

01-879-CD
SUN BANK etal -vs- ROBERT COLE TRUCKING COMPANY etal

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

CIVIL ACTION - LAW

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, 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;

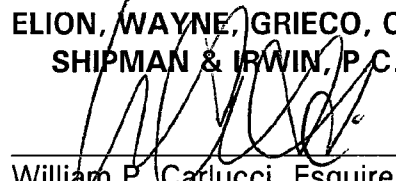
IT IS HEREBY stipulated and agreed by and between the Plaintiff and United States of America, Internal Revenue Service as follows:

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, 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

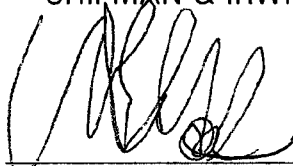
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PRAECIPE TO REINSTATE COMPLAINT

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

FILED

SEP 10 2001

William A. Shaw
Prothonotary

The Complaint filed in this matter is hereby reinstated.



Prothonotary

FILED

SEP 10 2001

NOTARY A. Shaw

Callucci pd \$7.00

(1) Comp. Renc. to Sheriff
E. Shaw

9.10.01 Document
Reinstated/Reissued to Sheriff/Prothonotary
for service.

Prothonotary

Callucci

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,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION

NO.

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.

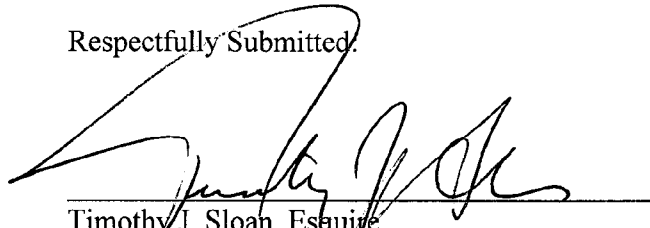
6. Denied. It is denied that the current sum due and owing to Plaintiff is One Hundred Eighty-Four Thousand Three Hundred Forty-Seven and 90/100 (\$184,347.90) Dollars. Strict proof thereof is demanded at the time of trial.

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,

Plaintiff,

vs.

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

ANSWER TO COMPLAINT

FILED

SEP 24 2001

11:23/ KC atty
William A. Shaw
Prothonotary Sloan

[Signature]

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. 01-879-00

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

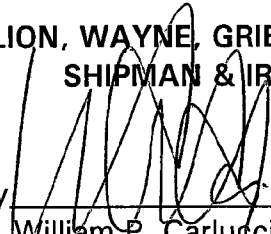
YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses 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. Meholick, 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.**

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

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

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 : .

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.

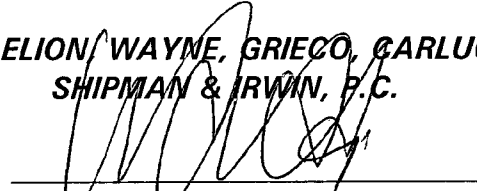
6. There is currently due and owing to Plaintiff from Robert Cole Trucking Company, Inc. the sum of One Hundred Eighty-Four Thousand Three Hundred Forty-Seven Dollars and 90/100 (\$184,347.90).

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 Mortgage, 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.

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ATTORNEYS AT LAW
EMPORIUM, PA 15834

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

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, passages, 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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EMPHORIUM, 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.

Maintain
Corporate
Existence

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ENFORTH, PA 15834

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

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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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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EMPHORIUM, PA 17034

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 15034

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
Becomes

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 18824

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 15124

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.

TOMPKINS & TOMPKINS
ATTORNEYS AT LAW
EXETER, N.H. 03824

Attest:

ROBERT COLE TRUCKING COMPANY, INC.

Glenda A. Cole
Glenda A. Cole, Secretary

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

EXHIBIT "A"

ATTACHED TO MORTGAGE DATED NOV. , 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 south-west 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&P&RR; 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 75° 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, 666 feet to the place of beginning. CONTAINING 4.52 acres, more or less.

EXCEPTING from PARCEL NO. 2 that certain conveyance from Austin Skateslee, 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.

