

08-1597-CD

JLD Enterprises vs Brian Erwine et al

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

J.L.D. ENTERPRISES, LLC,
A Virginia limited liability
Company,
Petitioner,

v.

BRIAN ERTWINE and
WENDY ERTWINE,
Husband and wife,

Respondents.

* No. 08 - 1597 - CD

* Type of Pleading:

* PETITION AND ORDER

* Filed on behalf of:
Petitioner

* Counsel of Record for
this party:

* Linda C. Lewis, Esq.
* Pa I.D. 80478

* Naddeo & Lewis, LLC
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

pd \$95.00 Atty
FILED 9/10/45 cm
AUG 26 2008
W.M.

William A. Shaw
Prothonotary/Clerk of Courts

Original
Upstairs

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

J.L.D. ENTERPRISES, LLC,
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BRIAN ERTWINE and
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* No. 08 - 1597 - CD

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* Type of Pleading:

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* PETITION AND ORDER

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* Filed on behalf of:
* Petitioner

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* Counsel of Record for
* this party:

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* Linda C. Lewis, Esq.
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* Naddeo & Lewis, LLC
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 08/26/2008
10:45 AM
AUG 26 2008
WILLIAM A. SHAW
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

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

J.L.D. ENTERPRISES, LLC,
A Virginia limited liability
Company,
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v.

* No. 08 - 1597 - CD

BRIAN ERTWINE and
WENDY ERTWINE,
Husband and wife,
Respondents.

RULE

AND NOW, this 27th day of August, 2008, upon consideration
of the attached Petition, a Rule is hereby issued upon Respondents to
show cause why the Petition should not be granted. Rule Returnable
the 26th of September, 2008, at 1:30 p.m., in Court Room No.
1, Clearfield County Courthouse, Clearfield, for hearing.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO
DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU
MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE
AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR
DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE
A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. 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 THE RELIEF REQUESTED BY THE PETITIONER. 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
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 5982

FILED *2cc*
02-46301 Atty Lewis
AUG 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,
Judge J. Zimmerman
Judge

DATE 8/27/08

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
AUG 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

J.L.D. ENTERPRISES, LLC, *
A Virginia limited liability *
Company, *
Petitioner, *
*
v. * No. 08 - - CD
*
BRIAN ERTWINE and *
WENDY ERTWINE, *
Husband and wife, *
Respondents. *

PETITION TO PRODUCE TRAILER TITLE

NOW COMES your Petitioner, J.L.D. Enterprises, LLC,
and by its attorneys, Naddeo & Lewis, LLC, sets forth the
following:

1. Your Petitioner is J.L.D. Enterprises, LLC, a
Virginia limited liability company, whose principal place of
business is 9211 Forest Hill Avenue, Suite 201, Richmond, VA
23235.

2. Respondent, Brian Ertwine, is an individual who
resides at 116 Cemetery Road, Clearfield, Pennsylvania 16830.

3. Respondent, Wendy Ertwine, formerly Wendy Bell, is
an individual, who resides at 116 Cemetery Road, Clearfield,
Pennsylvania 16830.

4. By Bill of Sale and Assignment dated February 27,
2008, the Respondents, Brian Ertwine and Wendy Ertwine, sold a
certain mobile home described as a 1998 Commodore, 16' by 80',

VIN No. CW33129A to your Petitioner, J.L.D. Enterprises, LLC. A copy of Sales Agreement is attached hereto as Exhibit "A".

5. That Respondents were unable to deliver a title to the mobile home to your Petitioner.

6. That Respondent, Wendy Bell, purchased the subject mobile home from Thomas A. Lingle, who is now deceased, and did not receive a title. A copy of Sale Agreement is attached hereto as Exhibit "B".

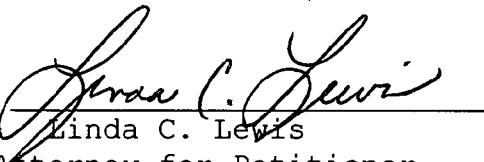
7. It is believed that Thomas A. Lingle purchased the subject mobile home from Shirley Howell. Copy of Termination Statement from National City Consumer Loan Services indicating that Shirley Howell was the previous owner of said mobile home is attached hereto as Exhibit "C".

8. That Petitioner believes and avers that the said title is lost.

WHEREFORE, your Petitioner requests that the Court direct Respondents to show cause why the ownership of the 1998 Commodore, 16' by 80', VIN No. CW33129A, should not be titled to your Petitioner, J. L. D. Enterprises, LLC.

