

01-1602-CD
DALE STEGFRIED et al -vs- SKY HAVEN COAL COMPANY

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

DALE SIEGFRIED and
DONNA SIEGFRIED,
Plaintiffs

vs.

SKY HAVEN COAL COMPANY,
Defendant

:

:

:

:

:

:

No. 01-1602-CD

Type of Document filed:
Complaint

Filed on behalf of: Plaintiffs

Attorney for this Party:
John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581

FILED

SEP 2 6 2001

William A. Shaw
Prothonotary

DALE SIEGFRIED and :
DONNA SIEGFRIED, :
Plaintiffs :
vs. : No.
SKY HAVEN COAL COMPANY, :
Defendant :

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 claims or relief requested by the plaintiff. You may lose money or property or other rights important to you.

COURT ADMINISTRATOR
COURTHOUSE
CLEARFIELD, PA., 16830
(814) 765-2641

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

DALE SIEGFRIED and
DONNA SIEGFRIED,
Plaintiffs

:

:

:

No.

vs.

SKY HAVEN COAL COMPANY,
Defendant

:

:

COMPLAINT

AND NOW COMES your plaintiffs, Dale and Donna Siegfried, who by and through their attorney, John R. Carfley, Esquire, sets forth the following statement and aver as follows:

1. Plaintiffs are Dale and Donna Siegfried, adult individuals, presently residing at R. D. 1, Box 134, Philipsburg, Pennsylvania.

2. Defendant Sky Haven Coal Company is a Pennsylvania Corporation with its principal place of business located at R. D. 1, Penfield, Clearfield County, Pennsylvania.

3. Plaintiffs entered into a contract with Sky Haven to remove the mineral estate from certain property wherein they retain an ownership interest which property is situate, lying and being in Decatur Township, Clearfield County, Pennsylvania, consisting of 100 acres more or less and being more particularly described in Deed Book Volume 901, Page 471.

4. Commencing as early as July of 1999 defendant began to remove minerals from the subject tract and to pay royalty to plaintiffs based upon an agreed royalty rate of \$1.75 per ton.

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

DALE SIEGFRIED and :
DONNA SIEGFRIED, :
Plaintiffs :
vs. : No.
SKY HAVEN COAL COMPANY, :
Defendant :

COMPLAINT

AND NOW COMES your plaintiffs, Dale and Donna Siegfried, who by and through their attorney, John R. Carfley, Esquire, sets forth the following statement and aver as follows:

1. Plaintiffs are Dale and Donna Siegfried, adult individuals, presently residing at R. D. 1, Box 134, Philipsburg, Pennsylvania.

2. Defendant Sky Haven Coal Company is a Pennsylvania Corporation with its principal place of business located at R. D. 1, Penfield, Clearfield County, Pennsylvania.

3. Plaintiffs entered into a contract with Sky Haven to remove the mineral estate from certain property wherein they retain an ownership interest which property is situate, lying and being in Decatur Township, Clearfield County, Pennsylvania, consisting of 100 acres more or less and being more particularly described in Deed Book Volume 901, Page 471.

4. Commencing as early as July of 1999 defendant began to remove minerals from the subject tract and to pay royalty to plaintiffs based upon an agreed royalty rate of \$1.75 per ton.

5. Beginning in January of 2000, production royalty was escrowed because of a controversy between the plaintiff and his brother, Terry Siegfried, which arrangement resulted in the withholding of payment of all royalties by the defendant. Said statement and the course of action undertaken by the defendant is verified in a letter dated June 27, 2000, a true and correct copy of which is attached hereto as Exhibit A.

6. It is believed that the defendant continued to mine this property and to provide for the escrow of royalties as per the agreement with these parties.

7. It is believed and therefore averred that these royalties are bearing interest at a specified rate in the account segregated for the use of these beneficiaries or in default thereof that the said defendant should be responsible for a reasonable rate of compensation based upon the acceptable interest rate in the trade during the applicable time period.

