

00-215-00

D. C. GULFICH EXPLOSIVES CO., INC. -vs- BBC COAL COMPANY, INC.

①
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

14 D. C. GUELICH EXPLOSIVES CO., : NO. 200-215-CD
INC., :
Plaintiff :
vs : Type of Case: Assumpsit
16 BBC COAL COMPANY, INC., : Type of Pleading: Complaint
Defendant : Filed on Behalf of: Plaintiff
: Counsel of Record for this Party:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
: (814) 765-9611

FILED

FEB 18 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 2000 - - CD
: :
vs. :
: :
BBC COAL COMPANY, INC., :
Defendant : :

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, PA 16830
Telephone: 814-765-2641 Ex 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 2000 - - CD
: :
vs. :
: :
BBC COAL COMPANY, INC., :
Defendant : :

C O M P L A I N T

COMES NOW, the Plaintiff, by and through its attorney, Michael P. Yeager, Esquire, and files the within Complaint based upon a cause of action whereof the following is a statement:

1. The Plaintiff is a Pennsylvania corporation with its principal place of business located at R.D. 3, Box 125A, Clearfield, PA 16830.

2. The Defendant is a Pennsylvania corporation with its registered office located at 1008 South Second Street, Clearfield, PA 16830 and a mailing address of P.O. Box 249, Clearfield, PA 16830.

3. At the special instance and request of the Defendant, Plaintiff sold and delivered to Defendant certain materials and services, at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's books of original entry, a summary of which is attached hereto, made part hereof and incorporated herein as Exhibit "A".

4. The aforesaid materials and services were supplied

generally to the Defendant at various coal mining operations in Clearfield County, Pennsylvania.

5. The Defendant received and accepted the materials and services described in "Exhibit A".

6. The prices set forth in "Exhibit A" are the fair, reasonable and market prices for said materials, services and interest and the prices which the Defendant agreed to pay.

7. The Plaintiff provided the materials and services described in "Exhibit A" based upon the reasonable and justifiable expectation of being paid the amounts set forth below, and in reliance upon Defendant's promises to compensate Plaintiff for same.

8. Although demand has been made, the Defendant has failed to make complete payment of the amount due as outlined herein.

COUNT I

BREACH OF CONTRACT

9. Paragraph Nos. 1 through 8 above are incorporated herein as if more fully set forth.

10. As a result of the Defendant's failure to pay for the materials and services and interest as set forth on the attached "Exhibit A", Plaintiff has been damaged in the amount of Eleven Thousand Three Hundred Fifty-Four and 46/100 (\$11,354.46) Dollars.

WHEREFORE, Plaintiff claims there is justly due and owing to it from the Defendant the sum of Eleven Thousand Three Hundred Fifty-Four and 46/100 (\$11,354.46) Dollars, together with interest

and costs of suit for which judgment is accordingly demanded against the Defendant, BBC Coal Company, Inc.

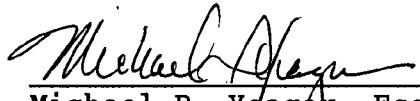
COUNT II

QUASI-CONTRACT

11. Paragraph Nos. 1 through 10 above are incorporated herein as if more fully set forth.

12. Defendant have been unjustly enriched in the amount of the materials, services and interest set forth on the attached Exhibit "A".

WHEREFORE, Plaintiff claims there is justly due and owing to it from the Defendant the sum of Eleven Thousand Three Hundred Fifty-Four and 46/100 (\$11,354.46) Dollars, together with interest and costs of suit for which judgment is accordingly demanded against the Defendant, BBC Coal Company, Inc.



Michael P. Yeager, Esquire
Attorney for Plaintiff

ACCOUNTS RECEIVABLE DETAIL AGING REPORT

Aging date: 1/11/00

Document types: I = Invoice P = Payment C = Cr memo D = Dr memo B = Balance forward F = Finance charge R = Returned check

Notes: On types I, B, C, D and R. Amount-1 is the amount subject to discount. On type P Amount-1 is cash receipt amt.

On type F Amount-1 is fin charge amt. On types I, C, D and R, Amount-2 is the amount not subject to discount.

On type P Amount-2 is discount plus allowance. (No Amount-2 for types F & B).

Cust-#	Name	Balance	Aged customer balances			
			Credit-limit	Current	Over 30 days	Over 45 days
Contact-1	Address-1					
Phone-#-1	Address-2					
Phone-#-2	City/State/Zip	Last-pmt-dat				

A/R account: 000-1100 ACCOUNTS RECEIVABLE

10BBC	OPN-ITM B B C COAL P. O. BOX 249	11.354.46 Unlimited credit NET 30 DAYS CLEARFIELD, PA 16830	0.00	0.00	0.00	11.354.46
		10/15/99	0%	0%	0%	100%

Doc-#	Doc-date	Typ	Apply-to	Due-date	Reference	Amount-1	Amount-2	Doc-total	Age
50392	10/29/99	C	10/29/99	From O/E order: 077905		90.76-	0.00	90.76-	74
49412	8/09/99	I	49412	9/08/99	From O/E order: 077398	2.399.95	0.00	2.399.95	155
49736	9/01/99	I	49736	10/01/99	From O/E order: 077577	1.703.13	0.00	1.703.13	132
49881	9/15/99	I	49881	10/15/99	From O/E order: 077661	1.665.72	0.00	1.665.72	118
50085	10/01/99	I	50085	10/31/99	From O/E order: 077766	2.068.69	0.00	2.068.69	102
50190	10/15/99	I	50190	11/14/99	From O/E order: 077841	2.329.27	0.00	2.329.27	88
50365	10/28/99	I	50365	11/27/99	From O/E order: 077905	934.61	0.00	934.61	75
50379	10/28/99	I	50379	10/28/99	From O/E order: 077925	343.85	0.00	343.85	75

Totals for: 000-1100 ACCOUNTS RECEIVABLE

DR lines show totals for customers with debit balances as of the aging date

CR lines show totals for customers with credit balances as of the aging date

	Total	Current	Over 30 days	Over 45 days	Over 60 days
DR bal cust totals:	11.354.46	0.00 0%	0.00 0%	0.00 0%	11.354.46 100%
CR bal cust totals:	0.00	0.00 0%	0.00 0%	0.00 0%	0.00 0%
Net totals:	11.354.46	0.00 0%	0.00 0%	0.00 0%	11.354.46 100%

-- End of report --

D.C. GUELICH EXPLOSIVE
R.D.#3, Box 125A
Clearfield, PA 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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10/29/99 50392 1

invoice

SOLD
TO:

B B C COAL
P. O. BOX 249
CLEARFIELD, PA 16830

SHIP
TO:

BENN JOB

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77905	10/31/99	10BBC			OUR TRUCK	ASAP	"Net 30 Days

QUANTITY		ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
ORDERED	SHIPPED					
1.00		*MISC	MISFIRE CREDIT	90.76	EA	90.76

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	(90.76)
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	(90.76)
PAYMENT REC'D	.00
BALANCE DUE	

CRÉDIT REQUEST FORM

(Internal Use Only)

FROM: Cleanfield

(Location of D. C. Guelich Explosive Co.)