NADDEO & LEWIS, LLC

By


Linda C. Lewis

Attorney for Petitioner

VIRGINIA
COMMONWEALTH OF PENNSYLVANIA)
CITY OF RICHMOND)
COUNTY OF CLEARFIELD)
ss.
)

Before me, the undersigned officer, personally appeared T. ANDREW LINGLE, who being duly sworn according to law, deposes and states that he is a Member of J.L.D. ENTERPRISES, LLC, and that as such member he is authorized to execute this Affidavit and further that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

T. Andrew Lingle
T. Andrew Lingle

SWORN and SUBSCRIBED before me this 15 day of 8, 2008.



Tiffany N. Tench

BILL OF SALE AND ASSIGNMENT

THIS BILL OF SALE AND ASSIGNMENT dated as of the 27 day of February, 2008, by Brian Ertwine and Wendy Ertwine ("Seller") and J.L.D. Enterprises, L.L.C., a Virginia limited liability company ("Buyer").

WITNESSETH:

FOR AND IN CONSIDERATION OF THE SUM OF \$10,000.00, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, Seller does hereby sell, assign, transfer and convey to Buyer, its successors, assigns, heirs and beneficiaries, all of Seller's right, title and interest in and to that certain mobile home described as a 1998 Commodore, 16' by 80', VIN No. CW33129A currently located at 1109 Willow Drive, Clearfield, Pennsylvania (the "Personal Property").

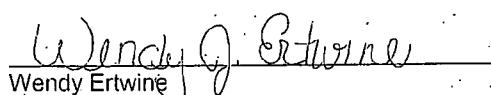
TO HAVE AND TO HOLD all of the Personal Property hereby sold, assigned, transferred and conveyed forever.

The Seller hereby represents that it has full title and legal possession of said Personal Property and binds him/her/itself and all successors and assigns, to warrant and defend the title to all the herein described property unto the Buyer, his/her/its successors, assigns, heirs and beneficiaries, forever against every person whomsoever claiming an interest in such property or any part thereof.

IN WITNESS WHEREOF, the Seller has caused this Bill of Sale and Assignment to be duly executed as of the day and year first above written.

SELLER:



Brian Ertwine

Wendy Ertwine

BUYER:

J.L.D. Enterprises, L.L.C.

BY: T. Andrew Ertine (SEAL)
Name: T. Andrew Ertine
Title: Managing Member

Exhibit "A"

SALE AGREEMENT FOR A
16 x 80 MOBILE HOME
LOCATED AT 1109 WILLOW DRIVE, CLEARFI

TOTAL PRICE	\$19,500.00	/	
PAYMENT ON 8-18-03	<u>12,500.00</u>	-12,000	99
BALANCE	\$ 7,000.00	750	4

A PAYMENT OF \$12,500.00 WILL BE PAID ON 8-18-03 AS P
REMAINDER OF \$7,000.00 WILL BE PAID ON OR BEFORE

AFTER FULL PAYMENT, THE BILL OF SALE OR TITLE
INTO THE BUYER'S NAME, WENDY BELL.



THOMAS A. LINGLE, SELLER



Exhibit "B"

1/14/2008

800
800

National City
Consumer Loan Services

National City Bank
Consumer Loan Services
P. O. Box 5570
Cleveland, Ohio 44101-0570

Termination Statement

I hereby certify that the security interest on the vehicle described is terminated.

Year: 1998

Make: COM

Vehicle Identification Number: CW33129A

Owner: SHIRLEY HOWELL

Street: 111 S 24TH ST

City: CAMP HILL

State

Secured Party: National City Bank

Signature: *James A. DeLoach*

Title: BANK OFFICER

Date: 8-20-03

1/14/2000

Exhibit "C"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1597-CD

J.L.D. ENTERPRISES, LLC

vs

BRIAN ERTWINE and WENDY ERTWINE

PETITION & RULE

SERVICE # 1 OF 1

SERVE BY: 09/25/2008 AS AP HEARING: 09/26/2008 1:30 PM PAGE: 104588

DEFENDANT: BRIAN ERTWINE and WENDY ERTWINE
ADDRESS: 116 CEMETERY ROAD
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

09/08/08 am

SEP - 8 2008

William A. Shaw

Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 9/8/08 AT 9:43 AM SERVED THE WITHIN

PETITION & RULE ON BRIAN ERTWINE and WENDY ERTWINE, DEFENDANT

BY HANDING TO Wendy Ertwine, self

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 116 Cemetery rd. Clearfield Pa

NOW _____ AT _____ AM / PM POSTED THE WITHIN

PETITION & RULE FOR BRIAN ERTWINE and WENDY ERTWINE

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BRIAN ERTWINE and WENDY ERTWINE

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

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

J.L.D. ENTERPRISES, LLC,
A Virginia limited liability
Company,

Petitioner,

v.

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*
*
*
*

No. 08 - 1597 - CD

BRIAN ERTWINE and
WENDY ERTWINE,
Husband and wife,

Respondents.

*

O R D E R

AND NOW, this 9 day of September, 2008, it is the
ORDER of this Court that a hearing is scheduled upon
Petitioner's Petition to Obtain Title for the 3rd day of
October, 2008, at 2:00 p.m. in Courtroom No. 1,
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FILED ^{1CC}
04:00 PM Atty Lewis
SEP 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 09/08

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

SEP 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

J.L.D. ENTERPRISES, LLC, *
A Virginia limited liability *
Company, *
Petitioner, *
*
v. * No. 08 - 1597 - CD
*
BRIAN ERTWINE and *
WENDY ERTWINE, *
Husband and wife, *
Respondents. *

FILED (2)

SEP 09 2008
o/ 10:30/ (2)
William A. Shaw
Prothonotary/Clerk of Courts

1 c/c to ATT

MOTION FOR CONTINUANCE

NOW COMES your Petitioner, T. Andrew Lingle, Managing Member of J.L.D. Enterprises, LLC, and by its attorneys, Naddeo & Lewis, LLC, sets forth the following:

1. Your Petitioner is J.L.D. Enterprises, LLC, a Virginia limited liability company, whose principal place of business is 9211 Forest Hill Avenue, Suite 201, Richmond, VA 23235.
2. That the Respondents are Brian Ertwine and Wendy Ertwine, husband and wife, who reside at 116 Cemetery Road, Clearfield, Pennsylvania 16830.
3. That a hearing on Petitioner's Petition to Produce Trailer Title is scheduled for September 26, 2008 at 1:30 p.m. in Court Room No. 1.
4. That your Petitioner, T. Andrew Lingle, is the managing member of J.L.D. Enterprises, LLC and is also an

attorney licensed to practice law in the Commonwealth of Virginia.

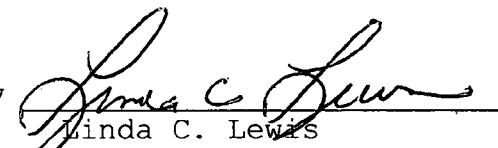
5. That your Petitioner has prior commitments scheduled with his practice of law in Virginia and cannot attend the hearing scheduled for September 26, 2008.

6. That counsel has spoken with the Defendants and they are not opposed to a continuance of the hearing.

7. That this matter has not been previously continued.

WHEREFORE, your Petitioner requests that the Court to continue the hearing set for September 26, 2008 at 1:30 p.m. to another date and time.

NADDEO & LEWIS, LLC

By 
Linda C. Lewis
Attorney for Petitioner

FILED

SEP 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104588
NO. 08-1597-CD
SERVICES 1
PETITION & RULE

PLAINTIFF: J.L.D. ENTERPRISES, LLC
vs.
DEFENDANT: BRIAN ERTWINE and WENDY ERTWINE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	1703	10.00
SHERIFF HAWKINS	NADDEO	1703	20.42

FILED
0/2:20am
SEP 11 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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v.

BRIAN ERTWINE and
WENDY ERTWINE,
Husband and wife,

Respondents.

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* No. 08 - 1597 - CD
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* Type of Pleading:

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* ORDER
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* Filed on behalf of:
* Petitioner
*

* Counsel of Record for
* this party:
*

* Linda C. Lewis, Esq.
* Pa I.D. 80478
*

* Naddeo & Lewis, LLC
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

OCT 03 2008 2:51 P.M. 2008
ZCC Atty Lewis
(will serve)

William A. Shaw
Prothonotary/Clerk of Courts

60

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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A Virginia limited liability *
Company, *
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v. * No. 08 - 1597 - CD
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BRIAN ERTWINE and *
WENDY ERTWINE, *
Husband and wife, *
Respondents. *

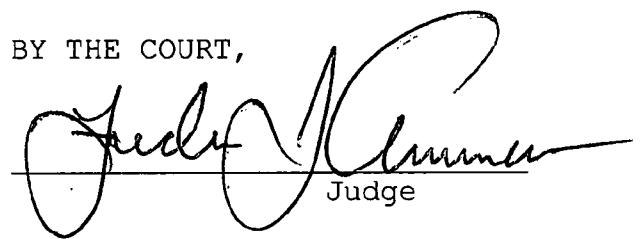
O R D E R

AND NOW, this 3rd day of October, 2008, after reasonable notice and an opportunity for hearing having been provided to all interested parties, the Court hereby awards ownership of one 1998 Commodore trailer, 16' by 80', bearing vehicle identification number CW33129A to JLD Enterprises, LLC, and the right title, and interest of any other person to said vehicle is hereby extinguished.

The Commonwealth of Pennsylvania, Department of Transportation may accept this order as evidence of ownership in lieu of a Certificate of Title. The Petitioner shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation in order to receive the appropriate Certificate

of Title for said vehicle.

BY THE COURT,



Judge

FILED

OCT 03 2008

William A. Shaw
Prothonotary/Clerk of Courts