

01-1423-CD
ALLSTATE INSURANCE COMPANY -vs- RUSSELL SMITH et al

KRAFT & KRAFT, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018

vs.

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

CIVIL ACTION AT LAW

NO. 01-1423-C

CIVIL ACTION COMPLAINT

"NOTICE"

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

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"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFIICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

FILED

AUG 30 2001

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
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SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018

COMMON PLEAS COURT OF
CLEARFIELD COUNTY, PA

v. : CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
Frederick D. Foster : No.
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

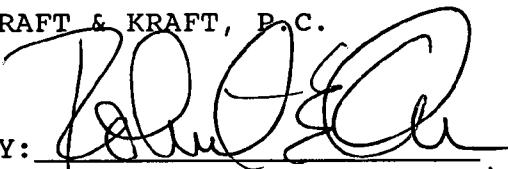
2. Defendants are individuals who reside at the address set forth above.

3. On or about 4/18/00 due to defendants' negligence and carelessness, plaintiff's insured sustained damages in the sum of \$1,918.77.

4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,918.77 plus interest in the amount of \$167.11, for a total of \$2,085.88 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 
Robert E. Cherwony, Esquire
Attorney for Plaintiff

NON REPORTABLE ACCIDENT REPORT FORM

HIT AND RUN YES XXX NO
TIME 2300 HRS EST.DATE 4-18-2000
AGENCY NAME - CLEARFIELD BOROUGH POLICE DEPARTMENT
ADDRESS - 14 SOUTH FRONT STREET, CLEARFIELD PA 16830-2349
TELEPHONE - 814-765-7819 INVESTIGATOR GREGORY S NEEPER CPL
LOCATION 618 WEST LOCUST ST. CLEARFIELD PA 16830

UNIT 01

DRIVER FRED FOSTER
ADDRESS 111 HIGH ST.
CLEARFIELD PA 16830O.L.N. 22723074
TELEPHONE 768-7843 / 814-592-7330OWNER RUSSELL SMITH AND ALLEN KELLY
ADDRESS 3303 N. WALNUT ST. # 102E
OKLAHOMA CITY, PL 73105MAKE 2000 FREIGHTLINER
STATE OK
REGISTRATION 1SY-611
VIN 1FUPCXZBXYLF00739
INSURANCE CO. GREAT WEST CAS. CO
POLICY NUMBER CLP-70727D

UNIT

DRIVER
ADDRESSO.L.N.
TELEPHONEOWNER
ADDRESSMAKE
STATE
REGISTRATION
VIN
INSURANCE CO.
POLICY NUMBER

DETAILS

CAROL BOWLING, 619 WEST LOCUST ST. 768-3579, CONTACT THIS DEPARTMENT TO REPORT A HIT AND RUN ACCIDENT TO HER NEIGHBOR'S PROPERTY AT 618 WEST LOCUST.. THE PROPERTY IS OWNED BY JANET GREENAWALT (AGE 70) 765-6202..

BOWLING STATED THAT HER BABYSITTER, SUE PENTZ, CALLED HER LAST NIGHT, AND STATED THAT FRED FOSTER WAS AT HER RESIDENCE AND UPON LEAVING GOT HIS TRACTOR STRUCK IN THE NEIGHBOR'S YARD. BOWLING CHECKED THE YARD TODAY AND UPON SEEING THE DAMAGE, ATTEMPTED TO CONTACT FOSTER WITHOUT LUCK.

WITNESS- LESTER MIDDLESWORTH WAS ALSO AT THE BOWLING RESIDENCE LAST NIGHT. MIDDLESWORTH STATED FOSTER PULLED FROM THE BOWLING DRIVEWAY ACROSS WEST LOCUST ST. AND INTO THE PROPERTY AT 618 WEST LOCUST ST. AND BECAME STUCK. HE WAS ABLE TO WORK THE TRUCK FREE AND DRIVE AWAY. A WRITTEN STATEMENT WAS OBTAINED FROM MIDDLESWORTH.

NOTE- THE ABOVE VEHICLE REGISTRATION PLATE WAS NOT THE REGISTRATION PLATE ASSIGNED TO THE VEHICLE- THE ABOVE REGISTRATION TAHT WAS FIXED TO THE VEHICLE WAS A DEAD TAG.

