

DOCKET NO. 175

Number Term Year

368 November 1961

County National Bank at Clearfield

Versus

Preston Rishel

Daisy Rishel

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

PRESTON RISHEL and DAISY RISHEL, his wife, of the Borough of Clearfield, County of Clearfield, State of Pennsylvania, residing at 427 West Pine Street, being duly sworn deposes and say that a certain note dated November 10, 1961, in favor of PRESTON RISHEL and DAISY RISHEL, for the sum of \$1,800, and purporting to be signed by Ashley Rishel and Lillian Rishel and endorsed by Preston Rishel and Daisy Rishel and to be paid at the The County National Bank at Clearfield at its principal office on the 10th. day of May, 1962, was not endorsed or signed by the affiants, and the signatures on said note are forgery.

Affiants further state that they did not authorize the issuance of said note or the endorsement of their signatures thereon, and that they hereby aver to the best of their knowledge, information and belief that the said note was issued by Ashley L. Rishel who resides in the Borough of Clearfield, County of Clearfield, State of Pennsylvania, and further that the affiants received no benefit or value nor were intended to receive any from the profits of said note, and that no part thereof was applied to any use or purpose in the affiants behalf.

Affiants further deposes and say that they, the affiants, will testify, declare, depose, or certify to the truth of any or all of the foregoing before any competent tribunal, officer, or person in any case now pending or that may hereafter be stated in connection with the matter contained in this affidavit.

Sworn to and subscribed
before me this 23 day
of February, 1962.

Carl E. Walker

Preston C. Rishel
(Preston Rishel)

Daisy Rishel
(Daisy Rishel)

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

PRESTON RISHER and MARY RISHER, his wife

of the Borough of Cressfield, County of Crawford, state of Pennsylvania, residing at 424 West Pine Street, being duly sworn deposes and says that a certain note dated November 10, 1961, in favor of PRESTON RISHER and MARY RISHER, for the sum of \$1,800, and purporting to be signed by Asaph A. Risner and Phillip Risner and endorsed by Preston Risner and Mary Risner and to be paid at the County National Bank at Cressfield at the principal office on the 10th day of May, 1962, was not endorsed or signed by the witness, and the witness was not present at the signing of the instrument on said note the following day.

Affiant further states that they did not sign

or file the instrument or note to the endorsement of either witness or any other witness to the note, and that they never to the best of their knowledge, information and belief that the said note was issued by Asaph A. Risner who resides in the Borough of Cressfield, County of Crawford, State of Pennsylvania, and further that the witness received no benefit or value for signing the instrument or note, and that on the 10th day of May, 1962, the witness will testify, deposes, or certifies to the truth of this affidavit as to the cause or cause why he signed the instrument or note, or desisted in such cause now pending to the best of his knowledge, or to the best of his knowledge to the matter contained in this affidavit.

Carl E. Walker
(Preston Risner)

Carl E. Walker
(Mary Risner)

FILED

MAR 8 1962

Sworn to before me this day of March, 1962
CARL E. WALKER, Notary Public
PROTHONOTARY

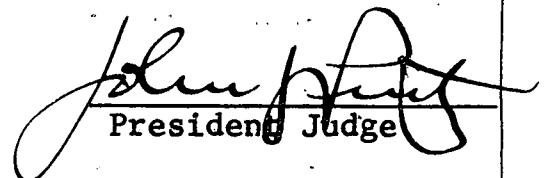
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COUNTY NATIONAL BANK AT :
CLEARFIELD :
VS : No. 368 November Term 1961
: :
PRESTON RISHEL, :
DAISY RISHEL :
:

O R D E R

NOW, March 6, 1962, petition to open being presented and testimony heard; and it appearing that the signatures of Preston Rishel and Daisy Rishel on the said note are forgeries, are thereupon, on motion, stricken off.

