

08-727-CD

RKR Enterprise vs R. Fullington

COURT OF COMMON PLEAS

CLEARFIELD COUNTY
JUDICIAL DISTRICT46TH
PENNSYLVANIA

FILED

07/19/2008

APR 22 2008

CERT. MARCH 20 TO
MOJ. INFLUENCE, APPEAL + ATT
William A. Shaw

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

2008-727-CD

Prothonotary/Clerk of Courts

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 mentioned below.

NAME OF APPELLANT

Dick's Excavating, et al, Richard Fullington, Jr.

MAG. DIST. NO. OR NAME OF D.J.

46-3-02 (Richard A. Ireland)

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

6293 Clearfield-Woodland Hwy, Clearfield, PA 16830

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

03/31/2008

RKR Enterprises, Inc. v. Dick's Excavating, et al, Richard Fullington, Jr.

CLAIM NO.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV 19 CV63-08

LT 19

John D. Shaw

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. 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.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his 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.J.P. 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 RKR Enterprises, Inc., appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2008-727-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Richard Fullington
Signature of appellant or his attorney or agent

RULE: To RKR Enterprises, Inc., 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 WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: April 22, 2008

William A. Shaw
Signature of Prothonotary or Deputy

Signature of Prothonotary or Deputy

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 the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, 19____ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

MDJ Name: Hon.

RICHARD A. IRELAND

Address: **650 LEONARD ST
STE 113**

CLEARFIELD, PA

Telephone: **(814) 765-5335 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**RKR ENTERPRISES, INC.
3416 CHESTNUT GROVE HWY
GRAMPIAN, PA 16838**

VS.

DEFENDANT:

NAME and ADDRESS

**DICK'S EXCAVATING, ET AL.
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830**

**DICK'S EXCAVATING
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830**

Docket No.: **CV-0000063-08**
Date Filed: **2/07/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF** (Date of Judgment) **3/31/08**

☒ Judgment was entered for: (Name) **RKR ENTERPRISES, INC.**

☒ Judgment was entered against: (Name) **FULLINGTON, JR, RICHARD**
in the amount of \$ **2,540.00**

☐ 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	\$ 2,400.00
Judgment Costs	\$ 140.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,540.00
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.

MAR 31 2008

Date *Richard Ireland*, 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 315-07

DATE PRINTED: 4/02/08 9:14:00 AM

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

MDJ Name: Hon.

RICHARD A. IRELAND

Address: **650 LEONARD ST
STE 113**

CLEARFIELD, PA

Telephone: **(814) 765-5335 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**RKR ENTERPRISES, INC.
3416 CHESTNUT GROVE HWY
GRAMPIAN, PA 16838**

VS.

DEFENDANT:

NAME and ADDRESS

**DICK'S EXCAVATING, ET AL.
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830**

**DICK'S EXCAVATING
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830**

Docket No.: **CV-0000063-08**
Date Filed: **2/07/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF** (Date of Judgment) **3/31/08**

☒ Judgment was entered for: (Name) **RKR ENTERPRISES, INC.**

☒ Judgment was entered against: (Name) **DICK'S EXCAVATING**
in the amount of \$ **2,540.00**

☐ 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	\$ 2,400.00
Judgment Costs	\$ 140.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,540.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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MAR 31 2008 Date **Richard Ireland**, 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 315-07

DATE PRINTED: 4/02/08 9:14:00 AM

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon. **RICHARD A. IRELAND**
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD ST
STE 113
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **DICK'S EXCAVATING**
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830

VS.
DEFENDANT: **RKR ENTERPRISES, INC.**
3416 CHESTNUT GROVE HWY
GRAMPIAN, PA 16838

Docket No.: **CV-0000063-08**
Date Filed: **3/07/08**
CROSS COMPLAINT **001**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT** (Date of Judgment) **3/31/08**

☒ Judgment was entered for: (Name) **RKR ENTERPRISES, INC.**

☒ Judgment was entered against: (Name) **RICHARD FULLINGTON**
in the amount of \$ **.00**

☐ 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	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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FILED

APR 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

MAR 31 2008 Date **Richard A. Ireland**, Magisterial District Judge

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

4-28-08 Date **Richard A. Ireland**, Magisterial District Judge

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

SEAL

AOPC 315-07

DATE PRINTED: 4/02/08 9:15:00 AM

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD ST
STE 113
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **RKR ENTERPRISES, INC.**
NAME and ADDRESS
3416 CHESTNUT GROVE HWY
GRAMPIAN, PA 16838

VS.
DEFENDANT: **DICK'S EXCAVATING, ET AL.**
NAME and ADDRESS
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830

Docket No.: **CV-0000063-08**
Date Filed: **2/07/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF** (Date of Judgment) **3/31/08**

☒ Judgment was entered for: (Name) **RKR ENTERPRISES, INC.**

☒ Judgment was entered against: (Name) **DICK'S EXCAVATING**
in the amount of \$ **2,540.00**

☐ 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	\$ 2,400.00
Judgment Costs	\$ 140.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,540.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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MAR 31 2008

Date *Richard Ireland*, Magisterial District Judge

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

4-28-08 Date *Richard Ireland*, Magisterial District Judge

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

SEAL

AOPC 315-07

DATE PRINTED: 4/02/08 9:14:00 AM

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD ST
STE 113
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **RKR ENTERPRISES, INC.**
NAME and ADDRESS
3416 CHESTNUT GROVE HWY
GRAMPIAN, PA 16838

VS.
DEFENDANT: **DICK'S EXCAVATING, ET AL.**
NAME and ADDRESS
6293 CLFD/WOODLAND HWY
CLEARFIELD, PA 16830

Docket No.: **CV-0000063-08**
Date Filed: **2/07/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF** (Date of Judgment) **3/31/08**

☒ Judgment was entered for: (Name) **RKR ENTERPRISES, INC.**

☒ Judgment was entered against: (Name) **FULLINGTON, JR, RICHARD**
in the amount of \$ **2,540.00**

☐ 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	\$ 2,400.00
Judgment Costs	\$ 140.00
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MAR 31 2008 Date *Richard Ireland*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
4-28-08 Date *Richard Ireland*, Magisterial District Judge

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

SEAL

AOPC 315-07

DATE PRINTED: 4/02/08 9:14:00 AM

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

RKR ENTERPRISES, INC.

Plaintiff,

vs.

**DICK'S EXCAVATING, ET AL,
RICHARD FULLINGTON, JR.**

Defendants.

**IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
PENNSYLVANIA**

CIVIL ACTION - LAW

No. CD-2008

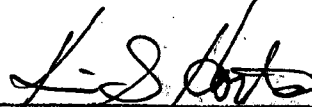
PRAECIPE TO SETTLE, DISCONTINUE AND END

To the Prothonotary:

**Kindly mark the above-captioned docket settled, discontinued and ended with
prejudice upon payment of your costs.**

5-6-08

Date



**Kim S. Horton, President
RKR Enterprises, Inc.**

MUTUAL FULL RELEASE

KNOW ALL PERSONS BY THESE PRESENTS, that **RKR Enterprises, Inc.** and/or **Kim S. Horton**, for themselves, heirs, executors, administrators, agents, assigns and subrogees hereby agrees to pay **ONE THOUSAND NINETY-FIVE DOLLARS (\$1,000.00)** to **J. Richard Fullington, Jr. d/b/a Dick's Excavating**, and hereby remise, release, quitclaim, and forever discharge **J. Richard Fullington, Jr. and Dick's Excavating, Inc.** by these presents for itself, its heirs, executors, administrators, agents, assigns and subrogees, to remise, release, quitclaim and forever discharge the said **J. Richard Fullington, Jr. and Dick's Excavating**, their heirs, assigns, executors, administrators, estates, agents and insurers and all other persons, firms, or corporations, and every of them, liable or who might be claimed to be liable, none of whom admit any liability to the undersigned but expressly deny any liability, of and from all manner of action and actions, cause and causes of actions, suits, joinders for sole liability, contribution, indemnity or otherwise, sum and sums of money, accounts, specialties, covenants, contracts, agreements, promises, variances, damages, costs, judgements, extents, executions, claims and demands whatsoever, in law or in equity, or otherwise howsoever on any account or in any way including arising out of the action filed at _____ CD 2008, in the Court of Common Pleas of Clearfield County, Pennsylvania.

Likewise in exchange, **J. Richard Fullington, Jr. and Dick's Excavating**, agrees to tender to **RKR Enterprises, Inc.** the title to one Caterpillar D9G bulldozer, Serial Number 66A1914, free from any liens and/or encumbrances as satisfaction of any claims for repair and/or storage fees, costs, claimed regarding abovementioned Caterpillar D9G bulldozer. Further, **J. Richard Fullington, Jr.** releases all claims against **RKR Enterprises, Inc. and/or Kim S. Horton**, for themselves, heirs, executors, administrators, agents, assigns and subrogees.

The undersigned both hereby agree by these presents for themselves, their heirs, executors, administrators, agents, assigns and subrogees, to satisfy any and all liability, charges, fees, costs, storage, interest or other sums for valid liens and/or judgements that have been asserted and/or which could be or may be asserted for reimbursement of any charges whatsoever.

It is understood that this Release and any payment made pursuant thereto is a compromise settlement and not an admission of legal liability by either party and is not to be construed as such, both parties are expressly denying said liability and this settlement is being made merely to avoid the expenses of litigation.

We, the undersigned, have carefully and completely read the foregoing Release and know the contents thereof, and we are signing the same voluntarily as our own free act for the purpose of making a full and final compromise, adjustment and settlement of any and all claims disputed or otherwise, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid claim. We further intend to be legally bound by the promises herein contained.

IN WITNESS WHEREOF, and intending to be legally bound, the undersigned have caused this Release to be executed on the dates below written. It is further certified that they have the authority to enter into this agreement for themselves and their respective businesses.

5-6-08
Date
5/7/08
Date

Kim S. Horton
Kim S. Horton, President of
RKR Enterprises, Inc.
J. Richard Fullington, Jr.
J. Richard Fullington, Jr., individually and
for Dick's Excavating

SIGN
HERE

COMMONWEALTH OF PENNSYLVANIA,

COUNTY OF CLEARFIELD ss:

On this, the 06 day of MAY, 2008, before me, the undersigned officer, personally appeared KIM S. HORTON, as President for RKR Enterprises, Inc., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Dennis E. Borger, Notary Public
Curwensville Boro, Clearfield County
My Commission Expires Apr. 10, 2009
Member, Pennsylvania Association of Notaries

W E Borger
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA,

COUNTY OF _____ ss:

On this, the 7 day of May, 2008, before me, the undersigned officer, personally appeared J. RICHARD FULLINGTON, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

J. Richard Fullington, Jr.
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa J. Welker, Notary Public
Bradford Twp., Clearfield County
My Commission Expires Dec. 10, 2009
Member, Pennsylvania Association of Notaries

FILED
MAY 13 2008
William A. Shaw
Prothonotary/Clerk of Courts



Certificate of Release of Federal Tax Lien

FILED

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #2
Lien Unit Phone: (800) 913-6050

Serial Number

532579009

For Use by Recording Office

2016 MAR 28 A 8:55

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

m/ob eb
Noce

I certify that the following-named taxpayer, under the requirements of section 6325 (a) of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on April 13
2009, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer
ROBERT A WALKER

Residence 200 FORREST AVE
DUBOIS, PA 15801

COURT RECORDING INFORMATION:

Liber	Page	UCC No.	Serial No.
n/a	n/a	n/a	09-727-CD

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2002	XXX-XX-9522	08/22/2005	09/21/2015	98466.42
1040	12/31/2003	XXX-XX-9522	07/31/2006	08/30/2016	21799.03
1040	12/31/2004	XXX-XX-9522	10/13/2008	11/12/2018	3518.24
*****	*****	*****	*****	*****	*****

Place of Filing

Clearfield Prothonotary
Clearfield County
Clearfield, PA 16830

Total	\$	123783.69
-------	----	-----------

This notice was prepared and signed at DETROIT, MI, on this,

the 16th day of March, 2016.

Signature

Chief Cordaro

Title Director, Specialty Collections

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Certificate of Release of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE

Form **668 (Z)** (Rev. 10-2000)
CAT. NO 600261