

08-1974-CD  
Certified Builders vs David Sheehan al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

CERTIFIED BUILDERS WHOLESALE INC.

Plaintiff

\* No. 08- 1974-CJ

vs.

DAVID T. SHEEHAN and ELIZABETH  
SHEEHAN, his wife

Defendants

\* TYPE OF CASE  
\* Civil Action - Law

\* TYPE OF PLEADING:  
\* Claim of Lien

\* FILED ON BEHALF OF:  
\* Plaintiff

\* COUNSEL OF RECORD FOR  
\* THIS PARTY:  
\* David R. Thompson, Esq.  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

3  
**FILED** Atty Ad  
01/14/09 25  
OCT 15 2008 ICC to Defs. w/notice  
William A. Shaw 2CC Atty Thompson  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFIED BUILDERS WHOLESALE INC.:

Claimant,	:	No. 08-
	:	
vs.	:	
	:	
DAVID T. SHEEHAN and ELIZABETH	:	
SHEEHAN, his wife	:	
Owners,		

**CLAIM OF LIEN - MECHANIC'S LIEN**  
**Pa Stat. Ann. Title 49. §1503**

AND NOW, comes the Claimant, **Certified Builders Wholesale Inc.**, by and through its attorney, David R. Thompson, Esquire, and files this Claim of Lien ("Claim") pursuant to the Mechanic's Lien Law, as amended, (49 P.S. §1503) and in support thereof avers as follows:

1. Claimant Certified Builders Wholesale Inc. is a Pennsylvania corporation with its principal place of business at 1212 Walton Street, Philipsburg, Pennsylvania, 16866.
2. Claimant files this Claim as a subcontractor.
3. The general contractor is Mecco Construction, a Pennsylvania business with its principal place of business at PO Box 277, Ramey, Pennsylvania, 16671.
3. The owners of real estate and buildings against which Claimant files this Claim are David T. and Elizabeth Sheehan, husband and wife, who reside at 71 Sieber Road, Spring City, Pennsylvania, 19475.
4. Claimant delivered materials to Owners property on April 21, 2008.

5. Claimant makes this Claim based on a contractual invoice between Plaintiff and Mecco Construction, general contractor for owners, which provided for materials for the agreed upon sum of \$9,528.69. A true and correct copy of said invoice is attached hereto as Exhibit "A".

6. A full and complete list of the materials provided is also attached hereto as Exhibit "A".

7. Owners have failed and refused to make payment to Claimant that was and is due and owing for materials provided, all to the detriment of Claimant.

8. All materials provided by Claimant were incorporated into the building and/or are in the possession of Owners.

9. Claimant provided a Formal Notice of Intent to File a Mechanic's Lien to David T. and Elizabeth Sheehan on September 11, 2008 by U.S. Postal Service Certified Mail.

10. The property which is subject to the lien is real property located in Clearfield County, Pennsylvania, consisting of 76 acres more or less, and having a control number of 101013714, and also being the property described in Deed Book 2007, page 08094, and dated 20070508 in the Clearfield County Recorder of Deeds Office.

11. The amount due and owing to Claimant is \$9,528.69 together with lawful interest.

Respectfully Submitted,



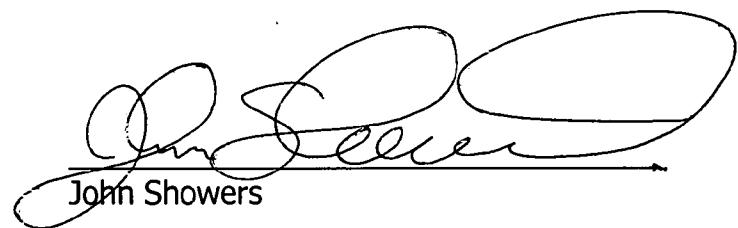
---

David R. Thompson, Esquire

**VERIFICATION**

I certify that the facts set forth in the foregoing ***CLAIM OF LIEN*** are true and correct to the best of my knowledge, information and belief and that I am the owner of Certified Builders Wholesale, Inc., Claimant in the Claim of Lien. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated:



John Showers

# CERTIFIED BUILDERS WHOLESALE, INC.



1212 Walton Street  
Philipsburg, PA 16866  
(814) 342-6540 • 800-742-4504  
FAX (814) 342-4417  
www.certifiedbuilders.net

S	MFCCO CONSTRUCTION			
D	PO BOX 4777			
T	RAMSEY PA 16671			
O				
SALES PERSON	CHECKER	METHOD OF PAYMENT	PURCHASE ORDER NO.	ORDER REF. NO.
ITEM NO.	ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE
ORDERED	SHIPPED			AMOUNT

1212 Walton Street, Philipsburg, PA 16671

NOTE: Purchaser assumes responsibility for sizes, specifications & quantities on all orders.

