

01-879-CD  
SUN BANK et al -vs- ROBERT COLE TRUCKING COMPANY et al

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879-CD  
:  
vs. : CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

ACCEPTANCE OF SERVICE

TO THE PROTHONOTARY:

The undersigned, Mary Catherine Frye, Assistant U.S. Attorney, accepts service of the Complaint filed in the above captioned matter on behalf of the United States of America, Internal Revenue Service, and enters her appearance on behalf of the Internal Revenue Service.

*Mary Catherine Frye*  
Mary Catherine Frye, Esquire  
Assistant U.S. Attorney

FILED

JUN 18 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO.  
: :  
vs. : :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants : :  
:

**STIPULATION FOR ACCEPTANCE OF SERVICE**

WHEREAS, Plaintiff filed a Complaint in the above captioned court term and number in Mortgage Foreclosure, and;

WHEREAS, the Complaint alleges that the United States of America, Internal Revenue Service, has 28 separate Federal Tax Liens filed against Robert Cole Trucking Company, Inc., which Federal Tax Liens are listed on an Exhibit to the Complaint, and;

WHEREAS, Plaintiff seeks a Judgment in Mortgage Foreclosure against Robert Cole Trucking Company, Inc. and United States of America, Internal Revenue Service, and;

IT IS HEREBY stipulated and agreed by and between the Plaintiff and United States of America, Internal Revenue Service as follows:

1. Judgment. The United States of America, Internal Revenue Service, consents to the entry of a Judgment in Mortgage Foreclosure in the above captioned court term and number in favor of the Plaintiff and against the United States of America, Internal Revenue Service.

The parties acknowledge that no money judgment will be entered against the United States of America, Internal Revenue Service. Rather, the sole purpose of the inclusion of the United States of America, Internal Revenue Service, as a party Defendant, is to permit the Plaintiff to secure a Judgment in Mortgage Foreclosure in order to expose the subject real property to a Sheriff Sale.

2. No Waiver. Nothing set forth herein shall be deemed to be a waiver of any of the rights of the United States of America, Internal Revenue Service, as established by applicable law. The sole purpose of this Stipulation is to permit a Judgment in Mortgage Foreclosure in favor of the Plaintiff and against the United States of America, Internal Revenue Service, in order that the Plaintiff can proceed to expose the subject real property to a Sheriff Sale in an effort to facilitate a Sheriff Sale free and clear of liens and encumbrances, if any, junior in position to Plaintiff's Mortgage.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

*Mary Catherine Frye*  
Mary Catherine Frye, Esquire  
Assistant U.S. Attorney

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

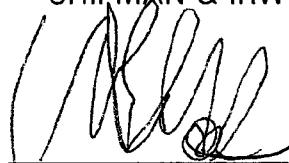
SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879-CD  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly reinstate the Complaint filed in the above-captioned matter.

ELION, WAYNE GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.



William P. Carlucci, Esquire  
Attorneys for Plaintiff  
I.D. No. 30477

125 East Third Street  
Williamsport PA 17701  
(570) 326-2443

The Complaint filed in this matter is hereby reinstated.

**FILED**

SEP 10 2001

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
Prothonotary

FILED

SEP 1 0 2001 (Anuelia PD  
0713400707 \$7.00  
A. Shaw  
Prothonotary

(D) Comp. Recd. to Sheriff  
FBI  
FBI

9-10-01 Document  
Reinstated/Reissued to Sheriff/Anuelia  
for service.

all. et al.

IN THE COURT OF COMMON PLEAS  
OF  
CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to  
BUCKTAIL BANK AND TRUST  
COMPANY,

Plaintiff,

vs.

ROBERT COLE TRUCKING  
COMPANY, INC., and UNITED STATES  
OF AMERICA, INTERNAL REVENUE  
SERVICE,

Defendants.

: CIVIL ACTION  
: NO. 01-879-CD  
: ANSWER TO COMPLAINT  
: FILED ON BEHALF OF DEFENDANT:  
: ROBERT COLE TRUCKING COMPANY,  
: INC.  
: COUNSEL OF RECORD:  
: TIMOTHY J. SLOAN, ESQUIRE  
: 107 EAST LLOYD STREET  
: PO BOX 330  
: EBENSBURG, PA 15931  
: (814) 471-6771  
: ID #49728

**FILED**

SEP 24 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to BUCKTAIL BANK AND TRUST COMPANY,	:	CIVIL ACTION
	:	NO.
Plaintiff,	:	
vs.	:	
ROBERT COLE TRUCKING COMPANY, INC., and UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE,	:	
Defendants.	:	

**ANSWER TO COMPLAINT**

COMES NOW the Defendant above-named, Robert Cole Trucking Company, Inc., by and through its attorney, Timothy J. Sloan, Esquire, and does file the within Answer to Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted in part, denied in part. It is admitted that Robert Cole Trucking Company, Inc. has not been making payments when due. It is denied to the extent implied, that Robert Cole Trucking Company has not been cooperating with the Plaintiff to obtain a satisfactory resolution to the mortgage default. To the contrary, Robert Cole Trucking Company,

Inc. has been working with the Plaintiff in an effort to sell the premises and pay the mortgage in full.

6. Denied. It is denied that the current sum due and owing to Plaintiff is One Hundred Eighty-Four Thousand Three Hundred Forty-Seven and 90/100 (\$184,347.90) Dollars.

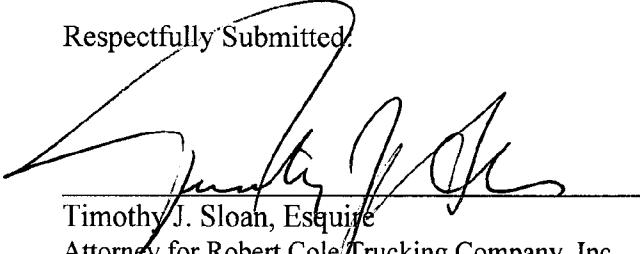
Strict proof thereof is demanded at the time of trial.

7. Admitted.

8. The allegation at paragraph 8 of Plaintiff's Complaint is a conclusion of law to which no response is required.

WHEREFORE, the Defendant requests this Honorable Court to dismiss the Plaintiff's Complaint.

Respectfully Submitted,

  
\_\_\_\_\_  
Timothy J. Sloan, Esquire  
Attorney for Robert Cole Trucking Company, Inc.

**VERIFICATION**

I verify that the statements made in the foregoing Answer to Complaint are true and correct to the best of my knowledge and belief.. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

ROBERT COLE TRUCKING COMPANY, INC.

Date: 9-24-01

By: Robert Cole  
ROBERT COLE

IN THE COURT OF COMMON PLEAS  
OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE:  
SUN BANK, successor in interest to  
BUCKTAIL BANK AND TRUST  
COMPANY,  
vs.  
ROBERT COLE TRUCKING COMPANY, INC.,  
and UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE,  
Defendants.

Plaintiff,

vs.

ROBERT COLE TRUCKING COMPANY, INC.,  
and UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE,  
Defendants.

ANSWER TO COMPLAINT

FILED

SEP 24 2001

William A. Shaw  
Prothonotary  
Sloane

TIMOTHY J. SLOAN  
ATTORNEY-AT-LAW  
107 East Lloyd Street  
P.O. Box 330  
Ebensburg, Pennsylvania 15931

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :

Plaintiff : NO. 01-879-CO

vs. :

CIVIL ACTION

ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :

Defendants :

**FILED**

JUN 07 2001

William A. Shaw  
Prothonotary

**NOTICE TO DEFEND**

TO: Defendant(s) Above-Named

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. 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 by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, or cannot afford a lawyer, please contact:

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814)-765-2641 Ext. 5982

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

By

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. #30477

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO.  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**COMPLAINT**

1. Sun Bank is the successor in interest to Bucktail Bank and Trust Company, and maintains offices at 2 S. Market Street, Selinsgrove, Snyder County, Pennsylvania 17870.

2. Plaintiff believes the Defendant, Robert Cole Trucking Company, Inc., to be a business corporation maintaining offices in Falls Creek, Clearfield County, Pennsylvania 15840.

3. Defendant, United States of America, Internal Revenue Service, maintains offices at 600 Arch Street, Philadelphia, Pennsylvania 19104.

4. On or about November 20, 1990, the Defendant, Robert Cole Trucking, Inc., borrowed the sum of Five Hundred Fifty Thousand Dollars and 00/100 (\$550,000.00) from the Plaintiff, Bucktail Bank and Trust Company, and provided Bucktail Bank and Trust Company with a Mortgage interest in real property situate in Sandy Township, Clearfield County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto and a true and correct copy filed in Clearfield County Mortgage Book 1051 beginning at page 420.

5. Robert Cole Trucking Company, Inc. defaulted upon the repayment terms of the Note and Mortgage, by failing to make payments when due.

6. There is currently due and owing to Plaintiff from Robert Cole Trucking Company, Inc. the sum of One Hundred Eighty-Four Thousand Three Hundred Forty-Seven Dollars and 90/100 (\$184,347.90).

7. Plaintiff believes and therefore avers that the United States of America, Internal Revenue Service, has filed 28 separate Federal Tax Liens against Robert Cole Trucking Company, Inc., which Federal Tax Liens are listed on the exhibit, a true and correct copy of which is attached hereto.

8. Pursuant to the terms of the Mortgage, a true and correct copy of which is attached hereto, upon default by Robert Cole Trucking Company, Inc., Plaintiff is entitled to and does hereby declare all sums due the Plaintiff immediately due and payable together with pre-judgment and post-judgment interest at the contract rate, reasonable attorney's fees, and costs of suit.

WHEREFORE, Plaintiff demands judgment against the Defendants in Mortgage Foreclosure for the sum of One Hundred Eighty-Four Thousand Three Hundred Forty-Seven Dollars and 90/100 (\$184,347.90) together with pre-judgment and post-judgment interest at the contract rate, reasonable attorney's fees and costs of suit, and for Foreclosure and sale of the real property described in the Mortgage of November 20, 1985, a true and correct copy which is attached hereto.

*ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.*

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

MORTGAGE

THIS INDENTURE, Made this 20th day of November, 1985, between ROBERT COLE TRUCKING COMPANY, INC., a business corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office or place of business in Sandy Township, Clearfield County, Pennsylvania (the "Mortgagor")

A  
N  
D

BUCKTAIL BANK AND TRUST COMPANY, a banking corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office or place of business at Fourth and Broad Streets, Emporium, Cameron County, Pa. (the "Mortgagee");

WHEREAS, Mortgagor, under a Note bearing even date herewith, incorporated herein by reference thereto and made a part hereof, is obligated to pay unto Mortgagee, on or before November 20, 1990, the principal sum of Five Hundred Fifty Thousand (\$550,000.00) Dollars, together with interest thereon, lawful money of the United States of America, in the manner provided in said Note, and to perform all of the provisions of said Note and the Mortgage, as well as all other related Loan Documents, made executed and delivered simultaneously herewith, and as therein and herein set forth.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the Mortgagor, in consideration of the principal indebtedness, and to

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ATTORNEYS AT LAW  
EMPORIUM, PA 15834

secure the payment thereof, and all other sums due or to become due under said Note and this Mortgage, and all other related loan documents (the "Indebtedness") and the performance of all other provisions hereof and of the Note and all other related loan documents, and intending to be legally bound by these presents, does hereby grant, bargain, sell, convey, release, alien, confirm and assign unto Mortgagee, its successors and assigns, all that certain parcel of land, fully and accurately described in Exhibit "A", attached hereto and made a part hereof.

