06-2152-CD
Ethel Johnson vs James Lucas

Ethel Johnson vs James Lucas
2006-2152-CD

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

ETHEL E. JOHNSON, Plaintiff,	:	
v.	:	No. 06-2152 -CD
JAMES W. LUCAS, Defendant.	:	

CASE NUMBER: 06- -CD

TYPE OF PLEADING: **COMPLAINT**

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

FILED 3cc
DEC 28 2006 Atty Gearhart
William A. Shaw Atty pd. 85.00
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON, Plaintiff,	:	
v.	:	No. 06-2152 -CD
JAMES W. LUCAS, Defendant.	:	

RULE RETURNABLE

AND NOW, this 2ND day of JAN, 2007, upon consideration of the attached Petition, a Rule is hereby issued upon JAMES W. LUCAS, to show cause why the Petition should not be granted. Rule Returnable the 12th day of January, 2007, at 3:00 P m, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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 Courthouse
230 East Market Street
Clearfield, PA 16830
814-765-2641

By the Court,

FILED 3cc
01 3:00 (6) Atty Gearhart
JAN 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON, Plaintiff,	:	
v.	:	No. 06- [illegible] -CD
JAMES W. LUCAS Defendant.	:	

RULE RETURNABLE

AND NOW, this [illegible] day of [illegible] 200[illegible], upon consideration of the attached Petition, a Rule is hereby issued upon JAMES W. LUCAS, to show cause why the Petition should not be granted. Rule Returnable the [illegible] day of [illegible] 200[illegible], at [illegible] [illegible]m. in Courtroom No. [illegible], Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

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COURT ADMINISTRATOR'S OFFICE
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
814-765-2641

By the Court,

[illegible]

DATE: 1/2/07
X 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
JAN 02 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON, Plaintiff,	:	
v.	:	No. 06- -CD
JAMES W. LUCAS, Defendant.	:	

COMPLAINT

AND NOW, comes the Plaintiff, ETHEL E. JOHNSON, by and through her attorney, R. Denning Gearhart, files this Complaint and avers as follows:

1. That the Plaintiff, ETHEL E. JOHNSON, is an adult individual who is presently residing at 424 Mann Road, Clearfield, Pennsylvania, 16830.

2. That the Defendant, JAMES W. LUCAS, is an adult individual who is presently residing at 150 Stronach Road, Grampian, Pennsylvania, 16838.

3. That the Plaintiff is the mother of Susan Wilsoncroft Lucas who passed away on February 19, 2006.

4. That the Defendant is the husband of Susan Wilsoncroft Lucas.

COUNT I – CONTRACT

5. That the Plaintiff incorporates Paragraphs one through four of the Complaint by reference and makes them a part thereof.

6. That the parties met with William Williams of the Chester C. Chidboy Funeral Home to arrange for the funeral of Susan Wilsoncroft Lucas.

7. That the Defendant later advised the Plaintiff by letter dated September 12, 2006, attached hereto as Exhibit "A", that he was prepared to pay Three Thousand

($3,000.00) Dollars for Susan Wilsoncroft Lucas' funeral even though he did not object to the Seven Thousand ($7,000.00) Dollar funeral arrangement at the meeting involving the parties and Mr. Williams.

8. That the Seven Thousand One Hundred Eighty Five ($7,185.00) Dollar funeral was paid by the Plaintiff by credit card as evidence by copy of credit card receipt attached hereto as Exhibit "B".

9. That the Plaintiff has made several demands of the Defendant for contributions, but to date has received none.

10. That the cost of the internment should have been the responsibility of the spouse.

WHEREFORE, Plaintiff prays your Honorable Court to award her the sum of Seven Thousand One Hundred Eighty Five ($7,185.00) Dollars.

COUNT II – REPLEVIN

11. That the Plaintiff incorporates Paragraphs one through ten of the Complaint by reference and makes them a part thereof.

12. That immediately preceding her death, Susan Wilsoncroft Lucas had stored in various locations of property she owned jointly with the Defendant, personal property belonging to the Plaintiff, Susan's daughter, Susan's brother and Susan's nephew, as attached hereto in Exhibit "C".