PREPARED BY:

Steve Wagner

MANAGER:

AGREES

DISAGREES

DATE OF PREPARATION:

11-2-99

CUSTOMER NAME:

BBC Coal

CUSTOMERS LOCATION THAT CAUSES CREDIT REQUEST (Put Name/Site Name/etc.)

Bear Job

D. C. GUEЛИCH ~~INVOICE~~ NUMBER: 77905 DATE OF INVOICE: 11-2-99

AMOUNT OF INVOICE: 831.37 AMOUNT OF CREDIT DESIRED: \$ 90.76

REASON FOR CREDIT: Miss Frio. Retriever 4-Primes
and caps. Credit includes drilling of 4-holes.

YOUR COMMENTS:

FOR HOME OFFICE USE

Credit Approved:

Signature:

495

Credit Disapproved:

Title:

Disapproved: _____

D.C. GUELICH EXPLOSIVE
R.D. #3, Box 125A
Clearfield, PA 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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08/09/99 49412 1

Invoice

SOLD
TO:

BBC COAL
P. O. BOX 249
CLEARFIELD, PA 16830

SHIP
TO:

SMITH

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77398	08/09/99	10BBC			OUR TRUCK	08/09/99	NET 30 DAYS

QUANTITY ORDERED	ITEM NUMBER SHIPPED	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
1.00	208024	MASTERDET 80' # 24	972.00	C	9.72
56.00	1405000	HANDI-DET 50'	830.00	C	464.80
5.00	1904042	EXEL HTD 40' #42 (12M	580.96	C	29.05
56.00	101	1# PENTEX CAST PRIMERS	4.19	EA	234.64
9130.00	12	NCN - BULK	18.03	CWT	1,646.14
4.00	1	CONNECTING WIRE #20 SN	3.90	LB	15.60

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	2,399.95
MISC. CHARGES	.00
FREIGHT	
SALES TAX	.00
TOTAL	2,399.95
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(314) 765-1558

2399.95

SHIPPING RECORD

DATE: 8-9-99

OPC/DEALER ORDER NO.	LICENSE/ PERMIT NO.	ORDER/DEL. TICKET NO.
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SIGNATURE: 

CUSTOMER/ **MAG/DISTRIB/** **BBC** **Smith**

CL#	ITEM DESCRIPTION	NUMBER OF CASES	DATE CODE	NUMBER OF CASES BY DATE CODE
H E	mustard #34 50'	1		9.72
H E	excl Standard 5500 50'	56	1 EXTRA	464.80
H E	excl STD #42 10'	5		39.45
H E	Pentek 16	1 ^{CB}	56 units	1 EXTRA
B A	NCW	Bulk	9130 ^{CB}	16.46
	4 ^{CB} Connecting wire	#20 gauge		15.10

D. C. GUELICH EXPLOSIVE
(814) 765-1558

Job BBC Frenchville No. of Holes 45-55
Avg. Depth 30'-20' Time Finished 2 Pm

Amt. of Water

Size of Hole _____

Distance to Nearest Building

Remarks: _____

Remarks: _____

D.C. GUELICH & LOSIVE
R.D.#3, Box 125A
Clearfield, PA 16830
814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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09/01/99 49736 1

invoice

SOLD
TO:

B B C COAL
P. O. BOX 249
CLEARFIELD, PA 16830

SHIP
TO:

SMITH

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77577	09/01/99	10BBC			OUR TRUCK	09/01/99	NET 30 DAYS

QUANTITY ORDERED	ITEM NUMBER SHIPPED	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
33.00	101	1# PENTEX CAST PRIMERS	4.19	EA	138.27
13.00	132	SUPERFRAC 3000p 2 X 8	233.98	CWT	30.42
13.00	1803020	EXEL MS 30' #20	375.00	C	48.75
13.00	1404000	HANDI-DET 40'	689.00	C	89.57
20.00	1405000	HANDI-DET 50'	830.00	C	166.00
1.00	208024	MASTERDET 80' # 24	972.00	C	9.72
5.00	1903042	EXEL HTD 30' #42 (9 M	476.59	C	23.83
6550.00	12	NCN - BULK	18.03	CWT	1,180.97
4.00	1	CONNECTING WIRE #20 SN	3.90	LB	15.60

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	1,703.13
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	1,703.13
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

DATE: 9-1-99

OPC/DEALER ORDER NO. ¹⁴	LICENSE/ PERMIT NO.	ORDER/DEL. TICKET NO. <u>77577</u>
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SIGNATURE: *Bernie Lippman*

**CUSTOMER/
MAG/DISTRIB** BBC Smith

D.C. GUELICH EXPLOSIVE
R.D. #3, Box 125A
Clearfield, PA 16830
814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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09/15/99 49881 1

invoice

SOLD
TO:

B B C COAL
P. O. BOX 249
CLEARFIELD, PA 16830

SHIP
TO:

MCGEES MILLS

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77661	09/15/99	10BBC			OUR TRUCK	09/15/99	NET 30 DAYS

QUANTITY ORDERED	ITEM NUMBER SHIPPED	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
2.00		208022	972.00	C	19.44
14.00		1904042	580.96	C	81.33
102.00		1403000	611.00	C	623.22
102.00		101	4.19	EA	427.38
120.00		418	54.01	CWT	64.81
2450.00		13	18.03	CWT	441.74
2.00		1	3.90	LB	7.80

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	1,665.72
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	1,665.72
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