8. Demand has been made upon the defendant to deliver these sums of money to Plaintiffs and/or their duly authorized agents but to date the defendant refuses and continues to refuse to honor this request.

9. Defendant has realized substantial profits from the minerals sold, the exact amount of royalty being unknown to the plaintiffs since the information relating thereto is in the exclusive possession and control of the defendant.

10. Plaintiff has demanded that defendant account to him for the royalty generated on the sale of the mineral estate but except for the letter of June 27, 2000, defendant has refused and

continues to refuse to provide the plaintiff with an accounting of said activity.

11. Defendant has not only refused to account to the plaintiff for such royalty but has also refused to pay to him the amount due on the account of such mining activity despite repeated requests from Plaintiffs and their agents.

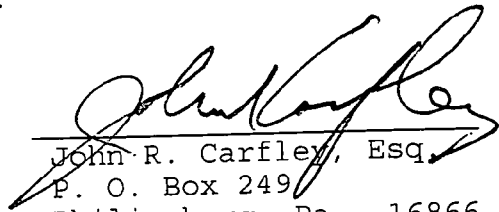
12. There is due and owing to the plaintiff from the defendant an amount believed to be in excess of \$40,000.00 from the mineral estate mined on the subject tract.

13. Defendant is required to account to the plaintiff in accordance with the parties agreement for this royalty. Plaintiff is unable to state the exact amount due him as no account has ever been rendered by the defendant.

14. It is believed and therefore averred that the sums involved at the present time exceed \$40,000.00 and that the defendant has continued to escrow these funds without an accounting to the plaintiff as is required by law.

WHEREFORE, Plaintiffs request this Honorable Court to enter and order directing the defendant to account fully to plaintiff, for the activity conducted on their property. Plaintiffs further demand that judgment be entered in favor of the plaintiffs and against the defendant, Sky Haven Coal Company, Inc. for those sums shown to be due to the plaintiff by such accounting and to further pay over to the plaintiff his pro-rata share of all royalty so

generated, and such other relief as this court may reasonably require and deem appropriate.



John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581
Attorney for Plaintiffs

Dated: September 25, 2001

SKY HAVEN COAL, INC.
R.D. 1 - BOX 180 PENFIELD, PA. 15849

June 27, 2000

John R. Carfley
Attorney At Law
222 Presqueisle St.
P.O. Box 249
Philipsburg, PA 16866

RE: Siegfried Royalties

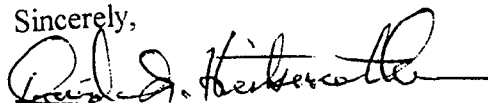
Dear Mr. Carfley:

This letter is to inform you of the status of the Siegfried Royalties on the Emigh job. The August 1999 production royalty thru the December 1999 production royalty, which was paid to Dale Siegfried, was paid to him at the full royalty rate of \$1.75/Ton. Starting with the January 2000 production royalty, because of the controversy in the split of royalties between Dale Siegfried and Terry Siegfried, all royalties from the Siegfried property are being held by Sky Haven Coal. The following is a break down. sheets enclosed, of the royalties paid and held as of August 1999 to May 2000 production.

\$30,068.89	Total paid to Dale Siegfried
\$15,034.45	one-half of the \$30,068.89 due Terry Siegfried
\$28,111.60	Total owed on Siegfried property from January to May 2000
\$13,077.15	Total owed to Dale Siegfried after Terry Siegfried's
	\$15,034.45 is recouped from \$28,111.60.

If you have any further questions regarding this matter please call me.

