

02-14-CD
CARL R. KUNTZ -vs- DAVID A. HOUPF

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

No. 02 - 14 - CD

Type of Pleading:

Complaint

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

JAN 03 2002

William A. Shaw
Prothonetary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 01 - - CD

C O M P L A I N T

NOW COMES the Plaintiff, Carl R. Kuntz, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. The Plaintiff, Carl R. Kuntz, is a sui-juris, adult individual who resides at Colonel Drake Highway, Mahaffey, Pennsylvania, 15757.

2. The Defendant, David A. Houpt, is a sui-juris, adult individual who resides at 731 Taylor Road, Friedens, Pennsylvania, 15541.

3. That at all times referred to herein, Plaintiff was the owner and operator of Kuntz Motors, a new and used car dealership, which is engaged in the business of selling and servicing new and used vehicles with its principal office located in the Borough of Mahaffey, Clearfield County, Pennsylvania.

4. That Plaintiff, through his automobile dealership, elected to sponsor two (2) racecars in the Northern Division of the USAR Hooters Pro Cup Series.

5. That in preparation for the racing season which was to commence on April 21, 2001, Plaintiff purchased a certain Monte Carlo with Laughlin chassis in February, 2001.

6. That the said Monte Carlo was duly registered with USAR Northern Hooters Pro Cup Series as Car No. 5, to be raced in conjunction with a second vehicle identified as a Monte Carlo with KLB chassis, registered as Car No. 9.

7. That the vehicles identified in Paragraph 6 hereof, were to be driven by Defendant, David A. Houpt, and by Jeremiah Kuntz, respectively.

8. That Defendant raced Plaintiff's vehicle during the entire Northern USAR Hooters Pro Cup Series up through the Championship Series which ended on or about November 24, 2001.

9. That following the close of the racing season, Defendant took possession and control of the Monte Carlo with Laughlin chassis, Car No. 5, and is believed to be storing the vehicle on property owned by Althea Houpt located at 522 Slickerman Drive, Somerset, Pennsylvania.

10. That Plaintiff spent approximately Thirty Three Thousand (\$33,000.00) Dollars to purchase and prepare the

aforesaid Monte Carlo with Laughlin chassis, Car No. 5 and is believed to be valued in that amount.

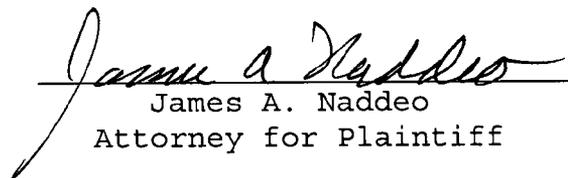
11. That Plaintiff has demanded that Defendant relinquish the vehicle described in Paragraph 10 hereof but the Defendant has failed and/or refused to do so.

12. That Plaintiff has been, and will continue to be damaged by Defendant's wrongful detention of Plaintiff's property in an amount which cannot be determined until the removal of Plaintiff's property from its storage place including but not limited to amounts expended in recovering Plaintiff's property, the cost of obtaining a bond for Writ of Seizure and the cost of manpower and equipment to remove Plaintiff's property from the premises where it has been stored by defendant.

13. That Defendant's wrongful detention of Plaintiff's property has been outrageous, willful, wanton and/or in disregard of Plaintiff's rights and Plaintiff therefore seeks recovery of punitive damages.

WHEREFORE, Plaintiff demands possession of the property described as a Monte Carlo with Laughlin chassis, Car No. 5, specific damages as requested herein and punitive damages

together with costs and attorney's fees to the extent allowed by
law.

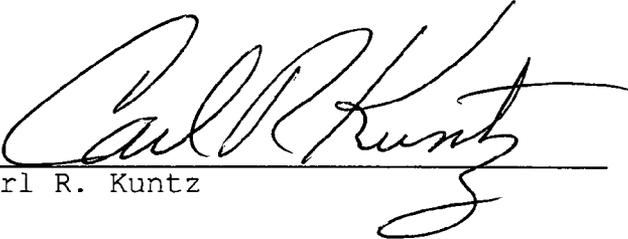

James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

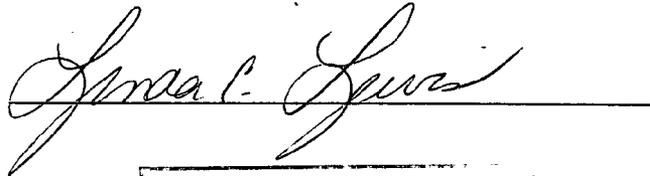
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared
CARL R. KUNTZ, who being duly sworn according to law, deposes and
states that the facts set forth in the foregoing Complaint are
true and correct to the best of his knowledge, information and
belief.