DATE:	9/15/99		OPC/DEALER ORDER NO.	LICENSE/ PERMIT NO.	ORDER/DEL. TICKET NO.	
SIGNATURE:	Roger Nuland		CUSTOMER/ MAG/DISTRIB.	B.B.C. (Miss. Mills)		
ITEM DESCRIPTION				NUMBER OF CASES	DATE CODE	NUMBER OF CASES BY DATE CODE
CL	GRADE POWDER/TYPE CAPS	SIZE	STYLE POWDER/ NUMBER OF CAPS			
46	Master Det 80	#22	2			
46	MTD	40	#42	121		
46	Handi Det	30	25/500	102		
46	Pentax		143	102 units		
BA	Powse An 500 SX30		120#			
BA	20# 50# Bags		2450#			
	20 GR. Conn. wire		245.			
D. C. GUELICH EXPLOSIVE (814) 765-1558						
Job <u>BB.C.</u>		Avg. Depth <u>8' 10"</u>		No. of Holes <u>100</u>	Time Finished <u>10 AM</u>	
Amt. of Water <u>700' 500' 500'</u>		Size of Hole <u>6 3/4</u>				
Distance to Nearest Building <u>1 1/2'</u>		<u>1/2' cushion</u>				
Remarks: <u>10' X 12' 5 Rows of 10</u>		<u>2 sheets</u>				

D. C. GUELICH EXPLOSIVE
(814) 765-1558

Job 1313 C. No. of Holes 100
 Avg. Depth 8' 10' Time Finished 10 AM
 Amt. of Water 700' 5800 cu. yds. Size of Hole 6 3/4
 Distance to Nearest Building 1 1/2' cushion
 Remarks: 10' X 12' 2 sheets
3 rows of 10

D.C. GUELICH EXPLOSIVE
R.D. #3, Box 125A
Clearfield, PA 16830
814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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10/01/99 50085 1

invoice

SOLD
TO:

SHIP
TO:

B.B.C COAL
P. O. BOX 249
CLEARFIELD, PA 16830

SMITH

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77766	10/01/99	10BBC			OUR TRUCK	10/01/99	NET 30 DAYS

QUANTITY		ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
ORDERED	SHIPPED					
1.00		208022	MASTERDET 80' # 22	972.00	C	9.72
25.00		1804018	EXEL MS 40' #18	453.00	C	113.25
25.00		1404000	HANDI-DET 40'	689.00	C	172.25
4.00		1904042	EXEL HTD 40' #42 (12M	580.96	C	23.24
27.00		147	MAGNUM ULTRA 2 X 8	233.96	CWT	63.17
25.00		101	1# PENTEX CAST PRIMERS	4.19	EA	104.75
120.00		418	POWER AN 500 5 X 30	54.01	CWT	64.81
8330.00		12	NCN - BULK	18.03	CWT	1,501.90
4.00		1	CONNECTING WIRE #20 SN	3.90	LB	15.60

-2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	2,068.69
MISC. CHARGES	.00
FREIGHT	
SALES TAX	.00
TOTAL	2,068.69
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

DATE: 16-1-99

OPC/DEALER
ORDER NO.

LICENSE/
PERMIT NO.

ORDER/DEL.
TICKET NO. -

SIGNATURE: 

**CUSTOMER/
MAG/DISTRIB/**

38C.

“Lind”

D.C. GELICK EXPLOSIVE
R.D. #3, Box 125A
Clearfield, PA 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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10/15/99 50190 1

invoice

SOLD
TO:

B B C COAL
P.O. BOX 249
CLEARFIELD, PA 16830

SHIP
TO:

SMITH

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77841	10/15/99	10BBC			OUR TRUCK	10/15/99	NET 30 DAYS

QUANTITY ORDERED	ITEM NUMBER SHIPPED	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
19.00	1404002	HANDI-DET 40'	689.00	C	130.91
26.00	1405002	HANDI-DET 50'	830.00	C	215.80
17.00	1804018	EXEL MS 40' #18	453.00	C	77.01
12.00	1903042	EXEL HTD 30' #42 (9 M	476.59	C	57.19
2.00	208022	MASTERDET 80' # 22	972.00	C	19.44
45.00	101	1# PENTEX CAST PRIMERS	4.19	EA	188.55
19.00	147	MAGNUM ULTRA 2 X 8	233.98	CWT	44.46
8700.00	12	NCN - BULK	18.03	CWT	1,568.61
7.00	1	CONNECTING WIRE #20 SN	3.90	LB	27.30

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	
MISC. CHARGES	.00
FREIGHT	
SALES TAX	.00
TOTAL	2,329.27
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE

R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

DATE 10-15-99

OPC/DEALER
ORDER NO.

LICENSE/
PERMIT NO.

ORDER/DEL.
TICKET NO.:

SIGNATURE: Gregg D. Brown

**CUSTOMER/
MAG/DISTRIB/**

BBC Smith

CL	ITEM DESCRIPTION			NUMBER OF CASES	DATE CODE	NUMBER OF CASES BY DATE CODE
	GRADE POWDER/TYPE CAPS	SIZE	STYLE POWDER/NUMBER OF CAPS			
✓	Exel Handidet	40	55/500			19
✓	Exel Handidet	50	25/500			26
✓	Exel MS	40	18			17
✓	Exel HTD	30	42ms			12
✓	Master-det	80	22			9
✓	Penter 16		10 units			45
✓	Magnum Ultra		2x8			19
✓	Bulk Anfo				8700 lbs	100
✓	2060 Com wire					7 lbs

D. C. GUELICH EXPLOSIVE 9:00 AM

(814) 765-1558

5000

9:00 a.m.

Job 38:7

No. of Holes 20

Aug 1 Dent 21

-29-

Amt. of Water

No. of Holes 20
Time Finished Th. 10:00

Distance to Nearest Building

Size of Hole _____

Remarks.

215 P. 11

COPIES: SEE BACK OF FORM FOR DISTRIBUTION

D.C. GUELICH EXPLOSIVE
R.D. #3, Box 125A
Clearfield, PA 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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10/28/99 50379 1

invoice

SOLD
TO:

SHIP
TO:

BBC COAL
P. O. BOX 249
CLEARFIELD, PA 16830

PURCHASE LINE JOB

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77925	10/28/99	10BBC			OUR TRUCK	10/28/99	"Net 30 Days

QUANTITY ORDERED	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE PER UNIT	AMOUNT
1.00 529.00	*MISCDRILL 9	MOBILIZATION DRILLING SALES	.00 .65 EACH EA	.00 343.85

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	
MISC. CHARGES	.00
FREIGHT	
SALES TAX	.00
TOTAL	343.85
PAYMENT REC'D	
BALANCE DUE	.00

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

10-2899

DATE: 4-1-89

SIGNATURE: *R. Whittow*

**OPC/DEALER
ORDER NO.**

LICENSE/
PERMIT NO.

**ORDER/DEL.
TICKET NO.**

77925

**CUSTOMER/
MAG/DISTRIB/**

B.B.C. Coal Co.

