

DOCKET NO. 174

NUMBER TERM YEAR

647 May 1961

M. W. Haupt Excavation Co., Inc.

VERSUS

Penfield Water Company, Inc.

In the Court of Common Pleas of Clearfield County, Pa.

M.W. Haupt Excavation Co, Inc
vs
Penfield Water Co, Inc

No 647 May Term 1961

Complaint In Assumpsit

*
(Sheriff's Return)

Now, August 7, 1961 at 7:45 P.M. served the within Complaint In Assumpsit of The Penfield Water Co Inc by handing to Ralph Winkler at place of residence RD. Penfield, Pa. personally a true and attested copy of the original Complaint In Assumpsit, Ralph Winkler being the Sect for the Penfield Water Co, Inc, and made known to him the contents thereof.

Costs Sheriff Ammerman \$11.60
(Paid by Atty's B.S.S.)

66 Answers,
Charles G. Ammerman
Sheriff

Sworn to before me this 8th
day of August 1961 A.D.

Wm. T. Hagerty
Prothonotary.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

M. W. HAUPt EXCAVATION CO., INC.:

v. : No. 647 May Term, 1961
PENFIELD WATER COMPANY, INC. : Judgment in Assumpsit

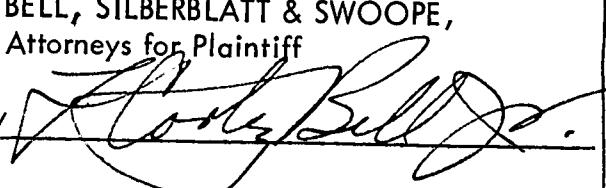
PRAECIPE FOR SATISFACTION

TO CARL E. WALKER, PROTHONOTARY:

Sir:

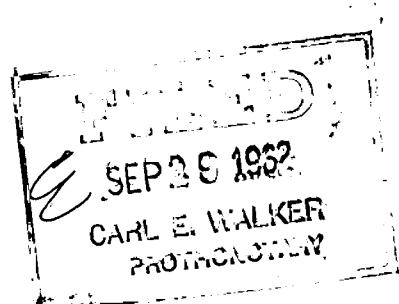
You are hereby directed to enter satisfaction of the judgment entered to the above term and number upon payment of costs.

BELL, SILBERBLATT & SWOOPe,
Attorneys for Plaintiff

By 

Dated:

September 26, 1962.



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

M. W. HAUPt EXCAVATION :
CO., INC. :
vs. : No. 647 May Term, 1961
PENFIELD WATER COMPANY, : In Assumpsit
INC. :

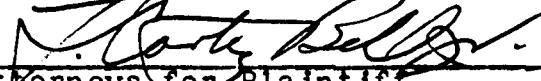
PRAECIPE

TO WILLIAM T. HAGERTY, PROTHONOTARY,

Sir:

Please enter judgment against the abovenamed Defendant, and
in favor of the Plaintiff, for want of appearance and answer.

BELL, SILBERBLATT & SWOOP

by 
Attorneys for Plaintiff

Dated: August 30, 1961

Debt \$1253.29 with interest from
time of entry of judgment.

Leave over margin

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA
No. 647 May Term, 1961

M. W. HAUPT EXCAVATION CO.,
INC.

vs.

PENFIELD WATER COMPANY,
INC.

PRAECIPE

FILED

AUG 30 1961

WM. T. HAGERTY

PROTHONOTARY

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

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

M. W. HAUPT EXCAVATION :
CO., INC. :

versus : No. 647 May Term, 1961
PENFIELD WATER COMPANY, : In Assumpsit
INC. :

COMPLAINT

Now, comes the Plaintiff, by its attorneys, Bell, Silberblatt & Swoope, and brings this action in assumpsit, whereof the following is a statement:

1. Plaintiff, M. W. Haupt Excavation Co., Inc., is a Pennsylvania Corporation, with offices at Penfield, Clearfield County, Pennsylvania.
2. The Defendant is a Pennsylvania corporation, having its principal office or place of business in the Village of Luthersburg, Brady Township, Clearfield County, Pennsylvania.
3. The Plaintiff was duly authorized by Defendant, through Mr. Irwin Simpson, of Yost Associates, DuBois, Pennsylvania, to clean the Penfield Water Company reservoir in Huston Township, copy of the letter of authority of Mr. Irwin Simpson being attached hereto, marked Exhibit "A", and incorporated herein by reference.
4. That said work was completed by the Plaintiff in November of 1960, at a total charge to the Defendant of \$1205.09 as specifically set out in a statement of M. W. Haupt Excavation Co., Inc., to the Penfield Water Company, copy of which is attached hereto, marked Exhibit "B", and incorporated herein by reference.
5. That said work was done by the Plaintiff by oral contract with the Defendant, through Irwin Simpson as hereinbefore set forth, and Defendant has wholly failed and refused to make any payments upon this contract, although demands for such payments have been made by the Plaintiff.

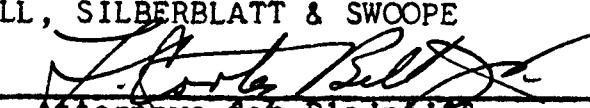
6. That under the oral agreement between the Plaintiff and the Defendant, Defendant was to make periodic payments for the service of the Plaintiff during the year, paying interest at the rate of 6%, on the unpaid balance as a consideration for the Plaintiff permitting payments to be made over the period of one year.

