

00-537-CD
HARRY N. HALEY -vs- MAHLON JOHN YODER et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

(u) HARRY N. HALEY,
Plaintiff

-vs-

(u) MAHLON JOHN YODER and ROMAN
COBLENTZ, individually and as
Copartners, t/d/b/a BUCKSAW
LUMBER COMPANY,
Defendants

: Docket No. 06-537-C0

Type of Pleading:
PRAECIPE FOR WRIT OF SUMMONS

Filed on Behalf of:
PLAINTIFF: Harry N. Haley

Counsel of Record for
This Party:

LAW OFFICES OF
DWIGHT L. KOERBER, JR.

Cynthia B. Stewart, Esquire
PA I.D. No. 82380

110 North Second Street
P. O. Box 1320
Clearfield, Pa 16830
(814) 765-9611

FILED

MAY 08 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY,	:
Plaintiff	:
	:
-vs-	
MAHLON JOHN YODER and ROMAN	:
COBLENTZ, individually and as	:
Copartners, t/d/b/a BUCKSAW	:
LUMBER COMPANY,	:
Defendants	:

Docket No. _____

PRAECIPE FOR WRIT OF SUMMONS

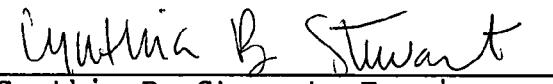
TO THE PROTHONOTARY:

Please issue a Writ of Summons in the above-captioned case and arrange for the Sheriff to serve the same upon Defendants, as listed below:

Mahlon John Yoder
R. D. 2
Luthersburg, PA 15848

Roman Coblenz
BUCKSAW LUMBER COMPANY
R. D. 4
Punxsutawney, PA 15767

Respectfully submitted:



Cynthia B. Stewart, Esquire
Attorney for Plaintiff,
HARRY N. HALEY

DATED: May 8, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

HARRY N. HALEY

Plaintiff(s)

S U M M O N S
No: 00-537-CD

vs.

MAHLON JOHN YODER and ROMAN COBLENTZ,
individually and as Copartners, t/d/b/a
BUCKSAW LUMBER COMPANY

Defendant(s)

To the above named Defendant(s) you are hereby notified
that the above named Plaintiff(s), has/have commenced a Civil Action
against you.

Date MAY 8, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Cynthia B. Stewart, Esq.
110 North Second St.
Clearfield, PA 16830

1

(2)

CYNTHIA B. STEWART

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HALEY, HARRY N.

00-537-CD

VS

YODER, MAHLON JOHN I/A/A/ CO-

SUMMONS

SHERIFF RETURNS

NOW MAY 9, 2000 THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD
COUNTY TO SERVE THE WITHIN SUMMONS ON ROMAN COBLENTZ, I/A/A
CO-PARTERS T/D/B/A BUCKSAW LUMBER CO., DEFENDANT.

NOW MAY 15, 2000 SERVED THE WITHIN SUMMONS ON ROMAN COBLENTZ
I/A/A CO-PARTNERS T/D/B/A BUCKSAW LUMBER CO., DEFENDANT BY
DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF
SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS
RETURN STATING THAT HE SERVED LIZZIE COBLENTZ, WIFE.

NOW MAY 15, 2000, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD
COUNTY TO SERVE THE WITHIN SUMMONS ON MAHLON JOHN YODER,
I/A/A CO-PARTNERS T/D/B/A BUCKSAW LUMBER CO., DEFENDANT.

NOW MAY 24, 2000 SERVED THE WITHIN SUMMONS ON MAHLON JOHN
YODER I/A/A CO-PARTNERS T/D/B/A BUCKSAW LUMBER CO.,
DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY.
THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A
PART OF THIS RETURN STATING THAT HE SERVED ERVIN COBLENTZ
FOREMAN.

FILED

51.50 SHFF. HAWKINS PAID BY: ATTY.
57.00 SHFF. DEMKO PAID BY: ATTY.
20.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

15th DAY OF June 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 Hays

CHESTER A. HAWKINS
SHERIFF

JUN 01 2000
01943am
William A. Shaw
Prothonotary

Ex-6

SHERIFF'S RETURN
Jefferson County, Pennsylvania

No. 537 C.D. 2000

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on May 15, 2000 at 1:35 o'clock P.M. served the Summons upon ROMAN COBLENTZ, individually and as co-partner t/d/b/a BUCKSAW LUMBER COMPANY, Defendant, at his residence, R.D. #3, Box 361A, Punxsutawney, Township of Henderson, County of Jefferson, State of Pennsylvania by handing to Lizzie Coblenz, his wife and adult person with whom he resides, a true copy of the Summons, and by making known to her the contents thereof.