Carl R. Kuntz

SWORN and SUBSCRIBED before me this *28th* day of December, 2001.



Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2003

FILED

JAN 6 3 1962

W 013107/Atty Naddo pd
W William A. Shaw
Prothonotary \$80.00

acc atty.

CERTIFIED COPY OF POWER OF ATTORNEY
THE OHIO CASUALTY INSURANCE COMPANY
WEST AMERICAN INSURANCE COMPANY

No. 34-929

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, in pursuance of authority granted by Article VI, Section 7 of the By-Laws of The Ohio Casualty Insurance Company and Article VI, Section 1 of West American Insurance Company, do hereby nominate, constitute and appoint: **Stephen F. Hunter, Roger M. Janes, Gayle T. Knapp or Darcel L. Deeter of Meadville, Pennsylvania** its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance **ONE MILLION (\$1,000,000.00) DOLLARS**, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Hamilton, Ohio, in their own proper persons. The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this **25th day of April, 2000.**



Sam Lawrence

Sam Lawrence, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this **25th day of April, 2000** before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposed and saith, that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Barbara Hoffman

Notary Public in and for County of Butler, State of Ohio
My Commission expires September 25, 2002.

This power of attorney is granted under and by authority of Article VI, Section 7 of the By-Laws of The Ohio Casualty Insurance Company and Article VI, Section I of West American Insurance Company, extracts from which read:

Article VI, Section 7. APPOINTMENT OF ATTORNEYS-IN-FACT, ETC. "The chairman of the board, the president, any vice-president, the secretary or any assistant secretary of each of these Companies shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the Companies as surety to, and to execute, attach the corporate seal, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, or the official representative thereof, or to any county or state, or any official board or boards of county or state, or the United States of America, or to any other political subdivision."

Article VI, Section 1. APPOINTMENT OF RESIDENT OFFICERS. "The Chairman of the Board, the President, any Vice President, a Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint attorneys in fact for the purpose of signing the name of the corporation as surety or guarantor, and to execute, attach the corporate seal, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of surety-ship or guarantee, and policies of insurance to be given in favor of an individual, firm, corporation, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America, or to any other political subdivision."

This instrument is signed and sealed by facsimile as authorized by the following Resolution adopted by the respective directors of the Companies (adopted May 27, 1970-The Ohio Casualty Insurance Company; adopted April 24, 1980-West American Insurance Company):

"RESOLVED that the signature of any officer of the Company authorized by the By-Laws to appoint attorneys in fact, the signature of the Secretary or any Assistant Secretary certifying to the correctness of any copy of a power of attorney and the seal of the Company may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company. Such signatures and seal are hereby adopted by the Company as original signatures and seal, to be valid and binding upon the Company with the same force and effect as though manually affixed."

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above Resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 28th day of December 2001



Mark E. Schmidt

Assistant Secretary

S-4300

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. ~~01~~⁰² - 19 - CD

MOTION FOR EX PARTE WRIT OF SEIZURE

NOW COMES the Plaintiff, Carl R. Kuntz, and by his attorney, James A. Naddeo, Esquire, set forth the following:

1. Plaintiff is the owner of a certain race car described as Monte Carlo with Laughlin chassis, Car No. 5, as appears from cancelled checks, invoice and credit card record attached hereto collectively as Exhibit "A".

2. That said vehicle is in the possession of the Defendant who has caused it to be stored upon premises owned by his mother, Althea Haupt, located at 522 Slickerman Drive, Somerset, Pennsylvania.

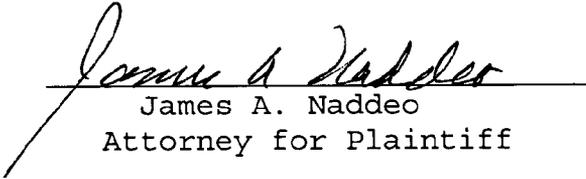
3. That the aforesaid vehicle is comprised of highly specialized parts and equipment which can readily be removed therefore substantially decreasing the value of said property.