TOGETHER with all and singular the buildings and improvements erected or to be erected thereon; streets, alleys, passageways, ways, waters, watercourses, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders and rents, issues and profits thereof, including all income arising therefrom, and all insurance proceeds and proceeds of condemnation award; and as well as any and all fixtures, machinery, equipment, furniture, vehicular equipment, tools, inventory, supplies, and chattels of every kind and description which is located on or brought upon said premises, and all in accordance with the industrial plant doctrine, all of the above and foregoing hereinafter collectively called the "Premises".

TO HAVE AND TO HOLD, the Premises hereby granted or mentioned and intended so to be unto the Mortgagee, its successors and assigns, to and for the only proper use and behoof of the

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ATTORNEYS AT LAW  
EMPORIUM, PA 15834

Mortgagee, its successors and assigns, forever.

PROVIDED, HOWEVER, that if the Mortgagor shall and does pay to the Mortgagee the Indebtedness, together with interest thereon, and any other sums properly payable under the terms of the Note, this Mortgage and all related loan documents on the date and in the manner provided in said Note, this Mortgage and all related loan documents, and keeps all the other covenants and promises herein and therein contained, then and from thenceforth this Mortgage and the estate hereby created, granted, transferred and assigned, shall be void but otherwise shall remain in full force and effect.

AND THE MORTGAGOR HEREBY FURTHER COVENANTS AND AGREES AS FOLLOWS:

Title

1. The Mortgagor has good, valid and merchantable title to the Premises. The Mortgagor has the right, full power and lawful authority to grant, bargain, sell, convey, assign, transfer, mortgage, pledge, set over and confirm the same to the Mortgagee, in the manner and form herein done. The Premises are free and clear of all liens and encumbrances, and the Mortgagor will warrant and defend the rights and title of the Mortgagee to all of the premises.

2. The Mortgagor will immediately do or cause to be done, from time to time, all things necessary to maintain and preserve its corporate existence, rights, franchises and privileges, and will duly observe, conform, obey and comply with or will cause

Maintain  
Corporate  
Existence

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due observation, conformance, obedience, and compliance with all requirements of any court or governmental authority relative to the Premises.

Prompt  
Payment

3. The Mortgagor shall duly and punctually pay, or cause to be paid, the Indebtedness, at the time and times and in the manner as provided in the Note, and shall perform all other agreements and provisions hereof and thereof, and shall pay, when due, all other obligations and debts hereby secured.

Taxes and  
Assessments

4. The Mortgagor will duly and promptly pay and discharge, as the same shall become due and payable and before they become delinquent, all taxes, water and sewer rents, assessments and other governmental charges levied or assessed or imposed upon or against the Premises and property hereby mortgaged, or upon the rents, issues, income and profits therefrom, so as to prevent the same from becoming or being an enforceable lien or claim against the property mortgaged hereby, or the interest of the Mortgagor having a priority over the lien of this Mortgage, or the obligations of the Mortgagor to the Mortgagee under the Note or any of the other loan documents. Upon request, the Mortgagor will furnish or cause to be furnished to the Mortgagee, not less than fifteen (15) days prior to the date on which payment of the same would be delinquent, receipts or other evidence satisfactory to the Mortgagee of the payment of all of such taxes, rates, assessments and other governmental charges.

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EMPORIUM, PA 15834

Insurance

5. The Mortgagor shall keep all buildings and improvements now or hereafter erected upon the Premises insured for the benefit of the Mortgagee against loss by fire, vandalism and malicious mischief, and other casualties and hazards usually covered by extended coverage insurance, in an amount at least equal to the full, insurable value of the property mortgaged hereby or the principal amount of the Indebtedness, whichever is greater. Proof of such insurance, along with copies of such policies of insurance, shall be delivered to and held by the Mortgagee hereunder. The Mortgagee may settle all claims under all such policies and may demand, receive and receipt for all moneys becoming payable thereunder. The proceeds under any policy shall be paid by the insurer to the Mortgagee, and the Mortgagee, in its discretion, may apply the amount so collected toward the payment of the Indebtedness or toward the alteration, reconstruction, repair or restoration of the damaged portion of the Premises, or any portion thereof. All of such policies shall contain provision for notice to the Mortgagee not less than ten (10) days in advance of any cancellation of such policy. The Mortgagor shall also secure such certificates from public officials as are available for this purpose, or otherwise demonstrate to the satisfaction of the Mortgagee that the Premises are not located within an area identified by the Secretary of Housing and Urban Development as having "special flood hazards", as such term is used in the National Flood Insurance Act of 1968, as amended and supplemented by the

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EPIPHANY, PA 15834

Flood Disaster Protection Act of 1973, and in regulations, interpretations and rulings thereunder, or in a zoned flood plain or flood hazard area as determined by local findings, determinations ordinances, regulations or rulings, and, if located therein, the Mortgagor shall secure the amount of flood insurance required by the Mortgagee in its discretion and demonstrate payment of all premiums due therefor. All insurance policies described in this paragraph shall be written by insurance companies licensed to do business within the Commonwealth of Pennsylvania and satisfactory to the Mortgagee, and shall be endorsed with a standard mortgagee loss payable clause in favor of Mortgagee.

Keep Premises  
in Good  
Repair

6. The Mortgagor shall keep the Premises and improvements thereon in good condition and repair and shall not remove, demolish or materially alter the buildings or improvements on the Premises, nor commit or suffer waste with respect thereto. The Mortgagor shall permit the Mortgagee's agent, at any reasonable time and from time to time, to enter upon the Premises and the buildings and improvements constructed thereon for the purpose of inspecting and appraising the same. The Mortgagor shall not take or permit any action with respect to the property mortgaged hereby which will, in any manner, impair the Mortgagee's security under this Mortgage.

Counsel

TOMPKINS & TOMPKINS  
ATTORNEYS AT LAW  
EMPORIUM, PA 15834

7. If the Mortgagee retains the services of counsel in order to cure any default under this Mortgage or the Note, an attorney's

fee amounting to ten (10%) percentum of the principal indebtedness, but, in no event, less than the sum of Five Hundred (\$500.00) Dollars shall be payable by the Mortgagor to the Mortgagee, and shall be secured hereby. The Mortgagor shall also pay all costs in connection with the satisfaction of this Mortgage of record.

Default

8. Any default or event of default set forth in the Note or any of the other loan documents shall also be considered a default or event of default under this Mortgage, and Mortgagee may pursue collection of the Indebtedness owing as well as all costs of suit and attorney's fees, as hereinbefore set forth, by foreclosure or by any other remedies available to it, and may take immediate possession of the Premises, and all such rights and remedies shall be cumulative and concurrent and may be pursued singly, successively or together, in Mortgagee's sole discretion, and may be exercised from time to time as often as occasion or occasions therefor shall occur, until the Indebtedness hereby secured is paid in full.

Amicable  
Action  
Ejectment

9. In addition to all other remedies available to Mortgagor under paragraph 8 hereof, in case of any default in any provision of the Note, this Mortgage, or any of the other loan documents (of which an affidavit on behalf of the Mortgagee shall be sufficient evidence), then, and in any such event, any attorney of any court of record of Pennsylvania is hereby authorized and empowered to appear for the Mortgagor and all persons claiming under or through the Mortgagor and, as attorney for Mortgagor and all

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EMPORIUM, PA 15834

persons claiming under or through the Mortgagor, to sign an agreement for entering an amicable action of ejectment for possession of the Premises or any part thereof, and to confess judgment therein against the Mortgagor in favor of the Mortgagee, whereupon a writ of possession may immediately be issued for the possession of the Premises without any prior complaint, writ or proceedings whatsoever, all of the same being hereby waived by Mortgagor; and, for so doing, this Mortgage, or a copy thereof verified by affidavit, shall be sufficient warrant. This power may be exercised as often as the Mortgagee shall require and shall not be exhausted by one or more or by any imperfect exercise thereof.

Payments or  
Advances by  
Mortgagee

10. In the event of the failure of the Mortgagor to pay any taxes, water or sewer rents, charges, claims, assessments, assessments for public improvements, liens or encumbrances, or to furnish and pay for the insurance required hereunder, or to keep the Premises in good condition and repair, the Mortgagee may, at its option, pay any or all of such items, together with penalties and interest thereon, and procure and pay such insurance and repairs; and the Mortgagee may, at any time and from time to time, advance such additional sum or sums as the Mortgagee, in its sole discretion, may deem necessary to protect the security of this Mortgage. All such sums so paid or advanced by the Mortgagee shall immediately and without demand be secured hereby and be repaid by the Mortgagor to the Mortgagee, together with interest thereon

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EMPORIUM, PA 15834

at the rate of fifteen (15%) percentum, and shall be added to the principal of the Indebtedness and secured by this Mortgage. The production of a receipt by the Mortgagee shall be conclusive proof of a payment or advance authorized hereby and the amount and validity thereof.

Binding Effect

11. All covenants, stipulations and agreements contained in this Mortgage, by or on behalf of the Mortgagor, shall be binding upon its successors in title or interest and its assigns, whether so expressed or not.

Amendment

12. This Mortgage may be amended only with the written consent of Mortgagor and Mortgagee.

Notice

13. Notice to the Mortgagor under this Mortgage shall be deemed sufficient if given in accordance with paragraph 4(d) of the Note.

Severability

14. The provisions of this Mortgage are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Mortgage under federal, state or other applicable law, such unenforceability or invalidity shall not render any of the other terms, covenants, conditions or provisions hereof unenforceable or invalid.

IN WITNESS, WHEREOF, the Mortgagor, by and through its duly authorized officers and intending to legally bind the Mortgagor hereof, has executed this Mortgage the day and year first above appearing.

Attest:

ROBERT COLE TRUCKING COMPANY, INC.

By: Robert J. Cole  
Robert J. Cole, President

Robert J. Cole  
Glenada A. Cole, Secretary

EXHIBIT "A"

ATTACHED TO MORTGAGE DATED NOV. 1, 1985  
ROBERT COLE TRUCKING COMPANY, INC., MORTGAGOR,  
TO  
BUCKTAIL BANK AND TRUST COMPANY, MORTGAGEE

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania to wit:

PARCEL NO. 1 - BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; THENCE, along the said Railroad land, South 49° 30' East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; THENCE, along this boundary, South 49° West 145 feet to Sandy Lick Creek; THENCE, along said Creek, North 41° West about 850 feet to intersection with Slab Run; THENCE, along Slab Run, about 270 feet North 40° East to place of beginning. CONTAINING 3.99 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Mortgagor.

PARCEL NO. 2 - BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of DuBois, 75 feet South of the center line of the right of way of the B.R.&P.R.R.; THENCE, parallel with and 75 feet South from the center line of said right of way, South 53° 5' East 717.3 feet to a post in the middle of Slab Run; THENCE, along the middle of Slab Run, South 40° West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; THENCE, down Sandy Lick Creek, North 65° West, 183 feet to a post in the middle of said Creek; and THENCE, continuing down said Creek, South 76° 30' West 206 feet to a post in the middle line of the said public road or highway; THENCE, in a northerly direction, along the middle line of said public road or highway, 366 feet to the place of beginning. CONTAINING 4.52 acres, more or less.

EXCEPTING from PARCEL NO. 2 that certain conveyance from Austin Blakeslee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book "211" at page 237.

ALSO EXCEPTING from PARCEL NO. 2 all of the coal, oil, gas and other minerals, and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Bk. "727" at page 281, granted and conveyed unto Mortgagor.

