

00-1026-CD
Kenneth Rougeux vs S. Spontarelli

00

00-1026-CJ

KENNETH M. ROUGEUX etux -vs- SHIRREL R. SPONTARELLI

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

¹⁰⁰KENNETH M. ROUGEUX and
¹⁰⁰MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI, ⁸³
Defendant

No. 00-1026 CD

Type of Case: CIVIL

Type of Pleading:
COMPLAINT TO CONFESS JUDGMENT

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
PLAINTIFFS

Mark S. Weaver, Esq.
PA Supreme Court No. 63044

P.O. Box 170
211 1/2 East Locust Street
Clearfield, PA 16830
(814) 768-9696

FILED

AUG 21 2000

0/3:20/00

William A. Shaw
Prothonotary

1 cert & Notice to DEPT

2 cert to ATT

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

:
:
:
:
:
:
:
:
:
:
:

No. 00- -CD

COMPLAINT TO CONFESS JUDGMENT

AND NOW COME the Plaintiffs, Kenneth M. Rougeux and Margaret E. Rougeux, husband and wife, by and through their attorney, Mark S. Weaver, Esquire, who file this Complaint to Confess Judgment pursuant to Pa. R.C.P. 2951(b) against the above named Defendant and aver the following:

1. Plaintiffs are Kenneth M. Rougeux and Margaret R. Rougeux, husband and wife, who reside at Main Street, P.O. Box 68, Karthaus, Clearfield County, Pennsylvania.
2. Defendant is Sherel R. Spontarelli, an adult individual, who resides at 433 Anderson Street, Curwensville, Clearfield County, Pennsylvania.
3. Attached as Exhibit "A" is the original instrument authorizing confession duly executed by the Defendant.
4. The attached instrument has not been assigned.
5. Judgment has not been entered in any jurisdiction on the attached instrument authorizing confession.
6. Default was made by the Defendant in the payment of the installment of \$1,442.04, due on June 8, 2000 and in payment of all subsequent installments, whereby under the instrument

the entire sum is in default and immediately payable.

7. Due to the Defendant's default, there is now due and owing to the Plaintiffs by the Defendant a sum of Seventy-Five Thousand One Hundred Thirty-Six and 46/100 (\$75,136.46) Dollars, as of June 8, 2000, calculated as follows:

- A. Principal due is \$70,382.25
- B. Interest from June 8, 2000 to August 16, 2000 is \$1,176.29; and
- C. Attorney fees (5%) are \$3,577.92.

WHEREFORE, Plaintiffs demand judgment against Defendant, Sherel R. Spontarelli, in the amount of \$75,136.46 as authorized by the warrant of attorney appearing in the attached instrument.

Respectfully Submitted,

By: 

Mark S. Weaver, Esquire
Attorney for Plaintiffs

Mortgage Note

\$ 80,000.00

Clearfield, Pennsylvania

March 8, 1999

For Value Received, SHEREL R. SPONTARELLI, a single adult individual

(hereinafter called "the Undersigned")

promises to pay to the order of KENNETH M. ROUGEUX AND MARGARET E. ROUGEUX, husband and wife,
heirs or assigns, in
lawful money of the United States of America, the sum of Eighty Thousand

Dollars (\$ 80,000.00) and any additional moneys loaned or advanced by any holder hereof as hereinafter provided, as follows: The aforesaid amount of this Mortgage Note, \$80,000.00, shall be paid by the Undersigned to any holder hereof in 72 equal monthly installments of \$1,442.04 commencing April 8, 1999 . The aforesaid \$80,000.00 shall be paid by the Undersigned to any holder hereof with interest thereon at the rate of nine (9%) percent per annum, it being understood that the aforesaid amount includes both principal and interest,

and any balance of principal or interest remaining unpaid on March 8, 2005,
shall become due and payable on said date; and in addition thereto, in the event any payment provided for herein shall become overdue, the Undersigned agrees to pay a late charge in an amount not exceeding 5 per cent (5%) of any such overdue payment as compensation for the additional service resulting from the default; all payments to be made at P.O. Box 68, Karthaus,

16845

, Pennsylvania/or elsewhere as shall be directed by any holder hereof.

This Note shall evidence and the Mortgage given to secure its payment shall cover and be security for any future loans or advances that may be made to or on behalf of the Undersigned by any holder hereof at any time or times hereafter and intended by the Undersigned and the then holder to be so evidenced and secured, as well as any sums paid by any holder hereof pursuant to the terms of said Mortgage, and any such loans, advances or payments shall be added to and shall bear interest at the same rate as the principal debt.

In case default be made for the space of thirty (30) days in the payment of any installment of principal or interest, or in the performance by the Undersigned of any of the other obligations of this Note or said Mortgage, the entire unpaid balance of the principal debt, additional loans or advances and all other sums paid by any holder hereof to or on behalf of the Undersigned pursuant to the terms of this Note or said Mortgage, together with unpaid interest thereon, shall at the option of the holder and without notice become immediately due and

Guaranty and Suretyship Agreement

For Value Received and intending to be legally bound, the Undersigned does hereby unconditionally guarantee and become surety for the due and punctual payment of each installment of principal of and interest on the within Mortgage Note as and when each said installment shall respectively become due and payable in accordance with the terms thereof, whether at maturity or by declaration, acceleration or otherwise, as well as all additional loans or advances and all other sums paid by any holder of said Note to or on behalf of the maker thereof pursuant to the terms of said Note or the Mortgage securing the same.

The Undersigned hereby waives any presentment for payment, notice of nonpayment, demand or protest, declares that this obligation is absolute and unconditional, and agrees that it shall not be released by any extension of time for payment or by any other matter or thing whatsoever whereby the Undersigned as absolute guarantor and surety otherwise would or might be released.

In case default be made for the space of thirty (30) days in the payment of any sums due under said Mortgage Note, the Undersigned hereby empowers any attorney of any court of record within the United States

Mortgage Note

FROM

SHEREL R. SPONTARELLI

TO

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX,
HUSBAND AND WIFE

JOHN R. LHOTA, ATTORNEY AT LAW
110 North Second Street
Clearfield, PA 16830

Witnessed by:

(SEAL)

(SEAL)

Witness the due execution hereof this _____ day of _____, 19____

of America or elsewhere to appear for the Undersigned and, with or without complaint filed, confess judgment, or a series of judgments, against the Undersigned in favor of any holder thereof, as of any term, for the unpaid balance of the principal debt, additional loans or advances and all other sums paid by any holder thereof to or on behalf of the maker of said Mortgage Note pursuant to the terms thereof or of the Mortgage securing the same, together with interest thereon, costs of suit and an attorney's commission for collection of _____ per cent (%) of the total indebtedness or \$200, whichever is the larger amount, on which judgment or judgments one or more executions may issue forthwith. The Undersigned hereby forever waives and releases all errors in said proceedings, waives stay of execution, the right of inquiry and extension of time of payment, agrees to condemnation of any property levied upon by virtue of any such execution, and waives all exemptions from levy and sale of any property that now is or hereafter may be exempted by law.

These presents shall bind the Undersigned and the Undersigned's heirs, executors, administrators and assigns, and the benefits hereof shall inure to the payee - of said Mortgage Note, heirs and assigns. If executed by more than one person, this obligation and the undertakings hereunder shall be joint and several.

VERIFICATION

I, the undersigned, hereby verify that the statements set forth in the foregoing Complaint to Confess Judgment are true to the best of my information, knowledge and belief. This statement is made subject to the penalties of 18 Pa C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 8/17/00

Kenneth M. Rougeux
Kenneth M. Rougeux

Date: 8/17/00

Margaret E. Rougeux
Margaret E. Rougeux

[illegible]

COMMERCIAL PRINTING CO., OMAHA, NEB.

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.


No. 00- -CD

SHEREL R. SPONTARELLI,
Defendant

CONFESSION OF JUDGMENT

Pursuant to the authority contained in the warrant of attorney, the original of which is attached to the complaint filed in this action, I appear for the Defendant and confess judgment in favor of the Plaintiffs and against Defendant as follows:

Principal amount due	\$70,382.25
Interest from June 8, 2000	\$ 1,176.29
Attorney fees	<u>\$ 3,577.92</u>
Total amount due	\$75,136.46



Attorney for Defendant

Judgment entered as above, _____, 2000.

Prothonotary

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00- 1024-CD

NOTICE OF JUDGMENT

To: Sherel R. Spontarelli:

NOTICE is given that a JUDGMENT BY CONFESSION in the above captioned matter has
been entered against you in the amount of \$ 75,136.46 on the 21st day of
August, 2000.



William A. Shaw, Prothonotary

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

KENNETH M. ROUGUEX and
MARGARET E. ROUGEUX, husband and
wife

Plaintiffs (s)

Vs.

SHEREL R. SPONTARELLI
Defendant (s)

Docket: 282

No.: 00-1026-CD

Real Debt: \$75,136.46

Atty's Comm:

Costs: \$

Int. From:

Entry: \$80.00

Instrument: CONFESSION OF JUDGMENT

Date of Entry: August 21, 2000

Expires: August 21, 2005

Certified from the record this 21st day of August, 2000.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

63

SHEREL R. SPONTARELLI,
Defendant

PRAECIPE FOR WRIT OF EXECUTION
UPON A CONFESSED JUDGMENT

To The Prothonotary:

Kindly issue a writ of execution upon a judgment entered by confession in the above matter

1. Directed to the Sheriff of Clearfield County;
2. Against Sherel R. Spontarelli, Defendant; and
3. Index this writ:

D. Against Sherel R. Spontarelli, Defendant;

1. Property owned by the Defendant as follows:

- a. Real Estate: ALL that certain parcel of land situate in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post or point in the line running South 39 degrees West from the Northeast corner of the West abutment of Mosquito Creek roadway bridge as located on the 1st day of October 1887, by E. C. Read, Surveyor, and 69.7 feet from said abutment; thence South 39 degrees West 54.8 feet to a post or iron pin on line of lands now or formerly of the Karthaus heirs; thence North 58 degrees West 198 feet more or less, to a post; thence North 39 degrees East 120 feet to stones along public road; thence North 38 degrees West 16 feet to stones along public road; thence North 39 degrees East 58 feet to stones in Mosquito Creek; thence South 42 degrees East 53 feet to a

FILED

SEP 01 2000

William A. Shaw
Prothonotary


cut stone on abutment; thence South 37 degrees West 81 feet to a cut stone on side of the public road; thence South 64 ½ degrees East 162 feet to the place of beginning.