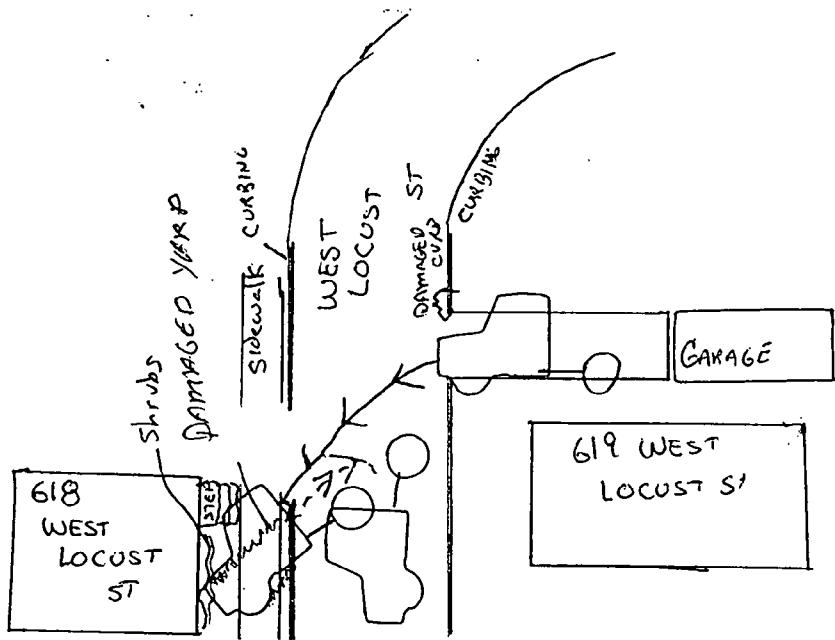
THE PLATE ON THE VEHICLE SHOULD HAVE BEEN 1UB-631.

FOSTER'S CURRENT ADDRESS IS: 317 WEST FRONT ST. CLEARFIELD PA 16830
CITATION ISSUED FOR TRESPASS BY MOTOR VEHICLE- SECTION PA V/C 3717c
CITATION # A4771004-0

DIAGRAM ON BACK

FOSTER'S cell#
814-592-7330

FOSTER'S MOTHER
768-7843
Jean FOSTER



VERIFICATION

The undersigned hereby certifies that I he is the
Asst Staff Clerk in this action and verifies that the
statements made in the foregoing pleading are true and correct to
the best of her knowledge, information and belief. The
undersigned understands that the statements therein are made
subject to the penalties of 18 Pa C.S. Section relating to unsworn
falsification to authorities.

7/5/01

Date

Nancy Mundy

Name

Allstate
vs.
Russell Smith

FILED
m 2:54 PM
AUG 30 2001
SACR
by WALTER A. SAWYER
Atty pd.
80.00

JUL 03 2001

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
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Attorney for Plaintiff

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COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PA

vs.

• CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

: NO. 01-14253

VERIFICATION OF SERVICE

The undersigned hereby certifies that he is attorney for the Plaintiff in the above-captioned matter; that on 9-11-01 he served Allen Kelly, Russell Smith & Frederick D. Foster, at 3303 N. Walnut Street 102 E., Oklahoma City, OK 73105 copy of the Civil Action Complaint in the above matter by certified mail, return receipt requested. Attached hereto, made a part hereof and marked Exhibit "A" is a true and correct copy of the return receipt.

The foregoing statement is made subject to the penalties of the Pennsylvania Crime Code 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date

9/18/01


Robert E. Chapman

Robert E. Cherwony, Esquire
Attorney for Plaintiff

cherwony, E.
on Plaintiff

SEP 24 2001

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
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: COMMON PLEAS COURT OF
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RUSSELL SMITH, ALLEN KELLY & : CIVIL ACTION AT LAW
FREDERICK FOSTER
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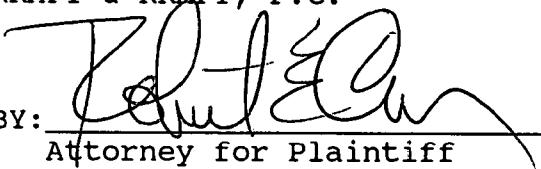
: No. 01-1423-CD

PRAECIPE TO REINSTATE COMPLAINT

TO THE CLERK OF THE SAID COURT:

Kindly reinstate the Civil Action in the above-captioned matter.

KRAFT & KRAFT, P.C.

BY: 
Attorney for Plaintiff

FILED

DEC 28 2001

William A. Shaw
Prothonotary

FILED

DEC 28 2001
m 12/17/01 [Signature]
William A. Shaw
Prothonotary
(3) Comps. Recd. Shewy
Pd \$7.00

12-28-01 Document
Reinstated/Reissued to Sheriff/Attala County
for service.
W. A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
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ALLSTATE INSURANCE COMPANY, : COMMON PLEAS COURT OF
SUBROGEE OF JANET GREENWALT
3800 Electric Road
Roanoke, VA 24018

v.

FREDERICK D. FOSTER : CIVIL ACTION AT LAW
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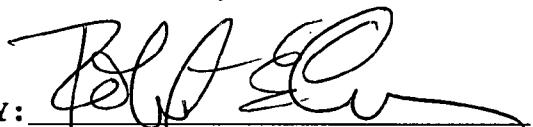
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BY: 
Attorney for Plaintiff

FILED

APR 16 2002

William A. Shaw
Prothonotary

FILED

acc

Mar 10 2002

Sheriff

APR 16 2002

2 Complaints

Reinstated to

William A. Shaw

Shff

Prothonotary

atty pd. 2.00

(45)

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11910

ALLSTATE INSURANCE COMPANY, SUBROGEE OF JANET GREENWALT 01-1423-CD

VS.
SMITH, RUSSELL; KELLY, ALLEN; FOSTER, FREDRICK D.

