DEFENDANT: BRETT BLOXDORF d/b/a BLOXDORF CONTRACTING

SHERIFF RETURN



RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	COLLINS	5878	10.00
SHERIFF HAWKINS	COLLINS	5878	78.02

Sworn to Before Me This

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

So Answers,

  
by 

Chester A. Hawkins  
Sheriff

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

JAMES A. COLLINS  
d/b/a COLLINS MASONRY,  
Plaintiff

vs.

BRETT BLOXDORF  
d/b/a BLOXDORF CONTRACTING,  
Defendant

No. 2006-2064-CD

Type of Case:  
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**COMPLAINT**

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**PLAINTIFF**

Counsel for This Party:  
**Peter F. Smith, Esquire**  
Supreme Court ID #34291  
P. O. Box 130  
30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 12 2006

Attest.

*William L. Smith*  
Prothonotary/  
Clerk of Courts

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

JAMES A. COLLINS  
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vs.

BRETT BLOXDORF  
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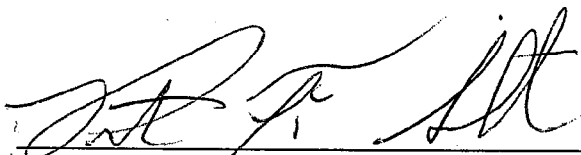
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Respectfully submitted,

Date:

12/8/06

A handwritten signature in black ink, appearing to read 'Peter F. Smith', written over a horizontal line.

Peter F. Smith, Esquire  
Attorney for Plaintiff

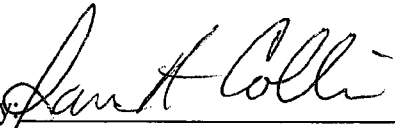


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COLLINS MASONRY

Dated: 11-21-06

By:   
James A. Collins

James A. Collins Masonry Service

PO Box 431

Hyde, PA 16843

**Invoice**

Date	Invoice #
1/23/2006	2

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<b>Total</b>			<b>\$11,097.50</b>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102362  
NO: 06-2064-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: JAMES A. COLLINS d/b/a COLLINS MASONRY  
vs.  
DEFENDANT: BRETT BLOXDORF d/b/a BLOXDORF CONTRACTING

SHERIFF RETURN

NOW, January 30, 2007 AT 11:02 AM SERVED THE WITHIN COMPLAINT ON BRETT BLOXDORF d/b/a BLOXDORF CONTRACTING DEFENDANT AT WORK:423 CENTRAL CHRISTIAN ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRETT BLOXDORF, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	COLLINS	5079	10.00
SHERIFF HAWKINS	COLLINS	5079	27.43

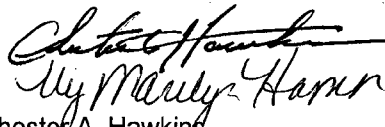
FILED  
9/9:00 AM  
APR 25 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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Defendant

No. 2006-2064-CD

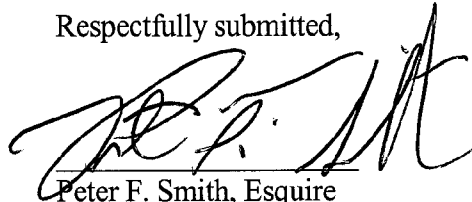
**PRAECIPE TO DISCONTINUE**

To: Clearfield County Prothonotary

Dear Sir:

As counsel for the Plaintiff in the above-captioned matter, I appear and request that you mark this action "DISCONTINUED & SETTLED."

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for Plaintiff  
P. O. Box 130, 30 South Second St.  
Clearfield, PA 16830  
(814) 765-5595

Date: June 19, 2009

<sup>5</sup>FILED

0 1:10PM, 02

JUN 24 2009

NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

COPY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

James A. Collins  
d/b/a Collins Masonry

Vs.

No. 2006-02064-CD

Brett Bloxdorf  
d/b/a Bloxdorf Contracting

CERTIFICATE OF DISCONTINUATION

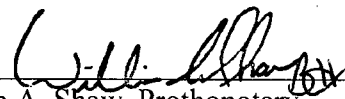
Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 24, 2009, marked:

Discontinued and Settled

Record costs in the sum of \$92.00 have been paid in full by Peter F. Smith, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of November A.D. 2009.

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