

08-2313-CD

Dealva Miller Jr vs Tom M. White

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DEALVA L. MILLER, JR.,  
Plaintiff

vs.

TOM R. WHITE,  
Defendant

CIVIL ACTION - AT LAW

No. 08-2313-CD

Type of Pleading:

**COMPLAINT**

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
Party:

Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

5  
**FILED** 1cc  
DEC 03 2008 Sheriff  
William A. Shaw Atty pd.  
Prothonotary/Clerk of Courts \$95.00

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

DEALVA L. MILLER, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No.
	:	
TOM R. WHITE,	:	
Defendant	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other 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.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ext. 1303

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

DEALVA L. MILLER, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No.
	:	
TOM R. WHITE,	:	
Defendant	:	

**COMPLAINT**

AND NOW, comes the Plaintiff, by and through his attorneys,  
Hanak, Guido and Taladay, and avers a cause of action as follows:

**COUNT I**

1. The Plaintiff is DeAlva L. Miller, Jr., an adult individual, of 508 Bush Court, DuBois, Clearfield County, Pennsylvania.
2. The Defendant is Tom R. White, an adult individual, who resides partly at 508 Bush Court, DuBois, Clearfield County, Pennsylvania, and partly at 221 Luther Avenue, DuBois, Clearfield County, Pennsylvania.
3. Plaintiff and Defendant are the joint tenants of certain real estate described as being located on Bush Court. Such real estate is described per the deed to Plaintiff and Defendant made by Plaintiff on March 10, 1995, and recorded in Clearfield County Deed Volume 1666, Page 22. A copy of the deed is attached hereto as Exhibit A.
4. By operation of law, Defendant is responsible for one-half of the cost of maintaining the real estate of which he owns an undivided one-half

interest. From the date of the deeding of the property to the Defendant, the Defendant has paid no obligated real estate expenses to cover real estate taxes, property insurance, utilities, and repairs.

5. Plaintiff has made all necessary payments for those matters for which Defendant is responsible. An accounting of payments made by Plaintiff for which Defendant is obligated, is listed as per the attached Exhibit B. This represents one-half of the total expenditures.

6. The total amount of Defendant's obligation on a yearly basis for the last four years is as follows:

(a) Natural gas utility	\$2,757.28
(b) Cable television	\$1,297.60
(c) Electric	\$1,683.53
(d) Waste disposal	\$ 319.80
(e) Sewage	\$1,175.62
(f) Water	\$ 874.26
(g) Taxes	\$3,455.12
(h) Insurance	\$ 872.23
(i) Repairs & Maintenance	\$5,070.74

7. Defendant is obligated to the Plaintiff in the total sum of \$17,506.18.

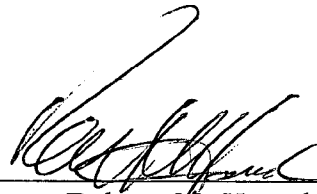
## **COUNT II**

Plaintiff further avers a cause of action against the Defendant and hereby incorporates Paragraphs 1, 2 and 3 by reference.

8. In addition to the above, Defendant operated his place of business in the jointly titled real estate on Bush Court, maintaining a beauty salon the use of which the Defendant derived income. Defendant has not paid rent for the beauty salon. The area used by Defendant for the beauty salon is

486 square feet. The rate for commercial rental space in DuBois on the average is \$9.00 a square foot. Defendant owes to Plaintiff one-half of the usage cost or \$8,748.00 for the last four years of unpaid rent.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in Plaintiff's favor in the total amount of Count I of \$17,506.18, and the total amount of Count II which is \$8,748.00, together with costs of suit and interest as the Court may allow.

A handwritten signature in black ink, appearing to read 'Robert M. Hanak', is written over a horizontal line.

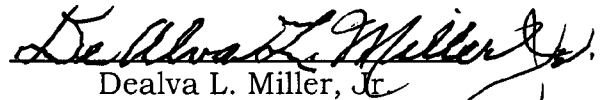
Robert M. Hanak  
Attorney for Plaintiff

**VERIFICATION**

I, DEALVA L. MILLER, JR., do hereby verify that I have read the foregoing COMPLAINT. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 12/11/08

  
Dealva L. Miller, Jr.