COMPLAINT

SHERIFF RETURNS

NOW APRIL 17, 2002 RETURN THE WITHHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO FREDRICK D. FOSTER, DEFENDANT. RECEIVED THREE COPIES OF COMPLAINT FROM PROTHONOTARY AND WAS NOT INFORMED TO ONLY SERVE FREDRICK D. FOSTER.HAD BILLED ATTORNEY FOR ADDITIONAL SURCHARGE WHICH WAS NOT NECESSARY.

Return Costs

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

FILED

APR 23 2002

01262pm
William A. Shaw
Prothonotary

Sworn to Before Me This

23 Day Of April 2002

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

So Answers,

Chester A. Hawkins
Sheriff

KRAFT & KRAFT, P.C.

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COURT OF COMMON PLEAS OF
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David Meholic
Court Administrator
1 N. 2nd Street
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12-28-01 Document
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for service.

Deputy Prothonotary

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: COMMON PLEAS COURT OF
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v. : CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
Frederick D. Foster : No.
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

2. Defendants are individuals who reside at the address set forth above.

3. On or about 4/18/00 due to defendants' negligence and carelessness, plaintiff's insured sustained damages in the sum of \$1,918.77.

4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,918.77 plus interest in the amount of \$167.11, for a total of \$2,085.88 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

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7/5/01

Date

Nancy Mindy

Name

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BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
3800 Electric Road
Roanoke, VA 24018

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

vs.

CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY
& FREDERICK D. FOSTER
111 High Street
Clearfield, PA 16830

NO. 01-1423-CD

CIVIL ACTION COMPLAINT

"NOTICE"

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

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"AVISO"

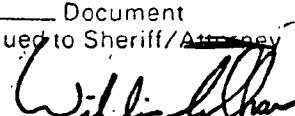
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David Meholick
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

12-28-01 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary



KRAFT & KRAFT, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

**ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018**

vs.

**RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105**

**COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA**

CIVIL ACTION AT LAW

NO. 01-1423-C

CIVIL ACTION COMPLAINT

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David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830



KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018

: COMMON PLEAS COURT OF
CLEARFIELD COUNTY, PA

v. : CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
Frederick D. Foster : No.
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

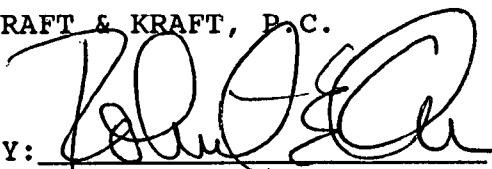
2. Defendants are individuals who reside at the address set forth above.

3. On or about 4/18/00 due to defendants' negligence and carelessness, plaintiff's insured sustained damages in the sum of \$1,918.77.

4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,918.77 plus interest in the amount of \$167.11, for a total of \$2,085.88 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Cherwony, Esquire
Attorney for Plaintiff

VERIFICATION

The undersigned hereby certifies that she is the
Asst Staff Clerk in this action and verifies that the
statements made in the foregoing pleading are true and correct to
the best of her knowledge, information and belief. The
undersigned understands that the statements therein are made
subject to the penalties of 18 Pa C.S. Section relating to unsworn
falsification to authorities.

7/5/01

Date

Nancy Mindy

Name

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11910

ALLSTATE INSURANCE COMPANY, SUBROGEE OF JANET GREENWALT 01-1423-CD

VS.

SMITH, RUSSELL; KELLY, ALLEN; FOSTER, FREDRICK D.

COMPLAINT

SHERIFF RETURNS

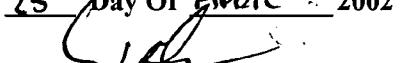
NOW APRIL 25, 2002 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE
WITHIN COMPLAINT "NOT FOUND" AS TO FREDERICK D. FOSTER, DEFENDANT.
ACCORDING TO POST OFFICE, MOVED LEFT NO FORWARDING ADDRESS.

Return Costs

Cost	Description
NO COSTS	

Sworn to Before Me This

25 Day Of April 2002


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

So Answers,


Chester A. Hawkins
Sheriff

FILED

APR 25 2002
013:00 PM
William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
3800 Electric Road
Roanoke, VA 24018

: COMMON PLEAS COURT OF
CLEARFIELD COUNTY, PA

v.