BY THE COURT


John F. Rishel
President Judge

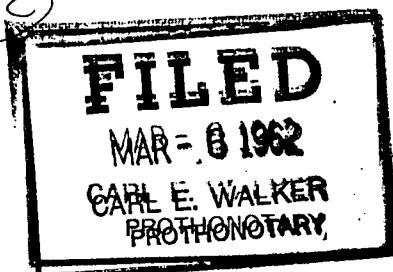
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 368 November Term 1961

COUNTY NATIONAL BANK AT
CLEARFIELD

VS

PRESTON RISHEL,
DAISY RISHEL

ORDER



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COUNTY NATIONAL BANK AT
CLEARFIELD, PENNSYLVANIA : No. 368 November Term, 1961
VS. :
PRESTON RISHEL and :
DAISY RISHEL :
:

ANSWER TO PETITION

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

Now comes the County National Bank at Clearfield, Pennsylvania, and answers the Petition filed to the above term and number and respectfully sets forth as follows:

(1). The averments contained in Paragraph 1 are admitted however, in further answer thereto, it is averred that the said note was taken by your respondent in good faith and by giving valuable consideration therefor, and that the respondent had no notice of any defect existing in the said note.

(2). The facts as averred in Paragraph 2 are admitted, however in further answer thereto it is averred that your respondent took said note in good faith and by giving valuable consideration therefor, and was aware of no defect in the endorsement thereon.

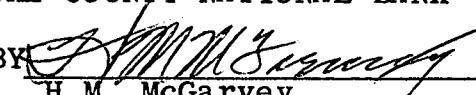
(3). Your respondent being without sufficient information after reasonable investigation to either affirm or deny the facts as set forth in Paragraph 3, they are, therefore denied and strict proof is demanded.

(4). The averments of Paragraph 4 are neither affirmed or denied. The respondent after reasonable investigation being without sufficient information to either affirm or deny and strict proof thereof is demanded. It is further averred, however, that the facts as set forth therein are in direct conflict with the facts as set forth in Paragraph 5 therein.

(5). The averments set forth in Paragraph 5 of the Petition are denied and on the contrary it is averred that at the time the said Roy I. Fulton took the said note to the Petitioner's home the sole purpose was to discuss the said note with them and that the Petitioners stated that the signatures thereon were forgery and at no time did the said Roy I. Fulton state that he knew the signatures of the Petitioners were forged.

WHEREFORE, the respondent herein sets forth that as the note was taken by it in good faith and for valuable consideration that the Petitioners be required to offer proof of all the averments in their said Petition and that otherwise the judgment be reaffirmed and the rule to open be discharged.

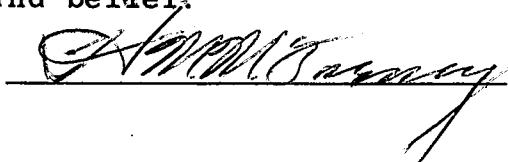
THE COUNTY NATIONAL BANK

BY 
H. M. McGarvey
President

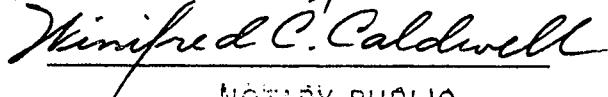
SMITH, SMITH & WORK
BY 
Joseph P. Work
Atty's. for Respondent

STATE OF PENNSYLVANIA : SS:
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared H. M. McGarvey, who being duly sworn according to law, does depose and say that he is the President of the The County National Bank at Clearfield, and as such is authorized to execute this affidavit on its behalf, and he does further depose and say that the facts as set forth in the within answer are true and correct to the best of his knowledge, information and belief.



Sworn to and subscribed
before me this 27th day
of February, 1962.



NOTARY PUBLIC
My Commission Expires January 7, 1963
Clearfield, Pa. Clearfield County

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

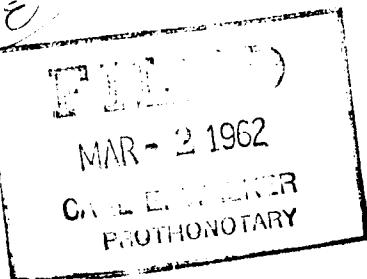
No. 368 November Term

COUNTY NATIONAL BANK AT CLEARFIELD, PENNSYLVANIA

vs.

PRESTON RISHEL and
DAISY RISHEL

ANSWER TO PETITION



SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

mm March 5/1962 answer ready
Atty
Bob McElroy
Attala & McElroy
Bell Telephone Co.
Over Margin

Clearfield, Pa., NOV 10 1961 19 No. 6416

SIX MONTHS after date we or either of us promise to pay to
Preston Rishel and Daisy Rishel or their assigns \$ 1800.00
EIGHTEEN HUNDRED
WITH INTEREST
100 Dollars

at THE COUNTY NATIONAL BANK AT CLEARFIELD, PA.

without defalcation, value received, hereby expressly waiving inquisition, stay of execution and the benefits of all exemption laws, and we further empower the holder or any Attorney of any Court of Record within the United States to appear for US and confess judgment against for the above sum with above waivers, costs of suits, release of errors and with ten per cent Attorney's Commission.