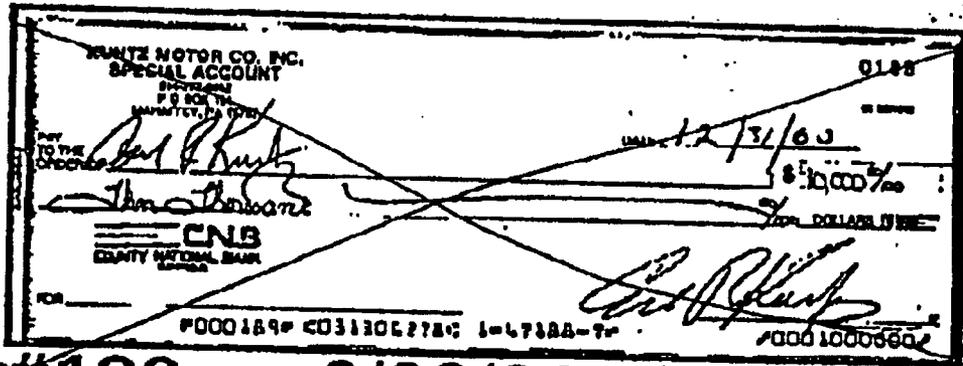
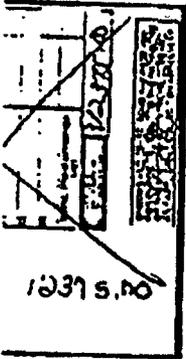
4. That Plaintiff believes and therefore avers that the Defendant, or parties working in consort with him, will strip the subject vehicle of valuable parts and equipment if

Defendant is permitted to continue in possession of the property.

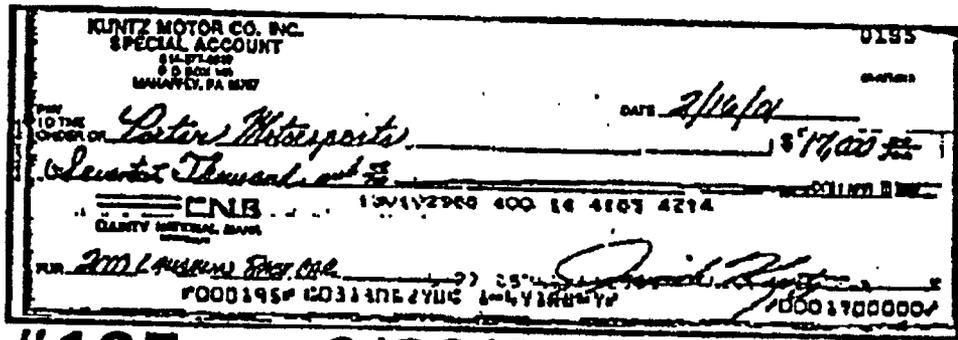
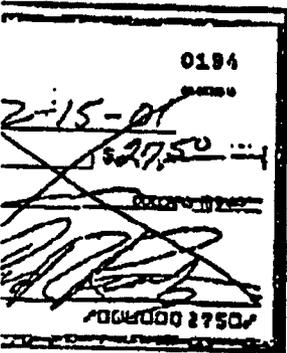
5. That Plaintiff has posted with the Prothonotary of Clearfield County, Pennsylvania, a surety bond with the Ohio Casualty Insurance Company in the amount of Sixty-Six Thousand (\$66,000.00) Dollars representing double the value of the said vehicle.

WHEREFORE, Plaintiff respectfully requests that your Honorable Court direct that a Writ of Seizure be issued and served herewith.


James A. Naddeo
Attorney for Plaintiff



12,375.00 #189 2/02/01 \$10,000.00 #1



27.50 #195 2/22/01 \$17,000.00



Purchase of 2000 Race CAR

DB FABRICATING, INC
 137 White Oak Circle
 Sewell PA 19381
 814-629-6240

Butch
 814 893 5527

TO Kuntz Motor
 ADDRESS P.O. Box 161
 Mahaffey PA 15757
 ATTENTION Mr. Phil Kuntz - Dave Houat

DATE ORDERED _____ ORDER TAKEN BY _____
 PHONE NO. _____ CUSTOMER ORDER # _____
 JOB LOCATION _____
 JOB PHONE _____ STARTING DATE _____
 TERMS _____