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on May 24, 2000 at 1:50 o'clock P.M. served the Summons upon MAHLON JOHN YODER, individually and as co-partner t/d/b/a BUCKSAW LUMBER COMPANY, Defendant, at place of business, R.D. #3, Punxsutawney, Township of Henderson, County of Jefferson, State of Pennsylvania by handing to Ervin Coblenz, foreman and adult person in charge at time of service, a true copy of the Summons, and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 55.00 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 57.00
Refunded:	\$ 68.00

Sworn and subscribed
to before me this 26
day of May 2000
By Henry Schuman

**PROTHONOTARY
CLERK OF COURTS**

*My Commission Expires
1st Monday of January 2002.
Jefferson County, PA*

So Answers,

Carl J. Gotwald Sr.
Deputy Sheriff
Thomas C. DeRosa
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

HARRY N. HALEY, PLAINTIFF

VS

MAHLON JOHN YODER AND ROMAN
COBLINTZ, INDIVIDUALLY AND AS
COPARTNERS, t/d/b/a BUCKSAW
LUMBER COMPANY, DEFENDANTS

COMPLAINT

FILED

AUG 18 2000

5/3.07 P.M.

William A. Shaw

Prothonotary

*Jesse (3) sent to Atty
Fay*

Law Office

DWIGHT L. KOERBER, JR.

ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY, Plaintiff	:	
	:	
-vs-	:	
	:	
MAHLON JOHN YODER and ROMAN COBLENTZ, individually and as Copartners, t/d/b/a BUCKSAW LUMBER COMPANY, Defendants	:	Docket No. 00-537-CD
	:	
	:	
	:	
	:	

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFF: Harry N. Haley

Counsel of Record for
This Party:

LAW OFFICES OF
DWIGHT L. KOERBER, JR.

Cynthia B. Stewart, Esquire
PA I.D. No. 82380

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 18 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY,	:
Plaintiff	:
	:
-vs-	:
	:
MAHLON JOHN YODER and ROMAN	Docket No. 00-537-CD
COBLENTZ, individually and as	:
Copartners, t/d/b/a BUCKSAW	:
LUMBER COMPANY,	:
Defendants	:

NOTICE TO DEFEND

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 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 you and a judgment may be entered against you by the Court without further notice for any money claims 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
One North Second Street
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY,	:
Plaintiff	:
	:
-vs-	:
	:
MAHLON JOHN YODER and ROMAN	Docket No. 00-537-CD
COBLENTZ, individually and as	:
Copartners, t/d/b/a BUCKSAW	:
LUMBER COMPANY,	:
Defendants	:

COMPLAINT

COMES NOW, Plaintiff, HARRY N. HALEY, by and through his attorney, Cynthia B. Stewart, Esquire, avers as follows:

1. Plaintiff, HARRY N. HALEY, resides in Clearfield County, Pennsylvania.
2. Defendant, MAHLON JOHN YODER, resides at R. D. 2, Luthersburg, Pennsylvania 15848.
3. Defendant, MAHLON JOHN YODER, and Defendant, ROMAN COBLENTZ, are partners in BUCKSAW LUMBER COMPANY, located at R. D. 3, Punxsutawney, Pennsylvania 15767.
4. This action is brought under the provisions of 42 Pa.C.S.A. §8311 pertaining to damages for actions for conversion of timber.
5. Plaintiff, HARRY N. HALEY, is the owner of certain real property located adjacent to McDivit Road, approximately one mile north of State Route 729 in Penn Township, Clearfield County.

6. Trees of the maple, poplar, cherry, and oak variety grow on the property described in the preceding paragraph.

7. On or about May of 1998, Defendants removed approximately 20 trees from Plaintiff's property.

8. The trees removed from Plaintiff's property by the Defendants included 4 poplar trees and 10 hard maple trees. Six small trees were destroyed. See Exhibit A, which includes an estimate and analysis of the trees by Diehl Logging.

9. The removal of the timber by the Defendants was done without the consent of Plaintiff.

10. Defendants leased real property which is located adjoining Plaintiff's property, which was described more fully in Paragraph No. 5.

11. The property boundaries were clearly established at the time of the incident.

12. The timber was removed from Plaintiff's property without regard to the boundary markers.

13. Defendant, MAHLON JOHN YODER, acknowledged that trees belonging to Plaintiff were cut and removed from Plaintiff's property.