411 W. Sixth St.
ADDRESS
Clearfield, Pa.
/s/ Ashley L. Rishel  DUE
/s/ Lillian R. Rishel 

C O P Y

For value received we assign the within note to
THE COUNTY NATIONAL BANK AT
CLEARFIELD
and guarantee the payment of same at maturity, hereby waiving
protest and notice of non-payment. And further we
empower the holder or any attorney of any Court of Record to con-
fess judgment at any time against us jointly and sever-
ally for the sum named in this note, together with ten per cent
Attorney's Commission, hereby waiving inquisition and the benefits
of all exemption laws.

/s/ Preston Rishel [SEAL]

/s/ Daisy Rishel [SEAL]

THE COUNTY NATIONAL BANK AT
CLEARFIELD
vs.
PRESTON RISHEL and DAISY
RISHEL
State of Pennsylvania,
County of CLEARFIELD

In the Court of Common Pleas
of CLEARFIELD County,
of NOVEMBER Term, 19 61

No. 368

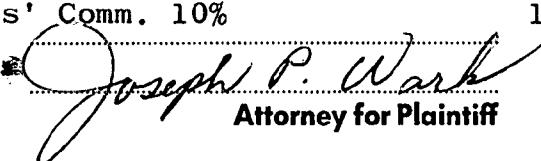
D. S. B.

ss.

The Plaintiff's claim in the above stated action without writ, is founded on a single bill, ~~hereby annexed~~, under the hands and seals of the Defendant s, bearing date the 10th day of November A. D. 19 61, whereby the Defendant s doth promise to pay to the said Plaintiff within 6 months the sum of Eighteen Hundred (\$1800.00) Dollars, for value received, with interest from Nov. 10, 1961 which single bill contains a Warrant of Attorney, authorizing any attorney of any Court of Records of Pennsylvania, or elsewhere, to appear for said Defendants , and after one or more declarations filed, to confess judgment against defendants and in favor of said Plaintiff for the said sum of Eighteen Hundred (\$1800.00) Dollars with interest from Nov. 10, 1961 as aforesaid, costs of suit and release of errors in the entering of said judgment, or the issuing of any process thereon. See copy of note attached, for complete waivers, the original being filed to No. 36 C Nov. T. 1961

of all which said sum, with the interest thereon, is hereby certified to be justly due and owing by the said Defendant to the said Plaintiff , to wit: The sum of \$ 1800.00

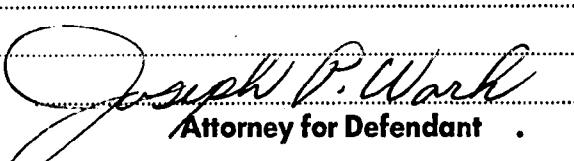
Interest from Nov. 10, 1961
Attorneys' Comm. 10% 180.00


Attorney for Plaintiff

State of Pennsylvania,
County of CLEARFIELD

ss.

herein incorporated by reference
By virtue of special warrant of Attorney above mentioned, and ~~hereby annexed~~ we,
SMITH, SMITH & WORK the Defendants in the
stated action without writ, as of Nov. Term, 19 61 , and therein confess judgment against defendants and in favor of THE COUNTY NATIONAL BANK
AT CLEARFIELD the Plaintiff , for sum of Nineteen Hundred Eighty (\$1980.00) Dollars, with interest from Nov. 10, 1961 on \$1800.00 thereof, with costs of suit and release of all errors in the entering of said judgment, and issuing of any process thereon. See copy of note attached for complete waivers, and the original filed to No. November Term, 1961


Attorney for Defendant

To WILLIAM T. HAGERTY , Esq.,
Pro. Com. Pleas of CLEARFIELD Co.

We hereby certify that the precise residence address of the within judgment creditor
is Cor. of Market & 2nd. Sts. Clearfield, Pa. and that of the judgment debtors
427 W. Pine St. Clearfield, Pa.

Joseph P. Work
Attorneys for Plaintiff

Court of Common Pleas
of CLEARFIELD County
NOVEMBER Term 19 61

No. 368

THE COUNTY NATIONAL BANK

AT CLEARFIELD

vs.