BEING the same premises conveyed to Sherel R. Spontarelli, a widow and single individual, by deed dated March 8, 1999, recorded in the office of the Recorder of Deeds of Clearfield County at Instrument No. 199903449.

- b. Personal property: All equipment, furniture, tables, chairs, dishware, flatware and other inventory including beers, liquors, wines, food stuffs and other restaurant or kitchen supplies and other tangible and intangible personal property of the Defendant located at real estate identified above.

4.	a) Amount due:	\$70,382.25
	b) Interest from 06/08/00:	\$ 1,176.29
	c) Attorney fees:	\$ 3,577.92
	d) Statutory interest accruing from 08/21/00 @ \$12.351198 per day (to be added) <i>COSTS</i>	\$ <u>100.00</u>
	Preliminary Total	\$75,236.46
	Final Total	\$

Date: 8-31-00



Mark S. Weaver, Esquire
Attorney for Plaintiffs
211 ½ East Locust Street
P.O. Box 170
Clearfield, PA 16830

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

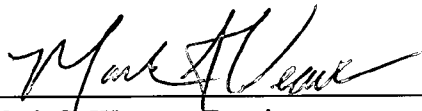
SHEREL R. SPONTARELLI,
Defendant

CERTIFICATION

I certify that:

- A. This praecipe is based upon a judgment entered by confession; and
- B. Notice will be served with the Writ of Execution pursuant to Rule 2958.3.

Date: 8-31-00



Mark S. Weaver, Esquire
Attorney for Plaintiffs

FILED

SEP 01 2000

01/20/01
William A. Shaw
Prothonotary

to go to

leaves to

quit & go

MARK S. WEAVER
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 170
CLEARFIELD, PA 16830

COPY

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 00-1026-CD

WRIT OF EXECUTION

NOTICE

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 \$300.00. 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.

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.

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

WRIT OF EXECUTION

Commonwealth of Pennsylvania

County of Clearfield

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Sherel R. Spontarelli, Defendant:

1. You are directed to levy upon the real property owned by the Defendant as follows and to sell her interest therein:

The real property subject to this action consists of a tavern, shed and lot known as the Border Line Bar and Restaurant located on Carter Street in Karthaus, Pennsylvania, identified by Clearfield County Tax Map No. 121-T4-606-51. It is further bounded and described as follows:

ALL that certain parcel of land situate in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post or point in the line running South 39 degrees West from the Northeast corner of the West abutment of Mosquito Creek roadway bridge as located on the 1st day of October 1887, by E. C. Read, Surveyor, and 69.7 feet from said abutment; thence South 39 degrees West 54.8 feet to a post or iron pin on line of lands now or formerly of the Karthaus heirs; thence North 58 degrees West 198 feet more or less, to a post; thence North 39 degrees East 120 feet to stones along public road; thence North 38 degrees West 16 feet to stones along public road; thence North 39 degrees East 58 feet to

stones in Mosquito Creek; thence South 42 degrees East 53 feet to a cut stone on abutment; thence South 37 degrees West 81 feet to a cut stone on side of the public road; thence South 64 ½ degrees East 162 feet to the place of beginning.

BEING the same premises conveyed to Sherel R. Spontarelli, a widow and single individual, by deed dated March 8, 1999, recorded in the office of the Recorder of Deeds of Clearfield County at Instrument No. 199903449.

2. You are further directed to levy upon the following personal property owned by the Defendant as follows and sell her interest therein:

All equipment, furniture, tables, chairs, dishware, flatware and other inventory including beers, liquors, wines, food stuffs and other restaurant or kitchen supplies and other tangible and intangible personal property of the Defendant located at real estate identified above.

3.	a) Amount due:	\$70,382.25
	b) Interest from 06/08/00:	\$ 1,176.29
	c) Attorney fees:	\$ 3,577.92
	d) Statutory interest accruing from 08/21/00 @ \$12.351198 per day	\$ _____
	(to be added) <i>costs</i>	<i>100.00</i>
	Preliminary Total	\$75,236.46
	Final Total	\$

Seal of the Court



William A. Shaw, Prothonotary

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,
Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 00-1026-CD

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 \$300.00 statutory exemption be

_____ i) set aside in kind (specify property to be set aside in
kind); _____

_____ ii) paid in cash following the sale of the property levied
upon; or

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 \$300.00 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 the 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. § 4904 relating to unsworn falsification to authorities.

Date: _____

Sherel R. Spontarelli
Defendant

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF
THE SHERIFF OF CLEARFIELD COUNTY

Sheriff'S Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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

Kenneth M. Rougeux and Margaret
E. Rougeux, husband and wife

Plaintiffs,

vs.

No. 00-1026-CD

Sherel R. Spontarelli,

Defendant

PRAECIPE TO ENTER JUDGMENT

To William A. Shaw, Prothonotary:

Sir:

Pursuant to the Honorable Judge John K. Reilly, Jr.'s Court Order of June 17, 2002, kindly
enter a judgment against Plaintiff's Kenneth M. Rougeux and Margaret E. Rougeux in the
amount of One Thousand Eight Hundred Two and 09/100 Dollars (\$1,802.09)

FILED

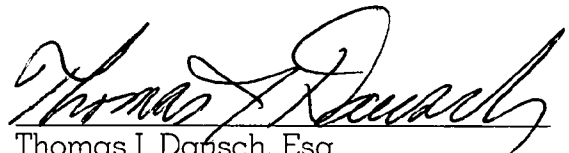
JUL 15 2002

mll/s3/clt/Dausch pd

William A. Shaw
Prothonotary

\$20.00

Yrd. to Piff
Stat. City.



Thomas J. Dausch, Esq
Attorney for Defendant
23 Brillaint Avenue
Pittsburgh, PA 15215
(412) 781-4708

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

Kenneth M. Rougeux and Margaret
E. Rougeux, husband and wife

Plaintiffs,

vs.

No. 00-1026-CD

Sherel R. Spontarelli,

Defendant

NOTICE OF ENTRY OF JUDGMENT

To: R. Bruce Manchester, Esq.
Attorney for Plaintiff
R. Bruce Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823-1927

You are hereby notified that on the 15th day of July, 2002 a
judgment was entered against the Plaintiff's in the amount of \$1,802.09, plus costs.

William A. Shaw, Prothonotary

By: _____

William A. Shaw

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

CIVIL ACTION - LAW

Kenneth M. Rougeux and Margaret
E. Rougeux, husband and wife

Plaintiffs,

vs.

No. 00-1026-CD

Sherel R. Spontarelli,

Defendant

NOTICE OF ENTRY OF JUDGMENT

To: R. Bruce Manchester, Esq.
Attorney for Plaintiff
R. Bruce Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823-1927

You are hereby notified that on the 15th day of July, 2002 a
judgment was entered against the Plaintiff's in the amount of \$1,802.09, plus costs.

William A. Shaw, Prothonotary

By: William A. Shaw

COPY

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

Kenneth M. Rougeux
Margaret E. Rougeux
Plaintiff(s)

No.: 2000-01026-CD

Real Debt: \$1,802.09

Atty's Comm:

Vs.

Costs: \$

Int. From:

Sherel R. Spontarelli
Defendant(s)

Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: July 15, 2002

Expires: July 15, 2007

Certified from the record this 15th of July, 2002

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney



Sheriff's Office Clearfield County

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

CHESTER A. HAWKINS
SHERIFF

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

DARLENE SHULTZ
CHIEF DEPUTY
MARGARET FUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

KENNETH M. ROUGEUX and MARGARET
E. ROUGEUX, Husband and wife
Plaintiffs

NO. 00-1-26-CD

VS

SHEREL R. SPONTARELLI
Defendant

FILED

OCT 03 2000
018:58
William A. Shaw
Prothonotary

To the Defendant and all other parties in interest:

You are hereby notified that a property claim, a copy of which is attached hereto, has been filed by Sherel R. Spontarelli, on behalf of and as president of Border Line, Inc., claiming property listed therein.

Unless an appraisal of the property is requested within ten (10) days from the date of this notice, the Sheriff without making an appraisal will accept the value of the property set forth in the claim.

Date: October 2, 2000

Chester A. Hawkins,
Sheriff of Clearfield County
by Margaret H. Putt

COPY

SWORN AND SUBSCRIBED BEFORE ME
THIS 3rd DAY OF OCTOBER, 2000.

William A. Shaw

Margaret H. Putt

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

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

KENNETH M. ROUGEUX and MARGARET
E. ROUGEUX, husband and wife,
Plaintiffs

No. 00-1026-CD

vs.

SHEREL R. SPONTARELLI,
Defendant

CLAIM FOR PROPERTY

To the Sheriff:

I, Sherel R. Spontarelli, on behalf of and as president of Border Line, Inc. claim property from levy or attachment in the above captioned case:

1. This claim is being pursued pursuant to the Pennsylvania Rule of Civil Procedure Numbers 3121(a)(3)
2. The property levied upon and/or attached by the Sheriff of Clearfield, as listed in the attached Exhibit A, is owned by Border Line, Inc. and accordingly is not the personal property of Sherel R. Spontarelli.