County Parcel No. \_\_\_\_\_

508 Bush  
CT

# This Deed,

MADE the 10th day of March

in the year nineteen hundred and ninety-five, (1995),

BETWEEN DE ALVA L. MILLER, JR., single, of the City of DuBois, Clearfield County, Pennsylvania, party of the first part, hereinafter referred to as the GRANTOR,

A  
N  
D

DE ALVA L. MILLER, JR., single, AND TOM R. WHITE, single, of DuBois, Sandy Township, Clearfield County, Pennsylvania, as joint tenants with the right of survivorship, parties of the second part, hereinafter referred to as the GRANTEES,

WITNESSETH, That in consideration of One and 00/100 (\$1.00) Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey to the said grantee s,

ALL that certain piece or parcel of land situate in the Township of Sandy, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

Beginning at a point on the south line of Bush Court and at the northeast corner of Lot No. 33 in the Hillcrest Manor Plan of Lots; thence along the southerly line of Bush Court in an Easterly direction 85 Feet to a point; thence along westerly line of Lot No. 31 in said plan in a Southerly direction 145.99 feet to a point; thence in a Westerly direction 85 feet to a point; thence along the easterly line of said Lot No. 33 in a Northerly direction 145.26 feet to the place of beginning. Being known as Lot No. 32 in the Hillcrest Manor Plan of Lots.

EXCEPTING AND RESERVING therefrom all oil and gas and subject to all exceptions, reservations and conditions as contained in prior deeds of conveyance.

No construction shall be made upon said premises the floor space of which, exclusive of garage, shall be less than eleven hundred (1100) square feet; and any such building shall be constructed at least thirty (30) feet back from the front street line of said lot, and at least, twelve (12) feet back from the boundary lines on each side of said premises. Further, the building to be so constructed on said premises shall be used solely for dwelling house purposes.

DuBOIS AREA SCHOOL DISTRICT  
1% REALTY TRANSFER TAX

AMOUNT \$ 316.61

PAID 3-29-95 KAREN L. STARCK

EXHIBIT A



BEING the same premises conveyed to Grantor herein by deed of Lewis G. Bush, et ux., dated June 12, 1963, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 502, page 303.

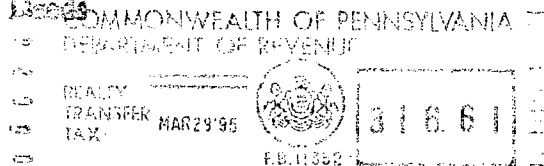
hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*

Karen L. Starck  
Recorder of Deeds

CLEARFIELD COUNTY  
ENTERED OF RECORD  
TIME 1:00 pm 3-29-95  
BY Paul Cherry  
FEES 13.50  
Karen L. Starck, Recorder



## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

*Robert L. McCarver*

*Debra L. Miller*  
Debra L. Miller, Jr.  
*Tom R. White*  
Tom R. White

This 10th day of March 1995

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

## DE MILLER EXPENSES

### HOUSEHOLD EXPENSES

December 2004 - November 2008

	Phone	Gas	Cable	Electric	Waste	Sewer	Water
2004	44.82	145.55	34.98	71.91	13.5	30.13	64.42
2005	539.4	1200.54	722.52	830.85	122.45	381.45	252.52
2006	386.91	1584.01	912.07	850.66	202.5	542.1	238.82
2007	480.89	1317.45	398.12	1028.78	220.15	620.9	760.55
2008	247.49	\$1,267.01	527.51	584.86	81	776.65	432.2
Total	1699.51	5514.56	2595.2	3367.06	639.6	2351.23	1748.51
1/2 Total	\$849.76	\$2,757.28	\$1,297.60	\$1,683.53	\$319.80	\$1,175.62	\$874.26

**Grand Total for 1/2 Household Expenses - \$8,957.85**

### MISCELLANEOUS EXPENSES

December 2004 - November 2008

2004	\$333.49	Not including loan to Tom or Tom's dental
2005	\$2,458.35	
2006	\$3,607.51	
2007	\$449.55	
2008	\$3,292.57	
Total	\$10,141.47	

**Grand Total for 1/2 Miscellaneous Expenses - \$5,070.74**

**INSURANCE**

2005	\$465.00
2006	\$450.00
2007	\$393.00
2008	\$437.25

Total	\$1,745.25
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**Grand total for 1/2 Insurance Expenses - \$872.63**