FREDERICK D. FOSTER
111 High Street
Clearfield, PA 16830

: CIVIL ACTION AT LAW

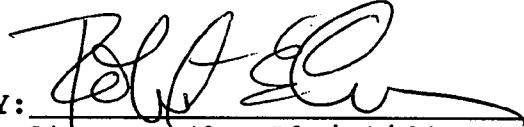
: No. 01-1423-CD

PRAECIPE TO REINSTATE COMPLAINT

TO THE CLERK OF THE SAID COURT:

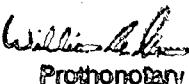
Kindly reinstate the Civil Action in the above-captioned matter.

KRAFT & KRAFT, P.C.

BY: 
Attorney for Plaintiff

I hereby certify this to be a true and attested copy of the original document filed in this case.

APR 16 2002

Attest: 
Prothonotary

KKARI & KKARI, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018

VS.

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

CIVIL ACTION AT LAW

NO. 01-1423-CD

CIVIL ACTION COMPLAINT

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David Meholick
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

4-16-02 Document
Reinstated/Reissued to Sheriff/Attorney
for service


Deputy Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY, : COMMON PLEAS COURT OF
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018
CLEARFIELD COUNTY, PA

v. : CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY & :
Frederick D. Foster : No.
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

2. Defendants are individuals who reside at the address set forth above.

3. On or about 4/18/00 due to defendants' negligence and carelessness, plaintiff's insured sustained damages in the sum of \$1,918.77.

4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

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KRAFT & KRAFT, P.C.

BY: 
Robert E. Cherwony, Esquire
Attorney for Plaintiff

NON REPORTABLE ACCIDENT REPORT FORM

HIT AND RUN YES XXX NO
 DATE 4-18-2000 TIME 2300 HRS EST.
 AGENCY NAME - CLEARFIELD BOROUGH POLICE DEPARTMENT
 ADDRESS - 14 SOUTH FRONT STREET, CLEARFIELD PA 16830-2349
 TELEPHONE - 814-765-7819 INVESTIGATOR GREGORY S NEEPER CPL
 LOCATION 618 WEST LOCUST ST. CLEARFIELD PA 16830

UNIT 01

DRIVER FRED FOSTER
 ADDRESS 111 HIGH ST.
 CLEARFIELD PA 16830

O.L.N. 22723074
 TELEPHONE 768-7843 / 814-592-7330

OWNER RUSSELL SMITH AND ALLEN KELLY
 ADDRESS 3303 N. WALNUT ST. # 102E
 OKLAHOMA CITY, PL 73105

MAKE 2000 FREIGHTLINER
 STATE OK
 REGISTRATION 1SY-611
 VIN 1FUPCXZBXYLF00739
 INSURANCE CO. GREAT WEST CAS. CO
 POLICY NUMBER CLP-70727D

UNIT

DRIVER
 ADDRESS

O.L.N.
 TELEPHONE

OWNER
 ADDRESS

MAKE
 STATE
 REGISTRATION
 VIN
 INSURANCE CO.
 POLICY NUMBER

DETAILS

CAROL BOWLING, 619 WEST LOCUST ST. 768-3579, CONTACT THIS DEPARTMENT TO REPORT A HIT AND RUN ACCIDENT TO HER NEIGHBOR'S PROPERTY AT 618 WEST LOCUST.. THE PROPERTY IS OWNED BY JANET GREENAWALT (AGE 70) 765-6202..

BOWLING STATED THAT HER BABYSITTER, SUE PENTZ, CALLED HER LAST NIGHT, AND STATED THAT FRED FOSTER WAS AT HER RESIDENCE AND UPON LEAVING GOT HIS TRACTOR STRUCK IN THE NEIGHBOR'S YARD. BOWLING CHECKED THE YARD TODAY AND UPON SEEING THE DAMAGE, ATTEMPTED TO CONTACT FOSTER WITHOUT LUCK.

WITNESS-. LESTER MIDDLESWORTH WAS ALSO AT THE BOWLING RESIDENCE LAST NIGHT. MIDDLESWORTH STATED FOSTER PULLED FROM THE BOWLING DRIVEWAY ACROSS WEST LOCUST ST. AND INTO THE PROPERTY AT 618 WEST LOCUST ST. AND BECAME STUCK. HE WAS ABLE TO WORK THE TRUCK FREE AND DRIVE AWAY. A WRITTEN STATEMENT WAS OBTAINED FROM MIDDLESWORTH.

NOTE- THE ABOVE VEHICLE REGISTRATION PLATE WAS NOT THE REGISTRATION PLATE ASSIGNED TO THE VEHICLE- THE ABOVE REGISTRATION TAHT WAS FIXED TO THE VEHICLE WAS A DEAD TAG.