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to c/o Thomas J Dausch, Esq., 23 Brilliant Avenue, Pittsburgh, PA 15215.


Sherel R. Spontarelli
433 Anderson Street
Curwensville, PA 16833-1403
(814) 236-0328

SHERIFF'S DEPT

BY VIRTUE OF WRIT OF EXECUTION, ISSUED OUT OF THE COURT OF

COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, AND TO ME DIRECTED,
I HAVE LEVIED ON THE FOLLOWING PROPERTY OF THE DEFENDANT SITUATE AT:CARTER STREET
KARTHAUS, PA

PERSONAL PROPERTY

(1) 11 Red Swivel Bar stools

(2) 12 Tables

(3) 37 Chairs

(4) One Three Tap System

(5) 15 12 oz cans Pabst Blue Ribbon

(6) 1 2 Liter Canada Dry Ginger Ale

(7) 1 Green Spray Candy Jar (12 oz)

(8) 1 2 Liter 7-up

(9) 15 Miller High Life 12 oz bottles

(10) 30 Budweiser bottles (12 oz)

(11) 36 Strawberry Bottles (12 oz)

(12) 52 12 oz Bud Light bottles

(13) 30 12 oz Bottles Core Light

(14) 26 12 oz Bottles Genesee

(15) 22 Honey Dew 12 oz Bottles

(16) 10 Sunny Light 12 oz Bottles

(17) 15 12 oz Bottles

(18) 10 12 oz Bottles

(19) 24 Budweiser (12 oz cans)

(20) 24 Pabst (12 oz cans)

(21) 24 Molson (12 oz Bottles)

(22) 24 Yuengling (12 oz Bottles)

(23) 15 Old Milwaukee (12 oz cans)

(24) 3 40 oz Budweiser

(25) 1 12 oz

(26) 22 12 oz Old Milwaukee (12 oz)

(27) 1 Commander Freeze Light

(28) 1 Pabst Blue Ribbon

(29) 1 Shred Microwave

(30) 1 Magic Chef microwave

(31) 1 Small Pabst Blue Ribbon

(32) 1 Miller Deep Fryer

(33) 11 12 oz Bottles of Fruit Flavors (510)

(34)

(35) 1 12 oz Bottle of Chase

(36) 1 12 oz Bottle

SEIZED, TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY OF

00-1026-CD SPONTARELLI

LEVY DATE:

CHESTER A. NAWKINS, SHERIFF

(1) 18 Muskelsb 12 oz bottles

(2) 24 12 oz Light 12 oz bottles

(3) 30 12 oz Pabst Blue Ribbon 12 oz bottles

(4) 13 Miller Genuine Draft 12 oz bottles

(5) 4 Bags Mill Street Straws 12 oz bottles

(6) 2 12 oz 12 oz bottles Straws

(7) 2 12 oz Yuengling bottles

(8) 1 White Zinfandel 8 oz bottles

(9) 1 25 oz bottle Pabst Blue Ribbon

(10) 1 1.5 ft bottle 12 oz Blueberry

(11) 1 70 glasses

(12) 25 Keystone Lights

(13) 1 8 Ltrs Light 12 oz (12 oz) cans

(14) 1 Budweiser (12 oz cans)

(15) 1 Bush Light 12 oz

Personal Property Sale

SHERIFF'S LEVY

Personal Property Sale

BY VIRTUE OF WRIT OF EXECUTION, ISSUED OUT OF THE COURT OF

COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, AND TO ME DIRECTED,
I HAVE LEVIED ON THE FOLLOWING PROPERTY OF THE DEFENDANT SITUATE AT:CARTER STREET
EARTHANS, PA

PERSONAL PROPERTY

(47) 1 Case Busch Light (12 oz cans)

(48) 5 3qt. Gino Pickles

(49) 2 Cases of Budweiser 12 oz bottles

(50) 2 Cases of Budweiser 12 oz bottles

(51) 2 Cases of Budweiser 12 oz bottles

(52) 2 Cases of Budweiser 12 oz bottles

(53) 2 Cases of Budweiser 12 oz bottles

(54) 2 Cases of Budweiser 12 oz bottles

(55) 4 30-pack Rooster Hot (12 oz cans)

(56) 2 30-pack Rooster Hot (12 oz cans)

(57) 2 30-pack Rooster Hot (12 oz cans)

(58) 1 30-pack Rooster Hot (12 oz cans)

(59) 1 Case of Miller Lite (12 oz cans)

(60) 1 Case of Miller Lite (12 oz cans)

(61) 1 Case of Miller Lite (12 oz cans)

(62) 1 30" RCA Television

SEIZED, TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY OF:

00-1026-CD SPONTARELLI

LEVY DATE: 09-14-00

CHESTER A. HAWKINS, SHERIFF



Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533

CLEARFIELD COUNTY FAX
(814) 765-6089

CHESTER A. HAWKINS
SHERIFF

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

KENNETH M. ROUGEUX and MARGARET
E. ROUGEUX, Husband and wife
Plaintiff

NO. 00-1026-CD

VS

SHEREL R. SPONTARELLI
Defendant

To the Plaintiff, Defendant and all other parties in interest:

This is to advise all concerned parties that I have determined that the claim filed by Border Line, Inc., is prima facie the owner of the property that was levied upon on September 14, 2000. This decision is made pursuant to Pa.R.C.P. 3204.

Date: October 11, 2000

By the Sheriff of
Clearfield County

CHESTER A. HAWKINS,
SHERIFF

FILED

OCT 11 2000

03:41 pm
William A. Shaw
Prothonotary

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,
Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

Type of Case: CIVIL

Type of Pleading:
OBJECTION TO SHERIFF'S
DETERMINATION

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
PLAINTIFFS

Mark S. Weaver, Esq.
PA Supreme Court No. 63044

P.O. Box 170
211 ½ East Locust Street
Clearfield, PA 16830
(814) 768-9696

FILED

OCT 16 2000

William A. Shaw
Prothonotary

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

:
:
:
:
:
:
:
:
:
:


No. 00-1026-CD

OBJECTION TO SHERIFF'S DETERMINATION

TO THE PROTHONOTARY:

Enter objection to the Sheriff's determination of ownership of the property.

Date: 10-16-00



Mark S. Weaver, Esquire
Attorney for Plaintiffs

FILED

OCT 16 2000

Evans

0110:3413cc a thg llaare
William A. Shaw
Prothonotary

copy - 10 C/A

10/19/00

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

**PRAECIPE FOR REISSUANCE OF WRIT OF
EXECUTION UPON A CONFESSED JUDGMENT**

To The Prothonotary:

Kindly re-issue a writ of execution upon a judgment entered by confession in the above
matter

1. Directed to the Sheriff of Clearfield County;
2. Against Sherel R. Spontarelli, Defendant; and
3. Index this writ:

A. Against Sherel R. Spontarelli, Defendant;

1. Property owned by the Defendant, located at the Defendant's residence or
business office, or any other such place that the property identified below
may be located, as follows:

- a. Personal Property: any and all personal property, tangible or
intangible, owned by the Defendant in Border Line, Inc., a
Pennsylvania corporation, including, but not limited to, any stock,
common or otherwise, owned by the Defendant in the above
corporation, in addition to any corporate records, minute books or
corporate seal of Border Line, Inc. and Restaurant Liquor License No.
R-18745.

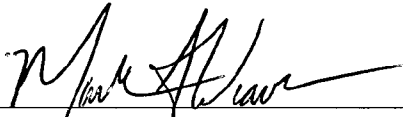
FILED

NOV 01 2000

William A. Shaw
Prothonotary

4. a) Amount due: \$70,382.25
b) Interest from 06/08/00: \$ 1,176.29
c) Attorney fees: \$ 3,577.92
d) Statutory interest accruing from
08/21/00 @ \$12.351198 per day \$ _____
(to be added)
Preliminary Total \$75,136.46
Final Total \$

Date: 11-1-00



Mark S. Weaver, Esquire
Attorney for Plaintiffs
211 ½ East Locust Street
P.O. Box 170
Clearfield, PA 16830

FILED

NOV 01 2000

William A. Shaw

Prothonotary

2 CENTS TO ATT

6 CENTS TO SHAW

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

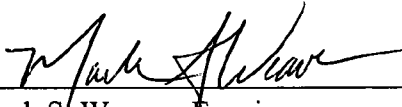
No. 00-1026-CD

CERTIFICATION

I certify that:

- A. This praecipe is based upon a judgment entered by confession; and
- B. Notice was be served with the original Writ of Execution pursuant to Rule 2958.3 and the Defendant has failed to file a petition for relief from the judgment within thirty (30) days of service of the notice.

Date: 11-1-00



Mark S. Weaver, Esquire
Attorney for Plaintiffs

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 00-1026-CD

WRIT OF EXECUTION

NOTICE

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 \$300.00. 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.

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.

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

SHEREL R. SPONTARELLI,
Defendant

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Clearfield

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Sherel R. Spontarelli, Defendant:

1. You are directed to levy upon the personal property owned by the Defendant follows
and to sell her interest therein:

Any and all personal property, tangible or intangible, owned by the Defendant in Border Line, Inc., a Pennsylvania corporation, including, but not limited to, any stock, common or otherwise, owned by the Defendant in the above corporation, in addition to any corporate records, minute books or corporate seal of Border Line, Inc. and Restaurant Liquor License No. R-18745.