**TAXES**

2005	\$1,754.12
2006	\$1,810.54
2007	\$1,794.55
2008	\$1,551.02

Total	\$6,910.23
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**Grand Total for 1/2 Tax Expenses - \$3,455.12**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2313-CD

DEALVA L. MILLER  
vs  
TOM R. WHITE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/02/2009 HEARING: PAGE: 105002

DEFENDANT: TOM R. WHITE  
ADDRESS: 221 LUTHER AVENUE  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

10-20-08 N/A 12-15-08 11:33 AM N/A  
Left Notice

FILED

013:40Lm  
DEC 18 2008

William A. Shaw  
Prothonotary Clerk of Courts

SHERIFF'S RETURN

NOW, 12-15-08 AT 12:30 AM PM SERVED THE WITHIN

COMPLAINT ON TOM R. WHITE, DEFENDANT

BY HANDING TO TOM R. WHITE, DEFENDANT

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

ADDRESS SERVED PEKING CHINA RESTAURANT, LIBERTY BLVD. DUBOIS

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR TOM R. WHITE

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO TOM R. WHITE

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Coudriet  
Deputy Signature

MARK A. COUDRIET  
Print Deputy Name

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

DEALVA L. MILLER, JR.,

Plaintiff

Vs.

TOM R. WHITE,

Defendant

No. 08-2313-CD

Type of Pleading:

**DEFENDANT'S ANSWER AND  
NEW MATTER TO  
PLAINTIFF'S COMPLAINT**

Filed on Behalf of:  
DEFENDANT

Counsel of Record for This Party:  
Jeffrey S. DuBois, Esquire  
Supreme Court No. 62074  
210 McCracken Run Road  
DuBois, PA 15801  
(814) 375-5598

**FILED**

01/15/09  
JAN 15 2009

300  
Atty  
DuBois

William A. Shaw  
Prothonotary/Clerk of Courts

610

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

DEALVA L. MILLER, JR.,	:	No. 08-2313-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
TOM R. WHITE,	:	
Defendant	:	

**NOTICE TO PLEAD**

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE  
ENCLOSED ANSWER AND NEW MATTER WITHIN TWENTY (20) DAYS FROM  
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.



Jeffrey S. DuBois, Esquire  
Attorney for Defendant  
210 McCracken Run Road  
DuBois, PA 15801  
(814) 375-5598

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

DEALVA L. MILLER, JR.,	:	No. 08-2313-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
TOM R. WHITE,	:	
Defendant	:	

**DEFENDANT'S ANSWER AND NEW MATTER**  
**TO PLAINTIFF'S COMPLAINT**

AND NOW, comes the Defendant, TOM R. WHITE, by and through his attorney, Jeffrey S. DuBois, Esquire, who files the following Answer and New Matter to Plaintiff's Complaint. And in support thereof avers the following:

**COUNT I**

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. It is denied, that by operation of law, Defendant is responsible for one-half of all expenses with respect to the property, as the parties were in a relationship and there was no specific amount either party was responsible for with respect to the property. By the way of further answer, Defendant has always paid at least half, if not more, of all of the expenses on the property.
5. Denied. It is denied that Plaintiff has made all the payments with respect to the property, and strict proof thereof is demanded at Trial. On the contrary, the parties have equally shared in all such expenses.

6. Denied. It is denied that Defendant owes any amount as set forth in Plaintiff's Paragraph 6, as Defendant has always equally shared in all expenses for said home, including, but not limited to, taxes and insurance, regular maintenance, and capital improvements.
7. Denied for the reasons set forth in Paragraphs 4, 5, and 6 herein.

### COUNT II

Defendant hereby incorporates Paragraphs 1 through 7 above as if set forth in full herein.

8. It is admitted that for a period of time Defendant did operate a beauty salon out of a small portion of the residence. This was not Defendant's main occupation, as Defendant works full time for Owens-Illinois, and only operated the business on a sporadic basis. In fact, since on or about 2003, Defendant would only have between four to five (4-5) clients per month at the property. Further, during the past year, Defendant has not operated the business at all. By way of further answer, that room was not exclusively used for Defendant's salon, but was also used by the parties as both a "Florida Room", as well as their laundry room. Finally, the use of said room by Defendant was with the full knowledge and consent of Plaintiff, without any expectation of reimbursement.

WHEREFORE, Defendant respectfully requests this Honorable Court to award judgment in his favor and against Plaintiff and dismiss Plaintiff's Complaint in its entirety.



