

DOCKET NO. 173

NUMBER	TERM	YEAR
390	February	1961

Homer Price

VERSUS

Daniel C. Miller

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
HOMER PRICE

Vs. : No. 390 February Term, 1961
DANIELLE MILLER : In Assumpsit

PETITION AND MOTION

Donald R. Mikesell, Attorney for the Defendant,
Daniel C. Miller, respectfully represents that:

1. An Appeal was filed in the above matter on March 29, 1961 in the Court of Common Pleas of Clearfield County, Pennsylvania to No. 390 February Term 1961.

2. Notice of said Appeal was served on the Plaintiff, Homer Price, by Certified Mail, Return Receipt Requested. Said Return Receipt bears the signature of Homer Price and shows delivery on March 31, 1961.

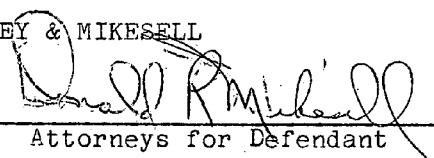
3. The Notice also notified the Plaintiff to file Complaint within thirty (30) days after receipt of notice or a judgment of Non. Pros. would be taken against him.

4. The Plaintiff has failed to file a Complaint in the above matter within the time provided by Local Rules of Court.

WHEREFORE, the Defendant, by his Attorneys, Urey & Mikesell, move that a Rule be entered on the Plaintiff requiring him to file a Complaint within fifteen (15) days after service of the Rule, and if not filed, a judgment of Non. Pros. may be entered against the Plaintiff.

UREY & MIKESELL

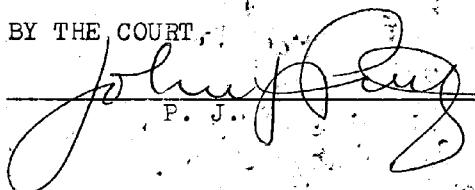
By


Attorneys for Defendant

ORDER

And now, this 1 of May 1961, a Rule is granted upon the Plaintiff to file a Complaint within fifteen (15) days after service of the Rule and if not filed a judgment of Non. Pros. may be entered against the Plaintiff. Said Rule to be served on the Plaintiff by Certified Mail, Return Receipt Requested, Delivered Only to Addressee.

BY THE COURT,


P. J.

جذب وسائل الاعلام الى انتفاضة 2011 في مصر

二二二

13.1 *Initial conditions* (§ 1.6)

372 *Journal*

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1. *Admission* - *Admission* is the process of *admitting* a *patient* to a *hospital* or *other medical facility*. It is a *legal* and *medical* procedure that *permits* a *physician* to *provide* *treatment* to a *patient* who *needs* *medical* *care*. *Admission* *process* *involves* *various* *steps* *such* *as* *intake*, *registration*, *medical*, *and* *financial* *assessments*, *and* *negotiations* *with* *the* *patient* *and* *family* *members*.

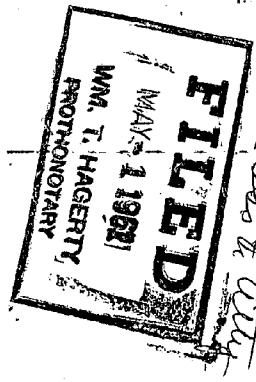
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and to take up the field. Yield is 1.6
bushels per acre of harvested land, which equals

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1970-07-20

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390 Sub 1966

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

VS.

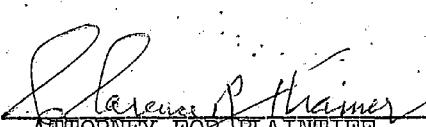
No. 390 February Term, 1961.