Sincerely,



David G. Heitsenrether
Accountant

Enclosures (10)

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

7-23-99

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMICH

ROYALTY REPORT

PERIOD COVERED:

Aug. 1999

BEGINNING ADVANCE:

ADVANCE ROYALTY DUE:

TOTAL PAID IN ADVANCE

TONNAGE MINED:

3449.85

TONS @

1.75

PER TON=

6037.24

LESS ANY ADVANCE ROYALTIES PAID

TOTAL

AMOUNT OF CHECK

6037.24

CHECK #

60422

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

10-22-99

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

BEGINNING ADVANCE:

ADVANCE ROYALTY DUE:

TOTAL PAID IN ADVANCE

SEPT. 1999

TONNAGE MINED:

2469.70

TONS @

1.75

PER TON=

4321.98

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

4321.98

AMOUNT OF CHECK 4321.98

CHECK #

60428

SKY HAVEN COAL, INC.

R. D. 1 BOX 180 PENFIELD, PA. 15849

11-23-99Dale SiegfriedDonna SiegfriedR.D. #1, Box 134Philipsburg, PA 16866JOB# EMICH

ROYALTY REPORT

PERIOD COVERED:

Oct. 1999

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

1520.25

TONS @

1.75

PER TON=

2660.44

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

2660.44

AMOUNT OF CHECK

2660.44

CHECK #

606031

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

12-23-99

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

Nov. 1999

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

3281.35

TONS @

1.75

PER TON=

5742.36

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

5742.36

AMOUNT OF CHECK

5742.36

CHECK #

60907

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

1-24-00

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIG

ROYALTY REPORT

PERIOD COVERED:

DEC. 1999

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

6461.07

TONS @

1.75

PER TON=

11306.87

LESS ANY ADVANCE ROYALTIES PAID

0

TOTAL

11306.87

AMOUNT OF CHECK

11306.87

CHECK #

61155

SKY HAVEN COAL, INC.

R. D. 1 BOX 180 PENFIELD, PA. 15849

2-23-00Dale SiegfriedDonna SiegfriedR.D. #1, Box 134JOB# EMISHPhilipsburg, PA 16866

ROYALTY REPORT

PERIOD COVERED:

Jan. 2000

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

4084.25

TONS @

875

PER TON=

3574.33

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

3574.33

AMOUNT OF CHECK

CHECK #

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

3-23-00

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

FEB. 2000

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

969287

TONS @

-875

PER TON=

8481.26

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

8481.26

AMOUNT OF CHECK

CHECK #

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

4-24-00

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

MARCH 2000

BEGINNING ADVANCE:

0

ADVANCE ROYALTY DUE:

0

TOTAL PAID IN ADVANCE

0

TONNAGE MINED:

6553.20

TONS @

.875

PER TON=

5734.05

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

5734.05

AMOUNT OF CHECK

CHECK #

SKY HAVEN COAL, INC.
R. D. 1 BOX 180 PENFIELD, PA. 15849

5-24-00

Dale Siegfried

Donna Siegfried

R.D. #1, Box 134

Philipsburg, PA 16866

JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

APRIL 2000

BEGINNING ADVANCE:

ADVANCE ROYALTY DUE:

TOTAL PAID IN ADVANCE

0

0

0

TONNAGE MINED:

8082.70

TONS @

.875

PER TON=

7072.36

LESS ANY ADVANCE ROYALTIES PAID

(0)

TOTAL

7072.36

AMOUNT OF CHECK

7072.36

CHECK #

SKY HAVEN COAL, INC.

R. D. 1 BOX 180 PENFIELD, PA. 15849

6-23-00Dale SiegfriedDonna SiegfriedR.D. #1, Box 134Philipsburg, PA 16866JOB# EMIGH

ROYALTY REPORT

PERIOD COVERED:

BEGINNING ADVANCE:

ADVANCE ROYALTY DUE:

TOTAL PAID IN ADVANCE

May 2000
0
0
0

TONNAGE MINED:

3713.83 TONS @ .875 PER TON= 3249.60LESS ANY ADVANCE ROYALTIES PAID (0)TOTAL 3249.60AMOUNT OF CHECK 3249.60CHECK #

FILED

SEP 2 2001
1155
William A. Shaw
Prothonotary

Conley p2 \$80.00
1cc orth Conley

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11573

SIEGFRIED, DALE & DONNA

01-1602-CD

VS.