D.C. GUELICH EXPLOSIVE
R.D.#3, Box 125A
Clearfield, PA 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
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10/28/99 50365 1

invoice

SOLED
TO:

SHIP
TO:

B.B.C. CCAL
P.O. BOX 249
CLEARFIELD, PA 16830

PURCHASE LINE

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77905	10/28/99	10BBC			OUR TRUCK	10/28/99	NET 30 DAYS

QUANTITY ORDERED	ITEM NUMBER SHIPPED	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
1.00		208020	972.00	C	9.72
58.00		1404000	689.00	C	399.62
4.00		1904042	580.96	C	23.24
58.00		101	4.19	EA	243.02
1350.00		12	18.03	CWT	243.41
4.00		1	3.90	LB	15.60

2% Finance Charge on all
Over 30 Day Balances

SALE AMOUNT	
MISC. CHARGES	.00
FREIGHT	
SALES TAX	.00
TOTAL	934.61
PAYMENT REC'D	.00
BALANCE DUE	

D. C. GUELICH EXPLOSIVE

R.D. #3 - BOX 125A - CLEARFIELD, PA. 16830-9151

(814) 765-1558

SHIPPING RECORD

DATE: 10-28-99

OPC/DEALER
ORDER NO.LICENSE/
PERMIT NO.ORDER/DEL.
TICKET NO.

27905

SIGNATURE: *Andy Nelson*CUSTOMER/
MAG/DISTRIB/

BBC

Purchase Line

ITEM DESCRIPTION		SIZE	STYLE POWDER/ NUMBER OF CAPS	NUMBER OF CASES	DATE CODE	NUMBER OF CASES BY DATE CODE
C.	GRADE POWDER/TYPE CAPS					
H	E masterdet #20	80'	1			
H	E excel standardets #20	40'	58		Sub for 24'	
H	E excel #20	40'	4			
H	E Pentex 16	1"	58 units		1 CASE	
B	WCN	Bulk	1350"			
400' Converting while #20 gauge						

D. C. GUELICH EXPLOSIVE

(814) 765-1558

Job BBC No. of Holes 70Avg. Depth 15' Time Finished 1Amt. of Water _____ Size of Hole 1

Distance to Nearest Building _____

Remarks: _____

D.C. GUELICH PLOSIVE
R.D.#3, Box 125A
Clearfield, PA. 16830
(814)765-1558

INVOICE DATE	INVOICE NO.	PAGE
--------------	-------------	------

11/02/99 50431 1

invoice

SOLD
TO:

SHIP
TO:

B.B.C. COAL
P.O. BOX 249
CLEARFIELD, PA 16830

PURCHASE LINE

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES-PERSON	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
77940	11/02/99	10BBC			OUR TRUCK	11/02/99	"Net 30 Days

QUANTITY ORDERED	SHIPPED	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
4.00		208019	MASTERDET 80' # 19	.00	C	.00
9.00		1902042	EXEL HTD 20' #42 (6M	.00	C	.00
6.00		1	CONNECTING WIRE #20 SN	.00	LB	.00

2% Finance Charge on all
Over 30 Day Balances

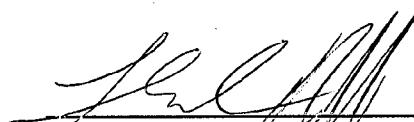
SALE AMOUNT	
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	.00
PAYMENT REC'D	.00
BALANCE DUE	.00

D. C. GUELICH EXPLOSIVE CO.
R.D. #3 - BOX 125A CLEARFIELD, PA. 16830-9151
(814) 765-1559

SHIPPING RECORD

COMMONWEALTH OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

THOMAS C. NEFF, Credit Manager of D. C. GUELICH EXPLOSIVES CO., INC., being duly sworn according to law, deposes and says that he, as such officer, being authorized to do so, has executed this Affidavit, and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.



Thomas C. Neff, Credit Manager
D. C. Guelich Explosive Co., Inc.

1510

FILED

1510 FEB 18 2000

1510 12:10 AM

William A. Shaw

Prothonotary P.D.

80-

BY

PLFF.

I CERT TO
SHERIFF

(2)

MICHAEL P. YEAGER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

D.C. GUELICH EXPLOSIVES CO.
VS
BBC COAL COMPANY, INC.

00-215-CD

COMPLAINT

SHERIFF RETURNS

NOW MARCH 7, 2000 AT 10:18 AM EST SERVED THE WITHIN
COMPLAINT ON BBC COAL COMPANY, INC., DEFENDANT AT EMPLOYMENT
FLEGAL ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO BILL THORP, OWNER A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS
THEREOF.

SERVED BY: DAVIS/MORGILLO

20.33 SHFF. HAWKINS PAID BY: PLFF.
10.00 SURCHARGE PAID BY: PLFF.

SWORN TO BEFORE ME THIS

13th DAY OF March 2000
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harr

CHESTER A. HAWKINS
SHERIFF

FILED

MAR 13 2000

01137

William A. Shaw
Prothonotary

EKB

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC. ¹¹⁶, :
Defendant :
:

PRAECLPSE FOR DEFALC T JUDGMENT

TO THE PROTHONOTARY:

Please enter default judgment in the amount of Eleven Thousand Three Hundred Fifty-Four and 46/100 (\$11,354.46) Dollars together with interest, costs and Attorneys commission on the above captioned Defendant due to the Defendant's failure to enter an appearance or file an Answer within the allotted twenty (20) day time limit.

Michael P. Yeager
Michael P. Yeager, Esquire
Attorney for the Plaintiff

I hereby certify that a written notice of the intention to file a Praeclipe for default judgment was mailed to the Defendant above named after default on March 27, 2000, at least ten (10) days prior to the filing of the within Praeclipe. A copy of the aforesaid Notice is attached hereto, made a part hereof and incorporated herein by reference as "Exhibit A". A Certificate of Mailing indicating the date of said mailing is attached

hereto, made a part hereof and incorporated herein by reference
as "Exhibit B".



Michael P. Yeager
Michael P. Yeager, Esquire
Attorney for Plaintiff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

To: BBC COAL COMPANY, INC.
P.O. Box 249
Clearfield, PA 16830

Date of Notice: April 6, 2000

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Clearfield, Pennsylvania 16830
Telephone: 814-765-2641 Ex 5982

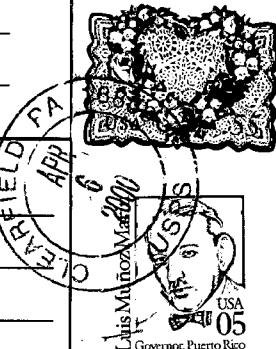

Michael P. Yeager, Esquire
Attorney for Plaintiff
P.O. Box 752
Clearfield, PA 16830

EXHIBIT

A

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		
<p>Received From: <u>Michael P. Yeager, Esquire</u> <u>P.O. Box 752</u> <u>Clearfield, PA 16830</u></p> <p>One piece of ordinary mail addressed to: <u>BBC COAL COMPANY, INC.</u> <u>P.O. Box 249</u> <u>Clearfield, PA 16830</u></p>		

Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.