DANIEL C. MILLER

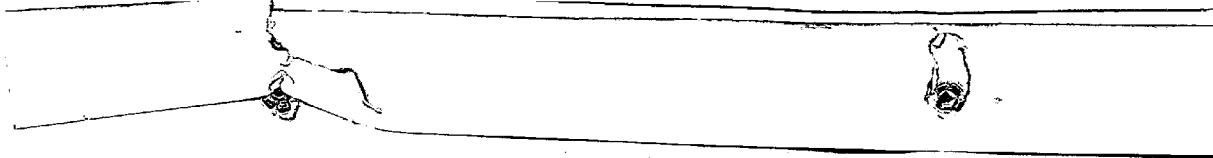
PRELIMINARY OBJECTIONS
IN BEHALF OF PLAINTIFF

1. Paragraph 2 fails to aver whether defendant's agreement to purchase was written or verbal, and if written to attach a copy.
2. The defendant fails to attach a list or explain in detail the payments alleged to have been made, and the supplies alleged to have been delivered to plaintiff, which are mentioned in paragraph 3 of the answer.
3. The defendant fails to itemize, list, explain or detail the additional credits alleged in paragraph 5 of the answer.

WHEREFORE plaintiff moves the Court for a more specific answer.


Clarence P. Thaine

ATTORNEY FOR PLAINTIFF



Now June 22, 1962 Service of the Preliminary Objection
accepted & copy received.

Wm J. Marshall
Donald B. Marshall
atty for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSA. No. 390 February Term, 1962		HOMER PRICE VS. DANIEL C. MILLER		PRELIMINARY OBJECTIONS IN BEHALF OF PLAINTIFF		FILED JUN 16 1962 CARL E. WALKER PROTHONOTARY		LAW OFFICES CLARENCE R. KRAMER CLEARFIELD, PA. 217 MARKET STREET	
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

vs.

No. 390 February Term, 1961

DANIEL C. MILLER

COMPLAINT IN ASSUMPSIT

Homer Price, the plaintiff seeks to recover of Daniel Miller, the defendant, upon the following facts:

1. The plaintiff is Homer Price who lives in Greenwood Township and his address is R. D. Mahaffey. The defendant is Daniel C. Miller who lives in Bell Township and his address is also Mahaffey.

2. That the parties on or about the 1st day of April, 1960, entered into a verbal agreement by which plaintiff would fell timber trees, trim and cut them into logs and the defendant, as purchaser, would skid and haul the logs; plaintiff to be paid \$30.00 per thousand board feet according to scale measurements.

3. Pursuant to such verbal contract, timber was cut, trimmed and sawed into logs by plaintiff, skidded and hauled by defendant and paid for except for a balance of \$258.55 as shown by statement furnished by defendant to plaintiff, a copy of which is hereto attached, whereby the account as of May 21, 1960, was that the defendant owed the plaintiff \$258.55, which balance was accepted at that time by both parties as the status of the account between them.

4. That on May 21, 1960, defendant placed an additional order for logs with plaintiff, pursuant to which on May

23rd, 1960, plaintiff began cutting trees and sawing them into logs as agreed upon, and continued therein until June 3, 1960. During said period 358 logs were cut, scaling 16,547 board feet for the \$30.00 per thousand making a total due plaintiff of \$496.41. That sum added to a balance of \$258.55 owing as of May 21, 1960, made the total then due plaintiff by defendant \$754.96.

5. That against said indebtedness there are credits, which are itemized as follows:

Indebtedness	\$754.96
Credit by check	\$500.00
July 7, 1960, credit by check	\$ 52.99
Credit for lumber sawed by plaintiff for defendant	\$ 30.00
TOTAL Credits	\$582.99
Balance owing plaintiff	\$171.97

WHEREFORE, plaintiff seeks judgment for \$171.97 with interest from July 3, 1960 and costs.

Lawrence R. Thamer
ATTORNEY FOR PLAINTIFF

COMMONWEALTH OF PENNSYLVANIA: : SS
COUNTY OF CLEARFIELD : :

Before me, the prothonotary, personally appeared Homer Price, who being duly sworn according to law deposes and says that the facts set forth in the foregoing complaint are true and correct.

Sworn to and subscribed before
me this 24th day of June, 1961.