PRESTON RISHEL

DAISY RISHEL

D.S.B.

Note of Warrant of Attorney

Debt, - - - \$

Interest, - - -

Attys' Com
FILED
1300
DEC 29 1961
Prothonotary
Joseph P. Work
Attorneys for Plaintiff

457 atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COUNTY NATIONAL BANK AT
CLEARFIELD, PENNSYLVANIA

vs.

: No. 368 November Term, 1961

PRESTON RISHEL and
DAISY RISHEL

PETITION

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of Preston Rishel and Daisy Rishel
respectfully represents:

(1). That on the 29th day of December, 1961, the County National Bank at Clearfield, Pennsylvania, confessed judgment against your Petitioners in the amount of \$1,800.00, plus attorney's commission of \$180.00, and interest from November 10, 1961, referring to a note on which judgment was entered by said County National Bank at Clearfield against Ashley L. Rishel and Lillian R. Rishel to No. 368 November Term, 1961.

(2). Examination of the original note entered to No. 366 November Term, 1961, shows a note dated the 10th day of November, 1961, payable six months after date, on which note there is an alleged endorsement purportedly signed by Preston Rishel and Daisy Rishel.

(3). That your Petitioners aver that the signature are not their signatures nor did they authorize any other person to place their names thereon.

(4). That your Petitioners had no knowledge of said indebtedness until advised by letter from the law firm of Smith, Smith & Work.

(5). That about two months ago, Roy I. Fulton brought said note to your Petitioners' home and stated that he knew the signatures of your Petitioners were a forgery.

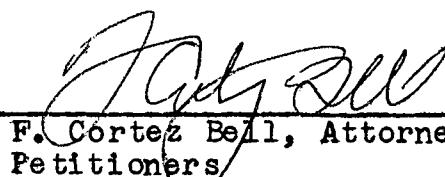
WHEREFORE, your Petitioners pray that said endorsement of their names is a forgery and not made by them or with their knowledge or consent and respectfully request that the judgment entered to No. 368 November Term, 1961, against them in the amount of \$1,800.00, plus attorney's commission of \$180.00, with interest from November 10, 1961, be stricken from the record. *be opened and struck a defense*

And they will ever pray.

Preston C Rishel
Preston Rishel

Daisy Rishel
Daisy Rishel

BELL, SILBERBLATT & SWOOPPE
By


F. Cortez Bell, Attorneys for
Petitioners

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me, the undersigned officer, personally appeared PRESTON RISHEL and DAISY RISHEL, his wife, who being duly sworn according to law, depose and say that the facts set forth in the within Petition are true and correct to the best of their knowledge, information and belief.

Preston C Rishel
Preston Rishel

Daisy Rishel
Daisy Rishel

Sworn to and subscribed
before me this 15th day
of February, 1962.

Carl E. Walker

PROTHOMALARY
My Commission Expires
1st Monday Jan. 1966

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COUNTY NATIONAL BANK AT
CLEARFIELD, PENNSYLVANIA

vs.

PRESTON RISHEL and
DAISY RISHEL

: No. 368 November Term, 1961

ORDER OF COURT

NOW, this 15 day of February, 1962, the within
Petition having been read and considered, rule to show cause why
said judgment should not be ~~stricken from the record is awarded,~~
returnable the day of , 1962. *seal by*

BY THE COURT



President Judge

Service accepted the 15th day of February
1962 by copy. Suptt Suptt of Cloud
by Jessie P. Work
attn: for Plaintiff

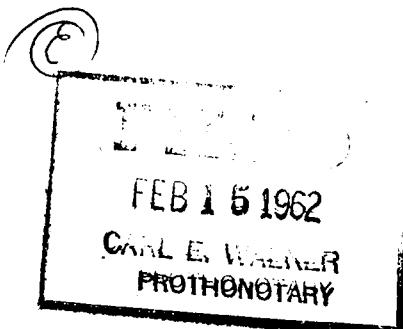
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. 368 November
Term, 1961

COUNTY NATIONAL BANK AT
CLEARFIELD, PENNSYLVANIA

vs.

PRESTON RISHEL and
DAISY RISHEL

PETITION TO OPEN AND STRIKE
JUDGMENT FROM THE RECORD



BELL, SILBERBLATT & SWOOP
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.