PS Form 3817, Mar. 1989



FILED

APR 18 2000
O/A/4/00/ATHY BEAUMOND \$20.00
William A. Shaw
Prothonotary
Not to be
Statement to Athy Regan

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COPY

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

Notice is given that a JUDGMENT in the above-captioned
matter has been entered against you in the amount of \$ 11,354.46
on April 18, 2000.

William A. Shaw, Prothonotary

By William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

D.C. GUELICH EXPLOSIVES, CO., INC.

Plaintiff

No. 00-215-CD

vs.

BBC COAL COMPANY, INC.,

Defendant(s)

Costs

Int. From

Entry \$ 20.00

Instrument Default Judgment

Date of Entry April 18, 2000

Expires April 18, 2005

Certified from the record this 18th day of April, 2000

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, 20 ___, of defendant full
satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary
is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

(4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

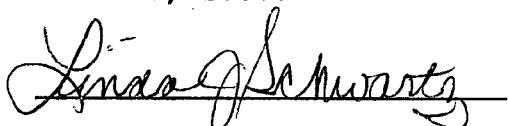
AFFIDAVIT OF SERVICE

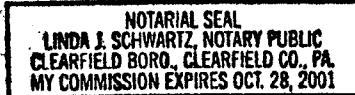
I, MICHAEL P. YEAGER, attorney for the Plaintiff, depose and say that on June 2, 2000 I forwarded the Notice of Taking Depositions on Oral Examination Under Pennsylvania RCP Nos. 4007.1 & 3117 ("Notice") with regard to the above-captioned matter to William Thorp, believed to own a beneficial interest in the Defendant, BBC Coal Company, Inc. Said forwarding was by certified mail, return receipt requested. Copies of said Notice as well as the original receipt and return receipt card from the certified mailing are attached hereto, made part hereof and incorporated herein as "Exhibit A"



Michael P. Yeager, Esquire
Attorney for Plaintiff

Sworn to and subscribed
before me this 5th day
of June, 2000.





FILED

JUN 05 2000

William A. Shaw
Prothonotary

1000

1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000

1000

1000
1000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

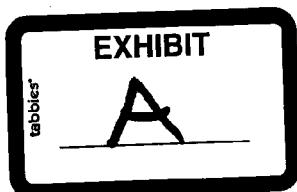
NOTICE OF TAKING DEPOSITIONS ON ORAL EXAMINATION
UNDER PENNSYLVANIA RCP NOS. 4007.1 & 3117

TO WILLIAM THORP, believed to own a beneficial interest in BBC COAL COMPANY, INC., Defendant, in the above captioned action:

NOTICE IS HEREEY GIVEN that the Deposition of WILLIAM THORP will be taken upon cral examination and in accordance with Pennsylvania Rules of Civil Procedure Nos. 4007.1 and 3117, in the offices of Michael P. Yeager, 110 North Second Street, Clearfield, Clearfield County, Pennsylvania, on July 6, 2000, at 10:30 A.M., and at any and all adjournments thereof..

The purpose of this Deposition is for the discovery of the identity and whereabouts of assets of the Defendant, BBC Coal Company, Inc., for purposes of execution, as well as to examine the deponent concerning any matter, not privileged, which is relevant to execution by the Plaintiff upon its judgment in the above-captioned action.

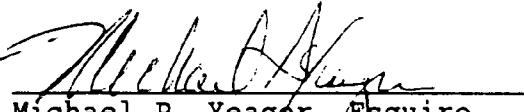
This Deposition will cover any and all assets owned by the Defendant, BBC Coal Company, Inc., as well as the ability of those assets to earn income; there should be full and complete knowledge of all said assets, together with knowledge as to



income receipts, any and all encumbrances on assets including mortgages, and the status of payments as to all encumbrances and mortgages, location and valuation of assets and ability of the Defendant, BBC Coal Company, Inc., generally to satisfy the judgment secured by the Plaintiff in the above-captioned action.

Notice is also hereby given that William Thorp, on behalf of the Defendant, BBC Coal Company, is hereby requested and directed to produce for inspection and copy any and all of the following items:

1. Deeds, leases, certificates of title or other evidence of title as to any and all assets;
2. Mortgages, judgments, notes and encumbrances of any type, whether the same apply to specific assets or whether the same might apply to all assets in general;
3. 1997, 1998 and 1999 tax returns;
4. Financial Statements of any type for the years 1997, 1998 and 1999;
5. Any Agreements relative to the payment of any encumbrances listed in Item 2 above;
6. Any and all Agreements relative to sale or other disposition of any of the assets listed in Item 1 above.



Michael P. Yeager, Esquire
Attorney for Plaintiff

Dated: June 1, 2000

Z 596 717 977

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
William Thorp	
BBC COAL COMPANY, INC.	
P.O. Box 249	
Post Office, State, & ZIP Code	
Clearfield, PA 16830	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	
Postmark or Date	

PS Form 3800, April 1995

JOAN THORP

JUN 2 2000

USPS

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William Thorp
BBC COAL COMPANY, INC.
P.O. Box 249
Clearfield, PA 16830

4a. Article Number

Z 596 717 977

4b. Service Type

- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery



5. Received By: (Print Name)

Joan Thorp

6. Signature: (Addressee or Agent)

X Joan Thorp

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

FILED

JUN 05 2000
24/1700
William A. Shaw
Prothonotary

GRW

(5)

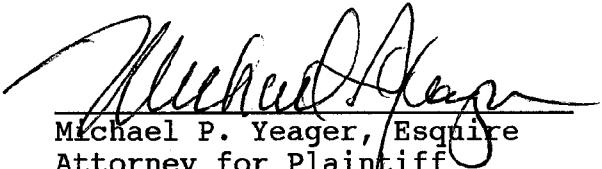
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

AFFIDAVIT OF SERVICE

I, MICHAEL P. YEAGER, attorney for the Plaintiff, depose and say that on June 6, 2000 I forwarded the Amended Notice of Taking Depositions on Oral Examination Under Pennsylvania RCP Nos. 4007.1 & 3117 ("Notice") with regard to the above-captioned matter to William Thorp, believed to own a beneficial interest in the Defendant, BBC Coal Company, Inc. Said forwarding was by certified mail, return receipt requested. A copy of said Amended Notice as well as the original receipt and return receipt card from the certified mailing is attached hereto, made part hereof and incorporated herein as "Exhibit A".

