

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

WOODWARD TOWNSHIP,	:	No. 02-01814
	:	
Plaintiff	:	
	:	
vs.	:	Civil Action - Law
	:	
JOANN COLECHIO,	:	
Defendant	:	Non-Jury Trial

VERDICT

AND NOW, this ___ day of June 2003, after completion of the non-jury trial held on June 5, 2003, the Court finds in favor of Plaintiff Woodward Township and against Defendant Joann Colechio in the amount of \$820.00 plus costs. The \$820.00 consists of a \$500.00 penalty and \$320.00 in attorney fees.

The Court notes the Defendant failed to appear for the non-jury trial. The Court also notes that Plaintiff Woodward Township obtained judgment by default against the Defendant for failure to answer the Complaint. The purpose of the non-jury trial was to assess damages or penalties.

The Court has not included in the verdict Plaintiff's request for an additional \$100.00 per day for each day hereafter until the attorney for Plaintiff has filed a certificate of compliance by Defendant with Township zoning ordinance. Although the Woodland Township zoning ordinance Section 1304C indicates that each day a violation continues shall constitute a separate violation, it does not specify a

particular penalty figure. Moreover, the Township did not present any testimony on the continuation of damages how the Township has been affected by the condition of the property. Absent such evidence, the Court cannot include the Plaintiff's request in its verdict.

This verdict is without prejudice to the Township to proceed before the District Justice on the theory that each day the violation continues the Defendant commits a separate violation as described by Section 1304C of the Township ordinance. The Township still must present testimony, exhibits or other evidence so the District Justice can decide what additional penalties would apply, if any. Statements of counsel, however, are arguments, not evidence.

The Plaintiff may praecipe the Prothonotary to issue judgment on this verdict if Defendant does not file timely post-verdict motions, or if timely post-verdict motions are filed and denied.

By The Court,

Kenneth D. Brown, Judge

cc: Elliott Weiss, Esquire
Joann Colechio
513 S Pine Run Rd
Linden PA 17744
Gary Weber, Esquire (Lycoming Reporter)
Work File