14. To date, Defendants have not reimbursed Plaintiff for the value of the timber taken.

15. Plaintiff had an estimate prepared in order to establish the market value of the timber taken.

16. The approximate value in 1998 for the timber taken is \$4,200.00 as established by the estimate of Sam Diehl of Diehl's Logging, which is attached hereto as Exhibit A.

17. Defendants were negligent in their removal of the timber from Plaintiff's property.

18. Defendants' conduct was negligent in that because of the boundary markers, they should have known that they were not on their own property.

19. Plaintiff has suffered an ascertainable loss of money due to the conversion of timber by the Defendants.

20. Due to the negligent conduct of the Defendants, Plaintiff is entitled to two times the market value of the timber cut and costs relating to the estimate of the market value of the timber according to 42 Pa.C.S.A. §8311.

WHEREFORE, Plaintiff requests judgment be entered in his favor and against Defendants, MAHLON JOHN YODER and ROMAN COBLENTZ, individually, and as co-partners, t/d/b/a BUCKSAW LUMBER COMPANY, in the amount of two times the market value of the timber removed, costs of establishing the value of the timber, interest and costs, and further redress as the Court deems equitable and just.

Respectfully submitted:

Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff

EXHIBIT A

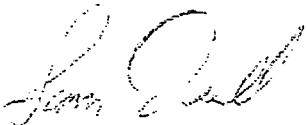
Attached hereto is a copy of the estimate of Sam Diehl of Diehl Logging.

Sam Diehl's Logging
Box 156 RD#2
Curwensville, Pa. 16833
(814)2363980
Oct. 30, 1998

Harry Haley:

Estimate on twenty trees, soft and hard maple, poplar, cherry and oak cut on your property is \$4,200.00.

Sam Diehl



To Tim 4560 F.F

Diehl logging
Box 156 RD#2 BOX 156
CURWENSVILLE PA 16833

WE LOOKED AT TREE STUMPS ON HARRY HALEYS
LAND WE FOUND 4 POPLAR 10 HARD MAPLE
POPLAR 20 17 25 31 IN. IN DIA
HARD MAPLE 21 19 17 14 21 28 22 27 25 14
14 TREES AVER 22 IN. IN DIA
EACH TREE AVER 2 16 FT LOGS
EACH TREE AVER 304 FT. HARD MAPLE 3344 FT
POPLAR 1216 FT
PRICE FOR HARD MAPLE 500 TO 2500 DOLLARS
PER THOUSAND
POPLAR 400 TO 600 DOLLARS PER THOUSAND
6 SMALL TREES WAS SMASHED 8 TO 10 IN. IN DIA

Diehl
10-30-98

VERIFICATION

I verify the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

8-18-00

Date

HARRY N. HALEY

HARRY N. HALEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY,	:
Plaintiff	:
	:
-vs-	:
MAHLON JOHN YODER and ROMAN	Docket No. 00-537-CD
COBLENTZ, individually and as	:
Copartners, t/d/b/a BUCKSAW	:
LUMBER COMPANY,	:
Defendants	:

CERTIFICATE OF SERVICE

I certify that on the 18th day of August, 2000, the undersigned served a true and correct copy of the foregoing Complaint in the above-captioned matter upon Defendants' counsel. Such documents were served via United States First Class Mail upon the following:

Querino R. Torretti, Esquire
600 East Main Street
P. O. Box 218
Reynoldsville, PA 15851

Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff

(4)

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

HARRY N. HALEY,
Plaintiff

—vs—

MAHLON JOHN YODER and ROMAN
COBLENTZ, individually and
as Copartners, t/d/b/a
BUCKSAW LUMBER COMPANY,
Defendants

:

:

: Docket No. : 00-537-CD

:

:

: Type of Pleading: Answer And
New Matter

:

: Filed on Behalf of: Defendants
Mahlon John Yoder and Roman
Coblenz, individually and as
Copartners, t/d/b/a Bucksaw
Lumbar Company

:

: Counsel of Record for Parties:
Querino R. Torretti, Esquire
: Supreme Court ID Number:
23996
: 600 E. Main St., PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

SEP 08 2000

William A. Shaw
Prothonotary

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

HARRY N. HALEY,
Plaintiff

:
: Docket No. : 00-537-CD
: Civil Division

—vs—

MAHLON JOHN YODER and ROMAN
COBLENTZ, individually and
as Copartners, t/d/b/a
BUCKSAW LUMBER COMPANY,
Defendants

:
:
:
:
:
:

NOTICE TO PLEAD

TO: HARRY N. HALEY, PLAINTIFF

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED NEW MATTER WITHIN TWENTY (20) DAYS FROM THE DATE OF
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.