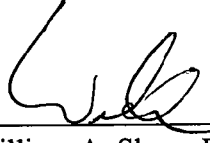
2.

a) Amount due:	\$70,382.25
b) Interest from 06/08/00:	\$ 1,176.29
c) Attorney fees:	\$ 3,577.92
d) Statutory interest accruing from 08/21/00 @ \$12.351198 per day (to be added)	\$ _____

Preliminary Total
Final Total

^{100.-}
\$75,136.46
\$ _____ COSTS PAID TO PROTHONOTARY

Nov. 1, 2000


William A. Shaw, Prothonotary

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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 DIVISION

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

SHEREL R. SPONTARELLI,
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 \$300.00 statutory exemption be

_____ i) set aside in kind (specify property to be set aside in
kind); _____

_____ ii) paid in cash following the sale of the property levied
upon; or

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 \$300.00 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 the 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. § 4904 relating to unsworn falsification to authorities.

Date: _____

Sherel R. Spontarelli
Defendant

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF
THE SHERIFF OF CLEARFIELD COUNTY

Sheriff's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

REAL ESTATE

NOW, SEPTEMBER 25, 2000, AT 4:45 PM O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANT. PROPERTY WAS POSTED THIS DATE.

A SALE IS SET FOR FRIDAY, NOVEMBER 3, 2000, AT 10:00 AM.

NOW, SEPTEMBER 28, 2000, AT 10:34 AM O'CLOCK SERVED WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY ON EVA BLAKE, FOSTER DAUGHTER OF SHEREL SPONTARELLI, DEFENDANT, AT HER PLACE OF RESIDENCE, 433 ANDERSON STREET, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, 16833, BY HANDING TO EVA BLAKE, FOSTER DAUGHTER OF SHEREL SPONTARELLI, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY AND MADE KNOWN TO HER THE CONTENTS THEREOF.

NOW, NOVEMBER 2, 2000, RECEIVED A LETTER FROM ATTORNEY WEAVER TO POSTPONE SALE FOR ONE HUNDRED (100) DAYS.

NOW, NOVEMBER 2, 2000, RECEIVED A FAX THAT DEFENDANT FILED BANKRUPTCY.

NOW, JULY 16, 2001, RECEIVED A LETTER FROM ATTORNEY WEAVER STATING THAT BANKRUPTCY HAS BEEN DISCHARGED, SET A NEW SALE DATE (COPY OF DISCHARGE ORDER IS ATTACHED).

NOW, AUGUST 3, 2001, RECEIVED PLAINTIFF CHECK #4267 IN THE AMOUNT OF THREE HUNDRED FIFTY-THREE DOLLARS AND THIRTY-SEVEN CENTS (\$353.37) FOR ADVERTISING OF FIRST SALE.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

NOW, AUGUST 17, 2001, PAID PROGRESS AND CLEARFIELD COUNTY
LEGAL JOURNAL FOR ADVERTISING OF FIRST SALE DATE.

NOW, AUGUST 17, 2001, RECEIVED LETTER FROM ATTORNEY WEAVER TO
GO AHEAD WITH REAL PROPERTY, DEFENDANT WILL BE ALOUD TO GET
PERSONAL PROPERTY FROM BUILDING.

A NEW SALE DATE IS SET FOR FRIDAY, OCTOBER 5, 2001, AT 10:00AM.

NOW, AUGUST 30, 2001, PROPERTY WAS POSTED WITH NEW SALE DATE.

NOW, SEPTEMBER 5, 2001, AT 9:11 AM O'CLOCK SERVED NOTICE OF SALE ON
EVA BLAKE, STEP-DAUGHTER OF SHEREL R. SPONTARELLI, DEFENDANT,
AT HER PLACE OF RESIDENCE, 433 ANDERSON STREET, CURWENSVILLE,
CLEARFIELD COUNTY, PENNSYLVANIA, 16833, BY HANDING TO EVA BLAKE,
STEP-DAUGHTER OF SHEREL R. SPONTARELLI, DEFENDANT, A TRUE AND
ATTESTED COPY OF THE ORIGINAL NOTICE OF SALE AND MADE KNOWN
TO HER THE CONTENTS THEREOF.

NOW, OCTOBER 5, 2001, A SALE WAS HELD ON THE PROPERTY OF THE
DEFENDANT. PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR
TWENTY-FIVE THOUSAND(\$25,000.00) PLUS COSTS.

NOW, OCTOBER 16, 2001, RECEIVED PLAINTIFF CHECK #4301 IN THE AMOUNT OF
TWO THOUSAND TWO HUNDRED FORTY-EIGHT DOLLARS AND FORTY-TWO
CENTS (\$2,248.42) FOR COSTS DUE ON SALE.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

NOW, OCTOBER 18, 2001, RETURN REAL ESTATE WRIT AS A SALE BEING HELD WITH THE PLAINTIFF PURCHASING THE PROPERTY FOR TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS PLUS COSTS. PAID COSTS FROM ADVANCE WITH THE PLAINTIFF PAYING THE REMAINING COSTS, DEED WAS FILED THIS DATE.

SHERIFF HAWKINS \$706.24

SURCHARGE \$ 20.00

PAID BY PLAINTIFF

FILED

OCT 19 2001
William A. Shaw
Prothonotary

Sworn to Before Me This

19th Day Of October 2001

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

So Answers,

Chester A. Hawkins
by Margaret H. Putt
Chester A. Hawkins
Sheriff

facsimile

TRANSMITTAL

to: Attention: Sheriff's Office
fax #: 814-765-6089
re: Sherel Spontarelli
date: November 2, 2000
pages: TWO

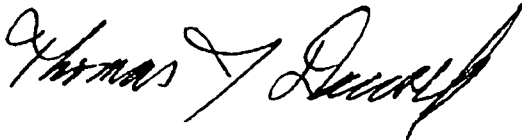
Dear Madam or Sir:

The accompanying Certificate of Commencement Of Case deals with an individual who has real estate set for Sheriff Sale tomorrow morning.

Kindly deliver this certificate to the Sheriff's office immediately.

Thank you for your help and consideration.

Sincerely,



Thomas J. Dausch

COPY

Thomas J. Dausch
Thomas J. Dausch, P.C.
23 Brilliant Avenue
Pittsburgh, PA 15215-3135

Phone: 412-781-4708
Fax: 412-781-6640

ttausch@telerama.com

NOV-02-00 02:30 PM THOMAS J. DRUSCH 4127816640 P.02

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Sherel R. Spontarelli

Bankruptcy No:

00 - 28645 BM

Debtor(s).

CERTIFICATE OF COMMENCEMENT OF CASE

I certify that on 11/02/20 , the above named debtor filed a petition requesting relief under chapter 7 of the Bankruptcy Code (title 11 of the United States Code), and that as of the date below the case has not been dismissed.

Theodore S. Hopkins
Clerk of the Bankruptcy Court

11/02/2000

Date

By: Tina Conn

Deputy Clerk

COPY

MARK S. WEAVER

Attorney at Law

211 1/2 East Locust Street
P.O. Box 170
Clearfield, PA 16830

(814) 768-9696
(814) 768-7605 facsimile

Please respond to:
☒ X Clearfield
☐ State College

e-mail: attymw@penn.com

1315 South Allen Street
Suite 302
State College, PA 16801

(814) 234-4681
(814) 237-5752 facsimile

July 16, 2001

Chester A. Hawkins, Sheriff
Clearfield County Courthouse
Clearfield, PA 16830

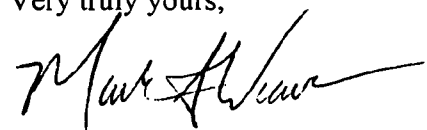
Re: Rougeux vs. Spontarelli
No. 00-1026-CD

Dear Sheriff Hawkins:

With regard to the above matter, I write to request that the sheriff sale which was postponed by the Chapter 7 bankruptcy filing by Ms. Spontarelli be rescheduled. I enclose for your records a copy of the Bankruptcy's Court Discharge Order and Final Decree which indicates that Ms. Spontarelli's bankruptcy has been closed. Since the Rougeux's held a first mortgage on the Karthaus property, the bankruptcy did not affect their lien in any way.

If you have any questions regarding my request, please do not hesitate to contact me.

Very truly yours,



Mark S. Weaver

MSW/slh

Enclosure

c Kenneth and Margaret Rougeux

Rec'd
7-16-01

5414 USX Tower
600 Grant Street
Pittsburgh, PA 15219

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania

In re:

Bankruptcy Case No.: 00 - 28645-BM
Chapter: 7

Sherel R. Spontarelli
Social Security No.: 196-44-7761

Debtor(s)

FINAL DECREE

The estate of the above named debtor has been fully administered.

IT IS ORDERED THAT:

Lisa M. Swope is discharged as trustee of the estate of the above-named debtor
and the bond is cancelled;

the chapter 7 case of the above named debtor is closed.

COPY

Dated: 06/27/01

Bernard Markovitz
U.S. Bankruptcy Judge

RECEIVED JUN 25 2001

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania (Pittsburgh)

In Re:
Sherel R. Spontarelli
433 Anderson Street
Curwensville, PA 16833

Case Number: 00-28645-bm

Chapter: 7

Social Security Number:
Debtor: 196-44-7761

Debtor

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: 06/20/01

BY THE COURT

Bernard Markovitz
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

029662

KENNETH M. ROUGEUX
MARGARET E. ROUGEUX
P. O. BOX 68, PH 814-263-4374
KARTHAUS, PA 16845-0068

4267

60-627/313

8-3-01 DATE

PAY TO THE
ORDER OF

Sheriff of Clearfield Co.

\$ 353.⁹²/₁₀₀

Three hundred fifty three & 92/100 -

DOLLARS



Security
Features
Details on
Back.