2	C189035K	COLLAR	OUTSWING *	36 X 80 *	R/H/H	FR	219.10	438.20	T
2	C101036K	COLLAR	OUTSWING *	49 X 80	R/H/H	EA	152.50	325.00	T
2	CSHS4845	STOCK SLIDER	49 X 48			EA	142.60	285.20	T
1	14500	DARK BROWN	MOLD J*DLD GLASS	1/2 SCR		EA	203.75	407.50	T
1	14500	DARK BROWN	MOLD J*DLD GLASS	1/2 SCR		EA	549.35	549.35	T
1	14500	WHITE VINYL	SLIDER 6' X 6'6 LEFT			EA	599.95	599.95	T
1	14500	WHITE VINYL	SLIDER 6' X 6'6 LEFT			EA	599.95	599.95	T
1	14500	WHITE	DOOR			EA	10.00	10.00	T
1	14500	WHITE	SLIDE CHARGE			EA	4.45	44.60	T
10	14500	WHITE	J-CHANNEL 12'6"			EA			

## PURCHASER ASSUMES RESPONSIBILITY FOR SIZES, SPECIFICATIONS & QUANTITIES ON ALL ORDERS.

NOTE: NO Warranty on DARK BROWN Windows unless specified in writing. All sales take place at 1212 Walton St., Philipsburg, Clearfield County, PA.

NOTE: Products are distributed, sold or installed by Certified Builders Wholesale, Inc. and are purchased by the same from the manufacturer as a proven product. Certified Builders is not responsible for any defect on the products, windows, or screens other than what the manufacturer stipulates. The warranty is (ONE) full year at no charge to the customer for parts or labor. A \$55.00 per hour service charge will be rendered for the first hour and \$25.00 per hour after that plus any parts not covered by the manufacturer. You may not cancel any special order after 3 work days. No other conditions exist for canceling an order unless a written agreement is signed by both parties. 1. Returns subject to a restocking charge, depending on the product purchased. 2. A 1 1/2% per month service charge is added beginning the first of the month following due date. 3. Attorney's fees of 25% of the outstanding balance plus legal costs will be added for collection fees where we deem it necessary to enforce collection. 4. Vendor liability ceases upon delivery of goods to vendor's loading dock for pick up. 5. On delivery vendor's liability ceases when goods are unloaded. Vendor reserves right to unload anywhere at destination unless specific directions are given by customer (within reasonable requests.) 6. Vendor has the right to attach, garnish or fix item on any property or joint property including all of the above rules in order to collect any outstanding bills due. Vendor maintains this right at any time after sufficient notice for nonpayment has been issued with a maximum of six months. Vendor maintains his right against contractor or person whether in business or not, no matter what state said party or parties may live in or move to. This agreement, once signed, does hold you liable and waives all bankruptcy rules and regulations. This is a personal guarantee of payment.

INVOICE NO.	5475	INVOICE DATE	5/14/98
ACCOUNT NO.			
SLIP NO.		DELIVERY DATE	
ITEM NO.		UNIT PRICE	
DESCRIPTION	UNIT	AMOUNT	



COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Certified Builders Wholesale, Inc.

Vs.

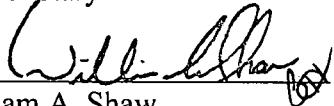
No. 2008-01974-CD

David T. Sheehan and Elizabeth Sheehan

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$9,528.69 on October 15, 2008.

William A. Shaw  
Prothonotary

  
William A. Shaw

CORRECTED NOTICE  
NOTICE OF MECHANIC'S LIEN CLAIM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Certified Builders Wholesale, Inc.

Vs.