Querino R. Torretti, Esq.
Attorney for Defendants

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

HARRY N. HALEY, :
Plaintiff :
: Docket No. : 00-537-CD
: Civil Division
—vs— :
: :
MAHLON JOHN YODER and ROMAN :
COBLENTZ, individually and :
as Copartners, t/d/b/a :
BUCKSAW LUMBER COMPANY, :
Defendants :
:

ANSWER AND NEW MATTER

AND NOW, come the Defendants, Mahlon M. Yoder and Roman Coblenz, and through their attorney, Querino R. Torretti, Esquire, sets forth the following in response to Plaintiff's Complaint:

1. Admitted.

2. Admitted.

3. It is averred that the Mahlon Yoder in question is Mahlon M. Yoder and not Mahlon John Yoder. It is specifically denied that the Defendant, Mahlon M. Yoder and the Defendant, Roman Coblenz, are partners in Bucksaw Lumbar Company or were partners in Bucksaw Lumbar Company at any time material to the present matter.

4. Denied. The allegation contained in Paragraph 4 is a conclusion of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same is therefore denied.

5. Admitted.

6. Admitted.

7. It is specifically denied that the Defendant, Mahlon M. Yoder, participated in the removal of any trees from Plaintiff's property. Defendant, Mahlon M. Yoder, contracted to remove the timber from the realty owned by Spencer Land Company, not as a partner but as an agent of Bucksaw Lumber Company. Furthermore, it is specifically denied that twenty trees were removed from Plaintiff's property. On the contrary, it is specifically averred that fifteen trees were removed from the Plaintiff's property.

8. It is specifically denied that the trees removed were as characterized in Plaintiff's Paragraph Number 8. On the contrary, it is averred that fifteen trees were removed comprised of the following variety and number: hard maple - 8, soft maple - 1, white ash - 4, and tulip poplar - 2. Furthermore, it is averred that the estimate and analysis performed by Diehl Logging is inaccurate in various respects, including but not limited to the following. Each tree did not average two sixteen foot logs. The average diameter represented is excessive. The range of values for the various trees is incorrect. Furthermore, the quality of the timber did not warrant the better prices. See attached Exhibit "A" representing an appraisal performed by Tom McQuaide, a Consulting Forester, with Pennsylvania Forrest Management, which accurately depicts the number and variety of trees removed and their value.

9. It is specifically denied that the Defendant, Mahlon M. Yoder, in any way participated in the removal of any timber which

is the subject of the present action. It is admitted that the removal of the timber was done without the consent of the Plaintiff. Moreover, the removal of said trees was consistent with Defendant, Roman Coblenz' understanding of the boundary line based upon information provided to him at the time in question. The removal was done in good faith by the Defendant, Roman Coblenz and at the time the subject timber was cut, Defendant, Roman Coblenz, had a reasonable basis for understanding that the land from which said timber was removed was land covered by the lease with Spencer Land Company.

10. It is specifically denied that the Defendant, Mahlon M. Yoder, was involved in the removal of timber from the subject realty. It is admitted that the Defendant, Mahlon M. Yoder leased real property adjoining Plaintiff's property which he assigned to Bucksaw Lumber Company.

11. It is specifically denied that the property boundaries were clearly established at the time the subject timber was removed. On the contrary, there were various reasons for the Defendant, Roman Coblenz, to understand that the boundary line in question had a different locale entitling him to remove the timber in question. The Defendant, Roman Coblenz, at all times acted reasonably in removing the timber in question.

12. It is specifically denied that the timber was removed from Plaintiff's property without regard to the boundary markers. On the contrary, it is averred that the Defendant, Roman Coblenz, had a reasonable basis to understand that the timber he

removed, was removed from realty from which he had a legally binding lease.

13. It is specifically denied that the Defendant, Mahlon M. Yoder, acknowledged that trees belonging to the Plaintiff were cut and removed from his property.

14. It is admitted that the Defendants have not paid the Plaintiff for the value of the timber taken. Again, it is averred that the Defendant, Mahlon M. Yoder did not participate in the removal of the trees in question. Moreover, it is averred that the Defendant, Roman Coblenz, has offered to pay to Plaintiff, the amount determined by Pennsylvania Forest Management which is referenced above in Paragraph Number 8. See Exhibit "A".