SKY HAVEN COAL COMPANY

COMPLAINT

SHERIFF RETURNS

NOW SEPTEMBER 28, 2001 AT 3:40 PM DST SERVED THE WITHIN COMPLAINT ON
SKY HAVEN COAL COMPANY, DEFENDANT AT EMPLOYMENT, RD# 1, BOX 180,
PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID
HEINTZENRITER, P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: SNYDER

Return Costs

Cost Description

28.74 SHFF. HAWKINS PAID BY: ATTY.

10.00 SURCHARGE PAID BY: ATTY.

FILED

OCT 15 2001

9:32 PM
William A. Shaw
Prothonotary

Sworn to Before Me This

15th Day Of October 2001

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

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

DALE SIEGFRIED and
DONNA SIEGFRIED,
Plaintiffs

vs. No. 2001-1602-CD

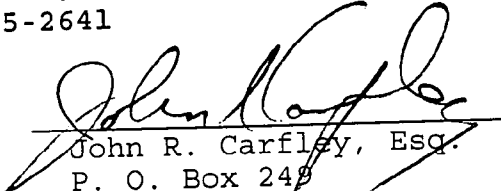
SKY HAVEN COAL COMPANY,
Defendant

To: Sky Haven Coal Company
R. D. 1, Box 180
Penfield, Pa., 16830

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR'S OFFICE
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA., 16830
(814) 765-2641


John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
Attorney for Plaintiff

Dated: October 23, 2001

FILED

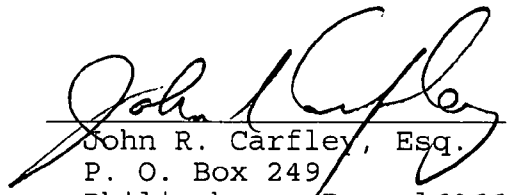
OCT 24 2001

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby verify that a true and correct copy of the within document was served upon the following party at the following address on October 23, 2001, by ordinary mail, first class, postage prepaid.

Sky Haven Coal Company
R. D. 1, Box 180
Penfield, Pa., 16830


John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
Attorney for Plaintiff

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

BILL OF COSTS

COPY

Dale Siegfried,
Donna Siegfried,

Vs.

2001-01602-CD

Sky Haven Coal Company,

Total \$118.74

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$80.00	Civil Complaint	Attorney
\$38.74	Sheriff Return	Attorney

Certified from the record this 10th day of December, 2003.

WILLIAM A. SHAW
PROTHONOTARY

RECEIVED NOV 12 2003

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

DALE SIEGFRIED and :
DONNA SIEGFRIED, :
Plaintiffs :

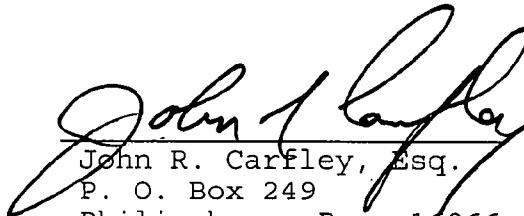
vs. : No. 01-1602

SKY HAVEN COAL COMPANY, :
Defendant :

PRAECIPE

TO THE PROTHONOTARY:

PLEASE mark the above captioned matter settled, discontinued
and ended, upon payment of costs by the Defendant.


John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581
Attorney for Plaintiffs

Dated: November 6, 2003

FILED 

DEC 12 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED ^{Cost. of Disc.} 2 ~~the~~ Atty used (submitted)
01/11: 29 ~~201~~
DEC 12 2003 copy to C/A

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

**Dale Siegfried
Donna Siegfried**

**Vs.
Sky Haven Coal Company**

No. 2001-01602-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 12, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$118.74 have been paid in full by Atty. Carfley.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of December A.D. 2003.

William A. Shaw, Prothonotary