Wm T. Hagerthy

Prothonotary

PROTHONOTARY

My Commission Expires
1st Monday Jan. 1962

Order No. May 19 60

M H. Price

Ship-to For logs

At _____ when _____

How Ship _____ Salesman _____

Terms: _____ Buyer Dan

	<u>5511 ft</u>	<u>\$1</u>	<u>65</u>	<u>33</u>
	<u>4089 "</u>	<u>1</u>	<u>22</u>	<u>67</u>
	<u>6565 "</u>	<u>1</u>	<u>96</u>	<u>95</u>
		<u>\$4</u>	<u>84</u>	<u>95</u>
	<u>gas</u>		<u>1</u>	<u>40</u>
		<u>\$4</u>	<u>83</u>	<u>55</u>
	<u>By ck</u>	<u>2</u>	<u>25</u>	<u>00</u>
<u>May 21</u>	<u>Bal</u>	<u>2</u>	<u>58</u>	<u>55</u>

Now, June 29, 1961 Service of the within Complaint
is accepted by copy & personal service waived.

Very truly
Donald R. McNeill
atty for defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 390 FEBRUARY TERM, 1961

HOMER PRICE

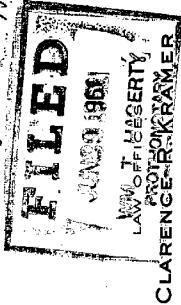
vs.

DANIEL C. MILLER

COMPLAINT IN ASSUMPSIT

To the within named defendant:
You are required to answer
this Complaint in Assumpsit
within twenty (20) days from
the date of service hereof.

Clarence P. Haney
atty for plaintiff



217 MARKET STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

vs. : No. 390 February Term 1961

DANIEL C. MILLER

ANSWER

Comes now, the Defendant by his Attorneys, and files this Answer to the Complaint in the above entitled matter.

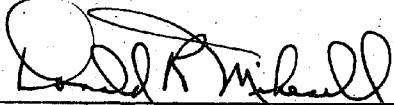
1. Admitted
2. It is denied that the Defendant, as purchaser, ever agreed to skid the logs of the Plaintiff, but on the contrary it is averred that the Defendant agreed to purchase newly cut logs placed by the Plaintiff upon the skidway ready for loading at a price of \$30.00 per thousand per log feet. In addition, the Defendant agreed to purchase two thousand log feet of old logs which had been cut two or three years prior to the date of purchase, at a price of \$25.00 per thousand.
3. It is admitted that there was a balance shown on a statement of May 21, 1960, of an amount of \$258.55, but it is denied that the balance was accepted at that time by both parties as the statement of the account between them; and it is further denied that the Defendant owed the Plaintiff \$258.55, and in addition, it is averred that the Defendant made payment and delivered supplies to the Plaintiff for an amount of more than \$258.55, and that credit was never given the Defendant for said amounts, and if proper credits would have been given by the Plaintiff there was no balance owed by the Defendant to the Plaintiff.
4. It is denied that on May 21, 1960, Defendant placed an additional order for logs with the Plaintiff, but on the contrary it is averred that on the date of the original oral agreement on or about April 1, 1960, Defendant agreed to purchase two thousand

feet of old logs and purchase all newly cut logs that Plaintiff would place on the skidway at a rate of \$30.00 per thousand per log foot. It is denied that between May 23, 1960 and June 3, 1960, Plaintiff cut 358 logs scaling 16,547 board feet, and it is denied that there is any amount due Plaintiff, whether for newly cut logs or for an old balance, for the reason that the Defendant had paid Plaintiff in full for all logs cut either by cash or by supplies advanced.

5. It is denied that the Defendant was indebted to the Plaintiff in the amount of \$754.96. The credits listed by the Plaintiff in paragraph five are admitted, but there are additional credits which Plaintiff has failed to list which are in excess of the amount claimed by the Plaintiff has a balance owed,

WHEREFORE, the Defendant respectfully request that this action be dismissed on the grounds that the Defendant has paid the Plaintiff in full.