15. Admitted.

16. It is denied that the approximate value in 1998 for the timber taken is \$4,200.00. On the contrary, it is averred that the value of the trees removed was \$1,236.00. It is averred that the estimate of Sam Diehl of Diehl's Logging is inaccurate in many respects, some of which are set forth in Paragraph Number 8 above and incorporated herein.

17. It is specifically denied that the Defendant Mahlon M. Yoder, participated in the removal of any timber in question. Furthermore, it is specifically denied that the Defendant, Roman Coblenz, was negligent in the removal of the timber from Plaintiff's property. On the contrary, it is averred that the Defendant, Roman Coblenz, had a reasonable basis for believing that the land on which the subject timber was removed was that of

the party with whom he had a lease and/or by whose direction the timber in question was removed.

18. It is specifically denied that the Defendant, Mahlon M. Yoder, in any manner was involved in the removal of the timber from Plaintiff's property. It is further denied that Defendant, Roman Coblenz' conduct was negligent. It is specifically denied that the boundary in question was clearly delineated. Rather, on the basis of information provided to the Defendant, Roman Coblenz, he understood that the boundary line was located differently and he had no reason to dispute said information. He acted reasonably in removing the timber in question.

19. It is admitted that Plaintiff has suffered an ascertainable loss of money due to the removal of the subject timber from his property. Again, it is specifically denied that the Defendant, Mahlon M. Yoder, participated in the removal of any said timber. Furthermore, it is averred that the loss of money equates with the appraisal of Pennsylvania Forest Management.

20. It is specifically denied that the Plaintiff is entitled to two times the market value of the timber cut because the Defendant, Roman Coblenz' conduct was not negligent in removing the timber in question. It is furthermore averred that the Defendant, Roman Coblenz', conduct at all times in removing the timber in question, was reasonable.

NEW MATTER - STATUTE OF LIMITATIONS

21. Plaintiff's Complaint seeks damages alleging a conversion of timber which took place on or about May of 2000.

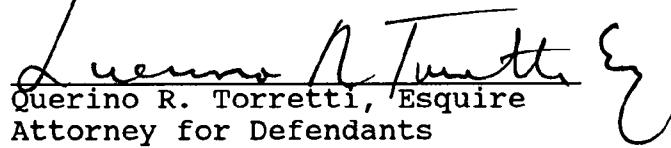
22. The Statute Of Limitations for this type of action is two years.

23. The Defendant, Roman Coblenz, was involved in the removal of the subject timber at a time, more than two years prior to the filing of the present action by the Plaintiff. The Plaintiff's action is beyond the applicable statutory period of limitations.

24. Plaintiff's action is accordingly barred by the applicable Statute Of Limitations.

WHEREFORE, the Defendants request that judgment be entered in their favor and against the Plaintiff, Harry N. Haley, and further request Court costs and such other redress as Your Honorable Court deems appropriate.

Respectfully submitted,


Querino R. Torretti, Esquire
Attorney for Defendants

PENNSYLVANIA FOREST MANAGEMENT

Thomas M. McQuaide
Consulting Forester
63B Bock Lane
Baden, PA 15005
(724) 876-0395
TOMMCQ1@HOME.COM

May 2, 2000

Dear Mr. Harry Haley,

On the 12th of April, I inspected your property along with Mr. Roman Coblenz and Mr. Mahlon Yoder. Upon the inspection, it was discovered that they (Mr. Coblenz and Mr. Yoder) had accidentally cut 15 of your trees. They are as follows:

SPECIES	# OF TREES	BOARD FEET	MARKET VALUE*
Hard Maple	8	1648	\$824.00
Soft Maple	1	74	15.00
White Ash	4	1117	335.00
Tulip Poplar	2	312	62.00
TOTAL:	15	3151	\$1236.00

* The volume table used in these calculations is the International 1/4 Rule FC 78. The stumpage prices were derived from the Pennsylvania Woodlands Timber Market Report, Jan. to March 2000. The market value prices were taken from this report (copy enclosed), and are as follows:

Hard Maple - \$.50 per board foot
Soft Maple - \$.20 per board foot
White Ash - \$.30 per board foot
Tulip Poplar - \$.20 per board foot

If you have any questions regarding this matter, please feel free to call. Thank You.