QTY.	MATERIAL	UNIT	AMOUNT	DESCRIPTION OF WORK
1	CAM, MAIN AND ROD		257.02	
1	Freeze Plugs & Pipe fittings		10.00	
1	Ring Set		126.67	
1	Custom Cam		350.00	
1	cam Cotton		12.47	
1	Timing Chain		43.76	
1	Timing cover		18.89	
1	Race gasket set		118.47	
8	Rocker Arms		224.08	
1	Breather		10.75	
1	Lofts		18.00	
2	CARB gaskets		3.00	
2	Fittings		15.50	
1	Plug-wires		125.00	
8	Plugs		24.00	
1	guide seats, shims		30.00	
16	Valve Springs		351.20	
16	Keepers		41.92	
TOTAL			1835.73	

MISCELLANEOUS CHARGES			
	Oil Pump Parts		421.05
	Rebuild Dist & New CAP		162.48
	New CARB		990.00
	Shipping		157.13
	Dyno & Supplies		489.95
	TOTAL		2220.61
LABOR	HRS.	RATE	AMOUNT
	Rebuild cylinder		
	Engine Mag flux		
	Parts, set chromolux		
	Assemble make new		
	oil lines	55 ^{hr} @ 45 ⁰⁰	2500.00

WORK ORDERED BY Sherry Sent.
 DATE ORDERS Credit Card
 DATE COMPLETED PROOK.

CUSTOMER APPROVAL SIGNATURE *CRY*

AUTHORIZED SIGNATURE _____
 NC 2917

TOTAL LABOR	2500.00
TOTAL MATERIALS	1835.73
TOTAL MISCELLANEOUS	2220.61
SUBTOTAL	6556.34
TAX	
GRAND TOTAL	6556.34

Job Invoice

Prepared For
CARL R KUNTZ

Account #
3712-713343-420

New Activity continued

	Amount
May 4, 2001 RAGLEY'S TRUE VALUE PUNXSUTAWNEY PA HARDWARE STORE <small>Reference: 32001130026172700</small>	15.69
May 5, 2001 DANIEL SHAFFERS INC HOOVERSVILLE PA FURNITURE & MAJOR APPL <small>Reference: 32001126026172838</small>	6,556.34
May 5, 2001 MT COBB MOBIL LAKE ARI PA MOBIL OIL IN-STORE 1809907338 <small>Reference: 320011260262706713</small>	2.37
May 5, 2001 MT COBB MOBIL LAKE ARI PA MOBIL OIL PAY AT PUMP 1809907338 <small>Reference: 320011260262706714</small>	53.34
May 6, 2001 AMERADA CARMEL NY GAS/GROCERIES/MISC <small>Reference: 320011270233276222</small>	141.06
May 8, 2001* 2% CREDIT FOR \$53.34 05/05 MOBIL CHARGE IT PAYS TO BUY GASOLINE AT MOBIL <small>Reference: 320011260262706714</small>	-1.07 <small>Credit</small>
May 8, 2001 RADIO SHACK PUNXSUTAWNEY PA 15767 ROC No. 187761 <small>Reference: 320011290267011730</small>	28.46
May 8, 2001 RADIO SHACK PUNXSUTAWNEY PA 15767 ROC No. 187762 <small>Reference: 320011290267011734</small>	10.58
May 8, 2001 RAGLEY'S TRUE VALUE PUNXSUTAWNEY PA HARDWARE STORE <small>Reference: 32001130026172700</small>	10.05

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COMMONWEALTH OF PENNSYLVANIA)

ss.

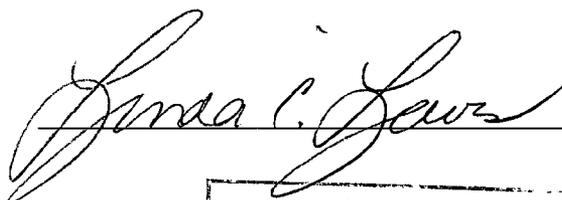
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared
CARL R. KUNTZ, who being duly sworn according to law, deposes and
states that the facts set forth in the foregoing Motion are true
and correct to the best of his knowledge, information and belief.



Carl R. Kuntz

SWORN and SUBSCRIBED before me this 28th day of December, 2001.



Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2003

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

019:59A-2CC
JAN 04 2002 Sheriff

W
Shaw

William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPT,
an individual,
Defendant.