CNB

COUNTY NATIONAL BANK
KARTHAUS OFFICE, KARTHAUS, PA

FOR

Advertisement

Margaret E. Rougeux MP

⑆031306278⑆ 4002750⑆⑆⑆

4267

© HARLAND

COPY

KENNETH M. ROUGEUX
MARGARET E. ROUGEUX
P. O. BOX 68, PH 814-263-4374
KARTHAUS, PA 16845-0068

4301

60-627/313

10-16-01 DATE

PAY TO THE
ORDER OF

Cleixford Co. Sheriff

\$ 2248.⁴²/₁₀₀

Two Thousand Two Hundred forty eight and 42/100

DOLLARS



Security
Features
Details on
Back



CNB
COUNTY NATIONAL BANK
KARTHAUS OFFICE, KARTHAUS, PA

FOR

Sheriff Sale

Margaret E. Rougeux

⑆031306278⑆ 4002750⑆⑆

6301

© HARLAND

COPY

REAL ESTATE SALE

REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION

REAL ESTATE SALE

NOW, OCTOBER 8, 2001, by virtue of the writ of execution hereunto attached, after having given due and legal notice of the time and place of sale, by publication in a newspaper published in this County, and by hand-bills posted on the premises, setting forth the time and place of sale, at the Court House, in Clearfield on the 5th day of OCTOBER 2001, I ex-posed the within described real estate of SHEREL R. SPONTARELLI

to public vendue or outcry at which time and place I sold the same to KENNETH M. ROUGEUX and MARGARET E. ROUGEUX, husband and wife he being the highest bidder, for the sum of \$ 25,000.00 + COSTS and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	11.96
LEVY	15.00
MILEAGE	11.96
POSTING	15.00
CSDS	10.00
COMMISSION	2% <u>500.00</u>
POSTAGE	+ 3.96
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L LEVY	
ADD'L MILEAGE	<u>18.36</u>
BID	
RETURNS/DEPUTIZE	
COPIES	5.00
TOTAL SHERIFF COSTS	\$ <u>706.23</u>

DEED COSTS:

REG & REC	\$ 15.50
ACKNOWLEDGEMENT	5.00
TRANSFER TAX 2%	
TOTAL DEED COSTS	\$ <u>20.50</u>

DEBT & INTEREST:

AMOUNT DUE	\$ 70,382.25
Interest from 06-08-00	<u>1,176.29</u>
Statutory interest accruing from 8-21-00 @ \$12.351198 per day	
TO BE ADDED	

TOTAL	\$ 71,558.54
-------	--------------

COSTS:

ATTORNEY FEES	\$ 3,577.92
---------------	-------------

PRO. SATISFACTION

ADVERTISING	<u>259.59</u>
LATE CHARGE & FEES	\$
TAXES-Collector	<u>841.81</u>

TAXES-Tax Claim	<u>959.29</u>
COSTS OF SUIT - TO BE ADDED	
LIST OF LIENS	<u>280.00</u>

MORTGAGE SEARCH

COSTS	\$ 100.00
DEED COSTS	\$ <u>20.50</u>
ATTORNEY COMMISSION	
SHERIFF COST	\$ <u>706.23</u>
LATE FEES	
LEGAL JOURNAL	<u>21.00</u>
REFUND OF ADVANCE	
REFUND OF SURCHARGE	

TOTAL	\$ <u>3,248.42</u>
-------	--------------------

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN (10) TEN DAYS FROM THIS DATE.

CHESTER A. HAWKINS, SHERIFF

COPY

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

WRIT OF EXECUTION

NOTICE

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 \$300.00. 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.

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.

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

SHEREL R. SPONTARELLI,
Defendant

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Clearfield

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Sherel R. Spontarelli, Defendant:

1. You are directed to levy upon the personal property owned by the Defendant follows
and to sell her interest therein:

Any and all personal property, tangible or intangible, owned by the Defendant in
Border Line, Inc., a Pennsylvania corporation, including, but not limited to, any stock,
common or otherwise, owned by the Defendant in the above corporation, in addition
to any corporate records, minute books or corporate seal of Border Line, Inc. and
Restaurant Liquor License No. R-18745.

2. a) Amount due: \$70,382.25
b) Interest from 06/08/00: \$ 1,176.29
c) Attorney fees: \$ 3,577.92
d) Statutory interest accruing from
08/21/00 @ \$12.351198 per day \$
(to be added)


Preliminary Total
Final Total

\$75,136.46
\$

¹²⁰
~~100~~ - COSTS PAID TO PROTHONOTARY

Nov. 1, 2000

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


William A. Shaw, Prothonotary

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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 DIVISION

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

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 \$300.00 statutory exemption be

_____ i) set aside in kind (specify property to be set aside in
kind); _____

_____ ii) paid in cash following the sale of the property levied
upon; or

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 \$300.00 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 the 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. § 4904
relating to unsworn falsification to authorities.

Date: _____

Sherel R. Spontarelli
Defendant

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF
THE SHERIFF OF CLEARFIELD COUNTY

Sheriff's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

NOW, APRIL 15, 2002, RETURN WRIT AS NO SALE HELD, AN AGREEMENT WAS
MADE BETWEEN PLAINTIFF AND DEFENDANT. PAID COSTS FROM ADVANCE
AND MADE REFUND OF UNUSED ADVANCE TO ATTORNEY.

SHERIFF HAWKINS \$108.57

SURCAHRGE \$20.00

PAID BY ATTORNEY

FILED

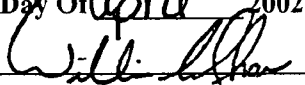
APR 16 2002

0/9:00

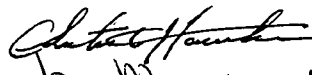

William A. Shaw
Prothonotary

Sworn to Before Me This

16th Day Of April 2002


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


by Margaret H. Putt 
Chester A. Hawkins
Sheriff

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

WRIT OF EXECUTION

NOTICE

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 \$300.00. 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.

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.

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

No. 00-1026-CD

SHEREL R. SPONTARELLI,
Defendant

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Clearfield

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Sherel R. Spontarelli, Defendant:

1. You are directed to levy upon the personal property owned by the Defendant follows
and to sell her interest therein:

Any and all personal property, tangible or intangible, owned by the Defendant in
Border Line, Inc., a Pennsylvania corporation, including, but not limited to, any stock,
common or otherwise, owned by the Defendant in the above corporation, in addition
to any corporate records, minute books or corporate seal of Border Line, Inc. and
Restaurant Liquor License No. R-18745.

2. a) Amount due: \$70,382.25
b) Interest from 06/08/00: \$ 1,176.29
c) Attorney fees: \$ 3,577.92
d) Statutory interest accruing from
08/21/00 @ \$12.351198 per day \$ _____
(to be added)

Preliminary Total
Final Total

\$75,136.46
\$

costs paid to Prothonotary

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

Nov. 1, 2000


William A. Shaw, Prothonotary

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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 DIVISION

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,
Defendant

No. 00-1026-CD

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 \$300.00 statutory exemption be

_____ i) set aside in kind (specify property to be set aside in
kind); _____

_____ ii) paid in cash following the sale of the property levied
upon; or

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 \$300.00 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 the 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. § 4904 relating to unsworn falsification to authorities.

Date: _____

Sherel R. Spontarelli
Defendant

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF
THE SHERIFF OF CLEARFIELD COUNTY

Sheriff's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

PERSONAL PROPERTY

NOW, SEPTEMBER 14, 2001, AT 2:30 PM O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANT.

NOW, SEPTEMBER 14, 2001 AT 2:30 PM O'CLOCK SERVED WRIT OF EXECUTION ON SHEREL R. SPONTARELLI, DEFENDANT, AT CARTER STREET, KARTHAUS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHEREL R. SPONTARELLI, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND MADE KNOWN TO HER THE CONTENTS THEREOF.

A SALE IS SET FOR FRIDAY, NOVEMBER 3, 2000, AT 1:00PM O'CLOCK.

NOW, SEPTEMBER 25, 2001, AT 4:45 PM O'CLOCK POSTED BULDING WITH NOTICE OF SALES, BUILDING WAS LOCKED.

NOW, SEPTEMBER 28, 2000, AT 10:34 AM O'CLOCK SERVED NOTICE OF SALE ON EVA BLAKE, FOSTER DAUGHTER OF SHEREL R. SPONTARELLI, DEFENDANT, AT HER PLACE OF RESIDENCE, 433 ANDERSON STREET, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, 16833, BY HANDING TO EVA BLAKE, FOSTER DAUGHTER OF SHEREL R. SPONTARELLI, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL NOTICE OF SALE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10154

ROUGEUX, KENNETH M. AND

00-1026-CD

VS.

SPONTARELLI, SHEREL R. EX

WRIT OF EXECUTION REAL ESTATE PERSONAL PROPERTY

SHERIFF RETURNS

NOW, SEPTEMBER 22, 2000, RECEIVED A LETTER FROM ATTORNEY WEAVER REGARDING THE LEVY.

NOW, OCTOBER 2, 2000, RECEIVED A PROPERTY CLAIM FROM SHEREL R. SPONTARELLI, ON BEHALF OF AND AS PRESIDENT OF BORDER LINE, INC. PROPERTY CLAIM WAS FILED THIS DATE.

NOW, OCTOBER 5, 2000, RECEIVED A LETTER FROM ATTORNEY WEAVER ASKING THAT WE RELEVY ITEMS LISTED. SHERIFF HAWKINS WILL TALK TO ATTORNEY WEAVER.

NOW, OCTOBER 11, 2000, FILED DETERMINATION

NOW, OCTOBER 16, 2001, RECEIVED "OBJECTION TO SHERIFF'S DETERMINATION" FROM ATTORNEY WEAVER

NOW, OCTOBER 17, 2001, CALLED PROTHONOTARY OFFICE TO FIND OUT IF A HEARING DATE WAS SET. MR. SHAW SAID THAT HE JUST PIN THE OBJECTION IN THE FILE BECAUSE THEY DO NOT SET UP HEARINGS FOR "TAX SALES".

NOW, AUGUST 13, 2001, RECEIVED A LETTER FROM ATTORNEY WEAVER ASKING IF SHERIFF HAWKINS HAD DECIDED ABOUT THE PERSONAL PROPERTY IF THE SALE DOES NOT GO THROUGH.

NOW, APRIL 10, 2002, RECEIVED LETTER FROM ATTORNEY WEAVER THAT A SALE IS NO LONGER NECESSARY AN AGREEMENT BETWEEN PLAINTIFF AND DEFENDANT HAS BEEN MADE.

Attorney at Law

(814) 768-9696
(814) 768-7605 facsimile

Please respond to:
☒ Clearfield
☐ State College

e-mail: attym3w@per-7.com

1315 South Allen Street
Suite 302
State College, PA 16801

(814) 234-4681
(814) 237-5752 facsimile

November 2, 2000

HAND-DELIVERED

Chester A. Hawkins, Sheriff
1 North Second Street
Clearfield, PA 16830

Re: Rougeux vs. Spontarelli
No. 00-1025-CD
Sheriff Sale Date: 11/03/00

Dear Sheriff Hawkins:

Pursuant to Pa. R.C.P. 3129.3, I write to request postponement of the sheriff sales of real and personal property scheduled in the above matter for November 3, 2000. Please notify the bidders assembled at the sale scheduled on November 3, 2000 of the new date which I would request to be scheduled in approximately 100 days from the original sale date.

Please contact me if you have any questions regarding my request.

Very truly yours,

Mark S. Weaver

MSW/slh

c: Kenneth M. and Margaret E. Rougeux
Sherel R. Spontarelli

SW/slh
Kenneth M. and M
Sheri R. Spontan

11-2-2000

Personal Property Sale

PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION

Personal Property Sale

SPONTARELLI

00-1026-CD

NOW, _____, by virtue of the writ hereunto attached, after having given due and legal notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the _____ day of _____ 2000, the defendant's personal property for _____, and made the following appropriations.

SHERIFF'S COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	11.96
LEVY	20.00
MILEAGE	11.96
POSTING	15.00
HANDBILLS	20.00
COMMISSION	
UNABLE TO LEVY	
POSTAGE	+ 1.65
ADD'L SERVICE	
ADD'L MILEAGE	
ADD'L LEVY/DEPUTIZE	
ADD'L POSTING	
COPIES	5.00
BID <i>Wharf</i>	5.00
RETURN OF INT'S	
SHERIFF COSTS	108.57
COMMISSION 2% FIRST \$100,000.00 AND 1/2 % ON ALL OVER THAT.	

DEBT & INTEREST:

DEBT	\$ 70,382.25
INTEREST from 6-8-00	1,176.29
Statutory interest accruing from 8-21-00 @\$12.351198 per day	
TO BE ADDED	
TOTAL AT PRESENT	\$ 71,558.54

COSTS:

ATTORNEY PAID	\$ 100.00
ATTORNEY FEES	\$3,577.92
COSTS TO PROTH	\$
SHERIFF COSTS	\$ 108.57
REFUND OF ADVANCE	\$
REFUND OF SURCHARGE	\$

TOTAL COSTS \$ 108.57

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

COPY

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

**In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Action - Law**

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife,

Plaintiffs

vs.

SHEREL R. SPONTARELLI,

Defendant

No. 00-1026-CD

FILED

APR 05 2002

019.50Bcc atty
William A. Shaw
Prothonotary

WAS

NOTICE TO DEFEND

To: Sherel R. Spontarelli.

You have been sued in court. The petition set forth in the following pages request the court to determine the amount which should be credited against any liability you may have to the petitioner as a result of the purchase by the petitioners at an execution sale of the real property described in the petition. If you wish to defend against the petition, you must take action within twenty (20) days after this petition and notice are served upon you, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the matters set forth in the petition. 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 claim or relief requested by petitioners. 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's Office

Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

R. Bruce Manchester

R. Bruce Manchester, Esquire
Attorney for Plaintiffs
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
Attorney ID #28535

Dated: 4/4/02

In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Action - Law

KENNETH M. ROUGEUX and	:	
MARGARET E. ROUGEUX, husband	:	
and wife,	:	
	:	
Plaintiffs	:	
	:	No. 00-1026-CD
vs.	:	
	:	
SHEREL R. SPONTARELLI,	:	
	:	
Defendant	:	

PETITION FOR AWARD OF DEFICIENCY JUDGMENT

AND NOW COME the Plaintiffs, Kenneth M. Rougeux and Margaret E. Rougeux, husband and wife, by and through their attorney, R. Bruce Manchester, Esquire, who file this Petition for Award of Deficiency Judgment pursuant to Section 8103(a) of the Judicial Code and pursuant to Pa. R.C.P. 3279 against the above named Defendant and aver the following:

1. Plaintiffs are Kenneth M. Rougeux and Margaret E. Rougeux, husband and wife, who reside at Main Street, P.O. Box 68, Karthaus, Clearfield County, Pennsylvania.
2. Defendant is Sherel R. Spontarelli, an adult individual, who resides at 433 Anderson Street, Curwensville, Clearfield County, Pennsylvania.
3. On November 25, 1998, Plaintiffs and Defendant executed an Agreement of Sale for a certain parcel of land with commercial building, including an established business known as "Fishers' Bar & Grill", and other improvements thereon, for the consideration of \$130,000.00.
4. Defendant paid to Plaintiffs the sum of \$50,000.00 as down payment, and signed a Mortgage and Note for the balance of \$80,000.00.

5. On March 8, 1999 Plaintiffs executed a Deed for the transfer of the real estate, the consideration being \$80,000.00. A true and correct copy of the legal description is attached hereto and incorporated herein as Exhibit "A".

6. In June of 2000, Defendant defaulted on the Mortgage Note and Plaintiffs, on August 21, 2000, filed a Complaint to Confess Judgment to the above captioned number in the following amounts:

a.	Principal due	\$ 70,382.25
b.	Interest from June 8, 2000 to August 16, 2000	\$ 1,176.46
c.	Attorney fees (5%)	\$ <u>3,577.92</u>
	TOTAL	\$ 75,236.92.

7. By Writ of Execution filed and served upon Defendant September 25, 2000, the property was to be sold at execution sale on November 3, 2000.

8. On or about November 2, 2000, the Defendant filed a petition with the Bankruptcy Court for the Western District of Pennsylvania for relief under Chapter 7 of the Bankruptcy Code, Bankruptcy Case No. 00-28645-BM.

9. On June 20, 2001, Defendant's bankruptcy was discharged and a final decree was issued by the Bankruptcy Court on June 27, 2001. A true and correct copy of said Discharge and Final Decree are attached hereto and incorporated herein as Exhibit "B".

10. In or about August of 2001, the Writ for Execution was reinstated and a sale of property took place on October 5, 2001.

11. At the execution sale on October 5, 2001, Plaintiffs purchased the property for the sum of \$25,000.00.

12.	Costs accrued in connection with the execution sale are as follows:		
a.	Advertising	\$	259.59
b.	Legal Journal	\$	81.00
c.	Tax Claim Bureau	\$	959.29
d.	Tax Collector	\$	841.81
e.	List of Liens	\$	280.00
f.	Recording costs	\$	20.50
g.	Service cost to Sheriff	\$	706.23
h.	Administrative costs to Sheriff	\$	<u>100.00</u>
	TOTAL	\$	3,248.42

A true and correct copy of the schedule of distribution of Chester A. Hawkins, Sheriff, is attached hereto and incorporated herein as Exhibit "C".

13. A fair market value of the property pursuant to Clearfield County Assessment is \$51,178.50 (Assessed value of \$11,475.00 x common level ratio factor of 4.46).

14. A computation of the deficiency balance is as follow:

Applying value of Judgment Note:

Amount due pursuant to the Judgment Note, including interest and attorney fees (see paragraph 6 above)	\$ 75,236.92
Accrued execution costs (see paragraph 12 above)	+ \$ 3,248.42
Less amount received at execution sale (see paragraph 11 above)	- \$ <u>25,000.00</u>
TOTAL DEFICIENCY	\$ 53,485.34

Applying County Fair Market Value:

County Fair Market Value (see paragraph 13 above)	\$ 51,178.50
Less amount paid by Plaintiffs to repurchase the property (see 14(c) above)	- \$ <u>25,000.00</u>
TOTAL EQUITY	\$ 26,178.50
Combined amount of Judgment Note and accrued execution costs (see 14(a) and 14(b) above)	\$ 78,485.34
Less total equity above	- \$ <u>26,178.50</u>
TOTAL DEFICIENCY	\$ 52,306.84

WHEREFORE, Plaintiffs request that this Court fix the fair market value of the real property at the value set forth in this instant petition and award them deficiency judgment in the amount of \$52,306.84.

Respectfully Submitted,

By: *RB Manchester*
R. Bruce Manchester, Esquire
Attorney for Plaintiffs

Date: *4/4/02*

VERIFICATION

We, KENNETH M. ROUGEUX and MARGARET E. ROUGEUX, hereby state that they are the Plaintiffs in this action and verify that the statements in the foregoing Petition are true and correct to the best of their knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.


KENNETH M. ROUGEUX


MARGARET E. ROUGEUX

LEGAL DESCRIPTION

Kenneth M. Rougeux and Margaret E. Rougeux
Clearfield County Parcel No.: 121-T4-606-51

All that certain parcel of land situate in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post or point in the line running South 39 degrees West from the Northeast corner of the West abutment of Mosquito Creek Roadway Bridge as located on the 1st day of October, 1887, by E.C. Read, Surveyor, and 69.7 feet from said abutment; thence South 39 degrees West 54.8 feet to a post or iron pin on line of lands now or formerly of the Karthaus heirs; thence North 58 degrees West 198 feet more or less, to a post; thence North 39 degrees East 120 feet to stones along a public road; thence North 38 degrees West 16 feet to stones along public road; thence North 39 degrees East 58 feet to stones in Mosquito Creek; thence South 42 degrees East 53 feet to a cut stone on abutment; thence South 37 degrees West 81 feet to a cut stone on the side of a public road; thence South 64½ degrees East 162 feet to the place of beginning.