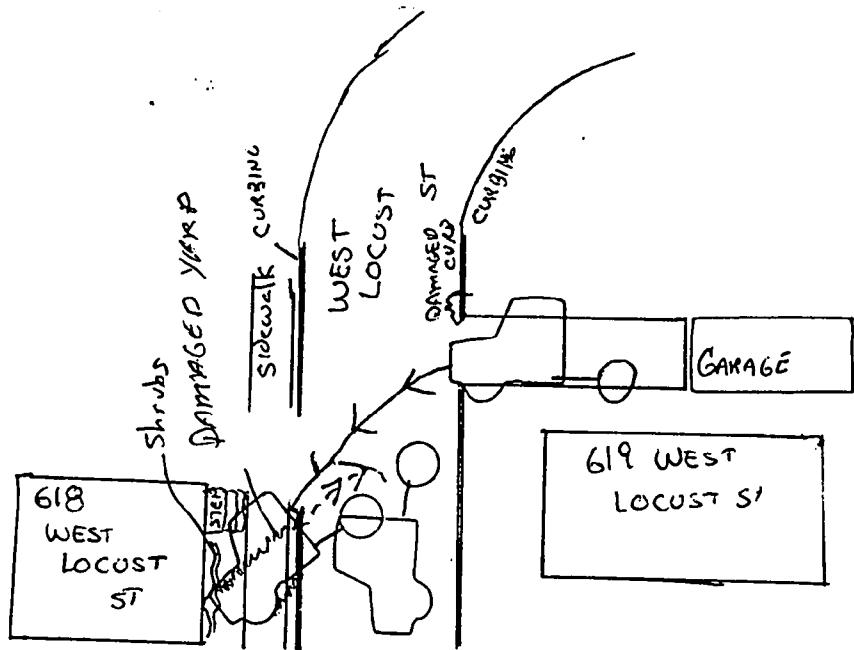
THE PLATE ON THE VEHICLE SHOULD HAVE BEEN 1UB-631.

FOSTER'S CURRENT ADDRESS IS: 317 WEST FRONT ST. CLEARFIELD PA 16830
 CITATION ISSUED FOR TRESPASS BY MOTOR VEHICLE- SECTION PA V/C 3717C
 CITATION # A4771004-0

DIAGRAM ON BACK

FOSTER'S cell#
814-592-7330

OSTER'S MOTHER
768-7843
Jean FOSTER



VERIFICATION

The undersigned hereby certifies that I he is the
Asst Staff Clerk in this action and verifies that the
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falsification to authorities.

7/5/01

Date

Nancy Mindy

Name

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

COPY
Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
3800 Electric Road
Roanoke, VA 24018

: COMMON PLEAS COURT OF
CLEARFIELD COUNTY, PA

v.

FREDERICK D. FOSTER
111 High Street
Clearfield, PA 16830

: CIVIL ACTION AT LAW

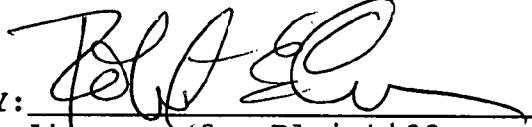
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PRAECIPE TO REINSTATE COMPLAINT

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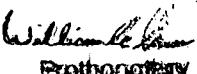
Kindly reinstate the Civil Action in the above-captioned
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KRAFT & KRAFT, P.C.

BY: 
Attorney for Plaintiff

I hereby certify this to be a true
and attested copy of the original
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APR 16 2002

Attest: 
William L. Clegg
Prothonotary

KRAF & KRAF, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018

VS.

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

CIVIL ACTION AT LAW

NO. 01-1423-C

CIVIL ACTION COMPLAINT

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David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

4-16-02 Document
Reinstated/Reissued to Sheriff ATTORNEY
for service.
William J. Sharpen
Deputy Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY, : COMMON PLEAS COURT OF
SUBROGEE OF JANET GREENWALT
P.O. Box 21169
Roanoke, VA 24018
CLEARFIELD COUNTY, PA

v. : CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
Frederick D. Foster : No.
3303 N. Walnut Street 102 E.
Oklahoma City, OK 73105

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KRAFT & KRAFT, P.C.

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Attorney for Plaintiff

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UNIT 01

DRIVER FRED FOSTER
 ADDRESS 111 HIGH ST.
 CLEARFIELD PA 16830

O.L.N. 22723074
 TELEPHONE 768-7843 / 814-592-7330

OWNER RUSSELL SMITH AND ALLEN KELLY
 ADDRESS 3303 N. WALNUT ST. # 102E
 OKLAHOMA CITY, PL 73105

MAKE 2000 FREIGHTLINER
 STATE OK
 REGISTRATION 1SY-611
 VIN 1FUPCXZBXYLF00739
 INSURANCE CO. GREAT WEST CAS. CO
 POLICY NUMBER CLP-70727D