UREY & MIKESELL



Attorney for Defendant

Daniel C. Miller

STATE OF PENNSYLVANIA : _____ : SS
COUNTY OF CLEARFIELD : _____ :

Before me, the undersigned officer, personally appeared DANIEL C. MILLER, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before
me this _____ day of _____ 1962.

Daniel C. Miller

Now June 15 1962 received on the day copy

Elaine P. Thorne
attorney for Homer Price

1

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNA.

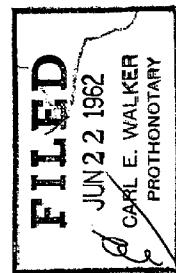
No. 390 February Term 1961

HOMER PRICE

vs.

DANIEL C. MILLER

ANSWER



UREY & MIKESELL
ATTORNEYS AT LAW
CLEARFIELD TRUST COMPANY BUILDING
CLEARFIELD, PA.
COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

Vs.

No. 390 February Term, 1961

DANIEL C. MILLER

In Assumpsit.

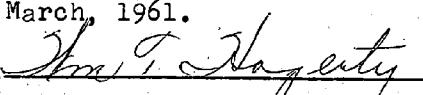
STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD : :

Donald R. Mikesell, being duly sworn according to law, deposes and says that he is the Attorney for the Defendant above named and makes this Affidavit on his behalf, being authorized so to do; that the Appeal in the above case is not taken by the Defendant for the purpose of delay, but that he truly believes that an injustice has been done.

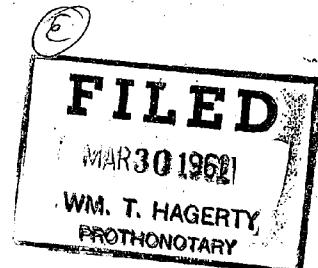


Donald R. Mikesell

Sworn and subscribed to
before me this 30th day of
March, 1961.



PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962



Homer Price .
 Mahaffey, Pa.
 VERSUS
 Daniel C. Miller
 Mahaffey, Pa.
 COSTS OF
 Charles W. McClure, J.P.

Each	TAX HERE
.80	Summons
.30	Entering Return
.30	Entering action
.25	Qualifying Const
.10	Notice fee
.25	Docket fee
.30	Subpoena
.80	Subpoena D. T.
.75	Trial and Judgment
.25	Judgm't by Con. or Def't.
.60	Execution and Return
.15	Return of Execution
.25	Bail for Stay of Execution
	Receiving and Paying over
.20	Entering Discontinuance
.20	Entering Satisfaction
1.50	Appeal, including Recognizance and Return
.75	Transcript and Cft.
	CONSTABLE
	Clyde Survey
.20	Serving Summons
	Mileage
	Serving Execution
	Mileage
	Levying
.15	Serving Subpoena

CIVIL SUIT.

Summons, issued February 8, 1961, to
 Clyde Survey, Constable, Returnable
 the 15th day of February 1961,
 between the hours of 10:30 o'clock A.M.,
 and 11:30 o'clock A.M.