No. 2008-01974-CD

David T. Sheehan Elizabeth Sheehan

To: DEFENDANT(S)

NOTICE is given that a Mechanic's Lien Claim in the above captioned matter has been entered against you in the amount of \$9528.69 on October 15, 2008.

William A. Shaw  
Prothonotary

\_\_\_\_\_  
William A. Shaw

11-13-08

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN Defendants : Type of Case: Civil  
: Type of Pleading:  
: Praecipe for Entry of Appearance  
: Filed on Behalf of: Defendants  
: Counsel for Defendants:  
: Ann B. Wood, Esquire  
: Supreme Court No. 23364  
: Bell, Silberblatt & Wood  
: 318 East Locust Street  
: P.O. Box 670  
: Clearfield, PA 16830  
: (814) 765-5537

FILED 1cc  
01/11/2008 Atty Wood  
NOV 20 2008

S William A. Shaw  
Prothonotary/Clerk of Courts

(610)

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
: :  
vs. : No. 2008-01974-CD  
: :  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: William A. Shaw, Prothonotary, Clerk of Courts,

Please enter my appearance on behalf of Defendants, David T. Sheehan and Elizabeth Sheehan, in the above-captioned case.

BELL, SILBERBLATT & WOOD  
By

Date: Nov. 19, 2008

Ann B. Wood  
Ann B. Wood, Esquire  
Attorney for Defendants

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
: vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of the foregoing Praeclipe for Entry of Appearance as filed on behalf of the Defendants with reference to the above matter has been served upon the following attorney for Plaintiff by mailing the same to them by United States First Class Mail, postage prepaid, addressed as follows on November 21, 2008:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866-0587

Date: November 21, 2008

Ann B. Wood  
Ann B. Wood, Attorney for Defendants

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
No. 2008-01974-CD  
vs. :  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN Defendants :  
Type of Case: Civil  
Type of Pleading:  
Preliminary Objections  
Filed on Behalf of: Defendants  
Counsel for Defendants:  
Ann B. Wood, Esquire  
Supreme Court No. 23364  
Bell, Silberblatt & Wood  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
(814) 765-5537

S FILED 10 Atty  
0/11/45 cm Wood  
DEC 02 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CERTIFIED BUILDERS WHOLESALE, INC.	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-01974-CD
	:	
DAVID T. SHEEHAN and ELIZABETH	:	
SHEEHAN	:	
Defendants	:	

**NOTICE TO PLEAD**

TO: Certified Builders Wholesale, Inc.

You are hereby notified to file a written response to the enclosed Preliminary Objections  
within twenty (20) days from service hereof or a judgment may be entered against you.

BELL, SILBERBLATT & WOOD  
BY:

Ann B. Wood  
Ann B. Wood, Esquire  
Attorney for Defendants

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

CERTIFIED BUILDERS WHOLESALE, INC.	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-01974-CD
	:	
DAVID T. SHEEHAN and ELIZABETH	:	
SHEEHAN	:	
Defendants	:	

**PRELIMINARY OBJECTIONS TO MECHANIC'S LIEN CLAIM**

NOW COME, David T. Sheehan and Elizabeth Sheehan, Owners, by their counsel, Ann B. Wood, Esquire, and files these Preliminary Objections pursuant to 49 Pa.S. §1505 to strike off the Mechanic's Lien Claim of Certified Builders Wholesale, Inc., Claimant, and in support thereof avers the following:

1. Claimant's Mechanic's Lien, a copy of which is attached as Exhibit "A" was filed on October 15, 2008, against Owners' property consisting of 76 acres in Clearfield County described as Instrument #200708094 dated May 8, 2007.
2. Claimant claims a lien in the amount of \$9,528.69 for materials furnished in the erection or construction of a pole barn pursuant to orders for materials placed by Wesley Lovell t/d/b/a Mecco Construction, the general contractor with the Owners.
3. Claimant's Mechanic's Lien is barred by Claimant's failure to serve written notice by an adult in the same manner as a Writ of Summons in Assumpsit pursuant to 49 P.S. §1502(c) but rather served notice by Certified Mail.

4. Claimant's Mechanic's Lien claim is barred for failing to file an Affidavit of Service within twenty (20) days of the service that was made setting forth the date and manner of service as required by 49 P.S. §1502(a)(2).