**NEW MATTER**

9. Defendant hereby incorporates by reference paragraphs 1 through 8 as if set forth herein at length.
10. From the time prior to 1995, when the aforementioned property was put into both names, Plaintiff and Defendant have been partners, and were in a long term relationship.
11. Because of the parties relationship, there was never an expectation for an exact percentage that each party would be responsible for in regards to the house, nor was there ever an expectation that there would be an accounting for any amount owed by either party.
12. Since the parties had the property placed in both names in 1995, Defendant has equally shared, if not more than half, in all expenses with respect to the house and property, to include utilities, insurance. and taxes.
13. Moreover, Defendant contributed his own monies to capital improvements on the residence.
14. The use of a room for a salon was with the knowledge and consent of Plaintiff, and there was never any request nor expectation of any money which would be given to Plaintiff because of the use of this room.
15. Defendant believes, therefore avers, that because of Plaintiff's now advanced age, and slight mental impairment or dementia, that this action is not the desire of Plaintiff, but of Plaintiff's family.

16. As a consequence, Defendant believes, and therefore avers, that this is not proper action against him.

17. Plaintiff's Complaint fails to set forth a cause of action against Defendant.

18. Plaintiff's Complaint fails to set forth a claim upon which relief can be granted.

WHEREFORE, Defendant respectfully requests this Honorable Court to award judgment in his favor and against Plaintiff and dismiss Plaintiff's Complaint in its entirety.

Respectfully submitted,

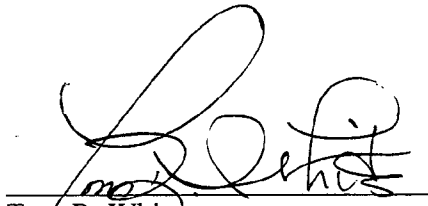
A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire  
Attorney for Defendant

**VERIFICATION**

I, TOM R. WHITE, verify that the statements in the foregoing Pleading are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Tom R. White

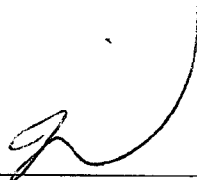
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DEALVA L. MILLER, JR.,	:	No. 08-2313-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
TOM R. WHITE,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 15<sup>th</sup> day of January, 2009, I served a true and correct copy of the within Answer and New Matter to Plaintiff's Complaint by first class mail, postage prepaid, on the following:

Robert M. Hanak, Esquire  
PO Box 487  
DuBois, PA 15801

  
\_\_\_\_\_  
Jeffrey S. DuBois, Esquire

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DEALVA L. MILLER, JR.,  
Plaintiff

vs.

TOM R. WHITE,  
Defendant

CIVIL ACTION - AT LAW

No. 08-2313-CD

Type of Pleading:

**REPLY TO NEW MATTER**

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
Party:

Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

**FILED**  
mjh/16/BA NO CC  
JAN 21 2009  
William A. Shaw  
Prothonotary/Clerk of Courts (610)

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

DEALVA L. MILLER, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No. 08-2313-CD
	:	
TOM R. WHITE,	:	
Defendant	:	

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiff, by and through his attorneys,  
Hanak, Guido and Taladay, and files this Reply to New Matter as follows:

9. An answer is not required as this is an incorporating paragraph.
10. Admitted.
11. Denied. In a matter of joint tenancy, there is a legal obligation for accounting and responsibility for expenses which is impressed on Defendant and for which Defendant has repeatedly denied and breached.
12. It is admitted that the property was placed in both names in 1995. It is denied that the Defendant has equally shared, if not more than half, in all expenses with respect to the house and property, including utilities, etc. To the contrary, Defendant has denied and continues to deny his obligation to pay expenses and has not, in fact, paid for such expenses.

13. Admitted in part and denied in part. Defendant has contributed small amounts of capital improvements much less than needed capital improvements which were covered by the Plaintiff. Defendant still has the duty of accounting and payment for the disparity.

14. Admitted in part and denied in part. During the time that the relationship between Plaintiff and Defendant was one of continuing cohabitation, the Plaintiff did not object to Defendant's use of the deeded premises for his business. At such time that the parties no longer continually cohabitated, the Defendant continued to take advantage of the situation and used the premises for his business. As co-tenant, he has the obligation of accounting to the other non-consenting tenant for usage and economic profit.