7. That the Defendant has wholly breached said oral agreement by failure to make any payments, and the Plaintiff brings this action to recover the value of the service and material as set out in the statement of Plaintiff, attached and marked as Exhibit B and incorporated herein by reference, said prices being just and reasonable and those usually charged, in the trade for such work.

8. That Plaintiff claims interest of the Defendant at the rate of 6% from the date of completion of this work, or the sum of \$48.20 to July 31, 1961, together with interest until time of payment.

WHEREFORE, Plaintiff demands judgment against the Defendant for \$1253.29 together with interest until the date of payment.

BELL, SILBERBLATT & SWOOP

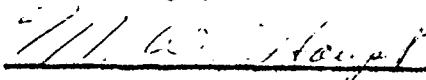
by 
Attorneys for Plaintiff

STATE OF PENNSYLVANIA :

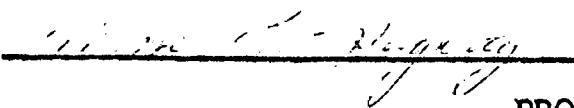
SS:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared, M. W. Haupt, who, being duly sworn according to law, deposes and says that the facts set forth in the within Complaint, are true and correct to the best of his knowledge, information and belief.



Sworn and subscribed to
before me this 1 day
of August, 1961.


PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

PENFIELD WATER CO. INC.,
Penfield, Pa.

November 3, 1960

Mr. Irwin Simpson,
Yost Associates, Inc.,
DuBois Deposit National Bank Building,
DuBois, Penna.

Dear Mr. Simpson:

You are hereby authorized by the Penfield Water Company, to proceed to have the Haupt Excavating Co. clean the Penfield Water Company reservoir in Huston Township, Clearfield County, Pennsylvania, along the lines and for the costs as set forth in a letter from M. W. Haupt to you under date of October 14, 1960, to wit: at \$270.00 a day for tractor and dragline use, being a ten hour day, plus \$25.00 a day for supervision, plus additional equipment if needed. The payment of this job to be made over a twelve month period from completion, with interest on the unpaid balance at the rate of six percent.

Please have the Haupt Excavating Company proceed as soon as possible.

Very truly yours,

PENFIELD WATER COMPANY, INC.

BY Harold W. Reynolds

Exhibit "A"

November 30, 1960

COPY
Invoice No.
572

PENFIELD WATER COMPANY

M. W. HAUPT EXCAVATION CO. INC.

Excavating and Pipe Line Construction

BULLDOZING

ROAD GRADING

Phone: ME 7-5572

PENFIELD, PENNSYLVANIA

HEAVY HAULING

LOWBOY SERVICE

GENERAL WORK PERTAINING TO GAS FIELDS

Date	Description	Amount
Nov 14, 1960	# 2 Lowboy	
	6 hrs. Moving in and out: Backhoe & # 15 Dumper @ \$ 15.00 per hr	
	TOTAL PERMIT	\$ 90.00
		\$ 5.46
Nov 14, 1960	# 15 Dumper	
" 15, "	10 hrs. Cleaning Penfield Reservoir	
" 16, "	10 hrs. " " "	
	<u>10 hrs.</u> " " "	
	30 hrs. @ \$ 15.00 per hr	
	TOTAL	\$ 450.00
Nov 14, 1960	Backhoe	
" 15, "	10 hrs. Cleaning Penfield Reservoir	
" 16, "	10 hrs. " " "	
	<u>10 hrs.</u> " " "	
	30 hrs. @ \$ 12.00 per hr	
	TOTAL	\$ 360.00
Nov 15, 1960	Water Trk	
	2 hrs. Pumping water at Penfield Reservoir @ \$ 12.50 per hr	
	TOTAL	\$ 25.00
Nov 14, 1960	Labor	
" 15, "	20 hrs. (2 men @ 10 hrs. each) Cleaning Reservoir	
" 27, "	10 hrs. (1 man @ 10 hrs.) " "	
" 28, "	3 hrs. Making intake box	
	<u>10 hrs.</u> (2 men @ 5 hrs. each) Install intake box	
	43 hrs. @ \$ 2.25 per hr	
	TOTAL	\$ 96.75
Nov 14, 1960	Welder	
	4 hrs. Making saddle, tapping line @ \$ 8.00 per hr	
	TOTAL	\$ 32.00
Nov 20, 1960	Material	
	Lumber and nails for intake box	\$ 6.69
	Copper screen for intake box-15 sq ft @ \$ 3.47	\$ 52.05
	Material for a saddle	\$ 7.00
Nov 22, 1960	Pickup	
	1 hr. Getting material at DeBols for intake box @ \$ 5.00 per hr	
	TOTAL	\$ 5.00
Nov 14, 15, 16	Supervision	
	3 days at \$ 25.00 per day	
	TOTAL	\$ 75.00
	12 TOTAL	\$ 1205.09

Exhibit B

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

No. 647 May Term, 1961

M. W. HAUPPT EXCAVATION
CO., INC.

versus

PENFIELD WATER COMPANY,
INC.

COMPLAINT

TO THE WITHIN NAMED DEFEND-
ANTS:

You are hereby notified
to plead to the within
Complaint within 20 days
from the date of service
hereof.

BELL, SILBERBLATT & SWOOP

by *John Bell*
Attorneys for Plaintiff

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

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