BEING the same premises conveyed to Kenneth M. Rougeux and Margaret E. Rougeux by Sheriff's Deed recorded in the Office for the Recording of Deeds in and for Clearfield County, Pennsylvania on January 8, 2002, Instrument Number 200200410.

Exhibit "A"

5414 USX Tower
600 Grant Street
Pittsburgh, PA 15219

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania

In re:

Bankruptcy Case No.: 00 - 28645-BM
Chapter: 7

Sherel R. Spontarelli
Social Security No.: 196-44-7761

Debtor(s)

FINAL DECREE

The estate of the above named debtor has been fully administered.

IT IS ORDERED THAT:

Lisa M. Swope is discharged as trustee of the estate of the above-named debtor
and the bond is cancelled;
the chapter 7 case of the above named debtor is closed.

Dated: 06/27/01

Bernard Markovitz
U.S. Bankruptcy Judge

Exhibit "B"

Debtor

REAL ESTATE SALE

SCHEDULE OF DISTRIBUTION

REAL ESTATE SALE

NOW, OCTOBER 8, 2001

hereunto attached, after having given due and legal notice of the time and place of sale, by publication in a newspaper published in this County, and by hand-bills posted on the premises, setting forth the time and place of sale, at the Court House, in Clearfield on the 5th day of OCTOBER 2001, I ex-posed the within described real estate of SHEREL R. SPONTARELLI

to public vendue or outcry at which time and place I sold the same to KENNETH M. ROUGEUX and MARGARET E. ROUGEUX, husband and wife he being the highest bidder, for the sum of \$ 25,000.00 + COSTS and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	11.96
LEVY	15.00
MILEAGE	11.96
POSTING	15.00
CSDS	10.00
COMMISSION	2% 555.00
POSTAGE	+ 3.96
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L LEVY	
ADD'L MILEAGE	18.36
BID	
RETURNS/DEPUTIZE	
COPIES	5.00
TOTAL SHERIFF COSTS	\$ 756.23
DEED COSTS:	
REG. & REC	\$ 15.50
COMMISSION	2% 555.00
ACKNOWLEDGEMENT	5.00
TRANSFER TAX 2%	
TOTAL DEED COSTS	\$ 2050

DEBT & INTEREST:

AMOUNT DUE	\$ 70,382.25
Interest from 06-08-00	1,176.29
Statutory interest accruing from 8-21-00 @ \$12.351198 per day	
TO BE ADDED	
TOTAL	\$ 71,558.54
COSTS:	
ATTORNEY FEES	\$ 3,577.92
PRO. SATISFACTION	
ADVERTISING	259.59
LATE CHARGE & FEES	\$
TAXES-Collector	241.21
TAXES-Tax Claim	959.29
COSTS OF SUIT - TO BE ADDED	
LIST OF LIENS	280.00
MORTGAGE SEARCH	
COSTS	\$ 100.00
DEED COSTS	\$ 20.50
ATTORNEY COMMISSION	
SHERIFF COST	\$ 756.23
LATE FEES	
LEGAL JOURNAL	21.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	

TOTAL \$ 3,248.42

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN (10) TEN DAYS FROM THIS DATE.

CHESTER A. HAWKINS, SHERIFF

COPY

Exhibit "C"

**In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Action - Law**


KENNETH M. ROUGEUX and	:	
MARGARET E. ROUGEUX, husband	:	
and wife,	:	
	:	
Plaintiffs	:	
	:	No. 00-1026-CD
vs.	:	
	:	
SHEREL R. SPONTARELLI,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Steven Smith, hereby certify that on the 4th day of April, 2002, I have served the
within PETITION FOR AWARD OF DEFICIENCY JUDGMENT on the following person(s), by
placing same in the United States Mail, postage prepaid, to:

**Sherel R. Spontarelli
433 Anderson Street
Curwensville, PA 16833**

MANCHESTER & ASSOCIATES



R. Bruce Manchester, Esquire

CA

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX

vs.

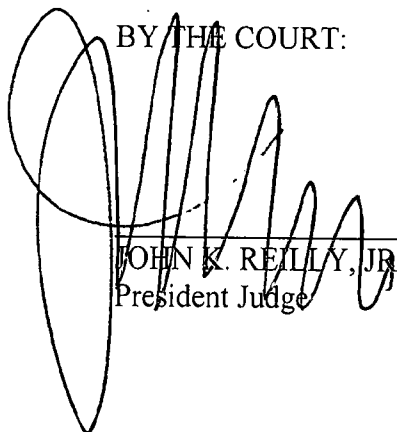
SHEREL R. SPONTARELLI

:
:
:
: No. 00-1026-CD
:
:

ORDER

AND NOW, this 23rd day of April, 2002, upon consideration of
Plaintiffs' Petition for Award of Deficiency Judgment, a Rule is hereby issued on the
Defendant to appear and show cause why the Petition should not be granted. Rule
Returnable the 16th day of May, 2002, at 3:00 P.M. in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



JOHN K. REILLY, JR.
President Judge

FILED

APR 23 2002

William A. Shaw
Prothonotary

FILED

APR 23 2002

01/10:21/2 ccatty murchester
William A. Shaw
Prothonotary

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

Kenneth M. Rougeux and Margaret
E. Rougeux, husband and wife

Plaintiffs,

vs.

Sherel R. Spontarelli,

Defendant

No. 00-1026-CD

Type of Case: Civil

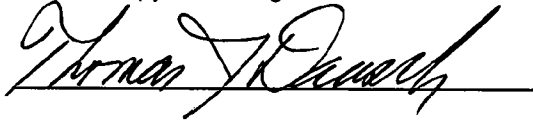
Type of Pleading:
Answer, New Matter, & Counterclaim
to Petition for Award of
Deficiency Judgment

Filed on Behalf of:
Sherel R. Spontarelli

Counsel of Record for Defendant:

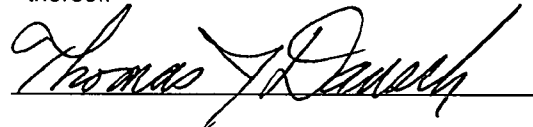
Thomas J. Dausch
PA ID # 21842
23 Brilliant Avenue
Pittsburgh, PA 15215-3135
412-781-4708

I hereby certify the within to be a true and
correct copy of the original as filed.




To the Plaintiffs:

You are hereby notified to plead to the within New
Matter and Counterclaim within 20 days of receipt
thereof.



FILED

APR 29 2002
m/10:47/noc
William A. Shaw
Prothonotary 

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

Kenneth M. Rougeux and Margaret
E. Rougeux, husband and wife

Plaintiffs,

vs.

No. 00-1026-CD

Sherel R. Spontarelli,

Defendant

ANSWER TO PETITION FOR AWARD OF DEFICIENCY JUDGMENT

AND NOW comes the Defendant, by and through her attorney, Thomas J. Dausch, and in response to Plaintiffs' Petition for Award of Deficiency Judgment alleges and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. It is admitted that the amounts stated in Plaintiffs Petition were previously listed in the Petition to Confess Judgment. It is denied that Defendant is indebted to Plaintiffs for this amount.
7. Admitted.
8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted that the property was sold at an execution sale on October 5, 2001. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of who purchased the property and the amount paid.

12. It is denied that Defendant is indebted to the Plaintiffs for the amounts claimed. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the amount of damages claimed by the Plaintiffs.

13. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the fair market value of the subject property.

14. It is denied that Defendant is indebted to the Plaintiffs for the amounts claimed. After reasonable investigation the Defendant is without knowledge or information sufficient to form a belief as to the truth of the amount of deficiency damages claimed by the Plaintiffs.

WHEREFORE, Defendant respectfully requests that Plaintiffs' Petition be dismissed without the entry of a deficiency judgment.

NEW MATTER AND COUNTER CLAIM

NEW MATTER

15. As admitted by Plaintiffs in Paragraph 9 of their Petition, the Defendant was granted a discharge in her Chapter 7 bankruptcy action on June 20, 2001.

16. Section 524(a)(2) of the bankruptcy code provides that: "[a] discharge in a case under this title operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover, or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived."

17. Section 101(12) of the Bankruptcy Code defines a "debt" as a liability on a claim.

18. Section 101(5)(A) of the Bankruptcy Code states that "claim means any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured."

19. Clearly any cause of action based upon a deficiency resulting from a sheriff sale would be a "right to payment" that was either contingent or unmatured at the time of the filing of the bankruptcy petition and the discharge in June of 2001.

20. Plaintiffs did not file an objection to the discharge of their debt with the bankruptcy court and Plaintiffs' debt was not excluded by the discharge order granted by the Honorable Judge Bernard Markovitz.

21. If Plaintiffs have any valid objection to the discharge of their debt, the proper forum would have been the bankruptcy court. However, the Plaintiffs cannot now raise any objections to the discharge of their debt because the time for filing such objections has expired.

22. Plaintiffs' current action is an attempt to collect on a debt that was discharged in bankruptcy and is not permissible under the United States Bankruptcy Code.

WHEREFORE, Defendants respectfully requests that Plaintiffs' Petition for Award of Deficiency Judgment be dismissed.

COUNTERCLAIM

23. It is quite clear, under current law, that Plaintiffs' action is improper and in violation of Federal Bankruptcy Law.