served on Defendant by handing a true and attested copy to an adult member of his family at his dwelling house, so answers Clyde Survey, Const., February 8, 1961 court duly convened at 10:50 A.M. Pltff. and Deft. present, both duly sworn. Testimony taken, hearing continued to Feb. 25, 1961 to enable Pltff. and Deft. to bring in exhibits to offer to aid in making a finding. Court duly convened at 10:30 A.M., Feb. 25, 1961. Pltff. and Deft. and witnesses duly sworn. Deft. had retained attorney Don Mikesell, to represent him. Testimony taken, exhibits examined and court announced the findings would be made March 2, 1961. Court duly convened at 7:02 P.M. March 2, 1961. After analyzing testimony taken and examining exhibits offered, the controversy, basis for this cause of action, question is raised on transaction to May 21, 1960. Statement of Deft. denoting balance due Pltff. from Deft. of \$258.55 order placed by Deft. for additional logs after May 21, 1960. May 23, 1960 Pltff. began cutting logs, completing said cutting June 3, 1960, 358 logs cut according to Pltff's statement of claim making a footage of 16,547 feet at \$30.00 per thousand making a total of \$496.41 plus the amount due on statement of Deft. making a total of \$754.96 due Pltff. Credit by check of \$500.00, another check of \$52.99 and a credit of \$30.00 for lumber sawed for Pltff. by Deft. making a total credit of \$582.99 leaving a balance due Pltff. Homer Price from Deft., Daniel C. Miller, \$171.97 cause of this action. Now March 2, 1961 finding of this court, judgment is publicly given Pltff. Homer Price, against Deft., Daniel C. Miller at 7:23 o'clock P.M. March 2, 1961 in amount as follows: amount of claim \$171.97; N. Fee \$1.50; Docket Fee \$10.00; Const. Service \$1.15; Constable Mileage .80, total Judgment \$185.77.

At finding of court Pltff. is present, Deft. not present nor Defts. representative present. Court adjourned at 7:35 o'clock P.M. March 2, 1961.

Now March 11th, 1961 Daniel C. Miller Appeals

with Absolute bail in the sum of Four (\$400.00) hundred dollars:

OATH

Clearfield County S. S.

Personally appeared before me, a Justice of the Peace in and for said county, Daniel C. Miller who being duly sworn according to law; deposeth and saith that it is not for the purpose of delay that he takes this appeal, but that he believes that injustice has been done him.

X *Dan C. Miller* *SEAL*

Sworn and subscribed before me this 13th day of March A. D. 1961

Joe Work *SEAL*

J. P.

BOND *MY COMMISSION EXPIRES* *SEAL*

JANUARY 1st, 1964

Know all men by these presents that we Daniel C. Miller Defendant and Wallace E. & Velma A. Sample are each held and firmly bound to the Plaintiff in the sum of \$400.00 (Four) conditioned for the payment of all costs that have accrued or may accrue or be legally recovered from the appellant.

X *Dan C. Miller* *SEAL*

Taken and acknowledged to before me this 13th day of March A. D. 1961

Joe Work *SEAL*

J. P.

Clearfield County, ss:

I certify that the above is a correct Transcript of the proceedings had before me in the above suit, and of record on my docket.

WITNESS my hand and seal this 27th day of March

Charles W. McClure *SEAL*
 JUSTICE OF THE PEACE
 My Commission Expires Jan 1, 1962

No. 390 *1st* Term, 1961

Homer Price

Mahaffey, Pennsylvania

VERSUS

Daniel C. Miller

Mahaffey, Pennsylvania

Transcript of Judgment

FROM THE DOCKET OF

Charles W. McClure,

Justice of the Peace

Entered and filed

(E) 442

FILED *Prothonotary*

Wm. T. HAGERTY

Wm. T. HAGERTY
Judge of Common Pleas
Savoy
PHOTONOTARY

225

#1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to Show address where
addressee delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

John M. Price
SIGNATURE OF ADDRESSEE'S AGENT, ANY

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in Item #1)