Sincerely,



Tom McQuaide
Consulting Forester

Enclosure(s) 3 pages

EXHIBIT "A"

Pennsylvania Woodlands

TIMBER MARKET REPORT

January - March 2000

SPECIES	STUMPPAGE PRICES				MILL PRICES					
	Minus 1 St. Dev.	Avg	(n) #	Plus 1 St. Dev.	Low F3+	(n) #	Med F2+	(n) #	High F1+	(n) #
NORTHEAST	(\$ per MBF International 1/4")									
Northern Red Oak	322	463	(18)	605	180	(4)	422	(8)	664	(4)
White Oak	158	234	(15)	310	118	(4)	263	(7)	379	(4)
Mixed Oak	177	259	(12)	341	94	(2)	282	(5)	355	(2)
Black Cherry	895	1378	(16)	1861	219	(4)	886	(6)	1315	(4)
White Ash	206	311	(16)	417	111	(5)	290	(8)	394	(5)
Hard Maple	318	441	(9)	564	154	(4)	483	(6)	824	(4)
Soft Maple	122	197	(21)	272	118	(4)	247	(7)	401	(4)
Yellow Poplar	109	193	(14)	278	98	(4)	192	(6)	307	(4)
Misc. Hardwoods	44	95	(14)	145	86	(1)	86	(3)	216	(1)
White Pine	49	67	(6)	85	121	(1)	118	(5)	0	(0)
Hemlock	32	64	(8)	95	121	(1)	53	(5)	0	(0)
SOUTHEAST										
Northern Red Oak	318	418	(20)	519	241	(3)	369	(5)	640	(3)
White Oak	206	271	(19)	335	165	(3)	281	(5)	430	(3)
Mixed Oak	205	287	(11)	368	182	(3)	288	(5)	525	(3)
Black Cherry	305	630	(4)	954	302	(2)	441	(3)	754	(2)
White Ash	226	272	(11)	318	182	(3)	250	(5)	397	(3)
Hard Maple	124	286	(2)	447	243	(2)	406	(2)	724	(2)

Soft Maple	107	158	(9)	209	159	(2)	184	(4)	344	(3)
Yellow Poplar	147	197	(18)	248	135	(3)	200	(5)	324	(3)
Misc. Hardwoods	83	138	(13)	194	118	(1)	125	(3)	265	(1)
White Pine	32	75	(4)	117	0	(0)	112	(2)	0	(0)
Hemlock	20	70	(3)	120	0	(0)	53	(1)	0	(0)
<hr/>										
NORTHWEST										
Northern Red Oak	369	501	(33)	633	138	(7)	352	(7)	535	(7)
White Oak	151	249	(26)	346	94	(7)	175	(7)	283	(7)
Mixed Oak	127	216	(21)	304	84	(6)	163	(7)	251	(6)
Black Cherry	582	1066	(42)	1549	319	(7)	824	(7)	1091	(7)
White Ash	128	217	(30)	306	109	(8)	205	(8)	301	(8)
Hard Maple	184	337	(35)	491	140	(8)	318	(8)	487	(8)
Soft Maple	100	175	(41)	251	91	(8)	177	(8)	264	(8)
Yellow Poplar	73	143	(27)	214	78	(7)	133	(7)	177	(7)
Misc. Hardwoods	27	63	(30)	99	62	(6)	97	(5)	136	(4)
White Pine	26	45	(16)	64	90	(4)	89	(3)	118	(1)
Hemlock	15	40	(18)	64	74	(4)	91	(3)	0	(0)
<hr/>										
SOUTHWEST										
Northern Red Oak	287	427	(21)	567	203	(3)	449	(5)	752	(3)
White Oak	150	215	(15)	279	109	(2)	235	(4)	378	(2)
Mixed Oak	136	195	(16)	254	88	(1)	210	(3)	324	(1)
Black Cherry	446	683	(17)	921	188	(3)	658	(5)	947	(3)
White Ash	139	198	(13)	258	94	(2)	215	(4)	334	(2)
Hard Maple	222	367	(13)	512	135	(3)	438	(5)	599	(3)
Soft Maple	129	171	(19)	212	129	(2)	235	(5)	405	(3)

VERIFICATION

I, Roman Coblenz, verify the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. S4904 relating to unsworn falsifications to authorities.