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No. 01 - - CD

ORDER

AND NOW, this 3RD day of January, 2002, upon consideration of the Motion of James A. Naddeo, attorney for Plaintiff, Carl R. Kuntz, it is the ORDER of this Court that the Prothonotary issue a Writ of Seizure forthwith directed to the Defendant, David A. Houpt, and to Althea Haupt, party in possession.

BY THE COURT



JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

2 cc

Sheriff for service
per attorney

~~0/10:0000~~

JAN 04 2002

[Handwritten initials]

William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

No. 02
01 - 14 - CD

Type of Pleading:

Writ of Seizure

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

JAN 04 2002

William A. Shaw
Prothonotary

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

2 writs ~~to~~
issued to Sheriff

0/10:08:21
JAN 04 2002

W.A. Shaw

William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 01 - - CD

NOTICE OF HEARING FOR SEIZURE OF PROPERTY

TO: David A. Houpt, Defendant
Althea Houpt, Party in Possession

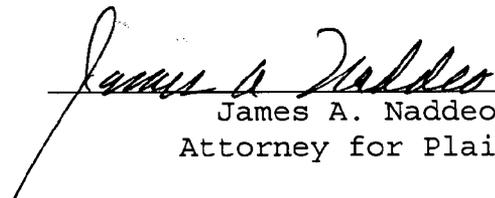
You are hereby notified that

(1) Plaintiff has commenced an action of replevin. A motion for ex parte seizure of the property described in the complaint has been granted, and the property has been seized. A copy of the complaint and motion is attached to this notice;

(2) There will be a hearing on the seizure of the property on JANUARY 16, 2002 at 1:00 P.m. in Court Room No. 2 of the Clearfield County Court House, Clearfield, Pennsylvania.

(3) You may appear in person or by a lawyer at the time and place set forth or file written objections setting forth your reasons why the property should not be seized;

(4) Your failure to appear at the hearing may result in the delivery of the property to the Plaintiff before a final decision in this case.



James A. Naddeo
Attorney for Plaintiff

Date: _____

JAMES A. NADDEO
ATTORNEY AT LAW
211¹/₂ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

2 CC Sheriff

Q/10:10-21
W
JAN 04 2002
DU

William A. Shaw
Prothonotary

MATTHEW R. ZATKO
ATTORNEY AT LAW

202 EAST UNION STREET
SOMERSET, PENNSYLVANIA 15501

PHONE: (814) 443-1631
FAX: (814) 445-7570

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

CARL R. KUNTZ, an individual,)
 Plaintiff,)
)
) No. 02 – 14 – CD
)
)
DAVID A. HOUPPT, an individual,)
 Defendant,)

MOTION FOR CONTINUANCE

TO THE HONORABLE, THE JUDGES OF SAID COURT:

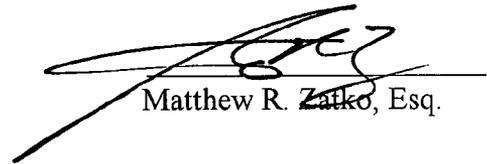
AND NOW, comes the Defendant, by his attorney, Matthew R. Zatko, Esq., and respectfully moves Your Honorable Court for a continuance of the Hearing For Seizure of Property scheduled in the above-captioned case, and in support thereof avers the following:

1. The above-captioned case is scheduled for Hearing For Seizure of Property on Wednesday, January 16, 2002, at 1:00 p.m., before Hon. Fredric J. Ammerman, Judge.
2. Defendant was not served with Notice of said hearing until approximately 5:00 p.m. on January 15, 2002. Service of the same was not made twenty-four hours prior to the hearing, as required by Pa. R.C.P. 1075.1(c). As such, the undersigned requests that this Hearing be rescheduled to a date and time convenient to the Court.

3. It is unknown whether counsel for Plaintiff, James A. Neddeo, Esq., objects to this matter being continued.

WHEREFORE, the undersigned attorney for the Defendant respectfully prays Your Honorable Court continue this matter for the reasons set forth above.

Respectfully submitted,



Matthew R. Zalko, Esq.