TOMPKINS & TOMPKINS
 ATTORNEYS AT LAW
 EMPORIUM, PA 15834

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. "199" 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. 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 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 15604

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 Marriagee within named is

4th & Broad Sts.
Emporium, Pa 15834

Michael R. Lytle

Loraine Shuler (SEAL)
JURATINE LORAIN SHULER, Notary Public
Emporium, Cameron County, Pa.
My Commission Expires Jan. 20, 1988

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 10:35 AM
BY Michael R. Lytle
FEES 29.50
Michael R. Lytle, Recorder

TOMPKINS & TOMPKINS
ATTORNEYS AT LAW
EMPORIUM, PA 15834

My Comm. Expires
First Monday in January, 1988

Entered of Record 11-21-85 10:35 AM Michael R. Lytle, Recorder

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

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

10 Spda Document
Reinstated/Recessed to Sheriff/Attorney
for service.

Will. Spda
Deputy Prothonotary

FILED

JUN 07 2001
William A. Spaw
Prothonotary

Spaw 1936/ethy Caluccia

\$80.00

See ethy Caluccia

**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 B. 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

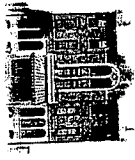
ELION, WAYNE, GRECO, CARLUCCI,
SHIPMAN & IRWIN, P.C.

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

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

LAW OFFICES

ELION, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C.
126 EAST THIRD STREET
WILLIAMSPORT, PENNSYLVANIA 17701



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

1060 U.S. POSTAGE P85524911
6880 \$00.340 SEP 05 2001
8372 MAILED FROM ZIP CODE 17701

FILED *no cc*
OCT 11 11:33 AM '01
OCT 03 2001

William A. Shaw
Prothonotary

*Notice to file
Statement to Aky*
WAS

COPY

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

CIVIL ACTION

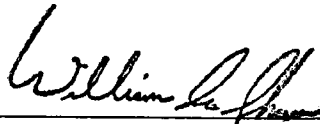
NOTICE OF ENTRY OF JUDGMENT

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 3rd 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.
Internal Revenue Service
United States of America
Defendant(s)

Entry: \$20.00

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 ORIGNIAL 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

011150am
William A. Shaw
Prothonotary

Sworn to Before Me This

14th Day Of December 2001

William A. Shaw

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

So Answers,

Chester A. Hawkins
by Marilyn Harper
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 : 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

M/1:32/1ccatty 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 COMPANY, :
Plaintiff : NO. 01-879 CD

vs. :

: CIVIL ACTION

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

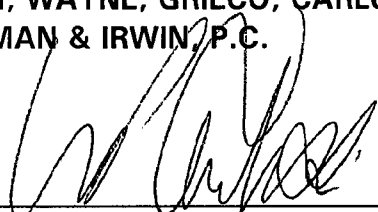
CERTIFICATE OF SERVICE

WILLIAM P. CARLUCCI, hereby certifies and says that on this 18th 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

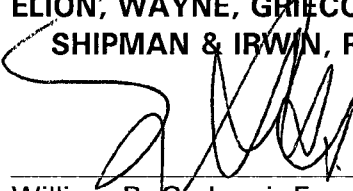
ROBERT COLE TRUCKING COMPANY, INC.,
and UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,
Defendants

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, 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

MAY 20 2002
mll:351 copy CA
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	:	

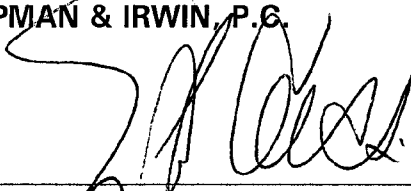
CERTIFICATE OF SERVICE

WILLIAM P. CARLUCCI, hereby certifies and says that on this 17th 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

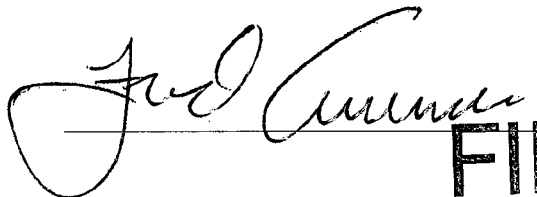
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

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 14th 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:


FILED

AUG 14 2002

0/3:55/44

William A. Shaw
Prothonotary

2 CENT TO ATT

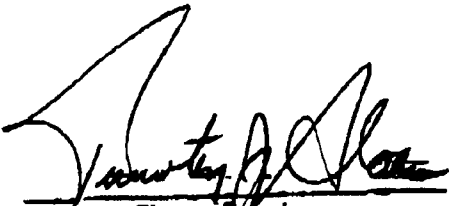
CARLUCCI

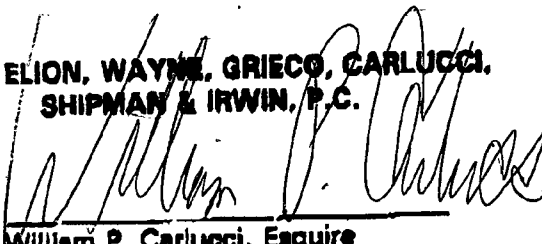
SUN BANK, successor in interest to	:	
BUCKTAIL BANK AND TRUST COMPANY,	:	
Plaintiff	:	NO. 01-879 CD
	:	
vs.	:	
	:	CIVIL ACTION - LAW
ROBERT COLE TRUCKING COMPANY, INC.,	:	
and UNITED STATES OF AMERICA,	:	
INTERNAL REVENUE SERVICE,	:	
Defendants	:	

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

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 bonafide 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) 326-2443

FILED

AUG 14 2002

William A. Shaw
Prothonotary

CP

**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	:	

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
0/11:30/11:30
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	:	

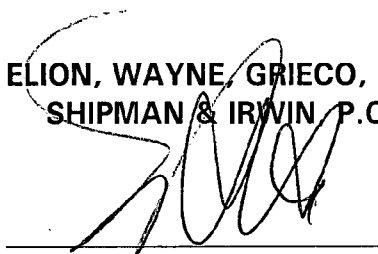
MOTION FOR ENTRY OF JUDGMENT

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/1:00 (u)
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

vs.

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

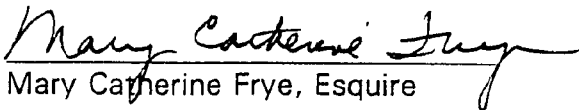
NO. 01 - 879 CA

CIVIL ACTION - LAW

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, 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. 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;

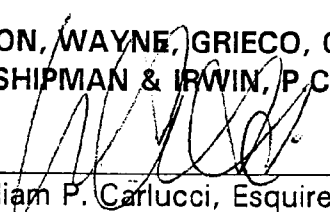
IT IS HEREBY stipulated and agreed by and between the Plaintiff and United States of America, Internal Revenue Service as follows:

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.

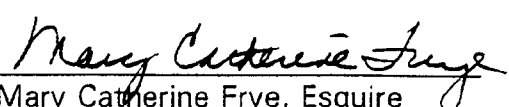
The parties acknowledge that no money judgment will be entered against the United States of America, Internal Revenue Service. Rather, the sole purpose of the inclusion of the United States of America, Internal Revenue Service, as a party Defendant, is to permit the Plaintiff to secure a Judgment in 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
J.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

vs.

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

Exec. No. ____ Term 2002

No. 01-879 CD

WRIT OF EXECUTION

FILED

OCT 01 2002

PRAECIPE FOR WRIT OF EXECUTION
P.R.C.P. 3256

William A. Shaw
Prothonotary

TO THE PROTHONOTARY:

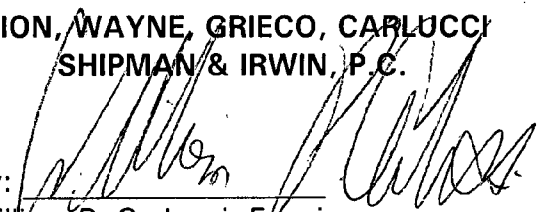
Issue Writ of Execution in the above matter,
(A description of the subject real property is attached hereto)

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 from 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 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 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

Atty. Gen.
2000

11/18/01

OCT 01 2002

300 Atty. General

Leads to Atty

William A. Shaw
Prothonotary

29
11/18/01

COPY

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

Exec. No. ____ Term 2002

No. 01-879 CD

WRIT OF EXECUTION

WRIT OF EXECUTION

P.R.C.P. 3257

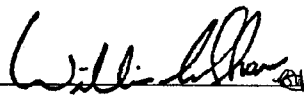
To satisfy the judgment, interest and costs against Robert Cole Trucking,
Company, Inc., Defendant;

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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PARCEL NO. 1

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The property is vacant land.

