

01-579-CD
COUNTY NATIONAL BANK et al -vs- JOHNSON BROTHERS COAL COMPANY

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

County National Bank, Administrator
d.b.n.c.t.a. of the Estate of John M.
Chase, Sr.,

Plaintiff

vs.

Johnson Brothers Coal Company,

Defendant

No. 2001-~~577~~ -CD

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFF

Attorney for this party:
Peter F. Smith, Esquire
Supreme Court No. 34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED

APR 23 2001

William A. Shaw
Prothonotary

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

County National Bank, Administrator
d.b.n.c.t.a. of the Estate of John M.
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Plaintiff

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No. 2001- -CD

NOTICE TO DEFEND

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

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

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

County National Bank, Administrator
d.b.n.c.t.a. of the Estate of John M.
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Plaintiff

vs.

Johnson Brothers Coal Company,

Defendant

No. 2001- -CD

COMPLAINT

COMES NOW, County National Bank, Administrator d.b.n.c.t.a. of the Estate of John M. Chase, Sr., by its attorney, Peter F. Smith, who pursuant to Pa.R.C.P. 1147 pleads:

1. The name of the Plaintiff is COUNTY NATIONAL BANK, a national banking institution, with its principal office at One South Second Street, P.O. Box 42 Clearfield, Pennsylvania, 16830.
2. COUNTY NATIONAL BANK is Administrator d.b.n.c.t.a. of the Estate of John M. Chase, Sr. which is of record at Clearfield County Estate No. 3641.
3. The name of the Defendant is JOHNSON BROTHERS COAL COMPANY, which is believed to be a Pennsylvania Business Corporation, with office at RR 1, Box 580, Mahaffey, Clearfield County, Pennsylvania, 15757.
4. The Chase Estate is the owner of two parcels of real estate situate in Knox Township, Clearfield County, Pennsylvania identified by Clearfield County Tax Map Numbers

122-K11-2 and 122-J12-1.

5. By Agreement dated July 25, 1996 COUNTY NATIONAL BANK is Administrator d.b.n.c.t.a of the John M. Chase, Sr., Estate leased that real estate to JER-DEM, INC. for the purpose of strip mining. A true and correct copy of said lease agreement is attached hereto and incorporated herein by reference as Exhibit 1.

6. By Agreement dated November 16, 1999, JER-DEM, INC. assigned said lease to the Defendant JOHNSON BROTHERS COAL COMPANY. COUNTY NATIONAL BANK granted its consent to said assignment. A true and correct copy of said assignment is attached hereto and incorporated herein by reference as Exhibit 2.

7. The parties entered an agreement concerning the remaining royalties owed by Defendant to Plaintiff under said lease. According to said agreement the Defendants would pay the balance of royalties equaling Forty Four Thousand Six Hundred Sixty Three (\$44,663.00) Dollars to the Plaintiff in three equal installments. Said agreement was memorialized in a letter from Calvin R. Thomas, Jr., Vice President and Trust Officer of COUNTY NATIONAL BANK, to Mr. Lesley Johnson of JOHNSON BROTHERS COAL COMPANY dated February 14, 2001. A true and correct copy of said letter is attached hereto and incorporated herein by reference as Exhibit 3.

8. JOHNSON BROTHERS COAL COMPANY cancelled said lease by notice dated February 16, 2000 and reaffirmed a verbal promise it had made to pay remaining royalties in three installments. A true and correct copy of said notice is attached hereto and incorporated herein by reference as Exhibit 4.

9. Pursuant to the parties' agreement concerning final royalties, the Defendant was to make the final payment of Fourteen Thousand Eight Hundred Eighty Seven Dollars and Sixty Seven (\$14,887.67) Cents during the week of February 15, 2001.

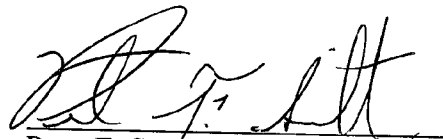
10. Defendant in its termination notice dated February 16, 2000 (2001) Defendant promised to make the final payment in the first full week of March, 2001.

11. The first full week of March has passed, and Defendant has failed to make the final payment of Fourteen Thousand Eight Hundred Eighty Seven Dollars and Sixty-Seven (\$14,887.67) Cents.

12. The failure to pay all amounts due under said lease constitutes a breach thereof.

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant in the amount of Fourteen Thousand Eight Hundred Eighty Seven Dollars and Sixty-Seven (\$14,887.67) Cents together with interest at the statutory rate and costs.

Respectfully submitted,



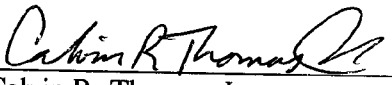
Peter F. Smith
Attorney for Plaintiff

Dated: 4/23/01

AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

CALVIN R. THOMAS, JR. being duly sworn according to law, deposes and says that he is Vice President and Trust Officer for COUNTY NATIONAL BANK, and, as such, is duly authorized to make this Affidavit, and further, that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Calvin R. Thomas, Jr.
Vice President and Trust Officer

SWORN TO AND SUBSCRIBED
before me this 18th
day of April, 2001.


Notary Public

Notarial Seal
Deborah M. Thomas, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Mar. 21, 2002
Member, Pennsylvania Association of Notaries

FILED

APR 23 2001

W William A. Shaw
Prothonotary

3CC
P. L. Smith
1480' 00
2/16

PETER F. SMITH

ATTORNEY

30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10936

COUNTY NATIONAL BANK, ADM. D.b.n.c.t.a. of estate of John M. Chase, S 01-579-CD

VS.

JOHNSON BROTHERS COAL COMPANY

COMPLAINT

SHERIFF RETURNS

NOW APRIL 26, 2001 MAILED THE WITHIN COMPLAINT TO JOHNSON BROTHERS COAL COMPANY, DEFENDANT BY CERTIFIED MAIL # 7000 0600 0023 2701 1229 AT RR#1 BOX 580, MAHAFFEY, PA. 15757 BEING THEIR LAST KNOWN ADDRESS. THE RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN ENDORSED BY DEBBIE JOHNSON. DATE RECEIVED UNKNOWN.

Return Costs

Cost	Description
22.29	SHFF. HAWKINS PAID BY: PLFF.
10.00	SURCHARGE PAID BY: PLFF.

Sworn to Before Me This

4 Day Of May 2001

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

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

FILED

MAY 04 2001
0/11:45a
William A. Shaw
Prothonotary *ESL*

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

CNB Bank, formerly known as,
County National Bank, Administrator
d.b.n.c.t.a.
of the Estate of John M. Chase, Sr.
Plaintiff

vs.

Johnson Brothers Coal Company,
Defendant

No. 01-0579-CD

PRAECIPE TO DISCONTINUE

TO: William A. Shaw, Sr., Prothonotary

Please mark the above-referenced case Settled, Discontinued, and Ended.

Respectfully submitted,

Date:

6/28/07



Peter F. Smith, Esquire
Attorney for Plaintiff

FILED *no cc*
01013401
JUL 03 2007 *Cert. of Disc.*
to Atty
William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHNSON BROTHERS COAL COMPANY
RR#1 Box 580
Mahaffey, pa. 15757

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

DEBBIE JOHNSON

C. Signature

x DEBBIE JOHNSON

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

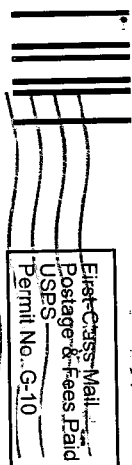
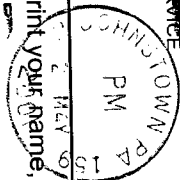
7000 0600 0023 2701 1229

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



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

• Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS
Sheriff of Clearfield County
1 N. 2nd St. Suite 116
Clearfield, Pa. 16830

C-10936

02

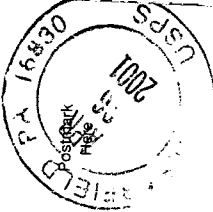


7000 0600 0022 1229

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Number _____

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$395

Postmark Here 

Name (Please Print Clearly) (to be completed by mailer)
 John S. N. Brothers Coal Company
 Street, Apt. No., or PO Box No.
 1001 Box 580
 City, State, ZIP+4
 Mahanfest PA 15757

PS Form 3800, July 1999 See Reverse for Instructions

Certified Mail Provides:

- ▣ A mailing receipt
- ▣ A unique identifier for your mailpiece
- ▣ A signature upon delivery
- ▣ A record of delivery kept by the Postal Service for two years

Important Reminders:

- ▣ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- ▣ Certified Mail is not available for any class of international mail.
- ▣ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider insured or Registered Mail.
- ▣ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- ▣ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- ▣ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, July 1999 (Reverse)

102595-99-M-2087

C-10936

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

County National Bank
John M. Chase Estate Sr.

Vs.

No. 2001-00579-CD

Johnson Brothers Coal Company

CERTIFICATE OF DISCONTINUATION

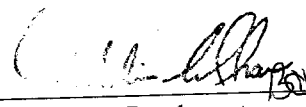
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 3, 2007, marked:

Settled, Discontinued, and Ended

Record costs in the sum of \$80.00 have been paid in full by County National Bank.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of July A.D. 2007.



William A. Shaw, Prothonotary