UNIT

DRIVER
 ADDRESS

O.L.N.
 TELEPHONE

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MAKE
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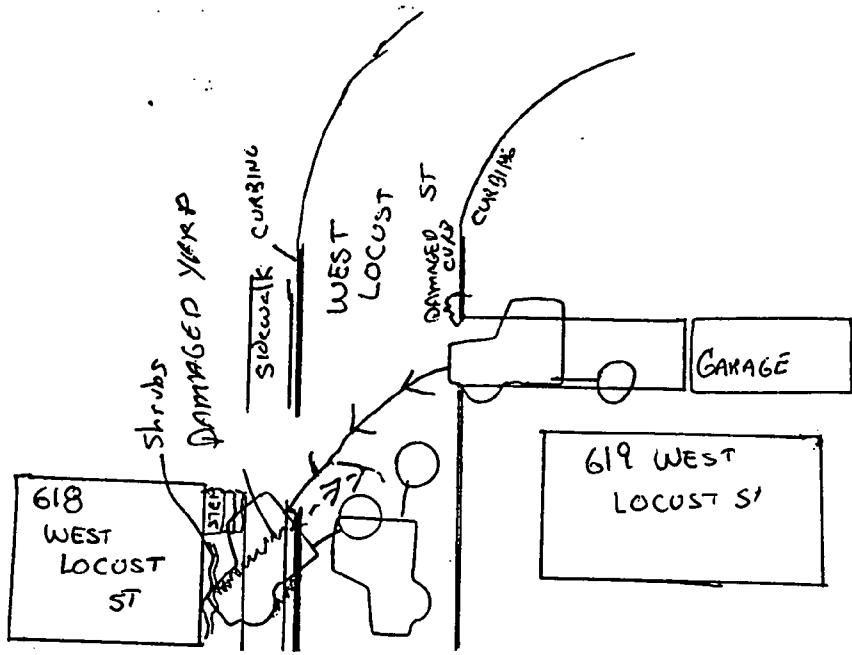
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7/5/01

Date

Nancy Mandy

Name

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11910

ALLSTATE INSURANCE COMPANY, SUBROGEE OF JANET GREENWALT 01-1423-CD

VS.
SMITH, RUSSELL; KELLY, ALLEN; FOSTER, FREDRICK D.

COMPLAINT

"AMENDED"

SHERIFF RETURNS

**NOW MAY 13, 2002 AT 9:47 AM DST SERVED THE WITHIN COMPLAINT ON
FREDRICK D. FOSTER, DEFENDANT AT RESIDENCE, 433 N. PINE ST.,
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
KATHY FOSTER, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
NO COSTS	

Sworn to Before Me This

____ Day Of _____ 2002

So Answers,

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

FILED

Ex-1
MAY 16 2002

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
By: Robert E. Cherwony
Attorney No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
3800 Electric Road
Roanoke, VA 24018

: COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

VS.

: CIVIL ACTION AT LAW

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
433 Pine Street
Curwensville, PA 16833

01-1423-CJ
: NO. 01-14253

PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF ANSWER,
ASSESSMENT OF DAMAGES AND VERIFICATION OF ADDRESS
AND NON MILITARY SERVICE

TO THE PROTHONOTARY:

Enter judgment by default for want of an answer in favor of plaintiff and against the above-named defendant, FREDERICK D. FOSTER only and assess as follows:

Principal	\$ 1,918.77
Interest	167.11
Total	\$ 2,085.88

FILED

AUG 05 2002

William A. Shaw

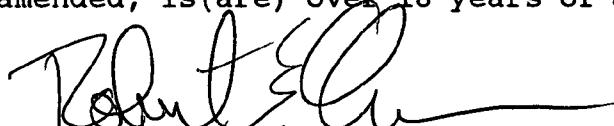
Prothonotary

Understanding that false statement herein made are subject to penalty under 18Pa.C.S. Section 4904 relating to unsworn falsification to authority, I verify that:

1. The above are the precise last-known addresses of the judgment debtor(s) and creditor.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.

3. The said defendant(s) is(are) not in the Military Service of the United States or its Allies or otherwise within the coverage of the Soldiers and Sailors Relief Act of 1940, as amended; is(are) over 18 years of age; and has(have) civilian occupation(s).



Robert E. Cherwony
Attorney for Plaintiff

JUDGMENT BY DEFAULT ENTERED AND
DAMAGES ASSESSED AS ABOVE:
NOTICE GIVEN UNDER P.A.R.CIV.P.236

PRO PROTHONOTARY 8/5/02

Date of Notice: July 19, 2002

Frederick Foster
433 Pine Street
Curwensville, PA 16833

Caption: Allstate Insurance Company, Subrogee of
Janet Greenwalt v. Russell Smith, Allen
Kelly and Frederick Foster
COMMON PLEAS COURT OF CLEARFIELD COUNTY, PA
No. 01-14253

IMPORTANT

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

KRAFT & KRAFT, P.C.


Robert E. Cherwony, Esquire
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

YOU MAY SATISFY THIS MATTER BY PAYMENT BY RETURN MAIL IN THE
ENCLOSED ENVELOPE.