Notice was also mailed to David S. Ammerman, Esquire, attorney for the said William Thorp. Said forwarding was by first class mail.


Michael P. Yeager, Esquire
Attorney for Plaintiff

Sworn to and subscribed

before me this 7th day

of June, 2000.



NOTARIAL SEAL
LINDA J. SCHWARTZ, NOTARY PUBLIC
CLEARFIELD BORO, CLEARFIELD CO., PA.
MY COMMISSION EXPIRES OCT. 28, 2001

FILED

JUN 08 2000

William A. Shaw
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

AMENDED NOTICE OF TAKING DEPOSITIONS ON ORAL EXAMINATION
UNDER PENNSYLVANIA RCP NOS. 4007.1 & 3117

TO WILLIAM THORP, believed to own a beneficial interest in BBC COAL COMPANY, INC., Defendant, in the above captioned action:

NOTICE IS HEREBY GIVEN that the Deposition of WILLIAM THORP will be taken upon oral examination and in accordance with Pennsylvania Rules of Civil Procedure Nos. 4007.1 and 3117, in the offices of Michael P. Yeager, 110 North Second Street, Clearfield, Clearfield County, Pennsylvania, on July 18, 2000, at 10:30 A.M., and at any and all adjournments thereof.

The purpose of this Deposition is for the discovery of the identity and whereabouts of assets of the Defendant, BBC Coal Company, Inc., for purposes of execution, as well as to examine the deponent concerning any matter, not privileged, which is relevant to execution by the Plaintiff upon its judgment in the above-captioned action.

This Deposition will cover any and all assets owned by the Defendant, BBC Coal Company, Inc., as well as the ability of those assets to earn income; there should be full and complete knowledge of all said assets, together with knowledge as to



income receipts, any and all encumbrances on assets including mortgages, and the status of payments as to all encumbrances and mortgages, location and valuation of assets and ability of the Defendant, BBC Coal Company, Inc., generally to satisfy the judgment secured by the Plaintiff in the above-captioned action.

Notice is also hereby given that William Thorp, on behalf of the Defendant, BBC Coal Company, is hereby requested and directed to produce for inspection and copy any and all of the following items:

1. Deeds, leases, certificates of title or other evidence of title as to any and all assets;
2. Mortgages, judgments, notes and encumbrances of any type, whether the same apply to specific assets or whether the same might apply to all assets in general;
3. 1997, 1998 and 1999 tax returns;
4. Financial Statements of any type for the years 1997, 1998 and 1999;
5. Any Agreements relative to the payment of any encumbrances listed in Item 2 above;
6. Any and all Agreements relative to sale or other disposition of any of the assets listed in Item 1 above.



Michael P. Yeager, Esquire

Attorney for Plaintiff

Dated: June 6, 2000

Z 596 717 950

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
William Thorp	
BBC COAL COMPANY, INC.	
P.O. Box 249	
Post Office, State, & ZIP Code	
Clearfield, PA 16830	
Postage	\$.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William Thorp
BBC COAL COMPANY, INC.
P.O. Box 249
Clearfield, PA 16830

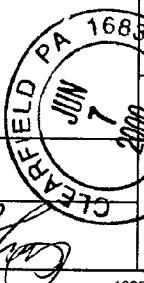
4a. Article Number

Z 596 717 950

4b. Service Type

- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery



5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X William Thorp

102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

FILED

JUN 08 2000
Q138/nlo cc
William A. Shaw
Prothonotary
Egy

(6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., : NO. 00 - 215 - CD
INC., :
Plaintiff : Type of Case: Assumpsit
vs : Type of Pleading: Praecipe for
BBC COAL COMPANY, INC., : Writ of Execution
Defendant : Filed on Behalf of: Plaintiff
: Counsel of Record for this Party:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
: (814) 765-9611

FILED

SEP 12 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

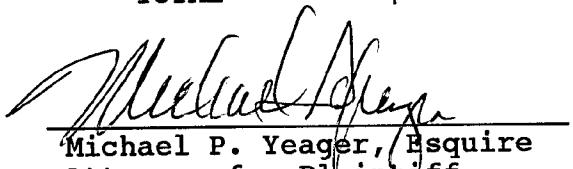
Please issue writ of execution in the above matter, as follows:

1. Directed to the Sheriff of Clearfield County, and
2. Against all accounts, certificates of deposit, escrow funds or funds of any kind being held in any way on behalf of Defendant, and
3. Index this writ:
 - (a) Against BBC COAL COMPANY, INC., and
 - (b) Against Tanoma Energy, Inc. as Garnishee as a lis pendens against any and all accounts, certificates of deposit, funds, escrow funds, funds held pursuant to a Coal Purchasing Agreement dated November 16, 1996, or funds of any kind being held in any way on behalf of Defendant, and
 - (c) Against Tanoma Coal Sales, Inc. as Garnishee as a lis pendens against any and all accounts, certificates of deposit, funds, escrow funds, funds held pursuant to a Coal Purchasing Agreement dated November 16, 1996, or funds of any kind being held in any way on behalf of Defendant, and

5. Amount due as of 4/18/00 \$ 11,354.46
Interest
Costs (to be added):
Sheriff's Costs
Attorney's fees paid

TOTAL

\$


Michael P. Yeager, Esquire

Attorney for Plaintiff

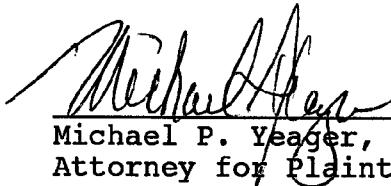
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

AFFIDAVIT OF RESIDENCE OF DEFENDANT

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :
:

Michael P. Yeager, Attorney for the above-named Plaintiff
being duly sworn according to law, deposes and says that to the
best of his knowledge, information and belief, the last known
address of the above-named Defendant is: BBC Coal Company, Inc.,
P.O. Box 249, Flegal Road, Clearfield, PA 16830.

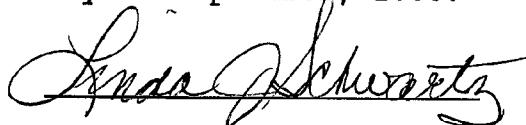


Michael P. Yeager, Esquire
Attorney for Plaintiff

Sworn to and subscribed

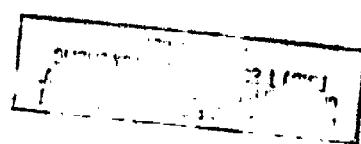
before me this 10th

day of September, 2000.