ALSO, PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER  
AND SUBJECT to the following

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield Co. Misc. Bk. "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield Co. Misc. Bk. "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972, recorded August 12, 1975 in Clearfield Co. Deed Bk. "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield Co. Misc. Bk. "799" at page 60.

PARCEL NO. 3 - ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15, in the Treasure Lake Subdivision in Sandy Township, Clearfield County Pennsylvania, recorded in Recorder of Deeds' office in Misc. Document Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 94, granted and conveyed unto Mortgagor.

TOMPKINS & TOMPKINS  
ATTORNEYS AT LAW  
EMPORIUM, PA 15834

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CAMERON : SS.

BEFORE ME, the undersigned authority, personally appeared Robert J. Cole, President of Robert Cole Trucking Company, Inc., who acknowledged the foregoing to be the duly authorized act and deed of said Corporation, and that the same was executed on behalf of said Corporation for the purposes and with the intent therein set forth.

Sworn to and subscribed before me this 20th day of November, 1985.

I hereby certify that the precise residence  
of the Mortgagor within named is 22

4th & Broad Sts.  
Exposition, Pa 15834

*Ed. F. Till*

Office is and for paid  
Cost of Living and Rentals Book No. 1057  
Page 1057 etc.  
Witness my hand and seal of office this  
21<sup>st</sup> day of December A.D. 1985  
Michael P. Lett

LORRAINE SPRING, Oregon, history, 1881-1900.  
Lincoln, Lincoln County, Oregon.  
My Commission Expires Jan. 24, 1900.

JOHN H. SMITH, Notary Public  
Lancaster, Lancaster County, Pa., 1930  
My Commission Expires Jan. 24, 1930

CLEARFIELD COUNTY  
ENTERED OF RECORD *2-1-85*  
TIME *10:15 AM*  
BY *Chas. F. Lytle*  
FEES *29.50*  
Michael R. Lytle, Recorder

My Committee  
First Monday in January, 1933

Entered of Record 1/21 85 10:30 a.m. William R. Lytle, Recorder

TOMPKINS & TOMPKINS  
ATTORNEYS AT LAW  
EMPORIUM, PA 15836

JEFFERSON COUNTY

LIENS

FEDERAL TAX LIENS

#4050-1989 filed 10/20/89 in the amount of \$309,452.94 against County Line Trucking Company, Inc.

#4065-1989 filed 12/15/89 in the amount of \$17,412.29 against County Line Trucking Company, Inc.

#4001-1990 filed 1/8/90 in the amount of \$17,412.29 against County Line Trucking Company, Inc.

#4038-1990 filed 5/9/90 in the amount of \$5,378.32 against County Line Trucking Co., Inc.

#4109-1990 filed 12/17/90 in the amount of \$35,398.84 against Robert Cole Trucking Company, Inc.

#4017-1990 filed 2/28/90 in the amount of \$32,830.81 against Robert Cole Trucking Co., Inc.

#4037-1990 filed 5/9/90 in the amount of \$65,452.53 against Robert Cole Trucking Co., Inc.

#4001-1991 filed 1/14/91 in the amount of \$1,007.64 against County Line Trucking Co., Inc.

#4072-1991 filed 8/7/91 in the amount of \$239.39 against County Line Trucking Co., Inc.

#4076-1991 filed 8/20/91 in the amount of \$305.70 against Robert Cole Leasing Company

#4002-1991 filed 1/14/91 in the amount of \$72,709.35 against Robert Cole Trucking Company, Inc.

#4005-1991 filed 1/29/91 in the amount of \$33,329.50 against Robert Cole Trucking Co., Inc.

#4008-1991 filed 2/13/91 in the amount of \$20,138.80 against Robert Cole Trucking Co., Inc.

#4065-1991 filed 7/25/91 in the amount of \$1,962.31 against Robert Cole Trucking Co., Inc.

#4015-1991 filed 3/11/91 in the amount of \$138,582.21 against Glenda A. Cole

#4017-1991 filed 3/11/91 in the amount of \$138,582.21 against Robert Cole

FEDERAL TAX LIENS CONT.

#4080-1991 filed 8/27/91 in the amount of \$3,228.15 against Robert Cole Trucking Co., Inc.

#4017-1992 filed 2/7/92 in the amount of \$5,617.23 against Robert Cole Trucking Co., Inc.

#4027-1992 filed 2/27/92 in the amount of \$958.61 against Robert Cole Trucking Co., Inc.

#4052-1992 filed 4/24/92 in the amount of \$449.87 against Robert Cole Trucking Co., Inc.

#4073-1992 filed 8/31/92 in the amount of \$18,357.18 against Glenda A. Cole

#4096-1992 filed 12/28/92 in the amount of \$853.31 against Robert J. Cole Trucking Co., Inc.

#4072-1992 filed 8/31/92 in the amount of \$18,357.18 against Robert J. and Glenda A. Cole

#4061-1992 filed 6/2/92 in the amount of \$1,852.04 against Robert Cole Trucking Co., Inc.

#4071-1992 filed 8/20/92 in the amount of \$2,476.27 against Robert Cole Trucking Co., Inc.

#4075-1992 filed 9/4/92 in the amount of \$229.79 against Robert J. Cole Trucking Co., Inc.

#4025-1996 filed 8/29/96 in the amount of \$6,362.00 against Robert Cole

#4024-1997 filed 9/8/97 in the amount of \$6,362.00 against Glenda A. Cole

STATE TAX LIENS

#682-1989 filed 7/27/89 in the amount of \$4,225.38 against Robert Cole Trucking Co., Inc.

#1050-1989 filed 11/27/89 in the amount of \$18,012.27 against Robert Cole Trucking Co., Inc.

STATE TAX LIENS CONT.

#917-1990 filed 11/21/90 in the amount of \$3,970.96 against Robert Cole Trucking Co.

#440-1990 filed 6/6/90 in the amount of \$20,964.85 against Robert Cole Trucking Co., Inc.

#941-1991 filed 10/7/91 in the amount of \$18,280.99 against Robert Cole Trucking Co.

#194-1991 filed 2/25/91 in the amount of \$9,416.58 against Robert Cole Trucking Co.

#179-1991 filed 2/19/91 in the amount of \$3,515.88 against Robert Cole Trucking Co. - revived to #40-1996 1/17/96

#445-1991 filed 4/29/91 in the amount of \$1,858.31 against Robert Cole Trucking Co. - revived to #41-1996 1/17/96

#247-1992 filed 3/6/92 in the amount of \$7,844.75 against Robert Cole Trucking Co.

#412-1992 filed 4/29/92 in the amount of \$7,195.64 against Robert Cole Trucking Co.

#163-1992 filed 2/12/92 in the amount of \$1,773.59 against Robert Cole Trucking Co.

#889-1992 filed 9/25/92 in the amount of \$4,536.53 against Robert Cole Trucking Co.

#166-1992 filed 2/13/92 in the amount of \$1,773.05 against Robert Cole Trucking Co.

#89-1993 filed 1/25/93 in the amount of \$10,134.01 against Robert Cole Trucking Co.

#421-1993 filed 5/6/93 in the amount of \$6,288.81 against Robert Cole as an individual and as company president and Robert Cole Trucking Co., Inc.

#422-1993 filed 5/6/93 in the amount of \$6,288.81 against Glenda Cole as an individual and as secretary and Robert J. Cole Trucking, Inc.

#728-1995 filed 9/26/95 in the amount of \$3,970.96 against Robert Cole Trucking Co.

## JUDGMENTS

#66-1991 filed 1/15/91 in the amount of \$78,634.93 by S & T Bank against Robert J. and Glenda Cole d/b/a Robert Cole Trucking Co., Inc. for default on an installment loan - writ of execution filed 3/1/91

#648-1989 filed 7/13/89 in the amount of \$265.00 by James K. Wright against County Line Truck Center, Inc. concerning repair work on Plaintiff's truck.

#603-1994 filed 8/10/94 in the amount of \$3,129.90 by Freedom Gravel Products, Inc. against Robert Cole for default on account writ of execution filed 9/9/94 - revived to #407-1996 on 6/3/96

#515-1998 filed 6/26/98 in the amount of \$206,796.01 by Bucktail Bank & Trust Co. against Robert J. and Glenda A. Cole for default on a loan - revived from #558-1993

#514-1998 filed 6/26/98 in the amount of \$206,796.01 by Bucktail Bank & Trust Co. against County Line Truck Center, Inc. for default on a note. Revived from #559-1993

Civil Action - #186-1994 by American States Insurance Corp. against Robert Cole, Cole Leasing and County Line Truck Center, Inc. praecipe to discontinue filed 4/5/95

## UCC - PROTHONOTARY

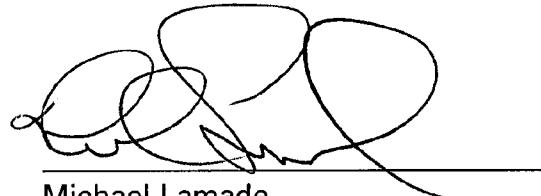
#2330-1996 filed 10/17/96 between Robert J. Cole and Beechwoods Stables and Public Credit Co. for equipment

#2013-1998 filed 1/13/98 between Robert J. Cole and Public Credit Co. for equipment

#2376-1998 filed 12/30/98 between Robert J. and Glenda Cole and Public Credit Co. for equipment

VERIFICATION

The undersigned hereby certifies and says that he is an authorized representative of Sun Bank, successor in interest to Bucktail Bank & Trust, that he has reviewed the contents of the attached document and that the contents are true and correct to the best of his knowledge, information and belief. He understands that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Michael Lamade  
Sun Bank, successor in interest to  
Bucktail Bank & Trust Company

F:\appnew\wpc\98-0785-sct-cole trucking\VERIFICATION - Lamade .wpd

10 Spd Document  
Reinstated ~~from~~ to Sheriff/Attorney  
for service.

W. A. Shaw  
Deputy Prothonotary

FILED

JUN 07 2001

1236/atty Conluccia  
William A. Shaw  
Prothonotary

\$80.00

5cc atty Conluccia

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**PRAECIPE TO ENTER JUDGMENT**

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly enter Judgment in favor of the Plaintiff and against Robert Cole Trucking Company, Inc. for failure to take action within ten (10) days from the date of our Notice of Intent, and assess damages as follows: judgment against the Defendants in Mortgage Foreclosure for the sum of One Hundred Eighty-Four Thousand Three Hundred Forty-Seven Dollars and 90/100 (\$184,347.90) together with pre-judgment and post-judgment interest at the contract rate, reasonable attorney's fees and costs of suit, and for Foreclosure and sale of the real property described in the Mortgage of November 20, 1985.

A Notice of Intent to Enter a Judgment by Default was served upon the Defendant(s), a copy of which is attached hereto.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

BY:

William P. Carlucci, Esquire  
Attorney for Plaintiff  
No. 30477

FILED  
OCT 03 2001

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879-CD  
:  
VS. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

TO: Robert Cole Trucking Company, Inc., Defendant  
RD #3  
Dubois, PA 15801

DATE OF NOTICE: September 5, 2001

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED  
OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE  
OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A  
HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.  
YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE.

IF YOU DO NOT HAVE A LAWYER CONTACT:

Court Administrator, David S. Meholic  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone: (814)-765-2641 Ext. 5982

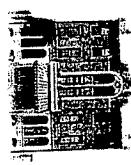
IN YOU CANNOT AFFORD A LAWYER CONTACT:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
Telephone: 800-692-7375

ELION, WAYNE, GRECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. #30477



LAW OFFICES

ELION, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C.