Dated: September 6, 2000



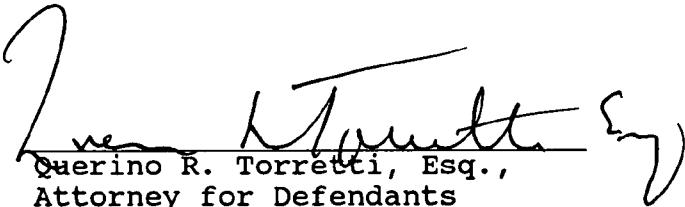
Roman Coblenz

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

HARRY N. HALEY, :
Plaintiff :
: Docket No. : 00-537-CD
: Civil Division
—vs— :
: :
MAHLON M. YODER and ROMAN :
COBLENTZ, individually and :
as Copartners, t/d/b/a :
BUCKSAW LUMBER COMPANY, :
Defendants :
:

CERTIFICATE OF SERVICE

I, Querino R. Torretti, Esquire, certify that on the 17th
day of September, 2000, I served a true and correct copy of the
foregoing Answer And New Matter in the above-captioned case upon
Plaintiff's counsel, Cynthia B. Stewart, via United States First
Class Mail to her address 110 North Second Street, PO Box 1320,
Clearfield, PA 16830.


Querino R. Torretti, Esq.,
Attorney for Defendants

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

HARRY N. HALEY, Plaintiff	:	
-vs-	:	Docket No. 00-537-CD
MAHLON JOHN YODER, and ROMAN COBLENTZ, individually and as Copartners, t/d/b/a BUCKSAW LUMBER COMPANY, Defendants	:	

Type of Pleading:
REPLY TO NEW MATTER

Filed on Behalf of:
PLAINTIFF: Harry N. Haley

Counsel of Record for
This Party:

LAW OFFICES OF
DWIGHT L. KOERBER, JR.

Cynthia B. Stewart, Esquire
PA I.D. No. 82380

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

SEP 27 2000

William A. Shaw
Prothonotary

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

HARRY N. HALEY,	:	
Plaintiff	:	
	:	
-vs-	:	Docket No. 00-537-CD
	:	
MAHLON JOHN YODER, and ROMAN	:	
COBLENTZ, individually and as	:	
Copartners, t/d/b/a BUCKSAW	:	
LUMBER COMPANY,	:	
Defendants	:	

REPLY TO NEW MATTER

COMES NOW, Plaintiff, HARRY N. HALEY, by and through his attorney, Cynthia B. Stewart, Esquire, avers as follows:

21. Admitted in part, denied in part. It is admitted that in the present civil action damages are sought for the conversion of timber. It is denied that the Complaint alleges that the taking occurred on or about May 2000.

22. Admitted.

23. Denied. Strict proof is demanded at trial. It is denied that more than 2 years have past since the cause of action accrued. To the best of Plaintiff's knowledge, information, and belief, the conversion of the timber occurred prior to the fall of 1998, thus the present civil action is timely. To the extent that Defendant's Paragraph 23 sets forth a legal conclusion, no answer is required.

24. Legal conclusion to which no answer is required. To the extent that an answer is required, it is denied.

WHEREFORE, Plaintiff requests judgment be entered in his favor and against Defendants, Mahlon John Yoder and Roman Coblenz, individually, and as co-partners, t/d/b/a Bucksaw Lumber Company, in the amount of two times the market value of the timber removed, costs of establishing the value of the timber, interest in costs, and further redress as the Court deems equitable and just.

Respectfully submitted:

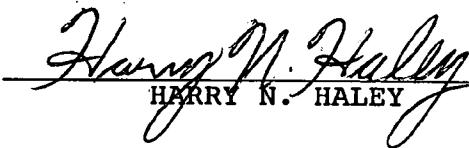
Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff

VERIFICATION

I verify the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

09-27-00

Date



HARRY N. HALEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HARRY N. HALEY,	:
Plaintiff	:
:	
-vs-	:
:	
MAHLON JOHN YODER, and ROMAN	:
COBLENTZ, individually and as	:
Copartners, t/d/b/a BUCKSAW	:
LUMBER COMPANY,	:
Defendants	:

CERTIFICATE OF SERVICE

I certify that on the 27th day of September, 2000, the undersigned served a true and correct copy of the foregoing **Reply to New Matter** in the above-captioned matter upon Defendants' counsel. Such documents were served via United States First Class Mail upon the following:

Querino R. Torretti, Esquire
600 East Main Street
P. O. Box 218
Reynoldsville, PA 15851

Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff

(5)

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

HARRY N. HAILEY,
PLAINTIFF

VS

MAHLON JOHN YODER and ROMAN
COBLENTZ, Individually and
as co-partners of BUCKSAW LUMBER
COMPANY,
DEFENDANT

Docket No. 00-537-CD

REPLY TO NEW MATTER

FILED

SEP 27 2000
O/HOS/SC at H/Kend
V/Prom A. S. NEW
Prothonotary
KES

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

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

HARRY N. HALEY,
Plaintiff

-vs-

MAHLON JOHN YODER and ROMAN
COBLENTZ, individually and as
Copartners, t/d/b/a BUCKSAW
LUMBER COMPANY,
Defendants

:
:
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:
:
Docket No. 00-537-CD
:
:
:
:
:
:

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on Behalf of:
PLAINTIFF: Harry N. Haley

Counsel of Record for This
Party:

LAW OFFICES OF
DWIGHT L. KOERBER, JR.