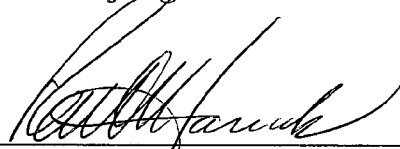
15. Denied. Plaintiff instituted this matter based on his own intentions which were triggered by the actions and omissions of the Defendant.

16. This is not a factual statement that applies to the cause of action and may be considered a conclusion of law. This issue is denied if it is deemed factual.

17. This is not a factual statement and constitutes a conclusion of law. A responsive answer is not necessary.

18. This is not a factual statement and constitutes a conclusion of law. A responsive answer is not necessary.

WHEREFORE, Plaintiff demands judgment in his favor.

A handwritten signature in black ink, appearing to read "Robert M. Hanak", written over a horizontal line.

Robert M. Hanak  
Attorney for Plaintiff



**VERIFICATION**

I, DEALVA L. MILLER, JR., hereby verify that the statements made in the REPLY TO NEW MATTER 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 the authorities.

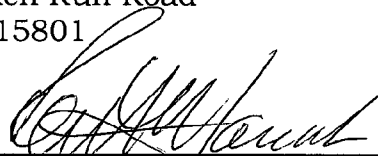
January 20, 2009  
(Date)

Dealva L. Miller Jr.  
Dealva L. Miller, Jr.

CERTIFICATE OF SERVICE

I certify that on the 20th day of January, 2009, a copy of the REPLY TO NEW MATTER was forwarded via first class U.S. mail, postage prepaid, addressed as follows:

Jeffrey S. DuBois, Esq.  
210 McCracken Run Road  
DuBois, PA 15801

A handwritten signature in black ink, appearing to read "Robert M. Hanak", is written over a horizontal line.

Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DEALVA L. MILLER, JR.,  
Plaintiff

vs.

TOM R. WHITE,  
Defendant

CIVIL ACTION - AT LAW

No. 08-2313-CD

Type of Pleading:

**NOTICE OF SERVICE  
OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION  
OF DOCUMENTS**

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
Party:

Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

**FILED**  
m 19.1504  
MAR 09 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

DEALVA L. MILLER, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No. 08-2313-CD
	:	
TOM R. WHITE,	:	
Defendant	:	

**NOTICE OF SERVICE**

I, Robert M. Hanak, of Hanak, Guido and Taladay, being counsel of record for Plaintiff, do hereby certify that I propounded on Defendant, via United States mail, first class, postage prepaid, this 6th day of March, 2009, PLAINTIFF'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS to the below indicated person, at said address, being counsel of record for the Defendant:

Jeffrey S. DuBois, Esq.  
Attorney for Defendant  
210 McCracken Run Road  
DuBois, Pa 15801



Robert M. Hanak  
Attorney for Plaintiff

**FILED**

**MAR 09 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105002  
NO: 08-2313-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: DEALVA L. MILLER  
VS.  
DEFENDANT: TOM R. WHITE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	17090	10.00
SHERIFF HAWKINS	HANAK	17090	40.65

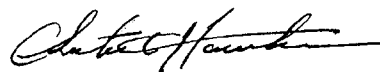
FILED  
013:354m  
MAR 25 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DEALVA L. MILLER, JR.,

Plaintiff

vs.

TOM R. WHITE,

Defendant

CIVIL ACTION - AT LAW

No. 08-2313-CD

Type of Pleading:

**PRAECIPE FOR  
DISCONTINUANCE**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for This  
Party:

Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Date: August 19, 2010

**FILED** <sup>CC</sup>  
01 3:48pm  
AUG 24 2010  
Ashley DuBois

William A. Shaver  
Prothonotary/Clerk of Courts

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

DEALVA L. MILLER, JR.	:	
Plaintiff	:	
	:	
vs.	:	No. 08-2313-CD
	:	
TOM R. WHITE,	:	
Defendant	:	

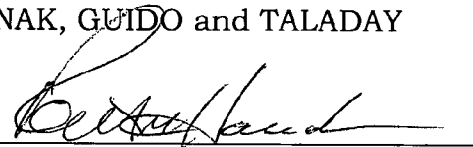
**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please discontinue this case on behalf of Dealva L. Miller, Jr.  
in the above captioned matter as it has been settled.

HANAK, GUIDO and TALADAY

By



Robert M. Hanak  
Attorney for Plaintiff