CGS-15-71548-4
GPO

May 22 1954

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$5.00.													
		POSTMARK OF DELIVERING OFFICE													
		RETURN REQUESTED													
3811	Jan. 1958	TO													
<p>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN REQUESTED.</p> <table border="1"> <tr> <td>REGISTERED NO.</td> <td>NAME OF SENDER</td> </tr> <tr> <td>381694</td> <td><i>Henry Markwell, citizen</i></td> </tr> <tr> <td>CERTIFIED NO.</td> <td>STREET AND NO. OR P. O. BOX</td> </tr> <tr> <td></td> <td><i>21st Street</i></td> </tr> <tr> <td>INSURED NO.</td> <td>CITY, ZONE AND STATE</td> </tr> <tr> <td></td> <td><i>Clearfield, Pa.</i></td> </tr> </table>				REGISTERED NO.	NAME OF SENDER	381694	<i>Henry Markwell, citizen</i>	CERTIFIED NO.	STREET AND NO. OR P. O. BOX		<i>21st Street</i>	INSURED NO.	CITY, ZONE AND STATE		<i>Clearfield, Pa.</i>
REGISTERED NO.	NAME OF SENDER														
381694	<i>Henry Markwell, citizen</i>														
CERTIFIED NO.	STREET AND NO. OR P. O. BOX														
	<i>21st Street</i>														
INSURED NO.	CITY, ZONE AND STATE														
	<i>Clearfield, Pa.</i>														
POD Form 3811 GSS-16-71548-4															



No. 881694

RECEIPT FOR CERTIFIED MAIL—20¢	
SENT TO	Homer Price
STREET AND NO.	162
CITY AND STATE	Bethlehem - Pa
<i>If you want a return receipt check which box above. If you want strict delivery, check here.</i>	
<input checked="" type="checkbox"/> to whom	<input type="checkbox"/> 35¢ (show to whom, when, and address)
<input type="checkbox"/> and when delivered	<input type="checkbox"/> 5¢ fee
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Apr 1960	
SEE OTHER SIDE	

PA

8 AM

MAR 30 1961

PA

1. Stick postage stamps to your article to pay:

20¢ certified mail fee

Restricted delivery fee—50¢ (optional)

First-class or airmail postage

Special delivery fee (optional)

Either return receipt fee—10¢ or 35¢ (optional)

2. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.

3. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, detach and retain the receipt, and mail the article.

4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3011, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.

5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card.

6. Save this receipt and present it if you make inquiry.

10-1456-5600

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

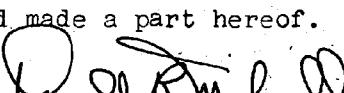
Vs. : No. 390 February Term, 1961
DANIEL C. MILLER : In Assumpsit

AFFIDAVIT OF SERVICE OF NOTICE OF APPEAL
AND NOTICE TO FILE COMPLAINT

STATE OF PENNSYLVANIA :
: SS :
COUNTY OF CLEARFIELD :

Donald R. Mikesell, of the law firm of Urey & Mikesell, being duly sworn according to law, deposes and states that they are the Attorneys for the Defendant in the above proceeding, and that he gave notice in writing to the Plaintiff of the date of filing this Appeal, and the Court Term and Number thereof, said Notice in writing having been sent by Certified Mail, Return Receipt Requested, to Homer Price, the Plaintiff, on March 29, 1961.

In and by said Notice, Plaintiff was also notified to file a Complaint within thirty (30) days, or else judgment of Non. Pros. will be taken against him. A true and correct copy of said Notice is hereto attached and made a part hereof.

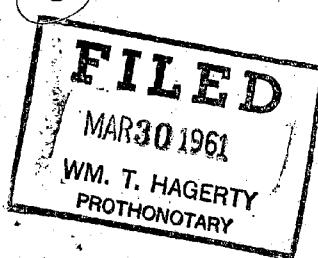


Donald R. Mikesell

Sworn to and subscribed
before me this 30th day of
March, 1961.



PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HOMER PRICE

Vs. : No. 390 February Term, 1961

DANIEL C. MILLER

: In Assumpsit

NOTICE OF APPEAL

Mr. Homer Price,
R.D. 2,
Mahaffey, Pennsylvania.

Dear Sir:

Please note that we have taken an Appeal from the judgment obtained by you before Justice of the Peace, Charles W. McClure, on March 2, 1961, in the above matter.

Said Appeal has been filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 390 February Term, 1961, on March 29, 1961.

You are hereby notified to file a Complaint within thirty (30) days after receipt of this notice, or judgment of Non. Pros. will be taken against you.

Very truly yours,

UREY & MIKESELL

By


Attorneys for Defendant

March 29, 1961.