5. Pursuant to 49 P.S. §1502(a)(2), the failure to serve the notice or to file the Affidavit within the time specified shall be sufficient ground for striking off the claim.

WHEREFORE, David T. Sheehan and Elizabeth Sheehan as Owners of the property at issue request the Honorable Court to strike the Claimant's Mechanic's Lien Claim.

Respectfully submitted,  
BELL, SILBERBLATT & WOOD  
By:

Ann B. Wood  
Ann B. Wood, Esquire  
Attorney for Defendants

#### VERIFICATION

We verify that the statements made in these Preliminary Objections are true and correct.

We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date: 11/24/08

David T. Sheehan  
David T. Sheehan

Elizabeth Sheehan  
Elizabeth Sheehan

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

CERTIFIED BUILDERS WHOLESALE INC.

Plaintiff

\* No. 08-1074-CJ

vs.

DAVID T. SHEEHAN and ELIZABETH  
SHEEHAN, his wife

Defendants

\* TYPE OF CASE  
\* Civil Action - Law

\* TYPE OF PLEADING:  
\* Claim of Lien

\* FILED ON BEHALF OF:  
\* Plaintiff

\* COUNSEL OF RECORD FOR  
\* THIS PARTY:

\* David R. Thompson, Esq.  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

I hereby certify this to be a true  
and accurate copy of the original  
statement filed in this case.

OCT 15 2008 *filed*

Attest.

*W.L.B.*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFIED BUILDERS WHOLESALE INC.:

Claimant, : No. 08-  
: :  
vs. : :  
: :  
: :  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN, his wife :  
: :  
: :  
Owners,

**CLAIM OF LIEN - MECHANIC'S LIEN**  
**Pa Stat. Ann. Title 49. §1503**

AND NOW, comes the Claimant, **Certified Builders Wholesale Inc.**, by and through its attorney, David R. Thompson, Esquire, and files this Claim of Lien ("Claim") pursuant to the Mechanic's Lien Law, as amended, (49 P.S. §1503) and in support thereof avers as follows:

1. Claimant Certified Builders Wholesale Inc. is a Pennsylvania corporation with its principal place of business at 1212 Walton Street, Philipsburg, Pennsylvania, 16866.
2. Claimant files this Claim as a subcontractor.
3. The general contractor is Mecco Construction, a Pennsylvania business with its principal place of business at PO Box 277, Ramey, Pennsylvania, 16671.
3. The owners of real estate and buildings against which Claimant files this Claim are David T. and Elizabeth Sheehan, husband and wife, who reside at 71 Sieber Road, Spring City, Pennsylvania, 19475.
4. Claimant delivered materials to Owners property on April 21, 2008.

5. Claimant makes this Claim based on a contractual invoice between Plaintiff and Mecco Construction, general contractor for owners, which provided for materials for the agreed upon sum of \$9,528.69. A true and correct copy of said invoice is attached hereto as Exhibit "A".

6. A full and complete list of the materials provided is also attached hereto as Exhibit "A".

7. Owners have failed and refused to make payment to Claimant that was and is due and owing for materials provided, all to the detriment of Claimant.

8. All materials provided by Claimant were incorporated into the building and/or are in the possession of Owners.

9. Claimant provided a Formal Notice of Intent to File a Mechanic's Lien to David T. and Elizabeth Sheehan on September 11, 2008 by U.S. Postal Service Certified Mail.

10. The property which is subject to the lien is real property located in Clearfield County, Pennsylvania, consisting of 76 acres more or less, and having a control number of 101013714, and also being the property described in Deed Book 2007, page 08094, and dated 20070508 in the Clearfield County Recorder of Deeds Office.

11. The amount due and owing to Claimant is \$9,528.69 together with lawful interest.

Respectfully Submitted,



\_\_\_\_\_  
David R. Thompson, Esquire

**VERIFICATION**

I certify that the facts set forth in the foregoing ***CLAIM OF LIEN*** are true and correct to the best of my knowledge, information and belief and that I am the owner of Certified Builders Wholesale, Inc., Claimant in the Claim of Lien. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated:



John Showers





NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Certified Builders Wholesale, Inc.