(Rule of Civil Procedure No. 236) -Revised

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION AT LAW
NO. 01-14253

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT)
Plaintiff

VS.

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER)
Defendant

Notice is given that an Order in the above-captioned matter has been
Judgment
Decree

entered against you on August 5 , 2002.

PROTHONOTARY

BY: Willie L. Shan
Deputy

If you have any questions concerning the above, please contact:

KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

COPY

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

Allstate Insurance Company
Janet Greenwalt
Plaintiff(s)

No.: 2001-01423-CD

Real Debt: \$2,085.88

Atty's Comm:

Vs.

Costs: \$

Int. From:

Entry: \$20.00

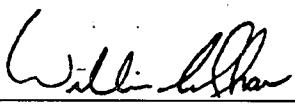
Frederick D. Foster
Defendant(s)

Instrument: Default Judgment/ Frederick
Foster only

Date of Entry: August 5, 2002

Expires: August 5, 2007

Certified from the record this August 5, 2002



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Allstate Insurance Company
Janet Greenwalt

Vs.

No. 2001-01423-CD

Frederick D. Foster

To: Frederick D. Foster

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$2,085.88 on the August 5, 2002.

William A. Shaw
Prothonotary



William A. Shaw

FILED

Aug 05 2002
M11301 Atty Chonoway pd
William A. Shaw
Prothonotary
20.00

not to Reg. Foster
Attn. Stat. to Atty.

PRAECIPE FOR WRIT OF EXECUTION — (MONEY JUDGMENTS)
P.R.C.P. 3101 to 3149 Etc.

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
vs.
RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
433 Pine Street
Curwensville, PA 16833

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Writ No. _____ Term, 19 _____

No. _____ Term, 19 _____

Amount due _____ \$ 2,085.88

Interest from 8/5/02

Att'y's Com. _____

Costs _____ \$

Prothonotary costs @ 134.00

01-1423-CD

To the Prothonotary of said Court: ISSUE WRIT OF EXECUTION IN THE ABOVE MATTER,

(1) Directed to the Sheriff of Clearfield County, Penna.;

(2) against _____

FREDERICK D. FOSTER Defendant (s) ;

(3) and against _____ Garnishee (s) ;

(4) and index this writ

(a) against _____

Defendant (s) and

(b) against _____

Garnishee (s),

as a lis pendens against the real property of the defendant (s) in the name of the Garnishee (s) as follows: (Specifically describe property)

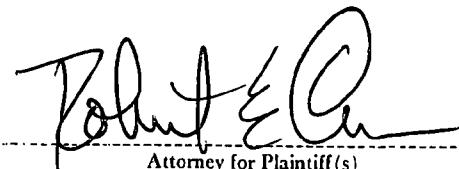
FILED

JUN 26 2003

William A. Shaw
Prothonotary

(5) Exemption has (not) been waived.

Dated 6/30/03



Attorney for Plaintiff(s)

NOTE

Under paragraph (1) when the writ is directed to the sheriff of another county as authorized by Rule 3103(b), the county should be indicated.

Under Rule 3103(c) a writ issued on a transferred judgement may be directed only to the sheriff of the county in which issued.

Paragraph (3) above should be completed only if a named garnishee is to be included in the writ.

Paragraph (4) (a) should be completed only if indexing of the execution in the county of issuance, is desired as authorized by Rule 3104(a). When the writ issues to an other county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4) (b) should be completed only if real property in the name of a garnishee is attached and indexing as a lis pendens is desired. See Rule 3104(c).

Writ No. Term, 19.....

No. 01-14253 Term, 19.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ALL-STATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
vs.
RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
433 Pine Street
Curwenville, PA 16833

PRAECIPE FOR WRIT OF EXECUTION

(Money Judgments)
P. R. C. P. 3101 to 3149 etc.

FILED *cc to 6 Writs*
MAY 10 2003
JUN 26 2003
WAS

William A. Shaw
Prothonotary

W.A. Shaw
Attorney for Plaintiff (s)

Address :

Where papers may be served.

C E R T I F I C A T I O N T O S H E R I F F
(Please check appropriate box in each section) SHERIFF'S OFFICE
CLEARFIELD COUNTY, PA

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF JANET GREENWALT
vs.

Re: Amended RCP 3123a
DEBTOR'S EXEMPTION

RUSSELL SMITH, ALLEN KELLY &
FREDERICK D. FOSTER
433 Pine Street
Curwensville, PA 16833

No. 01-14253

I HEREBY CERTIFY THAT:

1. The Judgment entered in the above matter is based on an action:
 A. In Civil Action
 B. In Mortgage Foreclosure
 C. On a note accompanying a purchase money mortgage
and the property being exposed to sale is the
mortgaged property.