125 EAST THIRD STREET  
WILLIAMSPORT, PENNSYLVANIA 17701

1060 U.S. POSTAGE  
6880 \$00.340 SEP 05 2001  
8372 MAILED FROM ZIP CODE 17701

Robert Cole Trucking Company, Inc.  
RD #3  
Dubois, PA 15801

FILED NO cc  
M7-3264  
OCT 6 3 2001  
Notice to Cole

William A. Shaw  
Prothonotary

Statement to Harg

8/26

8/26

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

COPY

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**NOTICE OF ENTRY OF JUDGMENT**

TO: Robert Cole Trucking Company, Inc.  
RD #3  
Dubois, PA 15801

To Whom It May Concern:

The Commonwealth of Pennsylvania requires that the entry of any money judgment be given to the party against whom the judgment is entered. Therefore, pursuant to Pennsylvania Rules of Civil Procedure, No. 236, you are hereby notified that on the 3<sup>rd</sup> day of October, 2001, a judgment was entered against you by virtue of your failure to file an Answer to a Complaint filed against you by Sun Bank, to Clearfield County Docket No. 01-879-CD.

A Notice of Intent to Enter a Judgment by Default was served upon the Defendant, a copy of which is attached hereto.



Prothonotary

**COPY**

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

Sun Bank, successor in interest  
to Bucktail Bank Bucktail Bank and Trust  
Company  
Plaintiff(s)

No.: 2001-00879-CD

Real Debt: \$184,347.90

Atty's Comm:

Vs. Costs: \$

Int. From:

Robert Cole Trucking Company, Inc. Entry: \$20.00  
Internal Revenue Service  
United States of America  
Defendant(s)

Instrument: **Default Judgment Against Robert Cole Trucking Company, Inc. ONLY**

Date of Entry: October 3, 2001

Expires: October 3, 2006

Certified from the record this 3rd day of October, 2001.

---

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

Sheriff Docket # 11504

SUN BANK successor in interest to BUCKTAIL BANK AND TRUST

01-879-CD

VS.

ROBERT COLE TRUCKING COMPANY, INC.

COMPLAINT

SHERIFF RETURNS

NOW SEPTEMBER 19, 2001 AT 9:26 AM EST SERVED THE WITHIN COMPLAINT  
ON ROBERT COLE TRUCKING COMPANY, INC., DEFENDANT AT EMPLOYMENT,  
FALLS CREEK, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PERSON  
IN CHARGE A TRUE AND ATTESTED COPY OF THE ORGINIAL COMPLAINT AND  
MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER

---

Return Costs

Cost	Description
46.94	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

DEC 14 2001

REC 011504  
William A. Shaw  
Prothonotary

Sworn to Before Me This

14th Day Of December 2001

So Answers,

*Chester A. Hawkins*  
Chester A. Hawkins

Sheriff

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

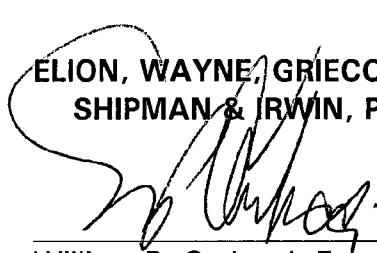
SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

PRAECIPE TO TRIAL LIST

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly place the above referenced matter on the next ensuing non-jury trial list.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

  
William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

FILED

APR 22 2002  
M11:321/cathy Carlucci  
William A. Shaw  
Prothonotary  
1 copy CA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST CCMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

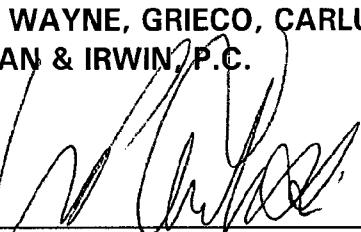
**CERTIFICATE OF SERVICE**

WILLIAM P. CARLUCCI, hereby certifies and says that on this <sup>18<sup>th</sup></sup> day of April, 2002, he served a copy of the document upon which this Certificate of Service is attached upon the following:

Timothy J. Sloan, Esquire  
107 East Lloyd Street  
P.O. Box 330  
Ebensburg, PA 15931

by placing a copy of the same in the United States mail, first class delivery addressed as set forth above.

ELION, WAYNE, GRIECO, CARLUCCI  
SHIPMAN & IRWIN, P.C.

BY:   
William P. Carlucci, Esquire  
I.D. #30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

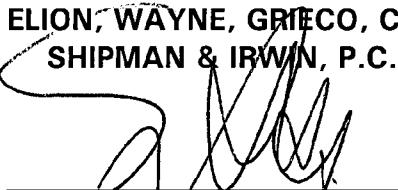
SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

PRAECIPE TO TRIAL LIST

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly place the above referenced matter on the next ensuing non-jury trial list.

ELION, WAYNE, GRECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

  
William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

FILED

MAY 20 2002

111:35) copy 6A

William A. Shaw  
Prothonotary

cc: atty Carlucci

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**CERTIFICATE OF SERVICE**

WILLIAM P. CARLUCCI, hereby certifies and says that on this <sup>17<sup>th</sup></sup> day of May, 2002, he served a copy of the document upon which this Certificate of Service is attached upon the following:

Timothy J. Sloan, Esquire  
107 East Lloyd Street  
P.O. Box 330  
Ebensburg, PA 15931

by placing a copy of the same in the United States mail, first class delivery addressed as set forth above.

ELION, WAYNE, GRIECO, CARLUCCI  
SHIPMAN & IRWIN, P.C.

BY: \_\_\_\_\_  
William P. Carlucci, Esquire  
I.D. #30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

ORDER ON STIPULATION FOR ENTRY OF JUDGMENT

AND NOW, this 14<sup>th</sup> day of August, 2002, pursuant to the Stipulation attached hereto, judgment is entered in favor of the Plaintiff and against the Defendant, Robert Cole Trucking Company, Inc. in Mortgage Foreclosure with regard to the real property described in the Mortgage, a true and correct copy of which is attached to the Complaint, and a true and correct copy of which is filed in Clearfield County Mortgage Book 1051 beginning at page 420, in the amount of \$244,604.00 together with interest at the contract rate, reasonable attorney's fees, and costs of suit.

BY THE COURT:

*Jed Cauder*  
FILED

AUG 14 2002

013:5514

William A. Shaw

Prothonotary

2 CENT TO ATT  
CARLUCCI

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

STIPULATION FOR ENTRY OF JUDGMENT

AND NOW, comes the undersigned, counsel for the Plaintiff, and counsel for  
Robert Cole Trucking Company, Inc., and stipulate and agree as follows:

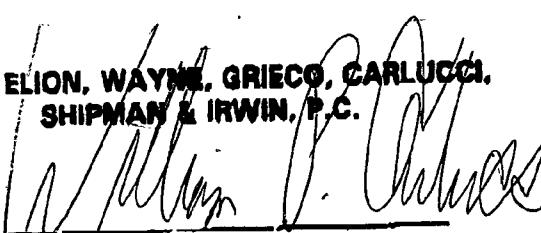
1. Judgment: The parties agree to the entry of a Judgment in Mortgage  
Foreclosure with regard to the real property described in the Mortgage, a true and  
correct copy of which is attached to the Complaint, and a true and correct copy of  
which is filed in Clearfield County Mortgage Book 1051 beginning at page 420, in the  
amount of \$244,604.00 together with interest at the contract rate, reasonable  
attorney's fees, and costs of suit.

2. Forbearance: The parties agree that no Writ of Execution will issue on  
the real estate which is the subject of the above captioned matter before August 30,  
2002.

3. Continuation of scheduled Sheriff Sale: In the event that the Defendant secures a bona fide written Agreement of Sale for a sum sufficient to pay off the Mortgage which is the subject of the above captioned matter, and in the further event that a Sheriff Sale is pending prior to the date foreclosing established by the written Agreement of Sale, Plaintiff agrees to continue any Sheriff Sale scheduled in connection with the above referenced matter for a period of up to ninety (90) days to facilitate closing on any such Agreement of Sale.



Timothy Sloan, Esquire  
Attorney for Robert Cole Trucking  
I.D. No.  
107 East Lloyd Street  
Ebensburg, PA 15931  
(814) 471-8771



ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 328-2443

FILED

AUG 14 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST CCMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
S

**ORDER ON STIPULATION FOR ENTRY OF JUDGMENT**

AND NOW, this 28 day of August, 2002, pursuant to the Stipulation attached hereto, judgment is entered in favor of the Plaintiff and against the Defendant, United States of America Internal Revenue Service in Mortgage Foreclosure with regard to the real property described in the Mortgage, a true and correct copy of which is attached to the Complaint, and a true and correct copy of which is filed in Clearfield County Mortgage Book 1051 beginning at page 420, in the amount of \$244,604.00 together with interest at the contract rate, reasonable attorney's fees, and costs of suit.

BY THE COURT:

**FILED**

AUG 29 2002  
011130/WS  
William A. Shaw  
Prothonotary

*Paul Kumerman*

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**MOTION FOR ENTRY OF JUDGMENT**

AND NOW, comes the undersigned, counsel for the Plaintiff, and respectfully requests this Honorable Court enter Judgment in Mortgage Foreclosure in favor of the Plaintiff and against the Defendant, United States of America Internal Revenue Service in Mortgage Foreclosure with regard to the real property described in the Mortgage, a true and correct copy of which is attached to the Complaint, and a true and correct copy of which is filed in Clearfield County Mortgage Book 1051 beginning at page 420, in the amount of \$244,604.00 together with interest at the contract rate, reasonable attorney's fees, and costs of suit, all pursuant to the terms of paragraph one of the Stipulation executed by Assistant U.S. Attorney Mary Catherine Frye, filed in this matter on June 18, 2001, a copy of which is attached hereto.

**FILED**

AUG 28 2002

m / l:oo / m  
William A. Shaw  
Prothonotary

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

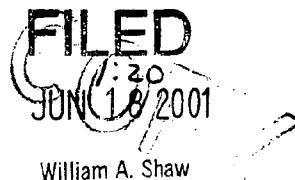
SUN BANK, successor in interest to  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CA  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

ACCEPTANCE OF SERVICE

TO THE PROTHONOTARY:

The undersigned, Mary Catherine Frye, Assistant U.S. Attorney, accepts service of the Complaint filed in the above captioned matter on behalf of the United States of America, Internal Revenue Service, and enters her appearance on behalf of the Internal Revenue Service.

*Mary Catherine Frye*  
Mary Catherine Frye, Esquire  
Assistant U.S. Attorney



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

STIPULATION FOR ACCEPTANCE OF SERVICE

WHEREAS, Plaintiff filed a Complaint in the above captioned court term and number in Mortgage Foreclosure, and;

WHEREAS, the Complaint alleges that the United States of America, Internal Revenue Service, has 28 separate Federal Tax Liens filed against Robert Cole Trucking Company, Inc., which Federal Tax Liens are listed on an Exhibit to the Complaint, and;

WHEREAS, Plaintiff seeks a Judgment in Mortgage Foreclosure against Robert Cole Trucking Company, Inc. and United States of America, Internal Revenue Service, and;

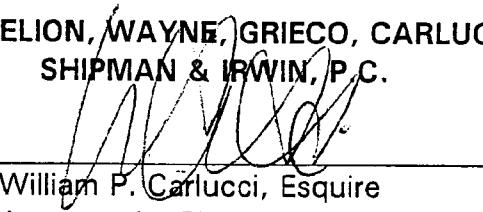
IT IS HEREBY stipulated and agreed by and between the Plaintiff and United States of America, Internal Revenue Service as follows:

1. Judgment. The United States of America, Internal Revenue Service, consents to the entry of a Judgment in Mortgage Foreclosure in the above captioned court term and number in favor of the Plaintiff and against the United States of America, Internal Revenue Service.