FILED Amy Yeager
pd 28.00
Supt 12 2000 9 wmits to
William A. Shaw Sheriff
Prothonotary

Exhibit



COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., : NO. 00 - 215 - CD
INC.,
Plaintiff : Type of Case: Assumpsit
vs : Type of Pleading: Writ of
BBC COAL COMPANY, INC., Execution
Defendant : Filed on Behalf of: Plaintiff
: Counsel of Record for this Party:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
: (814) 765-9611

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
:
vs. :
:
BBC COAL COMPANY, INC., :
Defendant :
:

WRIT OF EXECUTION

N O T I C E

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's office at the address noted below.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

William A. Shaw, Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TO: CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY

To satisfy the judgment, interest and costs against BBC Coal
Company, Inc. Defendant:

1. You are directed to levy upon the property of the Defendant and to sell its interest therein;
2. To notify the Garnishee that:
 - (a) an attachment has been issued;
 - (b) the Garnishees is enjoined from paying any debt to or for the account of the Defendants and from delivering any accounts, certificates of deposit, funds, escrow funds, funds held pursuant to a Coal Purchasing Agreement dated November 16, 1996, or funds of any kind or other property being held on behalf of Defendant; and
 - (c) if property of the Defendants not levied upon and subject to attachment is found in the possession of anyone other than a named Garnishee, you are directed to notify him or her that he or she has been added as a Garnishee and is enjoined as above stated.

Amount due:	\$ 11,354.46
Interest	
Costs (to be added):	
Sheriff's Costs	
Attorney's fees paid	4 150.33
TOTAL	\$

WILLIAM A. SHAW, PROTHONOTARY
OF CLEARFIELD COUNTY

Date: September 12, 2000

By: _____

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAWS

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above-named Defendant, claim exemption of property from levy or attachment:

- (1) From my personal property in my possession which has been levied upon,
- (a) I desire that my \$300 statutory exemption be
- (i) set aside in kind (specify property to be set aside in kind): _____
_____;
- (b) I claim the following exemption (specify property and basis of exemption): _____.
- (2) From my property which is in the possession of a third party, I claim the following exemptions:
- (a) my \$300 statutory exemption: \$ _____ in cash; in kind (specify property): _____.
- (b) Social Security benefits on deposit in the amount of \$ _____;
- (c) Other (specify amount and basis of exemption):
_____.

I request a prompt court hearing to determine the exemption. Notice of hearing should be given to me at _____

_____ (Address)

_____ (Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: _____

THIS CLAIM TO BE FILED WITH THE OFFICE

OF THE SHERIFF OF CLEARFIELD COUNTY:

CLEARFIELD COUNTY COURTHOUSE

814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., : NO. 00 - 215 - CD
INC., :
Plaintiff : Type of Case: Assumpsit
vs : Type of Pleading: Writ of
Defendant : Execution
BBC COAL COMPANY, INC., : Filed on Behalf of: Plaintiff
Defendant : Counsel of Record for this Party:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
: (814) 765-9611

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

WRIT OF EXECUTION

N O T I C E

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's office at the address noted below.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
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Defendant :
:

WRIT OF EXECUTION

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COUNTY OF CLEARFIELD

TO: CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY

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Company, Inc. Defendant:

1. You are directed to levy upon the property of the
Defendant and to sell its interest therein;

2. To notify the Garnishee that:

(a) an attachment has been issued;

(b) the Garnishees is enjoined from paying any debt to
or for the account of the Defendants and from delivering any
accounts, certificates of deposit, funds, escrow funds,
funds held pursuant to a Coal Purchasing Agreement dated
November 16, 1996, or funds of any kind or other property
being held on behalf of Defendant; and

(c) if property of the Defendants not levied upon and
subject to attachment is found in the possession of anyone
other than a named Garnishee, you are directed to notify him
or her that he or she has been added as a Garnishee and is
enjoined as above stated.

Amount due:	\$ 11,354.46
Interest	
Costs (to be added):	
Sheriff's Costs	150.33
Attorney's fees paid	
 TOTAL	\$

WILLIAM A. SHAW, PROTHONOTARY
OF CLEARFIELD COUNTY

Date: September 12, 2000

By: William A. Shaw

RECEIVED SEP 12 2000

@ 3:00 PM
Chester H. Hankins
by Margaret H. Pitt

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAWS

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

D. C. GUELICH EXPLOSIVES CO., :
INC., :
Plaintiff : No. 00 - 215 - CD
vs. :
BBC COAL COMPANY, INC., :
Defendant :
:

CLAIM FOR EXEMPTION

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been levied upon,
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(i) set aside in kind (specify property to be set
aside in kind): _____

(b) I claim the following exemption (specify property
and basis of exemption): _____.
- (2) From my property which is in the possession of a third
party, I claim the following exemptions:
(a) my \$300 statutory exemption: \$ _____ in cash; in
kind (specify property): _____.
(b) Social Security benefits on deposit in the amount
of \$ _____;
(c) Other (specify amount and basis of exemption):
_____.

I request a prompt court hearing to determine the exemption. Notice of hearing should be given to me at _____

(Address) (Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: _____

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF CLEARFIELD COUNTY:
CLEARFIELD COUNTY COURTHOUSE
814-765-2641

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10258

D.C. GUELICH EXPLOSIVES CO., INC.

00-215-CD

VS.

BBC COAL COMPANY, INC.

WRIT OF EXECUTION INTERROGATORIES TO GARNISHEE

SHERIFF RETURNS

NOW, OCTOBER 5, 2001, SHERIFF CHRIS SCHERER OF WESTMORELAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON TANOMA ENERGY, INC, GARNISHEE.

NOW, OCTOBER 5, 2001, SHERIFF CHRIS SCHERER OF WESTMORELAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON TANOMA COAL SALES, INC., GARNISHEE.

NOW, OCTOBER 17, 2000, AT 10:35 AM O'CLOCK SERVED WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON CLOYD MILES, PERSON IN CHARGE AT BBC COAL COMPANY, INC., GARNISHEE, AT HIS PLACE OF EMPLOYMENT, FLEGAL ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, 16830, BY HANDING TO CLOYD MILES, PERSON IN CHARGE AT BBC COAL COMPANY, INC., GARNISHEE, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

NOW, OCTOBER 11, 2000, SERVED THE WITHIN WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON TANOMA ENERGY, INC., GARNISHEE, BY DEPUTIZING THE SHERIFF OF WESTMORELAND COUNTY. THE RETURN OF SHERIFF SCHERER IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10258

D.C. GUELICH EXPLOSIVES CO., INC.

00-215-CD

VS.