Vs.

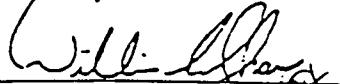
No. 2008-01974-CD

David T. Sheehan and Elizabeth Sheehan

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$9,528.69 on October 15, 2008.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
: vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of the foregoing Preliminary Objections as filed on behalf of the Defendants with reference to the above matter has been served upon the following attorney for Plaintiff by mailing the same to them by United States First Class Mail, postage prepaid, addressed as follows on December 2, 2008:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866-0587

Date: Dec. 2, 2008

Ann B. Wood  
Ann B. Wood, Attorney for Defendants

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN Defendants : Type of Case: Civil  
: Type of Pleading:  
: Praecipe for Argument  
: Filed on Behalf of: Defendants  
: Counsel for Defendants:  
: Ann B. Wood, Esquire  
: Supreme Court No. 23364  
: Bell, Silberblatt & Wood  
: 318 East Locust Street  
: P.O. Box 670  
: Clearfield, PA 16830  
: (814) 765-5537

S FILED ICC Atty  
01/11/45 LM  
DEC 02 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

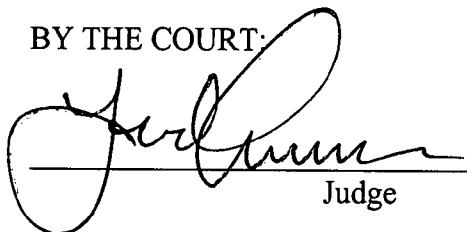
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
: vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :  
:

**RULE**

AND NOW this 4 day of December, 2008, upon consideration of the Preliminary Objections filed on behalf of the Owners in this matter and the Praeclipe for Argument on the same, it is hereby ORDERED AND DIRECTED that a rule be issued upon the Claimant, to show cause why the prayer for relief in said Preliminary Objections should not be granted. Argument is set for the 5<sup>th</sup> day of January, 2009, at 1:30 P.m. at the Clearfield County Courthouse, Courtroom # 1. The time allotted for this argument is 1<sup>1</sup>/<sub>2</sub> hour(s).

BY THE COURT:



Judge

FILED  
01/04/2008  
DEC 04 2008  
S William A. Shaw  
Prothonotary/Clerk of Courts  
1CC Attywood  
GIC

**FILED**

**DEC 04 2008**

**William A. Shaw  
Prothonotary/Clerk of Courts**

DATE: 12/4/08

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  Other

Special Instructions:

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

CERTIFIED BUILDERS WHOLESALE, INC.	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-01974-CD
	:	
DAVID T. SHEEHAN and ELIZABETH	:	
SHEEHAN	:	
Defendants	:	

**PRAECIPE FOR ARGUMENT**

TO THE PROTHONOTARY:

KINDLY SUBMIT THIS MATTER TO  
THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for Argument is Preliminary Objections.
2. Oral Argument is requested.
3. This is not a discovery matter.
4. I certify that notice has been given to all counsel of record and to all unrepresented parties of record of the filing of this Praecipe.

BELL, SILBERBLATT & WOOD  
BY

Date: Dec. 2, 2008

Ann B. Wood  
Ann B. Wood, Esquire  
Attorney for Defendant/Owners

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

CERTIFIED BUILDERS WHOLESALE, INC.

Plaintiff

: No. 2008-01974-CD

vs.

DAVID T. SHEEHAN and ELIZABETH  
SHEEHAN Defendants

: Type of Case: Civil

: Type of Pleading:  
Certificate of Service

: Filed on Behalf of: Defendants

: Counsel for Defendants:

: Ann B. Wood, Esquire  
Supreme Court No. 23364  
Bell, Silberblatt & Wood  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
(814) 765-5537

*S*  
**FILED** NO CC  
OCT 12 2008  
DEC 08 2008  
(D)  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
: vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of Praecipe for Argument with attached Rule setting hearing for January 5, 2008, as filed on behalf of the Defendants with reference to the above matter has been served upon the following attorney for Plaintiff by mailing the same to them by United States First Class Mail, postage prepaid, addressed as follows on December 5, 2008:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866-0587