24. On the back of the bankruptcy discharge notice, which Plaintiffs in their Petition have admitted receiving, creditors are warned that the attempted collection of discharged debts is prohibited. A true and correct copy of the discharge notice is attached and marked Exhibit A.

25. On April 11, 2002, Defendant's attorney, Thomas J. Dausch, wrote Plaintiff's attorney, R. Bruce Manchester, advising him that the current lawsuit was in violation of federal bankruptcy law and providing him with the relevant Bankruptcy Code sections. A true and correct copy of this letter is attached hereto and marked Exhibit B.

26. Plaintiffs' attorney received the letter referred to in Paragraph 22 as evidenced by the copy of the return receipt attached hereto and marked Exhibit C.

27. Plaintiffs continuation of this current action, after receipt of the letter from Defendant's attorney and the discharge notice from the bankruptcy court, demonstrates that Plaintiff is pursuing this action to be vexatious and is also acting in bad faith.

28. 42 Pa.C.S.A §2503(9) provides that a party is entitled to counsel fees resulting from the conduct of a party who commences an action that is vexatious or in bad faith.

29. Given it is impossible to determine Defendant's counsel fees at this early stage of litigation, Defendant requests the award of counsel fees to reimburse Defendant for all counsel fees incurred from initiation of this action through its termination.

30. The Pennsylvania Fair Credit Extension Uniformity Act prohibits creditors from making "false representation of the character, amount or legal status of any debt. 73 Pa. C.S.A §2270.4(b)(5)(ii).

31. By filing the petition for a deficiency judgment the Plaintiffs are falsely representing the legal status of a debt.

32. A violation of the Pennsylvania Fair Credit Extension Uniformity Act is considered a violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law. 73 Pa.C.S.A §2270.5.

33. The Pennsylvania Unfair Trade Practices and Consumer Protection Law permits the award of treble damages for violation of the act. 73 Pa.C.S.A. §201-9-2(a).

34. The Defendant requests that any damages that are awarded by the court be trebled pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

WHEREFORE, Defendant respectfully requests the award of treble damages for counsel fees on her Counterclaim against Plaintiffs.



Thomas J. Dausch, Esq.
Attorney for Defendant
23 Brilliant Avenue
Pittsburgh, PA 15215
(412) 781-4708

VERIFICATION

I, Sherel Spontarelli, state that I am familiar with all of the facts stated within and that the averments of fact contained in the foregoing Answer, New Matter, and Counterclaim are true and correct to the best of my knowledge, information and belief, and that this verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsifications to authorities.

Dated: 4-25-02

Sherel Spontarelli
Sherel Spontarelli

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania (Pittsburgh)

In Re:

Sherel R. Spontarelli
433 Anderson Street
Curwensville, PA 16833

Case Number: 00-28645-bm

Chapter: 7

Debtor

Social Security Number:
Debtor: 196-44-7761

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: 06/20/01

BY THE COURT

Bernard Markovitz
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXPLANATION OF BANKRUPTCY DISCHARGE
IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [*In a case involving community property:*] [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are.

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

THOMAS J. DAUSCH, P.C.

Attorney at Law

Suite 203
23 Brilliant Avenue
Pittsburgh, PA 15215
Phone: (412) 781-4708
Fax: (412) 781-6640
tdausch@telerama.com

April 11, 2002

R. Bruce Manchester, Esq.
R. Bruce Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823-1927

Re: Rougeux vs. Spontarelli
No. 00-10260-CD

Dear Mr. Manchester:

I am writing to request that you discontinue the current action in which you are seeking the award of a deficiency judgment against Sherel Spontarelli on behalf of Kenneth and Margaret Rougeux. The reason for this request is that your current action is in violation of the bankruptcy discharge granted my client and referenced in you petition for a deficiency judgment at paragraph 9.

Section 524(a)(2) of the bankruptcy code provides that:

"[a] discharge in a case under this title operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover, or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived;"

Section 101(12) of the code defines a "debt" as a liability on a claim, and section 101(5)(A) of the code states that "claim means any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured;" (emphasis added)

Clearly your petition for a deficiency judgment is an attempt to establish a personal liability on a contingent or unmatured claim that existed the time my client filed bankruptcy and was subsequently granted a discharge. In addition, your clients further failed to file, with the bankruptcy court, any objections to the discharge of any claims they believe they may have had against my client.

For the above reasons, I request that you immediately discontinue the current action against my client since it violates the US Bankruptcy Code. If you fail to do so, I will seek protection of the bankruptcy court by having the Rougeux's held in contempt of court for violation of the

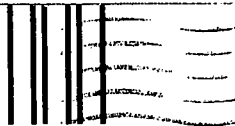
injunction granted by the discharge as provided by section 524(a)(2) referenced above. In addition, if I am forced to pursue this action, I will also request that the court grant Sherel Spontarelli attorney fees.

If you discontinue the case, I request that you provide me with a copy of the praecipe to discontinue. If I have not heard from you with of week of today's date, I will assume you intend to proceed with the current action, and I will act accordingly.

Sincerely,

Thomas J. Dausch

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

THOMAS J. DAUSCH
23 BRILLIANT AVE
PITTSBURGH, PA 15215-3135

15215+3135

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:

R. BRUCE MANCHESTER, ESQ
124 WEST BISHOP ST
BELLEFONTE, PA
16823

4a. Article Number

7099 3220 0007 4362 3364

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

4/15/02

5. Received By: (Print Name)

Mike Hamilton

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

6. Signature: (Addressee or Agent)

Thank you for using Return Receipt Service.

Return Receipt

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

KENNETH M. ROUGEUX, al :

-vs-

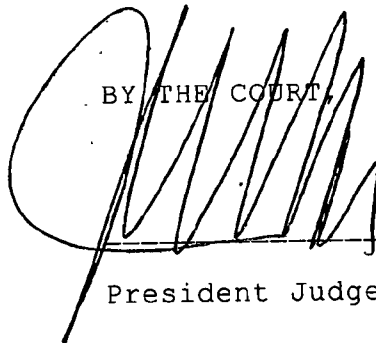
: No. 00-1026-CD

SHEREL R. SPONTARELLI :

O R D E R

NOW, this 16th day of May, 2002, this being the day and date set for argument into Plaintiff's Petition for Award of Deficiency Judgment, it is the ORDER of this Court that counsel for Plaintiff have no later than May 23rd, 2002, in which to supply the Court with appropriate brief.

BY THE COURT,



President Judge

FILED

MAY 17 2002

William A. Shaw
Prothonotary

FILED

MAY 17 2002

019.3512cc atty Manchester
William A. Shaw
Prothonotary

cc atty Dausch
KTB

Prothonotary
William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX,
husband and wife

-VS-

SHEREL R. SPONTARELLI

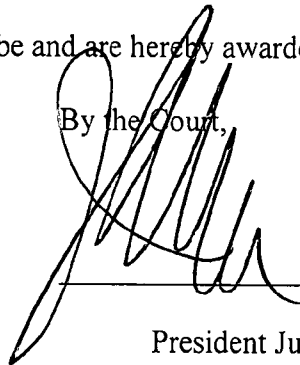
:
:
:
:
:
:
:

No. 00 – 1026 – CD

ORDER

NOW, this 17th day of June, 2002, following argument into Defendant's allegation that Plaintiffs' Complaint is barred by the United States Bankruptcy Code and therefore should be dismissed, and counsel fees awarded to Defendant, it is the ORDER of this Court that Plaintiffs' claim be and is hereby barred by said Bankruptcy Code and therefore dismissed. It is the further ORDER of this Court that Defendant is entitled to counsel fees which are hereby awarded unless Plaintiffs object thereto within ten (10) days from date hereof in the amount of \$1,802.09 which shall be and are hereby awarded to counsel for Defendant.

By the Court,



President Judge

FILED

JUN 19 2002

William A. Shaw
Prothonotary

FILED

JUN 19 2002

O'Leary, Dausch

William A. Shaw

Prothonotary

Leary, Dausch

[Signature]
8/2/02

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

KENNETH M. ROUGEUX and,
MARGARET E. ROUGEUX,
husband and wife

Plaintiffs :

VS. :

SHEREL R. SPONTARELLI,

Defendant :

No. 00-1026 -CD

Type of Pleading:

PRAECIPE

Filed on Behalf of:
Defendant

Counsel of Record for this Party:

Thomas J. Dausch, Esquire

Supreme Court No. 21842

DAUSCH & ASSOCIATES, P.C.

Suite 203

23 Brilliant Avenue

Pittsburgh, PA 15215-3118

(412) 781-4708

FILED Any pd.
7:00 (8/31/05)

JUL 19 2005 No Cert. of Sat.
01:11:55 PM or Disc.
William A. Shaw requested
Prothonotary/Clerk of Courts No SASE

Copy to CIA
GIC

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

KENNETH M. ROUGEUX and
MARGARET E. ROUGEUX, husband
and wife

Plaintiffs

vs.

No. 00-1026-CD

SHEREL R. SPONTARELLI,

Defendant

TO: WILLIAM A. SHAW, Prothonotary

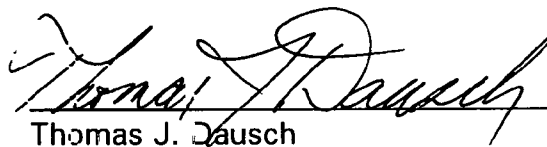
PRAECIPE

Please mark the Court Order Award Paid and Satisfied and the above matter

Discontinued on the record.

Date: 7/13/05

DAUSCH & ASSOCIATES, P.C.
BY


Thomas J. Dausch

RECEIVED

July 19, 2005

FILED

JUL 19 2005

William A. Shaw
Prothonotary/Clerk of Courts