

FILED
Atty PD
13:18 3/14 2008
DEC 16 2008
Atty Koesber
13:18 3/14 2008
Prothonotary/Clerk of Courts
FROM
MAGISTERIAL DISTRICT JUDGE JUDGMENT
mrs Rudella

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46th Judicial District, County Of Clearfield

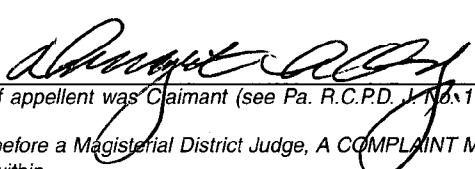
NOTICE OF APPEAL William A. Shaw Piff
Prothonotary/Clerk of Courts

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 08-2402-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 Kephart Trucking Co./Dave Kephart	MAG. DIST. NO. 46-3-03	NAME OF MDJ Michael A. Rudella
ADDRESS OF APPELLANT 983 Woodland-Bigler Hwy.	CITY Bigler	STATE PA
DATE OF JUDGMENT 11/18/08	IN THE CASE OF (Plaintiff) M&T LLC	ZIP CODE 16825 (Defendant) Kephart Trucking Co./Dave Kephart
DOCKET No. CV-0000326-08	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT 	
<p>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.</p> <p>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 within twenty (20) days after filing the NOTICE of APPEAL.</p> <p>_____ Signature of Prothonotary or Deputy</p>		

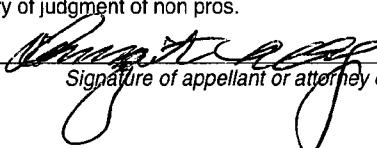
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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 M&T LLC appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 08-2402-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or attorney or agent

RULE: To M&T LLC 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 Dec. 16, 2008


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

Signature of affiant

Title of official

My commission expires on _____, 20_____
2015

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46th Judicial District, County Of Clearfield

NOTICE OF APPEAL

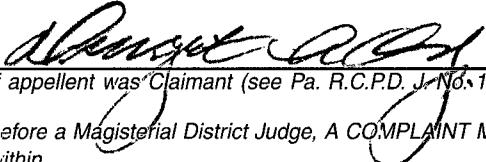
FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 08-2402-CJ

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 Kephart Trucking Co./Dave Kephart	MAG. DIST. NO. 46-3-03	NAME OF MDJ Michael A. Ridella
ADDRESS OF APPELLANT 983 Woodland-Bigler Hwy.	CITY Bigler	STATE PA
DATE OF JUDGMENT 11/18/08	IN THE CASE OF (Plaintiff) M&T LLC	ZIP CODE 16825
DOCKET No. CV-0000326-08	vs. Kephart Trucking Co./Dave Kephart	
SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT		
Signature of Prothonotary or Deputy		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 within (20) days after filing the NOTICE of APPEAL.

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 within (20) days after filing the NOTICE of APPEAL.

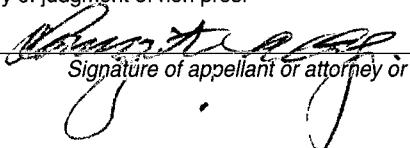
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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 M&T LLC appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 08-2402-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or attorney or agent

RULE: To M&T LLC 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 Dec. 10, 2008


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

Signature of official before whom affidavit was made

Signature of affiant

Title of official

My commission expires on

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Maj. Dkt. No.:

46-3-03

MJU Name: Hon.

MICHAEL A. RUDELLA
Address: **131 ROLLING STONE ROAD**
PO BOX 210
KYLERTOWN, PA
Telephone: **(814) 345-6789** **16847-0444**

KEPHART TRUCKING CO/DAVE KEPHART
983 WOODLAND-BIGLER HWY.
BIGLER, PA 16825

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

M & T LLC
6810 LEMBERN RD.
GWTMN OAK, MD 21207-4129

NAME and ADDRESS

DEFENDANT:

KEPHART TRUCKING CO/DAVE KEPHART
983 WOODLAND-BIGLER HWY.
BIGLER, PA 16825

VS.

NAME and ADDRESS

Docket No.: **CV-0000326-08**
Date Filed: **10/22/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **11/18/08**

Judgment was entered for: (Name) **M & T LLC**

Judgment was entered against: (Name) **KEPHART TRUCKING CO/DAVE KEPHART**
in the amount of \$ **6,126.00**

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	\$ 6,000.00
Judgment Costs	\$ 126.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,126.00
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.

11-18-08 Date

M A Rudella

, 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: **11/19/08 10:03:00 AM**

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA
Address: **131 ROLLING STONE ROAD**
PO BOX 210
KYLERTOWN, PA

Telephone: **(814) 345-6789**

16847-0444

MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA 16847-0444

THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF**

Docket No.: **CV-0000326-08**
Date Filed: **10/22/08**



(Date of Judgment) **11/18/08**

08-2402-CD

Judgment was entered for: (Name) **M & T LLC**

Judgment was entered against: (Name) **KEPHART TRUCKING CO/DAVE KEPHART**
in the amount of \$ **6,126.00**

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	\$ 6,000.00
Judgment Costs	\$ 126.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,126.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ 6126.00	

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.

FILED

01/25/09
DEC 23 2008

5
William A. Shaw
Prothonotary/Clerk of Courts

11-18-08 Date *M. A. RudeLLA*, Magisterial District Judge

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

11/18/08 Date *M. A. RudeLLA*, Magisterial District Judge

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

SEAL

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

*

M & T, LLC,
Plaintiff

*

-vs-

Docket No. 08-2402-CD

KEPHART TRUCKING CO.,
Defendant

*

*

Type of pleading:
PRAECIPE TO DISCONTINUE

Filed on behalf of:
PLAINTIFF, M & T, LLC

This party represented by:

Malcolm McGruder
for M & T, LLC

6810 Lenbern Road
Gwynn Oak, MD 21207-4129

FILED 3CC-3 Cert.
S 07/3/2009 of Disc. to
JAN 30 2009 Atty Koester
6K
William A. Shaw
Prothonotary/Clerk of Courts

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

M & T, LLC,

Plaintiff

*

-vs-

*

Docket No. 08-2402-CD

KEPHART TRUCKING CO.,

Defendant

*

*

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above case as discontinued.

Respectfully submitted,

By: Malcolm E. McGruder

Malcolm McGruder

for Plaintiff, M & T, LLC

DATE: 1-27-2009

FILED

JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

Copy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

M & T LLC

Vs.
Kephart Trucking Co.
Dave Kephart

No. 2008-02402-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 30, 2009, marked:

Discontinued

Record costs in the sum of \$95.00 have been paid in full by Dwight L. Koerber, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of January A.D. 2009.



William A. Shaw, Prothonotary