The parties acknowledge that no money judgment will be entered against the United States of America, Internal Revenue Service. Rather, the sole purpose of the inclusion of the United States of America, Internal Revenue Service, as a party Defendant, is to permit the Plaintiff to secure a Judgment in Mortgage Foreclosure in order to expose the subject real property to a Sheriff Sale.

2. No Waiver. Nothing set forth herein shall be deemed to be a waiver of any of the rights of the United States of America, Internal Revenue Service, as established by applicable law. The sole purpose of this Stipulation is to permit a Judgment in Mortgage Foreclosure in favor of the Plaintiff and against the United States of America, Internal Revenue Service, in order that the Plaintiff can proceed to expose the subject real property to a Sheriff Sale in an effort to facilitate a Sheriff Sale free and clear of liens and encumbrances, if any, junior in position to Plaintiff's Mortgage.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

  
William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. No. 30477  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

  
Mary Catherine Frye, Esquire  
Assistant U.S. Attorney

**FILED**

AUG 28 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : Exec. No. \_\_\_ Term 2002  
vs. : No. 01-879 CD  
: WRIT OF EXECUTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**FILED**

OCT 01 2002

**PRAECIPE FOR WRIT OF EXECUTION**

**P.R.C.P. 3256**

William A. Shaw  
Prothonotary

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter,  
(A description of the subject real property is attached hereto)

Amount Due \$244,604.00

Plus interest at the contract rate  
from the date of entry of judgment,  
together with reasonable attorney fees  
pursuant to the terms set forth in the  
loan documents, and costs of suit.

Prothonotary costs 107.00

ELION, WAYNE, GRIECO, CARLUCCI  
SHIPMAN & IRWIN, P.C.

By:

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D.#30477

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakesleee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield County Misc. Book "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield County Misc. Book "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

#### PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the and be an encumbrance.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

**FILED**

Aug 6 2000

11:18 AM  
OCT 01 2002

3cc Aug Cartucci

William A. Shaw

Prothonotary

lowlights to Aug  
SAC

*gca*

**COPY**

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

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : Exec. No. \_\_\_\_ Term 2002  
vs. : No. 01-879 CD  
: WRIT OF EXECUTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**WRIT OF EXECUTION  
P.R.C.P. 3257**

To satisfy the judgment, interest and costs against Robert Cole Trucking, Company, Inc., Defendant;

You are directed to levy upon the property of the Defendant, and to sell its interest therein, a description of which real property is attached hereto as Exhibit "A";

Amount Due \$244,604.00  
Plus interest at the contract rate  
from the date of entry of judgment,  
together with reasonable attorney fees  
pursuant to the terms set forth in the  
loan documents, and costs of suit.

Prothonotary Costs 107.00

Seal of the Court 10/1/02

  
\_\_\_\_\_  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Deputy

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SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff :  
vs. :  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

NO. 01-879 CD

**FILED**

NOV 06 2002

CIVIL ACTION

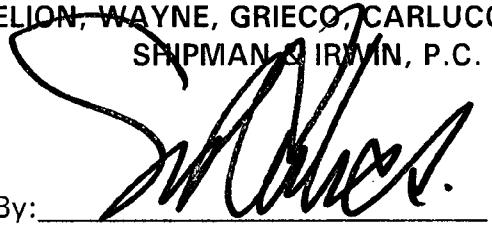
William A. Shaw  
Prothonotary

**RETURN OF SERVICE PURSUANT TO RULE 3129.2**

WILLIAM P. CARLUCCI, ESQUIRE, of Elion, Wayne, Grieco, Carlucci, Shipman & Irwin, P.C., attorneys for Plaintiff in the above action, certifies that he caused the Notice of Sale required by Rule 3129.1 and 3129.2 of the Pennsylvania Rules of Civil Procedure to be served by first class mail upon all persons listed in the Certificate of Mailing attached hereto, on the date stamped by the United States Postal Service on the attached Certificate of Mailing.

I verify that the statements made in this Return of Service are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

By: 

*William P. Carlucci*

I.D. #30477

Attorney for Plaintiff

125 East Third Street

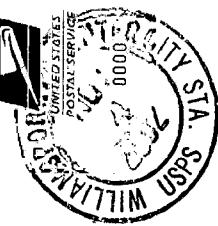
Williamsport, PA 17701

(570) 326-2443

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
VS. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

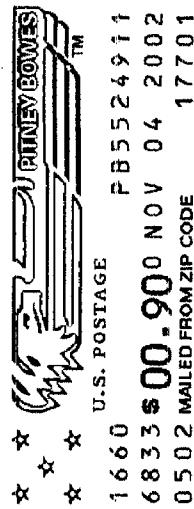
U.S. POSTAGE  
PAID  
WILLIAMSPORT, PA  
NOV 04 1992  
AMOUNT  
**\$0.90**  
00050784-26



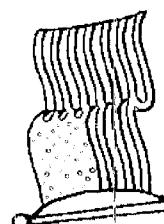
**CERTIFICATE OF MAILING**

David J. Benjamin  
4830 Osprey Drive S Apt 506  
Saint Petersburg, FL 33711-4692

Quaker State Corporation  
c/o Kim Kesner, Esquire  
23 North Second Street  
Clearfield, PA 16830



Aff:  
or n  
post  
Post  
fee.



U.S. POSTAL SERVICE		<b>CERTIFICATE OF MAILING</b>	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE—POSTMASTER			
Received From:		ELION, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C. 125 EAST THIRD STREET WILLIAMSPORT, PA 17701-6022	
One piece of ordinary mail addressed to:			
<i>See list above</i>			

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**Certificate of Mailing**

✓ Robert Cole Trucking Company, Inc.  
c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

✓ Robert Cole Trucking Company, Inc.  
c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

✓ Internal Revenue Service  
c/o Kim Stevens  
Office of the U.S. Attorney  
Federal Building  
Third and Walnut Streets  
Suite 1162  
Harrisburg, PA 17108

✓ David J. Benjamin  
3412 Crescent Road  
Altoona, PA 16602

✓ Kimberly M. Kubista, Esquire  
P.O. Box 1  
Clearfield, PA 16830

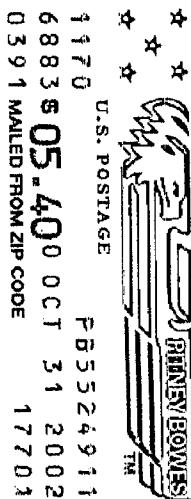
✓ Hartford Accident & Indemnity Co.  
Hartford Plaza  
Hartford, CT 06115

✓ Joseph Colavecchi, Esquire  
P.O. Box 1  
Clearfield, PA 16830

✓ Clark Equipment Credit Corporation  
Circle Drive  
Buchanan, MI 49107

✓ Thomas E. Reiber, Esquire  
Suite 1320 Grant Building  
Pittsburgh, PA 15219

✓ All-Serve, Inc. d/b/a  
Ray Andre Tire  
459 W. Cunningham St.  
Butler, PA 16001



U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE - POSTMASTER

Received From:

**ALION, WAYNE, GRIECO,  
CARRLUCCI, SHIPMAN & IRWIN, P.C.  
125 EAST THIRD STREET  
WILLIAMSPORT, PA 17701-6622**

One piece of ordinary mail addressed to:

**See Attached**

✓ Neal A. Sanders, Esquire  
1022 North Main Street  
Butler, PA 16001

✓ National Union Fire Insurance Co.  
99 John Street, 21<sup>st</sup> Street  
New York, NY 10038

✓ James W. Adelman, Esquire  
P.O. Box 30477  
Philadelphia, PA 19103

✓ Highway Equipment Company  
c/o Harry L. Lentchner, Esq.  
Suite 700 Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

✓ Sun Bank  
3155 Lycoming Creek Road  
Williamsport, PA 17701

✓ Bernstein & Bernstein, P.C.  
Agreement for Class 12 Claimants  
1133 Penn Avenue  
Pittsburgh, PA 15222

✓ Internal Revenue Service  
William S. Moorhead Federal Building  
Room 314  
1000 Liberty Avenue  
Pittsburgh, PA 15222

✓ County Line Truck Center, Inc.  
P.O. Box 679  
Falls Creek, PA 15840

✓ Associates Commercial Corporation  
P.O. Box 456  
Monroeville, PA 15146

✓ Deposit Bank  
P.O. Box 607A  
DuBois, PA 15801

✓ Attorney General of the United States  
Room 5111, Main Justice Building  
10<sup>th</sup> & Constitution Avenues Northwest  
Washington, D.C. 20530

✓ Mary Beth Buchanan  
United States Attorney General  
Western District of Pennsylvania  
633 U.S. Post Office and Courthouse  
Pittsburgh, PA 15219

✓ Commonwealth of Pennsylvania  
Dept. of Labor & Industry for  
Use of Unemployment Comp. Fund  
Bureau of Employer Tax Operations  
P.O. Box 60130  
Harrisburg, PA 17106-0130

✓ Deborah C. Phillips, Esquire  
Sean F. Creegan, Esquire  
914 Penn Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15222

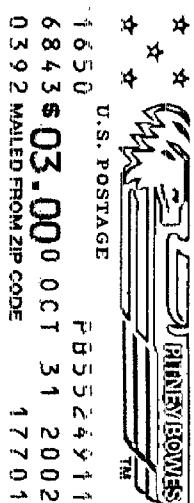
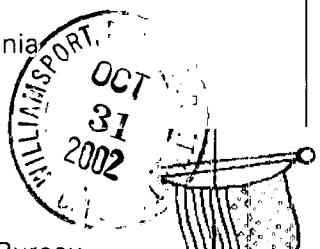
✓ Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Dept. 280946  
Harrisburg, PA 17128-0946

✓ Clearfield County Tax Claim Bureau  
230 East Market Street  
Clearfield, PA 16830

✓ Lee Ann Collins  
Sandy Township Tax Collector  
P.O. Box 252  
DuBois, PA 15801

✓ Falls Creek Water Works  
6<sup>th</sup> & Taylor Streets  
Falls Creek, PA 15840

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER			
Received From:			
<b>#LION, WAYNE, GRIECO, CARLUCCI, SHIPMAN &amp; IRWIN, P.C. 125 EAST THIRD STREET WILLIAMSPORT, PA 17701-0622</b>			
One piece of ordinary mail addressed to:			
<i>See Attached</i>			



**FILED**

NO. cc  
10/16/2001  
W.A. Shaw

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1**

WILLIAM P. CARLUCCI, ESQUIRE, of Elion, Wayne, Grieco, Carlucci, Shipman & Irwin, P.C., attorneys for Plaintiff in the above action, sets forth, as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located in Clearfield County, Pennsylvania, as more fully described on Exhibit "A" attached hereto:

1. Name and address of Owners or Reputed Owners:

Robert Cole Trucking Company, Inc.  
c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

2. Name and address of Defendants in the judgment:

Robert Cole Trucking Company, Inc.  
c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