Cynthia B. Stewart, Esquire
PA I.D. No. 82380

110 North Second Street
P.O. Box 1320
Clearfield, PA 16830

(814) 765-9611

FILED

OCT 09 2000

William A. Shaw
Prothonotary

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

HARRY N. HALEY, Plaintiff	:	
	:	
	:	
-vs-	:	
MAHLON JOHN YODER and ROMAN COBLENTZ, individually and as Copartners, t/d/b/a BUCKSAW LUMBER COMPANY, Defendants	:	Docket No. 00-537-CD
	:	
	:	
	:	

CERTIFICATE OF SERVICE

I certify that on the 6th day of October of 2000, the undersigned served the original and two copies of Set I Interrogatories/Request for Production of Documents Directed to Defendants in the above-captioned matter upon counsel for Defendants. Such documents were served via United States First Class Mail upon the following:

Querino R. Torretti, Esquire
600 East Main Street
P. O. Box 218
Reynoldsville, PA 15851

Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff

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

HARRY N. HAILEY,
PLAINTIFF

VS

MAHLON JOHN YODER and ROMAN
COBLENTZ, Individually and as
Copartners, t/d/b/a BUCKSAW LUMBER,
DEFENDANTS

DOCKET NO. 00-537-CD

CERTIFICATE OF SERVICE

RECEIVED
01/24/00
William A. Shew
P.C. Horwitz

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY - AT - LAW
110 NORTH SECOND STREET
P O Box 1320
CLEARFIELD, PENNSYLVANIA 16830

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

CH
HARRY N. HALEY,
Plaintiff

-vs-

CR
MAHLON JOHN YODER and
ROMAN COBLENTZ, Individually
and as Copartners, t/d/b/a
BUCKSAW LUMBER COMPANY,
Defendants

*

*

Docket No. 00-537-CD

*

*

*

Type of pleading:
PRAECIPE TO DISCONTINUE

Filed on behalf of:
PLAINTIFF, Harry N.
Haley

Counsel of record for
this party:

Cynthia B. Stewart,
Esquire
PA I.D. No. 82380

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAY 21 2001

William A. Shaw
Prothonotary

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

HARRY N. HALEY,
Plaintiff

-vs-

MAHLON JOHN YODER and
ROMAN COBLENTZ, Individually
and as Copartners, t/d/b/a
BUCKSAW LUMBER COMPANY,
Defendants

*

*

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*

*

Docket No. 00-537-CD

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case as settled and
discontinued.

Respectfully submitted,

By: Cynthia B. Stewart
Cynthia B. Stewart, Esquire
Attorney for Plaintiff,
HARRY N. HALEY

DATE: May 21, 2001

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

HARRY N. HALEY, *
Plaintiff *

-vs- * Docket No. 00-537-CD

MAHLON JOHN YODER and *
ROMAN COBLENTZ, Individually *
and as Copartners, t/d/b/a *
BUCKSAW LUMBER COMPANY, *
Defendants *

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2001, a copy
of the foregoing Praeclipe to Discontinue has been served by
United States First Class Mail upon counsel for defendants at the
following name and address:

Querino R. Torretti, Esquire
600 East Main Street
P. O. Box 218
Reynoldsville, PA 15851

Cynthia B. Stewart
Cynthia B. Stewart, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-537-CD

HARRY N. HALEY,
Plaintiff

-vs-

MAHLON JOHN YODER and ROMAN
COBLENTZ, Individually and as
Copartners, t/d/b/a BUCKSAW
LUMBER COMPANY,
Defendants

PRAECIPE TO DISCONTINUE

FILED

MAY 21 2001

Da. 34/34 Cathy Stewart

William A. Shaw

Prothonotary

1 Cert. Due to
Cath Stewart

1 Cert. Due to
Cath Stewart

Law Office

DWIGHT L. KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. Box 1320

CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Harry N. Haley

Vs.

No. 2000-00537-CD

**Mahlon John Yoder
Roman Coblenz
Bucksaw Lumber Company**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 21, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$208.00 have been paid in full by Cynthia B. Stewart, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of May A.D. 2001.

William A. Shaw, Prothonotary

Law Office
DWIGHT L. KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

CERTIFIED COPY

①