

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46-3-03 Judicial District, County Of Clearfield

NOTICE OF APPEAL

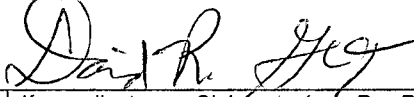
FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 2006-2065-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 Magisterial District Judge on the date and in the case referenced below.

NAME OF APPELLANT Country Market Nursery		MAG. DIST. NO. 46-3-03	NAME OF MDJ Michael A. Rudella	
ADDRESS OF APPELLANT 51 Gettysburg Pike		CITY Mechanicsburg	STATE PA	ZIP CODE 17055
DATE OF JUDGMENT 11/17/06	IN THE CASE OF (Plaintiff) Black Bear Nursery		(Defendant) Country Market Nursery	
DOCKET No. CV-0000515-06		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 Magisterial District Judge, 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 Magisterial District Judge, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.		
_____ Signature of Prothonotary or Deputy				

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

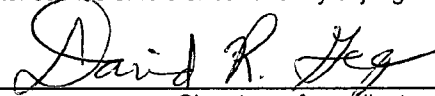
(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon Black Bear Nursery, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2006-2065-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 Black Bear Nursery, 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: 12-12-06, 20

FILED
DEC 12 2006
0/11:30/AM
William A. Shaw
Prothonotary/Clerk of Courts



Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

MAIL SENT COPIES

BY CERT MAIL TO

RFF, MDJ & ATTY

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 Clearfield ; ss

AFFIDAVIT: I hereby (swear) (affirm) that I served

☒ a copy of the Notice of Appeal, Common Pleas No. _____, upon the Magisterial District Judge designated therein on _____

(date of service) December 8, 2006,

☐ by personal service ☒ by (certified) (registered) mail,

sender's receipt attached hereto, and upon the appellee, (name) Black Bear Nursery, on

December 8, 2006

☐ by personal service

☒

by (certified) (registered) mail,

sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS ____ DAY OF ____, 20____

Signature of official before whom affidavit was made

Signature of affiant

Title of official

My commission expires on ____, 20____

7006 2150 0000 8775 1216

U.S. Postal Service [®]	
CERTIFIED MAIL[®] RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.39
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64
Postmark Here	
Sent To: <u>Black Bear Nursery</u>	
Street, Apt. No., or PO Box No. <u>P.O. BOX 296</u>	
City, State, ZIP+4 [®] <u>Winburne Pa 16879</u>	
PS Form 3800, August 2005 See Reverse for Instructions	

7006 2150 0000 8775 1247

U.S. Postal Service [®]	
CERTIFIED MAIL[®] RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64
Postmark Here	
Sent To: <u>Michael A. Ridella</u>	
Street, Apt. No., or PO Box No. <u>131 Collins Stone Rd.</u>	
City, State, ZIP+4 [®] <u>Exterton Pa 16847</u>	
PS Form 3800, August 2005 See Reverse for Instructions	

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLAAddress: **131 ROLLING STONE ROAD****PO BOX 210****KYLERTOWN, PA**Telephone: **(814) 345-6789****16847-0444****NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

BLACK BEAR NURSERY**P O BOX 296****WINBURNE, PA 16879**

VS.

DEFENDANT:

NAME and ADDRESS

COUNTY MARKET NURSERY**51 GETTYSBURG PIKE****MECHANICSBURG, PA 17055****COUNTY MARKET NURSERY
51 GETTYSBURG PIKE
MECHANICSBURG, PA 17055**Docket No.: **CV-0000515-06**Date Filed: **10/30/06****THIS IS TO NOTIFY YOU THAT:**Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **11/17/06**☒ Judgment was entered for: (Name) **BLACK BEAR NURSERY**☒ Judgment was entered against: (Name) **COUNTY MARKET NURSERY**
In the amount of \$ **7,779.50**☐ Defendants are jointly and severally liable.☐ Damages will be assessed on Date & Time **11/17/06**☐ 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	\$ 7,660.00
Judgment Costs	\$ 119.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 7,779.50
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 JUDGMENT 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.

11-17-06 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.

_____, Date _____, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **11/17/06 3:21:00 PM**

WIX, WENGER & WEIDNER
David R. Getz, I.D. # 34838
508 North Second Street
P.O. Box 845
Harrisburg, PA 17108-0845
(717) 234-4182
Attorneys for Plaintiff

FILED

DEC 19 2006
m/12:00/1
William A. Shaw
Prothonotary/Clerk of Courts
3 sent to ATT

COUNTRY MARKET NURSERY,	:	IN THE COURT OF COMMON PLEAS OF
	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
v.	:	No. 2006-2065-CD
	:	
BLACK BEAR NURSERY,	:	
	:	
Defendant	:	

SUPPLEMENTAL PROOF OF SERVICE

To the Prothonotary:

Please accept the attached Domestic Return Receipts as supplemental proof of service of the Notice of Appeal in this case on Defendant, Black Bear Nursery, and on District Judge Michael A. Rudella.

Respectfully Submitted,

WIX, WENGER & WEIDNER

By: David R. Getz

David R. Getz, I.D. #34838
508 North Second Street
P.O. Box 845
Harrisburg, PA 17108-0845
(717) 234-4182
Attorneys for Plaintiff

Date: 12/18/06

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael A. Rendella
131 Rolling Stone Rd.
Kylertown Pa 16847

2006-2065-CP

2. Article Number

(Transfer from service label)

7006 2150 0000 8775 1247

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

DEC 13 2006

3. Service Type USPS 16847

☒ Certified Mail ☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Black Bear Nursery
PO Box 296
Winburne Pa 16879

2006-2065-CP

2. Article Number

(Transfer from service label)

7006 2150 0000 8775 1216

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

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**

PLAINTIFF: **BLACK BEAR NURSERY**
P O BOX 296
WINBURNE, PA 16879

VS.
DEFENDANT: **COUNTY MARKET NURSERY**
51 GETTYSBURG PIKE
MECHANICSBURG, PA 17055

Docket No.: **CV-0000515-06**
Date Filed: **10/30/06**



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

THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **11/17/06**

☒ Judgment was entered for: (Name) **BLACK BEAR NURSERY**

☒ Judgment was entered against: (Name) **COUNTY MARKET NURSERY**
in the amount of \$ **7,779.50**

☐ 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	\$ 7,660.00
Judgment Costs	\$ 119.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 7,779.50
Post Judgment Credits	\$ —
Post Judgment Costs	\$ —
Certified Judgment Total	\$ 7779.50

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FILED
DEC 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

11-17-06 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.
12/14/06 Date *MA Rudella*, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: 11/17/06 3:21:00 PM