Internal Revenue Service  
c/o Kim Stevens  
Office of the U.S. Attorney  
Federal Building  
Third and Walnut Streets  
Suite 1162  
Harrisburg, PA 17108

**FILED**

NOV 06 2002

William A. Shaw  
Prothonotary

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

David J. Benjamin  
4830 Osprey Drive S Apt 506  
Saint Petersburg, FL 33711-4692

Kimberly M. Kubista, Esquire  
P.O. Box 1  
Clearfield, PA 16830

Hartford Accident & Indemnity Co.  
Hartford Plaza  
Hartford, CT 06115

Joseph Colavecchi, Esquire  
P.O. Box 1  
Clearfield, PA 16830

Clark Equipment Credit Corporation  
Circle Drive  
Buchanan, MI 49107

Thomas E. Reiber, Esquire  
Suite 1320 Grant Building  
Pittsburgh, PA 15219

All-Serve, Inc. d/b/a  
Ray Andre Tire  
459 W. Cunningham St.  
Butler, PA 16001

Neal A. Sanders, Esquire  
1022 North Main Street  
Butler, PA 16001

National Union Fire Insurance Co.  
99 John Street, 21<sup>st</sup> Street  
New York, NY 10038

James W. Adelman, Esquire  
P.O. Box 30477  
Philadelphia, PA 19103

Highway Equipment Company  
c/o Harry L. Lentchner, Esq.  
Suite 700 Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

Quaker State Corporation  
c/o Kim Kesner, Esquire  
23 North Second Street  
Clearfield, PA 16830

4. Name and address of the last recorded holder of every mortgage of record:

Sun Bank  
3155 Lycoming Creek Road  
Williamsport, PA 17701

Bernstein & Bernstein, P.C.  
Agreement for Class 12 Claimants  
1133 Penn Avenue  
Pittsburgh, PA 15222

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Internal Revenue Service  
William S. Moorhead Federal Building  
Room 314  
1000 Liberty Avenue  
Pittsburgh, PA 15222

County Line Truck Center, Inc.  
P.O. Box 679  
Falls Creek, PA 15840

Associates Commercial Corporation  
P.O. Box 456  
Monroeville, PA 15146

Deposit Bank  
P.O. Box 607A  
DuBois, PA 15801

Attorney General of the United States  
Room 5111, Main Justice Building  
10<sup>th</sup> and Constitution Avenues Northwest  
Washington, D.C. 20530

Mary Beth Buchanan  
United States Attorney General  
Western District of Pennsylvania  
633 U.S. Post Office and Courthouse  
Pittsburgh, PA 15219

Commonwealth of Pennsylvania  
Dept. of Labor & Industry for  
Use of Unemployment Compensation Fund  
Bureau of Employer Tax Operations  
P.O. Box 60130  
Harrisburg, PA 17106-0130

Deborah C. Phillips, Esquire  
Sean F. Creegan, Esquire  
914 Penn Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15222

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Dept. 280946  
Harrisburg, PA 17128-0946

Clearfield County Tax Claim Bureau  
230 East Market Street  
Clearfield, PA 16830

Lee Ann Collins  
Sandy Township Tax Collector  
P.O. Box 252  
DuBois, PA 15801

Falls Creek Water Works  
6<sup>th</sup> & Taylor Streets  
Falls Creek, PA 15840

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

I verify that the statements made in this Affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

**ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.**

By: \_\_\_\_\_

*William P. Carlucci*

I.D. #30477

Attorney for Plaintiff  
125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

FILED

311:54 PM  
NOV 06 2007  
FBI

cc

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

**AFFIDAVIT PURSUANT TO RULE 3129.1**

WILLIAM P. CARLUCCI, ESQUIRE, of Elion, Wayne, Grieco, Carlucci, Shipman & Irwin, P.C., attorneys for Plaintiff in the above action, sets forth, as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located in Clearfield County, Pennsylvania, as more fully described on Exhibit "A" attached hereto:

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c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

2. Name and address of Defendants in the judgment:

Robert Cole Trucking Company, Inc.  
c/o Timothy Sloan, Esquire  
107 East Lloyd Street  
Ebensburg, PA 15931

Internal Revenue Service  
c/o Kim Stevens  
Office of the U.S. Attorney  
Federal Building  
Third and Walnut Streets  
Suite 1162  
Harrisburg, PA 17108

**FILED**

NOV 01 2002

William A. Shaw  
Prothonotary

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

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3412 Crescent Road  
Altoona, PA 16602

Kimberly M. Kubista, Esquire  
P.O. Box 1  
Clearfield, PA 16830

Hartford Accident & Indemnity Co.  
Hartford Plaza  
Hartford, CT 06115

Joseph Colavecchi, Esquire  
P.O. Box 1  
Clearfield, PA 16830

Clark Equipment Credit Corporation  
Circle Drive  
Buchanan, MI 49107

Thomas E. Reiber, Esquire  
Suite 1320 Grant Building  
Pittsburgh, PA 15219

All-Serve, Inc. d/b/a  
Ray Andre Tire  
459 W. Cunningham St.  
Butler, PA 16001

Neal A. Sanders, Esquire  
1022 North Main Street  
Butler, PA 16001

National Union Fire Insurance Co.  
99 John Street, 21<sup>st</sup> Street  
New York, NY 10038

James W. Adelman, Esquire  
P.O. Box 30477  
Philadelphia, PA 19103

Highway Equipment Company  
c/o Harry L. Lentchner, Esq.  
Suite 700 Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

4. Name and address of the last recorded holder of every mortgage of record:

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3155 Lycoming Creek Road  
Williamsport, PA 17701

Bernstein & Bernstein, P.C.  
Agreement for Class 12 Claimants  
1133 Penn Avenue  
Pittsburgh, PA 15222

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

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William S. Moorhead Federal Building  
Room 314  
1000 Liberty Avenue  
Pittsburgh, PA 15222

County Line Truck Center, Inc.  
P.O. Box 679  
Falls Creek, PA 15840

Associates Commercial Corporation  
P.O. Box 456  
Monroeville, PA 15146

Deposit Bank  
P.O. Box 607A  
DuBois, PA 15801

Attorney General of the United States  
Room 5111, Main Justice Building  
10<sup>th</sup> and Constitution Avenues Northwest  
Washington, D.C. 20530

Mary Beth Buchanan  
United States Attorney General  
Western District of Pennsylvania  
633 U.S. Post Office and Courthouse  
Pittsburgh, PA 15219

Commonwealth of Pennsylvania  
Dept. of Labor & Industry for  
Use of Unemployment Compensation Fund  
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P.O. Box 60130  
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Deborah C. Phillips, Esquire  
Sean F. Creegan, Esquire  
914 Penn Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15222

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Dept. 280946  
Harrisburg, PA 17128-0946

Clearfield County Tax Claim Bureau  
230 East Market Street  
Clearfield, PA 16830

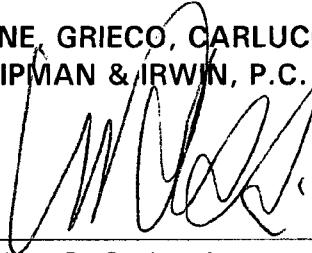
Lee Ann Collins  
Sandy Township Tax Collector  
P.O. Box 252  
DuBois, PA 15801

Falls Creek Water Works  
6<sup>th</sup> & Taylor Streets  
Falls Creek, PA 15840

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.
  
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

I verify that the statements made in this Affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

By: 

*William P. Carlucci*

I.D. #30477

Attorney for Plaintiff

125 East Third Street

Williamsport, PA 17701

(570) 326-2443

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : Exec. No. \_\_\_\_ Term 2002  
vs. : No. 01-879 CD  
: WRIT OF EXECUTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

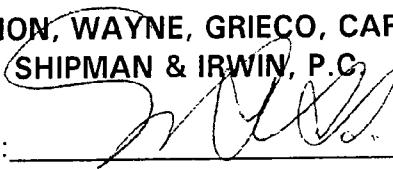
**NOTICE PURSUANT TO Pa.R.C.P. 3129.2**

**TO: Robert Cole Trucking Company, Inc., and the United States of America Internal Revenue Service, Defendants in the above-captioned case and owner or reputed owners of the real estate hereinafter described in Exhibit A**

YOU ARE HEREBY NOTIFIED that by virtue of a Writ of Execution issued out of the Court of Common Pleas of Clearfield County upon the above-stated judgment, and directed to the Sheriff of Clearfield County, the Sheriff of Clearfield County will expose to public sale at the Clearfield County Court House, 230 East Market Street, Clearfield, PA 16830, on FRIDAY, DECEMBER 6, 2002 at 10:00 A.M. (time), the real estate and improvements erected thereon, described in Exhibit "A", attached hereto and made a part of this Notice.

You are further notified that a schedule of proposed distribution of the proceeds of the above sale will be filed by the Sheriff of Clearfield County, Pennsylvania, on the 9th day of December, 2002, and that distribution of said proceeds will be made in accordance with said Schedule of Distribution unless exceptions are filed thereto within ten (10) days thereafter.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

By: 

William P. Carlucci, Esquire

I.D. #30477

Attorneys for Plaintiff

125 East Third Street

Williamsport, PA 17701

Telephone: (570) 326-2443

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakesleee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield County Misc. Book "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield County Misc. Book "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

FILED NO AC  
11:43 AM  
NOV 01 2002  
E Key  
William A. Shaw  
Prothonotary

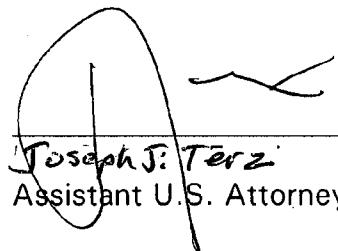
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :

STIPULATION FOR ACCEPTANCE OF SERVICE

TO THE PROTHONOTARY:

The undersigned, Joseph J. Terz Assistant U.S. Attorney, accepts service of the Writ of Execution and Notice of Sale filed in the above captioned matter on behalf of the United States of America, Internal Revenue Service.

 11/4/03  
Joseph J. Terz Date  
Assistant U.S. Attorney

F:\appsnew\wpc\98-0785-sct-cole trucking\Acceptance of Service (Mary Catherine Frye).wpd

FILED NO  
m/11/03 CC  
DEC 12 2002 EK80

William A. Shaw  
Prothonotary

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
202 NOV -4 AM 9:09  
APR 15 1968, FILED, CLARK, A.M.

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 13156

SUN BANK

01-879-CD

VS.

ROBERT COLE TRUCKING COMPANY

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURNS**

A SALE DATE OF DECEMBER 6, 2002 WAS SET.

NOW, OCTOBER 28, 2002 @ 10:15 A.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ALSO POSTED THIS DATE.

**FILED**  
01/11/2003 BY NO CC  
FEB 26 2003  
Q 26  
William A. Shaw  
Prothonotary

NOW, OCTOBER 28, 2002 @ 10:15 A.M. O'CLOCK SERVED ROBERT COLE TRUCKING, INC., FALLS CREEK, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LESLIE POMEROY, SECRETARY OF THE DEFENDANT ROBERT COLE TRUCKING, INC. A TRUE AND ATTESTED ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, DECEMBER 3, 2002 INFORMED ATTORNEY THAT THE PROPERTY ROBERT COLE TRUCKING, INC. HAD IN TREASURE LAKE HAD NOT BEEN POSTED.