13. That despite the request of the Plaintiff, the Defendant has refused to allow these items to be collected.

14. Furthermore, prior to August 14, 2006, when she also unfortunately passed away, the daughter of Susan Wilsoncroft Lucas and the granddaughter of the

Plaintiff, Jenna Wilsoncroft Malone, returned on leave from the United States Army and was denied access or opportunity to collect any of these items by the Defendant.

WHEREFORE, Plaintiff prays your Honorable Court to issue a rule with hearing upon the Defendant to show cause why Plaintiff should not be allowed to collect the items listed herein.

Respectfully submitted,

Date: **December 28, 2006**

R. Denning Gearhart
Attorney for Plaintiff

Sept. 12-06

Ethel,

I assume You Mean The Property You Have Abandoned at My House, ~~that~~ That Consists of Your Doll + Case, Your Vanity, + Your Camper That I Paid half of, That Is Still at My House.

You May Come + Get these Three Things With The Police, Because You Are Not Welcome In My Home + You Have Already Stoled Stuff That Was Mine From My Car When You Were Fighting With Me Over My Car.

I Never Said, I Wanted You To Put My Wifes Funeral On Your Credit Card Nor Did I Want You To. The Only Reason I had A $7000.00 Funeral Was Because You Put it On Your Card. How

EXHIBIT "A"

Could I Say No You Cant Have That when You Paid For It. I also Had Made Arraingem with The Funeral Home Director To Make Payments for The Rest of My Life For A $3,000 Funeral So why would I want You To Put it On Your Credit Card, So You Can Take Your Legal Action Aginst Me.

Please Let Me Know when The Police Can Come With You To Get The Property You Abandoned at My Home In Your Next Letter. Please Do Not Call Me or Come To My Home.

James Lucas

CHESTER C. CHIDBOY
700 STATE ST
CURWENSVILLE, PA 16833

TERMINAL I.D.: 91637201

MERCHANT #: 5440868886916372

MASTERCARD
5488490003226427
SALE EXP.: 07/08
BATCH: 000010 INVOICE: 262638
DATE: FEB 20, 06 TIME: 10:20
AUTH NO: R67948

TOTAL $7185.00

ETHEL E JOHNSON

x Ethel Johnson

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

EXHIBIT "B"

Dresser	~~hot water bottle~~
picnic table	Punpatawney Phil beanies
Sewing	eagle bobble head
Sleeping bags	high chair
dust mops	Casey's toys
flower pot stand	fishing rods
interlament center	Doll cradles
Casey dresser + garafe stand	~~sewing~~
picture of kids	Black onyx ring
Quilts hand made	folding table
magazine stand	sled
garabage can	pumpkin
lamp blue	Eagles picture
Jeff's stuff	heating pad
Walter's stuff	Desk + 2 Chairs
cow pictures in Ketchen	cow clock
doll + Case	Jenna's duffle bag
camper	Sea shell stuff
vanity dresser	[illegible]
Dough boy cookie jar	
wooden barrel	Jeff's - Jewerly box Sapan
Cow chimes	Budda with kids on it
Casey's Toys & Eagles Bike	

EXHIBIT "C"

washer Board game
wheel barrow

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared ETHEL E. JOHNSON, who being dully sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Ethel E. Johnson

Ethel E. Johnson

Sworn to and subscribed

before me, this 20th

day of December, 2006.

Shannon R. Wisor

Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Shannon R. Wisor, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Aug. 25, 2007

FILED

DEC 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON, Plaintiff	:
vs.	: No. 06-2152-CD
JAMES W. LUCAS, Defendant	:

CASE NUMBER:	No. 06-2152-CD
TYPE OF CASE:	Civil
TYPE OF PLEADING:	MOTION FOR CONTINUANCE
FILED ON BEHALF OF:	Plaintiff

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 4cc
JAN 11 2007 10:55 Atty Gearhart
William A. Shaw
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON,	:	
Plaintiff	:	
	:	
Vs.	:	No. 06-2152-CD
	:	
JAMES W. LUCAS,	:	
Defendant	:	

MOTION FOR CONTINUANCE OF HEARING

AND NOW, comes R. Denning Gearhart, Esq., Attorney for Plaintiff, who moves for a continuance of the Hearing, and in support thereof avers as follows:

1. That a Complaint was filed in the above captioned matter on December 28, 2006.

2. That a Rule Returnable hearing is scheduled for January 12, 2007, at 3:00 o'clock P.M., before this Honorable Court.

3. That as of January 11, 2007, the Sheriff's Office has not been able to obtain service of the Complaint on the Defendant.

WHEREFORE, your movant prays Your Honorable Court to reschedule the Rule Returnable Hearing to another date.

Respectfully submitted,

R. Denning Gearhart, Esq., Movant
Attorney for Plaintiff

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

ETHEL E. JOHNSON, Plaintiff	:	
vs.	:	No. 06-2152-CD
JAMES W. LUCAS, Defendant	:	

ORDER

AND NOW, THIS 11th day of January, 2007, upon consideration of the foregoing Motion for Continuance, the Hearing scheduled for January 12, 2007, at 3:00 o'clock P.M., is hereby rescheduled for the 5th Day of February, 2007, at 10:00 O'clock A. M., in Courtroom No,. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

JUDGE

FILED 4cc
JAN 12 2007 Atty Gearhart
GK

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/12/07

__X__ 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

JAN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 06-2152-CD

ETHEL E. JOHNSON,
Plaintiff
vs.
JAMES W. LUCAS,
Defendant

MOTION FOR CONTINUANCE & ORDER

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-02152-CD

Current Judge: Fredric Joseph Ammerman

Ethel E. Johnson vs. James W. Lucas

Civil Other

Date		Judge
12/28/2006	New Case Filed.	No Judge
	Filing: Civil Complaint Paid by: Gearhart, R. Denning (attorney for Johnson, Ethel E.) Receipt number: 1916970 Dated: 12/28/2006 Amount: $85.00 (Check) 3CC Atty Gearhart.	No Judge
1/2/2007	Rule Returnable, AND NOW, this 2nd day of January 2007, upon consideration of the attached Petition, a Rule is hereby issued upon James W. Lucas, to show cause why the Petition should not be granted. Rule Returnable the 12th day of January 2007 at 3:00 p.m. in Courtroom NO. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Gearhart.	Fredric Joseph Ammerman
1/11/2007	Motion for Continuance, filed by s/R. Denning Gearhart, Esq. Four CC Attorney Gearhart	Fredric Joseph Ammerman
1/12/2007	Order, NOW, this 11th day of Jan., 2007, upon consideration of the Motion for Continuance, the Hearing scheduled for Jan. 12, 2007 is rescheduled for the 5th Day of Feb., 2007, at 10:00 a.m. in Courtroom no. 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Gearhart	Fredric Joseph Ammerman
1/24/2007	Sheriff Return, January 23, 2007 at 11:21 am Served the within Complaint & Rule Returnable on James W. Lucas. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gearhart $51.75	Fredric Joseph Ammerman

not file

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

ETHEL E. JOHNSON,	*	
Plaintiff	*	
vs.	*	NO. 06-2152-CD
JAMES W. LUCAS,	*	
Defendant	*	

ORDER

NOW, this 5th day of February, 2007, this being the date set for hearing on the Plaintiff's Petition for Monetary Damages, and upon agreement of the parties, it is the ORDER of this Court as follows:

1. The parties agree that the Plaintiff Ethel E. Johnson is entitled to obtain certain items of personal property from the home of Defendant James W. Lucas;
2. Ethel E. Johnson shall be entitled to go to the Defendant's home on Saturday, February 10, 2007 at 1:00 p.m. in order to obtain the items in question;
3. Ethel E. Johnson shall be permitted to have a constable accompany her to the Defendant's residence. Any costs associated with the constable shall be paid by the Plaintiff;
4. The Plaintiff may be accompanied by Matthew Rubley and/or Tom and Andrew McDermott, who will assist in removing the items in question; and
5. In the event that there is any dispute over any particular item(s) as to ownership, that item(s) shall remain at the Defendant's home and be subject to potential further litigation.

FILED
01:02 PM
FEB 07 2007
William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty Gearhart
1cc Def. - 150 Stronach Rd. Grampian, PA 16838
GK

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED

FEB 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/7/07

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

X Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions: