

07-265-CD  
Comm of Pa vs Marjorie Wallace

Comm of Pa vs Marjorie Wallace  
2007-265-CD

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

COMMONWEALTH OF PA., DNCR,  
Plaintiff

vs.

No. 2007-265-CD

MARJORIE J. WALLACE,  
Defendant

CASE NUMBER: 2007- -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: NOTICE OF APPEAL FROM DISTRICT JUSTICE  
JUDGMENT

FILED ON BEHALF OF: Marjorie J. Wallace

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
207 E. Market Street  
Clearfield, PA 16830  
(814) 765-1581

FILED Atty Gearhart  
01/10/4561 Pd. 85.00  
FEB 21 2007 Copies to:  
UN Atty Gearhart  
William A. Shaw Plaintiff  
Prothonotary/Clerk of Courts Plaintiff  
DJ Rucella

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of CLEARFIELD

## NOTICE OF APPEAL

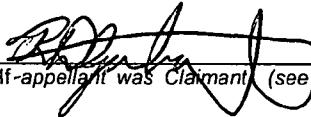
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 07-2165-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 District Justice on the date and in the case referenced below.

NAME OF APPELLANT <b>MARJORIE J. WALLACE</b>	MAG. DIST. NO. <b>46-3-03</b>	NAME OF D.J. <b>Michael A. Rudella</b>
ADDRESS OF APPELLANT <b>667 Bumbarger Drive</b>	CITY <b>Frenchville</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>2/13/2007</b>	IN THE CASE OF (Plaintiff) <b>COMMONWEALTH OF PA., DNCR</b>	(Defendant) <b>MARJORIE J. WALLACE</b>
DOCKET No. <b>CV-0000585-06</b>	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 District Justice, 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 District Justice, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.  <i>[Signature of Prothonotary or Deputy]</i>

## 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 District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon COMMONWEALTH OF PA., DNCR appellee(s), to file a complaint in this appeal  
*[Signature of Prothonotary or Deputy]*

(Common Pleas No. 07-2165-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To COMMONWEALTH OF PA., DNCR, appellee(s)  
*[Signature of Prothonotary or Deputy]*

(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: Feb. 21, 2007

*[Signature of Prothonotary or Deputy]*

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

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**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 \_\_\_\_\_ ; ss

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

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
(date of service) \_\_\_\_\_, 20\_\_\_\_\_,  by personal service  by (certified) (registered) mail,  
sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on  
\_\_\_\_\_, 20\_\_\_\_\_,  by personal service  by (certified) (registered) mail,  
sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 20\_\_\_\_\_

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of CLEARFIELD

## NOTICE OF APPEAL

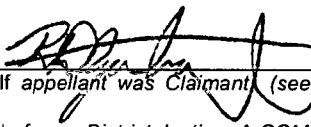
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 07-2105-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 District Justice on the date and in the case referenced below.

NAME OF APPELLANT <b>MARJORIE J. WALLACE</b>	MAG. DIST. NO. <b>46-3-03</b>	NAME OF D.J. <b>Michael A. Rudella</b>
ADDRESS OF APPELLANT <b>667- Bumbarger Drive</b>	CITY <b>Frenchville</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>2/13/2007</b>	IN THE CASE OF (Plaintiff) <b>COMMONWEALTH OF PA., DNCR</b>	(Defendant) <b>MARJORIE J. WALLACE</b>
DOCKET No. <b>CV-0000585-06</b>	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 District Justice, 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 District Justice, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.  <i>(Signature of Prothonotary or Deputy)</i>

## 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 District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon COMMONWEALTH OF PA., DNCR appellee(s), to file a complaint in this appeal  
*Name of appellee(s)*

(Common Pleas No. 07-2105-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 COMMONWEALTH OF PA., DNCR, 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: Feb. 21, 2007



*(Signature of Prothonotary or Deputy)*

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

---

**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 \_\_\_\_\_ ; ss

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

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
(date of service) \_\_\_\_\_, 20\_\_\_\_\_,  by personal service  by (certified) (registered) mail,  
sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on  
\_\_\_\_\_, 20\_\_\_\_\_,  by personal service  by (certified) (registered) mail,  
sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 20\_\_\_\_\_

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**

**ATTORNEY DEF PRIVATE :**

**GEARHART, R DENNING  
207 E MARKET ST  
CLEARFIELD, PA 16830-2424**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**COMMONWEALTH OF PA., DNCR  
400 MARKET ST.  
HARRISBURG, PA 17105-8767**

NAME and ADDRESS

DEFENDANT:

**WALLACE, MARJORIE J  
667 BUMBARGER DRIVE  
FRENCHVILLE, PA 16836**

NAME and ADDRESS

Docket No.: **CV-0000585-06**  
Date Filed: **12/21/06**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR PLAINTIFF**

(Date of Judgment) **2/13/07**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) <b>COMMONWEALTH OF PA., DNCR</b>	<p>Amount of Judgment <b>\$ 3,228.72</b> Judgment Costs <b>\$ 85.00</b> Interest on Judgment <b>\$ .00</b> Attorney Fees <b>\$ .00</b>  Total <b>\$ 3,313.72</b>  Post Judgment Credits <b>\$ </b> Post Judgment Costs <b>\$ </b>  Certified Judgment Total <b>\$ </b></p>
<input checked="" type="checkbox"/> Judgment was entered against: (Name) <b>WALLACE, MARJORIE J</b> in the amount of \$ <b>3,313.72</b>	
<input type="checkbox"/> Defendants are jointly and severally liable.	
<input type="checkbox"/> Damages will be assessed on Date & Time _____	
<input type="checkbox"/> This case dismissed without prejudice.	
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	

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 JUDGEMENT 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.

2-13-07 Date *MARDELL*, 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: **2/13/07**      **9:27:00 AM**

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:

**COMMONWEALTH OF PA., DNCR  
400 MARKET ST.  
HARRISBURG, PA 17105-8767**

NAME and ADDRESS

DEFENDANT:

**WALLACE, MARJORIE J  
667 BUMBARGER DRIVE  
FRENCHVILLE, PA 16836**

NAME and ADDRESS

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

Docket No.: **CV-0000585-06**  
Date Filed: **12/21/06**



*07-265-CJ*

THIS IS TO NOTIFY YOU THAT:

**FOR PLAINTIFF**

(Date of Judgment) **2/13/07**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) <b>COMMONWEALTH OF PA., DNCR</b>	Amount of Judgment \$ <b>3,228.72</b> Judgment Costs \$ <b>85.00</b> Interest on Judgment \$ <b>.00</b> Attorney Fees \$ <b>.00</b>
<input checked="" type="checkbox"/> Judgment was entered against: (Name) <b>WALLACE, MARJORIE J</b> in the amount of \$ <b>3,313.72</b>	
<input type="checkbox"/> Defendants are jointly and severally liable.	Total \$ <b>3,313.72</b>
<input type="checkbox"/> Damages will be assessed on Date & Time _____	Post Judgment Credits \$ _____
<input type="checkbox"/> This case dismissed without prejudice.	Post Judgment Costs \$ _____
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	Certified Judgment Total \$ <b>3313.72</b>
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	

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**FILED**  
*01/13/07*  
**FEB 28 2007** *(6K)*

William A. Shaw  
Prothonotary/Clerk of Courts

*2-13-07* Date *M. A. Rudella*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

*2/13/07* Date *M. A. Rudella*, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **2/13/07** 9:27:00 AM

IN THE COURT OF COMMON PLEAS  
FOR  
CLEARFIELD COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania :  
Department of Conservation and Natural Resources, :  
Plaintiff :  
: :  
: No. 07-265 C. D.  
: :  
v. :  
: :  
Marjorie Wallace, :  
Defendant :  
:

COMPLAINT

1. The Department of Conservation and Natural Resources is the executive agency which is charged with the duty and authority to extinguish wildfires on private and publicly owned property.
2. On April 14, 2005, a wildfire was reported at 11:50 a.m. at 667 Bumbarger Road, Covington Township, Clearfield County.
3. Approximately ten acres of forest land were burned and a camp destroyed.
4. The Department incurred extinguishment costs of \$3,228.72.
5. After a through investigation, Department personnel found that Marjorie Wallace was responsible for starting the fire.

FILED

APR 16 2007  
11:05 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

6. At a magistrate's hearing held on February 13, 2007, District Judge Michael Rudella of Kylertown, Pennsylvania, held that Marjorie Wallace was responsible for causing the fire. The District Judge awarded the Department its extinguishment costs and judgment costs of \$85.00, a total \$3,313.72.

7. The District Judge's holding was appealed by Ms. Wallace on February 21, 2007.

8. Pursuant to 32 P. S. § 314, a person who cause a wildfire is liable to the Department for the costs of extinguishment.

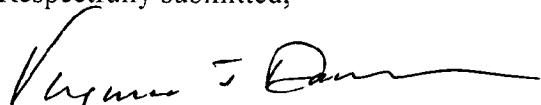
9. Pursuant to 32 P. S. § 315, the Department may seek reimbursement for extinguishment costs.

10. Counsel for Marjorie Wallace has no objection to this Complaint or to being served with the Complaint by U. S. Mail.

WHEREFORE, the Department prays that this Court find that defendant Marjorie Wallace is responsible for the fire of April 14, 2005, and for the cost the Department incurred in extinguishing the fire.

Respectfully submitted,

Date April 10 2007

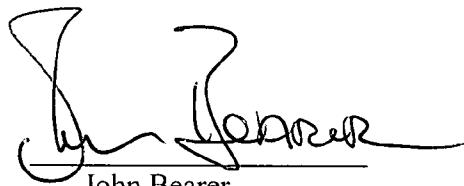
  
Virginia J. Davison  
Assistant Counsel  
ID 44717

## CERTIFICATION

I, John Bearer, Operations, Fire Protection Division of the Department of Conservation and Natural Resources, hereby certify that the statements in this Complaint are true to my knowledge. I am aware that deliberate falsifications made to officials may result in a criminal penalty.

Date

4/10/07

  
John Bearer

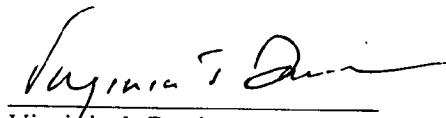
**Certificate of Service**

I, Virginia J. Davison, hereby certify that on April 10, 2007, a copy of the Department's Complaint was sent by regular, postage prepaid mail to:

R. Denning Gearhart, Esquire  
207 East Market Street  
Clearfield, PA 16830-2424

Counsel for Marjorie Wallace.

Respectfully submitted,



Virginia J. Davison  
Virginia J. Davison  
Assistant Counsel