NOW, DECEMBER 5, 2002 FAXED ATTORNEY WITH ADVISEMENT FROM OUR SOLICITOR ADVISING THE SALE BE POSTPONED UNTIL JANUARY TO HAVE THE TREASURE LAKE PROPERTY POSTED.

NOW, DECEMBER 6, 2002 @ 11:37 A.M. O'CLOCK THE PROPERTY AT TREASURE LAKE WAS LEVIED AND POSTED.

A NEW SALE DATE OF JANUARY 17, 2003 WAS SET.

NOW, JANUARY 17, 2003 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANT. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13156

SUN BANK

01-879-CD

VS.

ROBERT COLE TRUCKING COMPANY

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURNS**

---

NOW, JANUARY 17, 2003 SENT A BILL TO THE ATTORNEY FOR BALANCE OF COSTS  
DUE ON SALE.

NOW, JANUARY 27, 2003 RECEIVED A CHECK FROM PLAINTIFF TO PAY COSTS.

NOW, FEBRUARY 25, 2003 PAID BILLS FROM ADVANCE AND CHECK FROM ATTORNEY.

NOW, FEBRUARY 26, 2003 RETURN WRIT AS SALE BEING HELD ON THE PROPERTY  
OF THE DEFENDANT. PROPERTY SOLD TO THE PLAINTIFF OF \$1.00 + COSTS.

NOW, FEBRUARY 26, 2003 DEED WAS FILED

SHERIFF HAWKINS \$295.39

SURCHARGE \$60.00

PAID BY ATTORNEY

---

Sworn to Before Me This

26<sup>th</sup> Day Of February 2003

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

So Answers,

Chester A. Hawkins  
Deputy Sheriff - Aughenthwaite  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : Exec. No. \_\_\_ Term 2002  
vs. : No. 01-879 CD  
: WRIT OF EXECUTION  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**WRIT OF EXECUTION**  
**P.R.C.P. 3257**

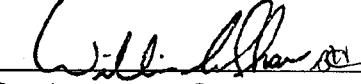
To satisfy the judgment, interest and costs against Robert Cole Trucking,  
Company, Inc., Defendant;

You are directed to levy upon the property of the Defendant, and to sell its  
interest therein, a description of which real property is attached hereto as Exhibit "A";

Amount Due \$244,604.00  
Plus interest at the contract rate  
from the date of entry of judgment,  
together with reasonable attorney fees  
pursuant to the terms set forth in the  
loan documents, and costs of suit.

Prothonotary Costs 107.00

Seal of the Court 10/1/02

  
\_\_\_\_\_  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Deputy

Received 10/01/02 @ 10:30 A.M.  
Chester A. Hawkins  
by Cynthia J. Butler-Augherbaugh

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakesleee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

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- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

#### PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME      COLE      NO.      01-879-CD

NOW,      January 17, 2003      , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the      17TH      day of      JANUARY 2003, I exposed the within described real estate of      ROBERT COLE TRUCKING COMPANY, INC. to public venue or outcry at which time and place I sold the same to      SUN BANK, successor in interest to BUCKTAIL BANK AND TRUST COMPANY he/she being the highest bidder, for the sum of      \$1.00 + COSTS      and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	14.30
LEVY	15.00
MILEAGE	14.30
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	30.00
DEED	30.00
ADD'L POSTING	15.00
ADD'L MILEAGE	12.35
ADD'L LEVY	15.00
BID AMOUNT	
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	15.00
<b>TOTAL SHERIFF COSTS</b>	<b>295.39</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	33.50
TRANSFER TAX 2%	
<b>TOTAL DEED COSTS</b>	<b>33.50</b>

**DEBIT & INTEREST:**

	DEBT-AMOUNT DUE	INTEREST	TO BE ADDED	TO SALE DATE	
					<b>244,604.00</b>
					<b>TOTAL DEBT &amp; INTEREST</b>
					<b>244,604.00</b>

**COSTS:**

ATTORNEY FEES	
PROTH. SATISFACTION	
ADVERTISING	2,293.38
LATE CHARGES & FEES	
TAXES - collector	
TAXES - tax claim to 2/03	
DUE	
COST OF SUIT - TO BE ADDED	
LIEN SEARCH	350.00
FORCLOSURE FEES/ESCROW DEFICIT	
ACKNOWLEDGEMENT	5.00
DEED COSTS	33.50
ATTORNEY COMMISSION	
SHERIFF COSTS	295.39
LEGAL JOURNAL AD	350.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
PROTHONOTARY	107.00
MORTGAGE SEARCH	120.00

**TOTAL COSTS**

**3,554.27**

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

CHESTER A. HAWKINS, Sheriff



Sheriff's Office  
Clearfield County

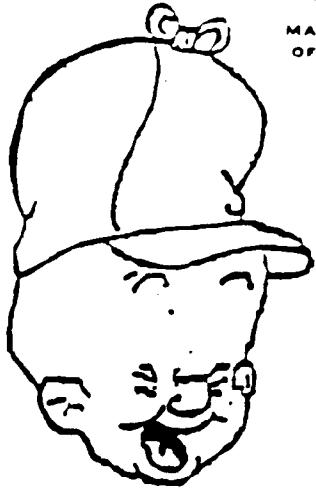
(814) 765-5915

CHESTER A HAWKINS  
SHERIFF

1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ  
CHIEF DEPUTY  
MARGARET PUTT

MARILYN HAMM  
DEPT CLERK  
PETER F SMITH  
SOLICITOR



**YOU CAN WUN, BUT YOU CAN'T HIDE!**

**DATE FAXED:** December 5, 2002

**TO:** Laurie or William Carlucci, Esq.

**FAX #:** (570)326-1585

**PHONE #:** \_\_\_\_\_

FROM: Cindy

NO. OF PAGES, INCLUDING COVER: 1

**MESSAGE:** Following our phone conversation on Tuesday concerning the Robert Cole Trucking Sheriff Sale, I spoke with our solicitor and he verified your suggestion for postponement of the sale to next month in order to post the property at Treasure Lake. I am very sorry to have created this situation. I need a letter faxed from your office giving me permission to continue the sale to January 10, 2003. Thank you for all your help and patience in this matter.

LAW OFFICES  
**ELION, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C.**

570-326-2448

WILLIAM P. CARLUCCI  
RHONDA L. DAVIS  
CHRISTINA L. DINGES  
ROBERT B. ELION  
ANTHONY J. GRIECO II  
DAVID K. IRWIN  
DAVID G. SHIPMAN  
KRISTINE L. WALTZ  
ROBERT B. WAYNE

FAX  
570-326-1585

December 5, 2002

**telefax 814-765-5915**

Attention Cindy  
Office of the Sheriff  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

**RE: Action 01-879  
Sun Bank v. Robert Cole Trucking, et al**

Dear Cindy:

I understand that part of the Cole Trucking real estate was never posted. Please post it as soon as possible. Since we have that problem, I request that you orally announce tomorrow that the sale has been continued to another date certain.

Please avoid January 10, 2003, since I have other sales scheduled on that day. I will accept any date in January thereafter. If the Sheriff will not agree to another date in January, please announce the first Friday in February.

Sincerely,

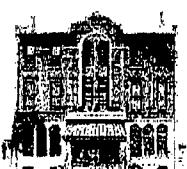
**ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.**

William P. Carlucci

WPC/law

Scan 17

126 EAST THIRD STREET • WILLIAMSPORT, PENNSYLVANIA 17701



Date: 08/08/2002

**Clearfield County Court of Common Pleas**

User: BANDERSON

Time: 11:59 AM

ROA Report

Page 1 of 1

Case: 2001-00879-CD

Current Judge: Fredric J. Ammerman

Bank, Bucktail Bank and Trust Company vs. Robert Cole Trucking Company, Inc., Internal Revenue Service, United States of America  
Civil Other

Date	Judge
06/07/2001	✓ Filing: Civil Complaint Paid by: William Carlucci, Esquire Receipt number: No 1826550 Dated: 06/07/2001 Amount: \$80.00 (Check) Five CC Attorney Carlucci
06/18/2001	✓ Acceptane of Service,Complaint By s/Mary Catherine Frye, Esq. 1 cc atty No Judge Frye
09/10/2001	✓ Filing:Praecipe to Reissue Writ/Complaint Paid by: Carlucci, William P. No Judge (attorney for Bucktail Bank) Receipt number: 1831187 Dated: 09/10/2001 Amount: \$7.00 (Check) 1 Complaint Reins. to Sheriff
09/24/2001	✓ Answer to Complaint. Filed by s/Timothy J. Sloan, Esq. Verification. No Judge s/Robert Cole 1 cc Atty Sloan
10/03/2001	✓ Praecipe to Enter Judgment. Default Judgment entered in favor of Plaintiff No Judge and against Robert Cole Trucking Company, Inc. in the amount of \$184,347.90. Filed by s/William P. Carlucci, Esq. Notice to Cole Statement to Sheriff
12/14/2001	✓ Sheriff Returns, Complaint on Robert Cole Trucking Company, Inc., So No Judge Answers Chester A. Hawkins by s/Marilyn Hamm No CC \$56.94 paid by attorney
04/22/2002	✓ Praecipe to Trail List, filed by Atty. Carlucci No Judge 1 cert to Atty. copy to C/A Praecipe for non-jury trial list.
05/20/2002	✓ Praecipe to Trial List, filed by s/William P. Carlucci, Esq. Certificate of Service Copy to CA, 1 cc Atty Carlucci No Judge

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest : CIVIL ACTION - LAW  
to BUCKTAIL BANK AND TRUST :  
COMPANY, : No. 01-879 C.D.  
Plaintiff :  
vs. : Type of pleading:  
ROBERT COLE TRUCKING :  
COMPANY, INC., and UNITED :  
STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants : **ANSWER TO PETITION TO**  
: **SET FAIR MARKET VALUE**  
: Filed on behalf of:  
: DEFENDANTS  
: Counsel of Record for this Party:  
: S. Casey Bowers, Esq.  
: Supreme Court No. 89032  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P. O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

FILED

JUN 06 2003

William A. Shaw  
Prothonotary

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

SUN BANK, successor in interest	:	
to BUCKTAIL BANK AND TRUST	:	
COMPANY,	:	
Plaintiff	:	
vs.	:	No. 01-879 C.D.
ROBERT COLE TRUCKING	:	
COMPANY, INC., and UNITED	:	
STATES OF AMERICA,	:	
INTERNAL REVENUE SERVICE,	:	
Defendants	:	

**ANSWER TO PLAINTIFF'S  
PETITION TO SET FAIR MARKET VALUE**

AND NOW, comes Defendant, Robert Cole Trucking Company, Inc., by and through its undersigned counsel and answers Plaintiff's Petition to Set Fair Market Value as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. By way of further answer, Defendant Robert Cole Trucking Company, Inc. believes and therefore avers that the fair market value of the subject real property is sufficient to satisfy the amount owed to Plaintiff, including debt, interest, penalties and costs. As such, Defendant Robert Cole Trucking Company, Inc. believes that no additional amount is due and owing to Plaintiff.

WHEREFORE, Defendant Robert Cole Trucking Company, Inc. respectfully requests this Honorable Court to enter an Order

declaring that the fair market value of the real property situate in Sandy Township, Clearfield County, Pennsylvania, more fully described as Exhibit "A", attached hereto, is sufficient to satisfy any and all amounts to Plaintiff, including debt, interest, penalties and costs.

HANAK, GUIDO AND TALADAY

By:   
S. Casey Bowers  
Attorney for Defendant  
Robert Cole Trucking  
Company, Inc.