Date: Dec. 5, 2008

Ann B. Wood  
Ann B. Wood, Attorney for Defendants

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN Defendants :  
: Type of Case: Civil  
: Type of Pleading:  
: Affidavit of Service  
: Filed on Behalf of: Defendants  
: Counsel for Defendants:  
: Ann B. Wood, Esquire  
: Supreme Court No. 23364  
: Bell, Silberblatt & Wood  
: 318 East Locust Street  
: P.O. Box 670  
: Clearfield, PA 16830  
: (814) 765-5537

S FILED NOCC.  
01/11/30cm  
DEC 10 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CERTIFIED BUILDERS WHOLESALE, INC. :  
Plaintiff :  
vs. : No. 2008-01974-CD  
DAVID T. SHEEHAN and ELIZABETH :  
SHEEHAN :  
Defendants :

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

AND NOW, this 10<sup>th</sup> day of December, 2008, I, Ann B. Wood, Esquire, being duly sworn, do depose and say that on November 20, 2008, I served a Notice to Settle, Discharge, Defend or Provide Security Against Mechanic's Lien Claim in the above-referenced matter on Wesley Lovell/Mecco Construction, by causing the same to be deposited in the United States Mail at the United States Post Office located at 118 North Second Street, Clearfield, Pennsylvania 16830, postage prepaid, by Certified Mail No. 7007 2560 0000 9091 1555, Return Receipt Requested, addressed to:

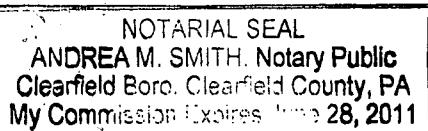
Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

The Receipt For Certified Mail Receipt and the Return Receipt Card are attached hereto showing receipt on December 2, 2008.

Said document was also mailed by Regular Mail to Wesley Lovell at the above address with a Certificate Of Mailing, which is attached hereto, on November 20, 2008, and said mailing has not been returned to this office as of this date.

BELL, SILBERBLATT & WOOD  
By

Ann B. Wood  
Ann B. Wood, Esquire



SWORN TO and SUBSCRIBED before me this 10<sup>th</sup> day of December, 2008.

Andrea M. Smith  
Notary Public

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 1.17
Certified Fee	\$ 0.10
Return Receipt Fee (Endorsement Required)	\$ 0.20
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 1.47

Sent To  
Wesley Lovell/Mecco Construction  
Street, Apt. No.;  
or PO Box No. P.O. Box 277  
City, State, ZIP+4 Ramey, PA 16671

PS Form 3800, August 2006  
See Reverse for Instructions

**U.S. POSTAL SERVICE** **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
Ann B. Wood/Bell, Silberblatt & Wood  
P.O. Box 670

One piece of ordinary mail addressed to:  
Wesley Lovell/Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

PS Form 3817, January 2001

**CLEARFIELD PA 16830**  
Postmark Here  
NOV 20 2008  
USPS

**CLEARFIELD PA 16830**  
STAGE  
PITNEY BOWES  
\$ 001.100  
0002792972 NOV 20 2008  
MAILED FROM ZIP CODE 16830

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
■ Print your name and address on the reverse so that we can return the card to you.  
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

2. Article Number  
(Transfer from service label) 7007 2560 0000 9091 1555

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Jeanne Selvage*  Agent  Addressee

B. Received by (Printed Name) *Jeanne Selvage* C. Date of Delivery *12-6-08*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004  
Domestic Return Receipt  
102595-02-M-1540

**FILED**

**DEC 10 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

CERTIFIED BUILDERS WHOLESALE INC.,

Plaintiff

vs

DAVID T. SHEEHAN and ELIZABETH  
SHEEHAN, his wife

Defendant

\* No. 08-01974-CD

\* TYPE OF CASE  
\* Civil Division

S **FILED** 3CC Atty  
m 11/16/08 Thompson  
DEC 24 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

\* TYPE OF PLEADING:  
\* Answer To Defendant's  
\* Preliminary Objections

\* FILED ON BEHALF OF:  
\* Plaintiff

\* COUNSEL OF RECORD FOR  
\* THIS PARTY:  
\* David R. Thompson, Esq.  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFIED BUILDERS WHOLESALE INC.:

Claimant	:	No. 08-01974
	:	
VS.	:	
	:	
	:	
DAVID T. SHEEHAN and ELIZABETH	:	
SHEEHAN, his wife	:	
Owners		

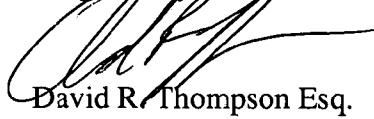
ANSWER TO DEFENDANT'S PRELIMINARY OBJECTIONS

AND NOW, comes Certified Builders Wholesale Inc., by and through its attorney, David R. Thompson, Esquire, and files this Answer to Defendant's Preliminary Objections:

1. Admitted.
2. Admitted.
3. Admitted. Plaintiff respectfully requests this Honorable Court to allow Plaintiff to amend service of this claim.
4. Admitted. Plaintiff respectfully requests this Honorable Court to allow Plaintiff to amend service of this claim.
5. Admitted as a conclusion of law. By way of further pleading, Defendant's building has not been completed to date and thus the six (6) month statutory limit has not started to run.

WHEREFORE, Plaintiff, Your Building Centers, Inc., respectfully requests this Honorable Court to give leave to Plaintiff to amend service on Plaintiff's Claim of Lien, and in the alternative, to give Plaintiff leave to refile its Claim of Lien.

Respectfully Submitted,



David R. Thompson Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

CERTIFIED BUILDERS WHOLESALE INC.,

\*  
\* No. 08-01974-CD

Plaintiff

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Defendant

S  
**FILED** 3CC Atty  
m/11/08um Thompson  
DEC 24 2008

\* William A. Shaw  
Prothonotary/Clerk of Courts

\* TYPE OF PLEADING:  
\* Certificate of Service

\* FILED ON BEHALF OF:  
\* Plaintiff

\* COUNSEL OF RECORD FOR  
\* THIS PARTY:

\* David R. Thompson, Esq.  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

CERTIFIED BUILDERS WHOLESALE INC.,\*

\* No. 08-01974-CD

Plaintiff

\*

\*

\*

\*

VS.

\*

\*

\*

\*

DAVID T. SHEEHAN and ELIZABETH  
SHEEHAN, his wife

\*

\*

\*

Defendant

\*

\*

**CERTIFICATE OF SERVICE**

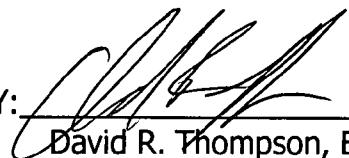
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **ANSWER TO DEFENDANT'S PRELIMINARY OBJECTIONS** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

David T. And Elizabeth Sheehan  
c/o Ann B. Wood, Esquire  
BELL, SILBERBLATT & WOOD  
P.O. Box 70  
318 East Locust Street  
Clearfield, PA 16830

DATE: 12-22-08

BY:

  
\_\_\_\_\_  
David R. Thompson, Esquire

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

CERTIFIED BUILDERS WHOLESALE, INC. :

Claimant, :

vs. : No. 2008-01974-CD

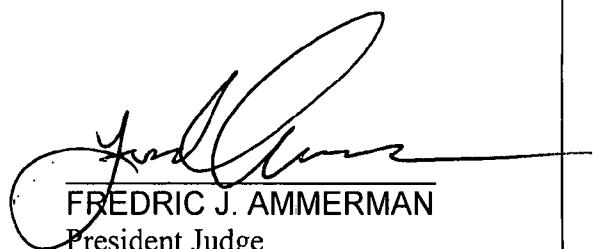
DAVID T. SHEEHAN,  
and ELIZABETH SHEEHAN,

Owners. :

**ORDER**

AND NOW, this 9<sup>th</sup> day of January 2009, adhering to the strict notice requirements mandated by statute, it is the Order of this Court that the Owners' Preliminary Objections to Claimant's Mechanic's Lien be and are hereby GRANTED. The Mechanic's Lien Claim by Claimant Certified Builders Wholesale, Inc., against Owners David Sheehan and Elizabeth Sheehan is hereby DISMISSED and STRICKEN.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

**FILED**

01/14/09 2cc Atlys:  
JAN 12 2009 Thompson

Wood

5  
William A. Shaw  
Prothonotary/Clerk of Courts

(61)

**FILED**

**JAN 12 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 1/12/09

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: