

08-1024-CD

Christopher Ross vs Bethany Griffith

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46th

Judicial District, County Of

CLEARFIELD COUNTY

NOTICE OF APPEAL

FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 2008-1024-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 <i>Bethany Griffith</i>	MAG. DIST. NO. 46-3-02	NAME OF MDJ <i>Richard A. Ireland</i>
ADDRESS OF APPELLANT <i>701e Crozier Ave</i>	CITY <i>Clearfield</i>	STATE PA ZIP CODE 16830
DATE OF JUDGMENT <i>5-19-08</i>	IN THE CASE OF (Plaintiff) <i>Christopher Ross</i>	(Defendant) <i>Bethany Griffith</i>
DOCKET NO. <i>CV-0000161-08</i>	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT <i>Bethany Griffith</i>	

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 *10 days* within *6/3/08* *20 days* *JUN 04 2008* *20 days* after filing the NOTICE of APPEAL.

William A. Shaw
Prothonotary/Clerk of Courts

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 Christopher Ross appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 08-1024-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Bethany Griffith
Signature of appellant or attorney or agent

RULE: To Christopher Ross appellee(s)
Name of appellee(s)

OWNER

(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 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 June 4, 2008

William A. Shaw
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 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 Magisterial District Judge 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 official before whom affidavit was made

Title of official

My commission expires on _____, 20_____

FILED
Signature of affiant

JUN 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

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:

ROSS, CHRISTOPHER
527 E WALNUT STREET
HANOVER, PA 17331

NAME and ADDRESS

DEFENDANT:

GRIFFITH, BETHANY
706 CROZIER AVE
CLEARFIELD, PA 16830

VS.

NAME and ADDRESS

Docket No.: **CV-0000161-08**
Date Filed: **4/09/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

(Date of Judgment) **5/19/08**

Judgment was entered for: (Name) **ROSS, CHRISTOPHER**

Judgment was entered against: (Name) **GRIFFITH, BETHANY**
in the amount of \$ **5,812.77**

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	\$ 5,682.77
Judgment Costs	\$ 130.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,812.77
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.

MAY 19 2008

Date

Ronald A. Sholten

, 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

2

No. 3936

DATE PRINTED:

5/19/08

4:00:00 PM

Jun. 4, 2008 2:50PM

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:

ROSS, CHRISTOPHER
527 E WALNUT STREET
HANOVER, PA 17331

NAME and ADDRESS

DEFENDANT:

GRIFFITH, BETHANY
706 CROZIER AVE
CLEARFIELD, PA 16830

VS.

NAME and ADDRESS

Docket No.: **CV-0000161-08**
Date Filed: **4/09/08**



08-1024-C
5/19/08

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(Date of Judgment)

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in the amount of \$ **5,812.77**

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FILED
MAY 19 2008
JUN 09 2008 (GK)

MAY 19 2008

Date

Ronald A. Ireland

William A. Shaw
Prothonotary/Clerk of Courts
, Magisterial District Judge

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

JUN 06 2008

Date

Ronald A. Ireland

, Magisterial District Judge

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

SEAL

AOPC 315-07

DATE PRINTED: 5/19/08 4:00:00 PM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

<u>CHRISTOPHER A. ROSS</u>	:	DISTRICT JUSTICE APPEAL
PLAINTIFF / APPELLANT	:	CASE NO. 2008-1024-CD
	:	
VS.	:	TYPE OF PLEADING:
	:	COMPLAINT
	:	
	:	FILED ON BEHALF OF
	:	PLAINTIFF
<u>BETHANY A. GRIFFITH</u>	:	PLAINTIFF'S ADDRESS:
DEFENDANT / APPELLEE	:	623 A CEDAR DRIVE
	:	PEARL CITY, HAWAII 96782
	:	(808) 888-0982

FILED
M 11:00A.M. GK
AUG 19 2008 NO CC

William A. Shaw
Prothonotary/Clerk of Courts

<u>Christopher A. Ross</u>	:	
Plaintiff / Appellant	:	DISTRICT JUSTICE APPEAL
	:	CASE NO. 2008-1024-CD
VS.	:	
	:	
<u>Bethany A. Griffith</u>	:	TYPE OF PLEADING:
Defendant / Appellee	:	COMPLAINT
	:	

COMPLAINT

NOW, comes the **Plaintiff**, Christopher A. Ross who hereby avers as follows:

1. Christopher is an adult individual whose current address is: 623 Cedar Drive, Pearl City, Hawaii 96782. As of May 2007 until May 2008 Mr. Ross was on military deployment: address: ASG-KU S-2, Camp Arifjan, KU 09366.
2. Defendant is Bethany A. Griffith, an adult individual, whose address is 706 Crozier Avenue, Clearfield PA 16830.
3. On 24 June 2007 Plaintiff received an email from the Defendant. Defendant could no longer afford to drive the 2001 Dodge Caravan, because the Defendant planned to purchase a new vehicle and could not afford two vehicle payments.
4. Plaintiff explained to Defendant the 2001 Dodge Caravan is legally Defendant's through the final Decree of Divorce, dated 29 July 2004. In the Decree it was ordered that Defendant be awarded the 2001 Dodge Caravan to include the balance due, principle, interest and all other charges, on the promissory note payable to the financial institution.
5. On or about 26 June 2007 Defendant abandoned the 2001 Dodge Caravan in Plaintiff's father's parking lot. Defendant made no arrangements or informed Plaintiff and/or Plaintiff's father of Defendant's actions.
6. On or about 26 June 2007, with the help of Plaintiff's father, Plaintiff was able to get the 2001 Dodge Caravan, State Inspected and Registered for the state of Pennsylvania. Plaintiff's father was provided a POA very similar to the POA's Defendant was provided and was able to have the 2001 Dodge Caravan legal within a couple days.
7. Plaintiff was unable to make contact with Defendant via phone and email for almost one month. On 21 July 2007 Defendant contacted Plaintiff with an explanation of actions.
8. Defendant's excuse for abandoning 2001 Dodge Caravan; Defendant has been driving illegally in Pennsylvania for 10 months with out of date Registration (North Carolina) and State Inspection (North Carolina), and has not been able to use the Power of Attorney (POA) Plaintiff provided. Plaintiff had provided (2) different POA's for Defendant, both being

special POA's allowing Defendant to obtain a State Registration and Inspection. Richard Ireland agreed during trial that the Defendant had the power to drive legally. Defendant did not have car insurance on the 2001 Dodge Caravan during the 10 month period and knowingly continued to drive the vehicle.

9. Defendant defaulted on payments for 2001 Dodge Caravan awarded to defendant in divorce decree. Default on debt fell to plaintiff, original complaint filed on 04/09/08. Current Civil Complaint in response to defendant's appeal of the amount awarded. Judgment entered against defendant for plaintiff in the amount of \$5,812.77 on 05/19/08.
10. As a direct and proximate result of Defendant's actions as described herein, Plaintiff has sustained monetary damages as follows:
 - Auto loan repayment to Chase Manhattan Bank for the Month's; July, August and to include final vehicle payoff total, for the amounts of \$289.69 each to include a \$15 fee, totaling \$594.38. As of 26 June 2007, Vehicle Payoff total is \$7,413.59.
 - Auto loan was refinanced through United Services Automobile Assn. (USAA) in the amount of \$6,913.54.
 - Auto insurance on 2001 Dodge Caravan was insured through USAA.
 - To include: PA Title, State Inspection, Registration fees, and calling card.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$5,812.77, plus interest, court costs and such other reasonable costs as the court may allow.


PLAINTIFF

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to Authorities.


PLAINTIFF