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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

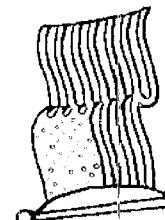


CERTIFICATE OF MAILING

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

U.S. POSTAGE
1660
6833 \$0.90 NOV 04 2002
0502 MAILED FROM ZIP CODE 17701



U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
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 17761-6622		
One piece of ordinary mail addressed to:			

Affix
or n
post
Post
fee.

**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

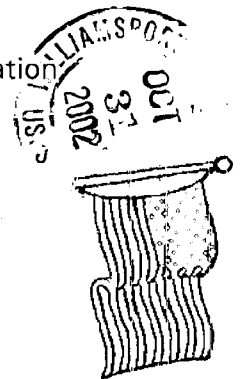
vs.

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:	
BLON, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C. 125 EAST THIRD STREET WILLIAMSPORT, PA 17701-6622	
One piece of ordinary mail addressed to:	
<i>See Attached</i>	

* * * * *

U.S. POSTAGE **1170**

F55524911

6883 \$ 05-400 OCT 31 2002

0391 MAILED FROM ZIP CODE 17701

11701

GREEN BONES

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

✓ National Union Fire Insurance Co.
99 John Street, 21st 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
10th & 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

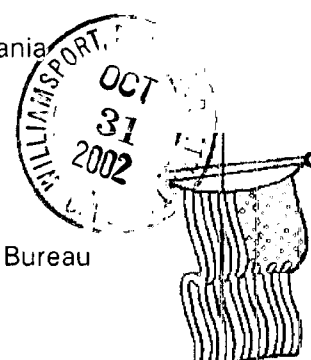
✓ Deborah C. Phillips, Esquire
Sean F. Creegan, Esquire
914 Penn Avenue, 6th Floor
Pittsburgh, PA 15222

✓ 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
6th & Taylor Streets
Falls Creek, PA 15840



1650
6843
0392
\$03.00
MAILED FROM ZIP CODE
OCT 31 2002
17701
U.S. POSTAGE
PB5524911
RINEY BOWES
TM

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

FILED NO CC

NOV 14 5 00 PM '07
W07 06 2502
[Signature]

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 Praecept 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, 21st 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
10th 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, 6th 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
6th & 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

NO
cc

3/11/54
NOV 06 2002

[Handwritten signature]

William A. Shaw
Prothonetary

**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 Praecipe 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 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:

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

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

National Union Fire Insurance Co.
99 John Street, 21st 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:

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:

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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
10th 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, 6th 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
6th & 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

vs.

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

Exec. No. ____ Term 2002

No. 01-879 CD

WRIT OF EXECUTION

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 from 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 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 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 NO
a
m 1:43-8H
NOV 01 2002

William A. Shaw
Prothonotary

KEY

**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.

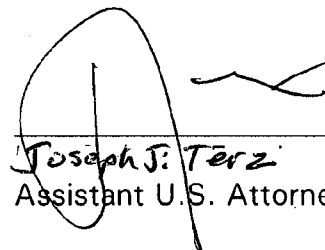
CIVIL ACTION - LAW

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.


Joseph J. Terz Date *11/4/02*
Assistant U.S. Attorney

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

FILED
cc
11/11/02
DEC 12 2002
E 180

William A. Shaw
Prothonotary

UNITED STATES AGENCY
DEPARTMENT OF JUSTICE

2002 NOV -4 AM 9:09

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

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.

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.

FILED
01/17/2003
FEB 26 2003
William A. Shaw
Prothonotary

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 PLALINTIFF TO PAY COSTS.

NOW, FEBRURY 25, 2003 PAID BILS 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

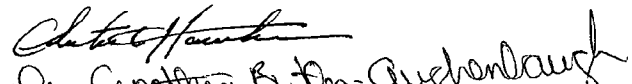
Sworn to Before Me This

26th Day Of February 2003



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

So Answers,



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

vs.