**VERIFICATION**

The undersigned hereby certifies that they are authorized representatives of ROBERT COLE TRUCKING COMPANY, INC. and have reviewed the contents of the attached ANSWER TO PETITION TO SET FAIR MARKET VALUE, and that the contents are true and correct to the best of their knowledge, information and belief. They understand that false statements made herein are made subject to 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities.

Date: June 3, 2003

Robert J. Cole  
Robert Cole, President

Glenda Cole, V.P.  
Glenda Cole, Vice President

CERTIFICATE OF SERVICE

I certify that on the 4<sup>th</sup> day of June, 2003,  
a true and correct copy of the ANSWER TO PETITION TO SET FAIR  
MARKET VALUE was sent via first class mail, postage prepaid, to the  
following:

William P. Carlucci, Esq.  
Elion, Wayne, Grieco, Carlucci,  
Shipman & Irwin, P.C.  
125 East Third St.  
Williamsport, PA 17701



---

S. Casey Bowers  
Attorney for Defendant

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakesleee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield County Misc. Book "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield County Misc. Book "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the and be an encumbrance.

AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

ED NO  
cc  
M 10:44 AM  
JUN 02 2003

William A. Shaw  
Photography

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
:  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
:

**ACCEPTANCE OF SERVICE OF PETITION TO SET FAIR MARKET VALUE**

The undersigned accepts service of Plaintiff's Petition to Set Fair Market Value on behalf of Robert Cole Trucking Company, Inc. and Robert J. Cole and Glenda Cole and County Line Truck Center, Inc.

Dated: 5/13/2003

  
\_\_\_\_\_  
S. Casey Bowers, Esquire

**FILED**

JUN 19 2003

6/11:45/03  
William A. Shaw  
Prothonotary  
2 cent to Atty  
*ERB*

**FILED**

JUN 19 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest  
to BUCKTAIL BANK AND TRUST  
COMPANY,

Plaintiff

vs.

ROBERT COLE TRUCKING  
COMPANY, INC., and UNITED  
STATES OF AMERICA,  
INTERNAL REVENUE SERVICE,  
Defendants

CIVIL ACTION - LAW

No. 01-879 C.D.

Type of pleading:

**NOTICE OF SERVICE**

Filed on Behalf of:  
Robert Cole Trucking  
Company, Inc.

Counsel of Record for this Party:

S. Casey Bowers, Esq.  
Supreme Court No. 89032  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**

JUL 23 2003

William A. Shaw  
Prothonotary

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

SUN BANK, successor in interest  
to BUCKTAIL BANK AND TRUST  
COMPANY,

Plaintiff

vs.

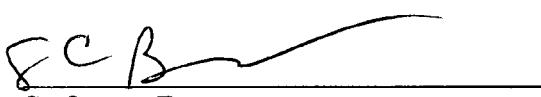
No. 01-879 C.D.

ROBERT COLE TRUCKING  
COMPANY, INC., and UNITED  
STATES OF AMERICA,  
INTERNAL REVENUE SERVICE,  
Defendants

**NOTICE OF SERVICE OF FIRST SET OF  
INTERROGATORIES AND  
AND REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO PLAINTIFF**

This is to certify that on the 22nd day of July, 2003, I served an original and two copies of Defendant's First Set of Interrogatories and Request for Production of Documentns Directed to Plaintiff, by first class mail, postage prepaid to:

William P. Carlucci, Esq.  
Elion, Wayne, Grieco, Carlucci,  
Shipman & Irwin, P.C.  
125 East Third St.  
Williamsport, PA 17701

  
\_\_\_\_\_  
S. Casey Bowers  
Attorney for Defendants

FILED  
MAY 10 2008  
CC  
JUL 23 2008  
FBI

William A. Shaw  
Prothonotary

AP  
FILED

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SUN BANK, successor in interest to :  
BUCKTAIL BANK AND TRUST COMPANY, :  
Plaintiff : NO. 01-879 CD  
vs. :  
: CIVIL ACTION - LAW  
ROBERT COLE TRUCKING COMPANY, INC., :  
and UNITED STATES OF AMERICA, :  
INTERNAL REVENUE SERVICE, :  
Defendants :  
2 crnt to Atty

**PETITION TO SET FAIR MARKET VALUE**

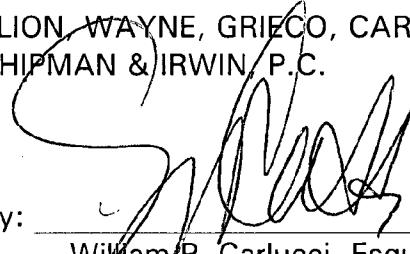
1. Plaintiff is a bank corporation which obtained a judgment in mortgage foreclosure in the above-referenced matter. The allegations set forth in the Bank's Complaint in Mortgage Foreclosure are incorporated herein by reference.
2. The Respondents to this Petition to Set Fair Market Value are Robert Coal Trucking Company, Inc., Robert J. Cole and Glenda Cole, and County Line Truck Center, Inc.
3. After the Plaintiff obtained a judgment and mortgage foreclosure in the above-captioned matter, Plaintiff purchased the subject real property at Sheriff's Sale.
4. The real property which is the subject of the above-captioned matter, situate in Sandy Township, Clearfield County, Pennsylvania, is more fully described in Exhibit A, a copy of which is attached hereto and the contents of which are incorporated herein by reference.
5. The premises in Sandy Township, Clearfield County, Pennsylvania, more fully described in Exhibit A, attached hereto, has a fair market value of \$200,000.00.

MAY 07 2003

m/2:25/m  
William A. Shaw  
Prothonotary

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to the Deficiency Judgment Act determining that the fair market value of the real property situate in Sandy Township, Clearfield County, Pennsylvania more fully described in Exhibit A, attached hereto, is the sum of \$200,000.00.

ELION, WAYNE, GRIECO, CARLUCCI,  
SHIPMAN & IRWIN, P.C.

By: 

William P. Carlucci, Esquire  
Attorney for Plaintiff  
I.D. #30477

125 East Third Street  
Williamsport, PA 17701  
(570) 326-2443

ALL THOSE CERTAIN pieces, parcels or lots of land, situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, to wit:

PARCEL NO. 1

BEGINNING at a post in Slab Run, being the southwest corner of lands now or formerly of B.R. & P.R.R.; thence along the said Railroad land; South 49 degrees 30 minutes East, 856 feet to a post in boundary line of lands now or formerly of Rochester and Pittsburgh Coal and Iron Co.; thence along this boundary, South 49 degrees West 145 feet to Sandy Lick Creek; thence along said Creek, North 41 degrees West about 850 feet to intersection with Slab Run; thence along Slab Run, about 270 feet North 40 degrees East to place of beginning.

Excepting and reserving from the above-described premises all the land which was taken by the City of DuBois form a permanent easement for the DuBois Flood Control Project.

CONTAINING 3.99 acres, more or less. This parcel has also been said to contain 3.5 acres, more or less.

AND PARCEL NO. 1 BEING the same premises which Harry E. Robertson, single, by Deed dated November 5, 1974 and recorded July 17, 1975 in Clearfield County Deed Book "703" at page 413, granted and conveyed unto Robert Cole Trucking Company. For reference purposes only, this parcel bears assessment number 128-A2-55, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

Situate on the property are three one story metal buildings.

PARCEL NO. 2

BEGINNING at a post in the center line of the public road or highway leading from the town of Falls Creek to the Borough of Dubois, 75 feet South of the center line of the right of way of the B.R. & P.R.R.; thence parallel with and 75 feet South from the center line of said right of way, South 53 degrees 5 minutes East 717.3 feet to a post in the middle of Slab Run; thence along the middle of Slab Run, South 40 degrees West, 339 feet to a post in the middle of Sandy Lick Creek and at the intersection of Slab Run therewith; thence down Sandy Lick Creek, North 65 degrees West, 183 feet to a post in the middle of said Creek; and thence continuing down said Creek, South 76 degrees 30 minutes West 206 feet to a post in the middle line of the said public road or highway; thence in a northerly direction along the middle line of said public road or highway, 666 feet to the place of beginning.

CONTAINING 4.52 acres, more or less. This parcel was once said to contain 5.9 acres more or less.

EXCEPTING from Parcel No. 2 that certain conveyance from Austin Blakesleee, et ux, to Buffalo, Rochester and Pittsburgh Railway Company, dated September 7, 1915 and recorded September 10, 1915 in Clearfield County Deed Book 211 at page 237.

ALSO EXCEPTING from Parcel No. 2 all of the coal, oil, gas and other minerals and mineral rights, as fully and effectively as done in prior lawful conveyances of said premises.

AND PARCEL NO. 2 BEING the same premises which Thomas C. Donahue, et ux, by Deed dated December 4, 1975 and recorded September 24, 1976 in Clearfield Co. Deed Book "727" at page 281, granted and conveyed unto Robert Cole Trucking Company, Inc. For reference purposes only, this parcel bears assessment number 128-A2-30, and is situate at Sandy Township Route 350 (Larkeytown Road) Sandy Township, Clearfield County, Pennsylvania.

The property is vacant land.

ALSO PARCEL NO. 1 and/or PARCEL NO. 2 are conveyed UNDER AND SUBJECT to the following:

- A. Right of way given by Robert Cole Trucking Co., Inc. to Bell Telephone Company, dated August 25, 1976, recorded November 3, 1976 in Clearfield County Misc. Book "205" at page 328.
- B. Right of way given by DuBois Traction Company to Pennsylvania Public Service Company, dated December 1, 1926, recorded December 27, 1926 in Clearfield County Misc. Book "30" at page 484.
- C. Deed of Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 recorded August 12, 1975 in Clearfield County Deed Book "704" at page 578.
- D. Easement given by Thomas C. Donahue, et ux, to City of DuBois, dated April 20, 1972 and recorded August 12, 1975 in Clearfield County Misc. Book "199" at page 63.

PARCEL NO. 3

ALL THAT CERTAIN piece, parcel or tract of land, designated as Lot No. 158C, Section No. 15 in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in Recorder of Deeds office in Misc. Docket Map File No. 25.

Excepting and reserving therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc., recorded in Misc. Book Vol. 146 at page 476; all of said Restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Grantor or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance.

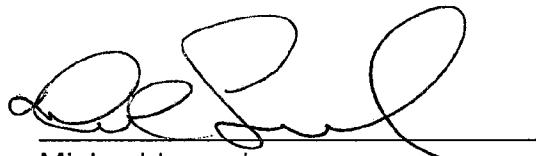
AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment number 128-C2-15-158C-21, and is situate on Caribbean Road, Treasure Lake, DuBois, Pennsylvania 15801.

The property is vacant land.

SEIZED AND TAKEN IN EXECUTION TO BE SOLD AS THE PROPERTY of Robert Cole Trucking Company, Inc. by virtue of judgment entered in the above matter on August 14, 2002 by Sun Bank, successor in interest to Bucktail Bank and Trust Company, to Clearfield County Docket No. 01-879 CD.

VERIFICATION

The undersigned hereby certifies and says that he is an authorized representative of Sun Bank, successor in interest to Bucktail Bank and Trust Company, that he has reviewed the contents of the attached Petition to Set Fair Market Value, and that the contents are true and correct to the best of his knowledge, information and belief. He understands that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Michael Lamade  
Sun Bank, successor in interest to  
Bucktail Bank and Trust Company

**FILED**

MAY 07 2003

William A. Shaw  
Prothonotary