

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ELIZABETH JUNA, Executrix of the Estate of : CIVIL ACTION
William Jamack, :
Plaintiff :
vs. : NO. 11 – 02,263
DENISE REIS, :
Defendant : NON-JURY TRIAL
_____ {consolidated with} _____

ELIZABETH JUNA, Executrix of the Estate of : CIVIL ACTION
William Jamack, :
Plaintiff :
vs. : NO. 13-02,399
NATHAN REIS, :
Defendant : NON-JURY TRIAL

OPINION AND VERDICT

AND NOW, this 16th day of January, 2014, following a non-jury trial held on January 14, 2014 on plaintiff's claim for replevin and/or damages, the Court enters the following opinion and verdict.

The parties intermingled and sold personal property so that the plaintiff was unable to prove ownership of most of the disputed items by a preponderance of evidence.

It was clearly proven that the two Thomas Kinkaid prints and the Rolex watch should be returned to the estate.

As to the timeshare and the contributions of parties and value of the timeshare, there is a dearth of credible evidence. Parties each have a 50% interest. However, if the timeshare is sold proceeds after any expenses or liens are paid shall be split on a 50/50 basis.

ORDER

AND NOW, this 16th day of January, 2014, it is ORDERED and DIRECTED that VERDICT and JUDGMENT is entered as follows.

1. Plaintiff's claim for Replevin of the two Thomas Kinkaid prints and the Rolex is GRANTED. Defendants must return the two Thomas Kinkaid prints and the Rolex watch to the estate within 10 days.
2. The plaintiff and defendant Denise Reis each have a 50% interest in the timeshare. If the time share is sold, the proceeds remaining after any expenses or liens are paid shall be split on a 50/50 basis.
3. Plaintiff's damage claims are dismissed.
4. The counterclaims are dismissed.

BY THE COURT,

January 16, 2014

Date

Richard A. Gray, J.

cc: James D. Casale, Esq.
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Case No. 11-02,263 (file)
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