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

Exec. No. ____ Term 2002

No. 01-879 CD

WRIT OF EXECUTION

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

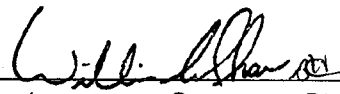
To satisfy the judgment, interest and costs against Robert Cole Trucking,
Company, Inc., Defendant;

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-Aughenbaugh

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 from 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 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 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.

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
TOTAL SHERIFF COSTS	295.39

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	33.50
TRANSFER TAX 2%	
TOTAL DEED COSTS	33.50

DEBIT & INTEREST:

DEBT-AMOUNT DUE	244,604.00
INTEREST	
TO BE ADDED	TO SALE DATE
TOTAL DEBT & INTEREST	244,604.00

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
SATISFACTION FEE	
ESCROW DEFICIENCY	
MUNICIPAL LIEN	

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
OFFICE MANAGER

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.

570-326-2443

FAX
570-326-1585

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

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**

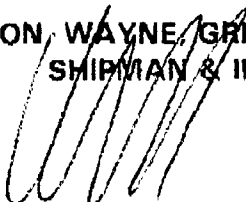
Dear Cindy:

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

Jan 17

125 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: 1826550 Dated: 06/07/2001 Amount: \$80.00 (Check) Five CC Attorney Carlucci	No Judge
06/18/2001	✓ Acceptance of Service, Complaint By s/Mary Catherine Frye, Esq. 1 cc atty Frye	No Judge
09/10/2001	✓ Filing: Praecipe to Reissue Writ/Complaint Paid by: Carlucci, William P. (attorney for Bucktail Bank) Receipt number: 1831187 Dated: 09/10/2001 Amount: \$7.00 (Check) 1 Complaint Reins. to Sheriff	No Judge
09/24/2001	✓ Answer to Complaint. Filed by s/Timothy J. Sloan, Esq. Verification. s/Robert Cole 1 cc Atty Sloan	No Judge
10/03/2001	✓ Praecipe to Enter Judgment. Default Judgment entered in favor of Plaintiff 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	No Judge
12/14/2001	✓ Sheriff Returns, Complaint on Robert Cole Trucking Company, Inc., So Answers Chester A. Hawkins by s/Marilyn Hamm No CC \$56.94 paid by attorney	No Judge
04/22/2002	✓ Praecipe to Trial List, filed by Atty. Carlucci 1 cert to Atty. copy to C/A Praecipe for non-jury trial list.	No Judge
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
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:

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

CERTIFICATE OF SERVICE

I certify that on the 4th 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 from 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 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 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
M 10:44 AM
JUN 06 2003
NO
cc
[Signature]

William A. Shaw
Prathomany

**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

CIVIL ACTION - LAW

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
Ph/11:45/um
William A. Shaw
Prothonotary
2 Cert to Atty

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.

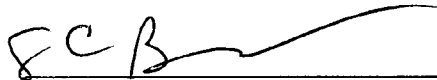
No. 01-879 C.D.

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 Documents 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 11 2003
JUL 23 2003
cc
cc

William A. Shaw
Prothonotary

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 :

MAY 07 2003
pm 2:25/m
William A. Shaw
Prothonotary
2 cert to Att'y

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.

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 from 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 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 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.

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- 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.
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- 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.

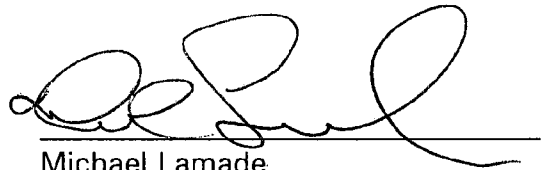
AND BEING the same premises which Treasure Lake of Pennsylvania, Inc., by Deed dated December 17, 1974 and recorded January 22, 1975 in Clearfield County Deed Book Vol. "695" at page 93, granted and conveyed unto Robert Cole Trucking Company, Inc. For referenced purposes only, this parcel bears assessment 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.

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.

A handwritten signature in black ink, appearing to read 'Michael Lamade', written over a horizontal line.

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

FILED

MAY 07 2003

William A. Shaw
Prothonotary