2. The Defendant(s) owns/own the personal property being exposed
to sale as:
 A. An Individual
 B. Tenants by Entireties
 C. Joint tenants with right of survivorship
 D. A Partnership
 E. Tenants in Common
 F. A corporation

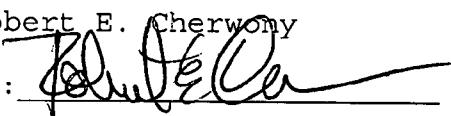
3. The Defendant(s) is/are:
 A. Resident/Residents in the Commonwealth of
Pennsylvania
 B. Not resident in the Commonwealth of Pennsylvania
 C. If more than one defendant and either A or B above

not applicable, state which defendants are residents
of the Commonwealth of Pennsylvania.

Residents: _____

This certification must be signed by the attorney of record if an
appearance has been entered otherwise certification must be signed
by plaintiff.

KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Name: Robert E. Cherwony
Signature: 

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Allstate Insurance Company, subrogee of
Janet Greenwalt

COPY

Vs.

NO.: 2001-01423-CD

Russell Smith, Allen Kelly, and
Frederick D. Foster

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due ALLSTATE INSURANCE COMPANY, subrogee of JANET GREENWALT, Plaintiff(s) from FREDERICK D. FOSTER, Defendant, ONLY:

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Personal Property-all contents
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$2,085.88

PAID: \$134.00

INTEREST from 8/5/02:

SHERIFF: \$

PROTH. COSTS: \$

OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 06/26/2003

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Robert E. Cherwony, Esq.
Kraft & Kraft, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14284

ALLSTATE INSURANCE COMPANY, SUBROGEE OF JANET GREENWALT 01-1423-CD

VS.

FOSTER, FRED D.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

NOW, SEPTEMBER 22, 2003 RETURN WRIT AS NOT SERVED. DEPUTY COULD
FIND NOTHING OF THE DEFENDANT TO LEVY ON, PAID COSTS FROM THE
ADVANCE AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY.

SHERIFF HAWKINS \$32.69
SURCHARGE \$20.00
PAID BY ATTORNEY

Sworn to Before Me This

22nd Day Of Sept 2003
William A. Shaw

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

So Answers,

Chester A. Hawkins
By Amherst Bldg. Aug 2003
Chester A. Hawkins
Sheriff

FILED
MT 1:51 PM
SEP 22 2003

William A. Shaw
Prothonotary/Clerk of Courts

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

Allstate Insurance Company, subrogee of
Janet Greenwalt

Vs.

NO.: 2001-01423-CD

Russell Smith, Allen Kelly, and
Frederick D. Foster

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due ALLSTATE INSURANCE COMPANY, subrogee of JANET GREENWALT, Plaintiff(s) from FREDERICK D. FOSTER, Defendant, ONLY:

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Personal Property-all contents
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$2,085.88

PAID: \$134.00

INTEREST from 8/5/02:

SHERIFF: \$

PROTH. COSTS: \$

OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 06/26/2003

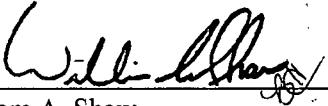
Received this writ this 26th day

of June A.D. 2003

At 2:00 A.M./P.M.

Robert E. Cherwony

Sheriff by Cynthia Butterbaugh



William A. Shaw

Prothonotary/Clerk Civil Division

Requesting Party: Robert E. Cherwony, Esq.

Kraft & Kraft, P.C.

1311 Spruce Street

Philadelphia, PA 19107

(215) 546-5100

PERSONAL PROPERTY

SCHEDULE OF DISTRIBUTION

NAME: FOSTER NO. 01-1423-CD

NOW, by virtue of the writ hereunto attached, after having given due and legal Notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the day of 2002, the defendant's personal property for and made the following appropriations.

SHERIFF COSTS:		DEBT & INTEREST	
RDR	9.00	DEBT	2,085.88
SERVICE		INTEREST	
MILEAGE	4.32		
LEVY		TOTAL DEBT & INTEREST	2,085.88
MILEAGE			
POSTING			
HANDBILLS		COSTS:	
COMMISSION			
UNABLE TO LEVY (9.00)	9.00	ATTORNEY PAID	
POSTAGE	0.37	ATTORNEY FEES	
ADD'L SERVICE		COSTS TO PROTHONOTARY	134.00
ADD'L MILEAGE-DEPUTIZE		SHERIFF'S COSTS	32.69
ADD'L POSTING		REFUND OF ADVANCE	
COPIES/BILLING	5.00	REFUND OF SURCHARGE	
BID			
RETURN OF INTERROGATORIES		COSTS	
PHONE CALLS	5.00	OTHER COSTS-PREVIOUS	
ADJOURNED SALE			
TOTAL SHERIFF COSTS	32.69	TOTAL COSTS	166.69
		TOTAL DEBT AND COSTS	2,252.57

COMMISSION 2% ON THE FIRST \$100,000.00 AND 1/2% ON ALL OVER THAT. 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