

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46-3-03 Judicial District, County Of Clearfield

NOTICE OF APPEAL

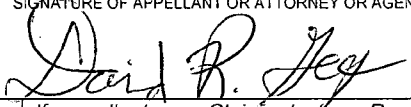
FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 2006-2066-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-0000514-06 | | 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 | | | | |

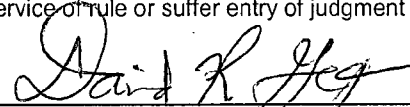
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(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. 2006-2066-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
CENT COPIES TO



Signature of Prothonotary or Deputy

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

MDJ. RUDELLA, PIFF & BY CENT MAN

Amy

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 1223

| | |
|--|---------|
| 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 Black Bear Nursery | |
| Street, Apt. No., or PO Box No. P.O. BOX 296 | |
| City, State, ZIP+4 [®] Winburne Pa 16879 | |
| PS Form 3800, August 2006 See Reverse for Instructions | |

0027 5128 0000 8775 1230

| | |
|--|---------|
| 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 Michael A. Rudella | |
| Street, Apt. No., or PO Box No. 131 Rolling Stone Rd | |
| City, State, ZIP+4 [®] Lytlestown Pa 16847 | |
| PS Form 3800, August 2006 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-0000514-06**
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 \$ **7,873.25**☐ 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 | \$ 7,753.75 |
| Judgment Costs | \$ 119.50 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 7,873.25 |
| 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 *MARUDELLA*, 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 W
William A. Shaw
Prothonotary/Clerk of Courts (EW)
3 CEM to ATT

| | | |
|-------------------------|---|---------------------------------|
| COUNTRY MARKET NURSERY, | : | IN THE COURT OF COMMON PLEAS OF |
| | : | CLEARFIELD COUNTY, PENNSYLVANIA |
| Plaintiff | : | |
| | : | |
| v. | : | No. 2006-2066-CD |
| | : | |
| BLACK BEAR NURSERY, | : | |
| | : | |
| Defendant | : | |

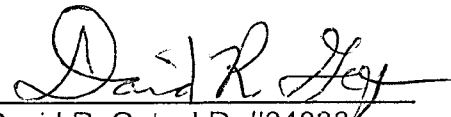
SUPPLEMENTAL PROOF OF SERVICE

To the Prothonotary:

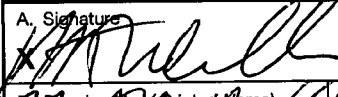

Please accept the attached Domestic Return Receipts as supplemental proof of service of the Notice of Appeal in this case on Defendant, Black Bear Nursery, and on District Judge Michael A. Rudella.

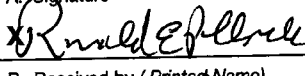
Respectfully Submitted,

WIX, WENGER & WEIDNER

By: 
David R. Getz, 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 THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> ■ 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. | | A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee | |
| 1. Article Addressed to: Michael A. Rudella 131 Rolling Stone Road Kylertown Pa 16847 2006-2066-00 | | B. Received by (Printed Name) C. Date of Delivery  12/13/06 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No | |
| | | 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| 2. Article Number (Transfer from service label) | | 7006 2150 0000 8775 1230 | |
| PS Form 3811, February 2004 | | Domestic Return Receipt 102595-02-M-1540 | |

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> ■ 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. | | A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee | |
| 1. Article Addressed to: Black Bear Nursery PO Box 296 Winburne Pa 16879 2006-2066-00 | | B. Received by (Printed Name) C. Date of Delivery Ronald E. Pollock 12-13-06 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No | |
| | | 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| 2. Article Number (Transfer from service label) | | 7006 2150 0000 8775 1223 | |
| PS Form 3811, February 2004 | | Domestic Return Receipt 102595-02-M-1540 | |

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**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

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-0000514-06**
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 \$ **7,873.25**

☐ 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 \$

| | |
|---------------------------------|--------------------|
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| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
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| Post Judgment Credits | \$ |
| Post Judgment Costs | \$ |
| Certified Judgment Total | \$ 7873.25 |

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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