BBC COAL COMPANY, INC.

WRIT OF EXECUTION INTERROGATORIES TO GARNISHEE

SHERIFF RETURNS

**NOW, OCTOBER 11, 2000, SERVED THE WITHIN WRIT OF EXECUTION AND
INTERROGATORIES TO GARNISHEE ON TANOMA COAL COMPANY, INC.,
GARNISHEE, BY DEPUTIZING THE SHERIFF OF WESTMORELAND COUNTY.
THE RETURN OF SHERIFF SCHERER IS HERETO ATTACHED AND MADE PART
OF THIS RETURN.**

SHERIFF HAWKINS \$57.00

SURCHARGE 40.00

PAID BY ATTORNEY

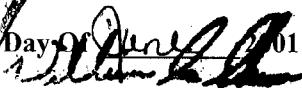
FILED

JUN 22 2001

01350pm E
William A. Shaw Esq
Prothonotary

So Answers,

Sworn to Before Me This

2nd Day of June 2001


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.


by Margaret H. Pitt
Chester A. Hawkins
Sheriff



Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-6089

CHESTER A. HAWKINS
SHERIFF

SUITE 116
1 NORTH SECOND STREET - COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830

DAPLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

D.C. GUELICH EXPLOSIVES CO., INC.

NO. 00-215-CD

VS

ACTION: INTERROGATORIES TO GARNISHEE

BBC COAL COMPANY, INC.

SERVE BY: ASAP

or

HEARING DATE:

SERVE: TANOMA ENERGY, INC.
ATTENTION: MICHAEL J. WALKER, V.P.

TANOMA COAL SALES, INC.

ADDRESS: One Energy Place
Latrobe, PA 15650

One Energy Place
Latorbe, PA 15650

Know all men by these presents, that I, CHESTER A. HAWKINS,
HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby
deputize the SHERIFF of WESTMORELAND County to execute this writ.

This deputation being made at the request and risk of the plaintiff
this 5th day of OCTOBER 2000.

COPY

Respectfully,

Chester A. Hawkins
CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: ATTORNEY

CHRIS SCHERER, SHERIFF OF WESTMORELAND COUNTY
 2 NORTH MAIN STREET
 GREENSBURG, PA 15601
 (724) 830-3822 FAX (724) 830-3660

LAST DAY TO SERVE: 10/12/00

PLAINTIFF: D.C. Guelich Explosives Co., Inc.

VS.

DEFT(S): BBC Coal Company, Inc.

SERVE: Vanoma Energy Inc
 DEFT(S)/GARNISHEE Attn. Michael J Walker

ADDRESS: 1 Energy Place
LATROBE PA 15650

INDICATE TYPE OF SERVICE:

- PERSON IN CHARGE PERSONAL ONLY DEPUTIZE
 CERT. MAIL POST OTHER
 SEIZE & STORE

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 11/25 day of October, 2000 at 2:15 O'clock, A.M./P.M. Address Above/Address Below, County of Westmoreland, Pennsylvania

I have served in the manner Described below:

- Defendant(s) personally served.
 Adult in charge of Defendant's residence at time of serve (name & relationship).
 Manager/other person authorized to accept Heather Campbell - Receptionist
 Agent or person in charge of Defendant(s) office or usual place of business.
 Other _____
 Property Posted _____

Defendant not found because: Moved Unknown No Answer Vacant Other _____

Certified Mail _____ 1st Class Mail _____ Ordinary Mail/Certificate of Mailing _____

ATTEMPTS _____ / _____ / _____ / _____ / _____ / _____ /

DEPUTY Sharek

Westmoreland County Costs	DS/Notary	Deputized County Costs	Costs Due	Refund	Total Costs (West. Co. Only)
\$ 59.00	\$ 20.00	\$	\$	\$	\$ 79.00

NOW: 20 I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law.

CK# _____ # OPY _____

SHERIFF

AFFIRMED and subscribed to before me this

Day of 20 _____

Deputized Sheriff

Date

Chris Scherer

10-12-00

Date

Notary Public/Prothonotary
 Prothonotary (White Copy)

Attorney (Canary Copy)

Signature of Sheriff (Westmoreland County)
 Sheriff (Pink Copy)

Deputized Sheriff (Gold Copy)

10-12-00

CHRIS SCHERER, SHERIFF OF WESTMORELAND COUNTY
2 NORTH MAIN STREET
GREENSBURG, PA 15601
(724) 830-3822 FAX (724) 830-3660

LAST DAY TO SERVE: 10/12/00

PLAINTIFF: D.C. Guelich Explosives Co., Inc.

vs.

DEFT(S): BBC Coal Company, Inc.

1 SERVE: TANOMA COAL SALES, INC.
(DEBTOR)/GARNISHEE) Attn: John Tanoma

MAN Michael J. Walker

ADDRESS: 1 Energy Place
LATROBE PA 15650

INDICATE TYPE OF SERVICE:

- PERSON IN CHARGE PERSONAL ONLY DEPUTIZED
 CERT. MAIL POST OTHER
 SEIZE & STORE

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 11th day of October, 2000, at 2:15 o'clock A.M./P.M. Address: 123 Main St. City: Anytown, State: Anywhere, County: Any County, U.S.A.

I have served in the manner described below.

- ✓ Served in the manner described below: _____

Defendant(s) personally served. _____

Adult in charge of Defendant's residence at time of serve (name & relationship). _____

Manager/other person authorized to accept Heather Campbell - Receptionist

Agent or person in charge of Defendant(s) office or usual place of business. _____

Other _____

Property Posted _____

Defendant not found because: Moved Unknown No Answer Vacant Other
 Certified Mail 1st Class Mail

Certified Mail 1st Class Mail Ordinary Mail/Certificate of Mailing

ATTEMPTS _____ / _____ / _____ Ordinary Mail/Certificate of Mailing _____

DEPUTY SHARKE

Westmoreland County Costs	DS/Notary	Deputized County Costs	Costs Due	Refund	Total Costs (West. Co. Only)
\$ 59.00	\$ 20.00	\$	\$	\$	\$ 79.00

NOW: _____ 20 _____ I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby depose the Sheriff of _____ County to execute this Writ and make return thereof according to law.

CK# _____ #

AFFIRMED and subscribed to before me this
____ Day of ____ 20____

SHERIFF

Deputized Sheriff
Chris Scherer 10
Signature of Sheriff (Westmoreland County)
Sheriff (Pink Copy) Deputized Sheriff (Gold Copy)

Notary Public/Prothonotary
Prothonotary (White Copy) Attorney

rothonotary (White Copy) Attorney (Canary Copy)