CA

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

CARL R. KUNTZ :
VS. : NO. 02-14-CD
DAVID A. HAUPT :

O R D E R

NOW, this 16th day of January, 2002, this being the date set for hearing pursuant to the Writ of Seizure previously issued by the Court; the Court noting that counsel for the Plaintiff, as well as the Plaintiff, are both present, and that counsel for the Defendant participated via telephone conference call; it is the ORDER of this Court that the Defendant's request for continuance be and is hereby granted. The matter shall be heard before the Court on Friday, January 18, 2002, at 11:00 a.m., Courtroom No. 2, Clearfield County Courthouse.

BY THE COURT,



Judge

FILED

JAN 18 2002

William A. Shaw
Prothonotary

FILED

JAN 18 2002

01:47 P.M.
William A. Shaw
Prothonotary

2cc to ATTY
2cc to ATTY

2cc to ATTY

2cc to ATTY
2cc to ATTY
2cc to ATTY

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

CARL R. KUNTZ :
VS. : NO. 02-14-CD
DAVID A. HAUPT :

O R D E R

NOW, this 18th day of January, 2002, following the conclusion of taking of testimony relative the Motion for Ex Parte Writ of Seizure and the Writ of Seizure that was executed by the Court on January 4, 2002, it is the ORDER of this Court that counsel for both parties supply the Court with appropriate letter brief relative the issues within no more than five (5) days from this date.

BY THE COURT,



Judge

FILED

JAN 21 2002

William A. Shaw
Prothonotary

FILED

JAN 21 2002

013:00 11cc athy naddo
William A. Shaw
Prothonotary

(Key)

11cc athy 3atko

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 02 - 14 - CD

FILED

JAN 24 2002

ORDER

AND NOW, this 23rd day of January, 2002, ~~William A. Shaw~~
Prothonotary

hearing held in the above-captioned matter as required by Pa. R.C.P. 1075.2(c), it is the finding of this Court that Plaintiff has established the probable validity of his claim to possession and grounds for the ex parte issuance of a Writ of Seizure for a certain Monte Carlo with Laughlin motor, Car No. 5. Therefore, it is the ORDER of this Court that the Sheriff of Somerset County execute said Writ previously served on Defendant, David A. Houpt, and the party in possession of said vehicle, Althea Houpt.

It is the further ORDER of this Court that the Sheriff of Somerset County is hereby authorized to use whatever force may be necessary to obtain possession of said vehicle.

Finally, it is the ORDER of this Court that upon seizure of said vehicle, the Sheriff of Somerset County be and is hereby authorized to deliver said vehicle immediately to the

Plaintiff, Carl R. Kuntz, and/or the dully authorized agent of
the Plaintiff.

BY THE COURT



FILED

JAN 24 2002

019.251 acc atty Zetko

William A. Shaw
Prothonotary

acc atty Nardes
ES

MATTHEW R. ZATKO
ATTORNEY AT LAW

202 EAST UNION STREET
SOMERSET, PENNSYLVANIA 15501

PHONE: (814) 443-1631
FAX: (814) 445-7570



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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 02 - 14 - CD

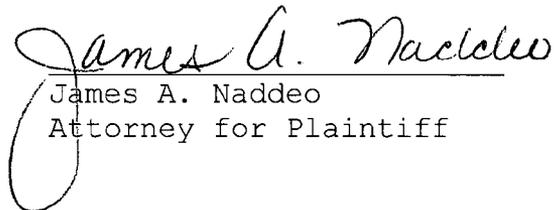
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Default in the above-captioned action was served on the following person and in the following manner on the 12th day of March, 2002:

First-Class Mail, Postage Prepaid

Mr. David Houpt
731 Taylor Road
Friedens, PA 15541

Matthew R. Zatko, Esquire
202 East Union Street
Somerset, PA 15501


James A. Naddeo
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

MATTHEW R. ZATKO
ATTORNEY AT LAW

202 EAST UNION STREET
SOMERSET, PENNSYLVANIA 15501

PHONE: (814) 443-1631
FAX: (814) 445-7570

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

CARL R. KUNTZ, an individual,
Plaintiff,

vs.

DAVID A. HOUP, an individual,
Defendant,

No. 02 - 14 - CD

ANSWER and
COUNTERCLAIM

Filed on behalf of:
Defendant

Counsel of Record for this party:

Matthew R. Zatzko, Esq.
PA ID 79988

202 East Union Street
Somerset, PA 15501
814/ 443 1631

FILED

MAR 22 2002
mlllos/zclatty
William A. Shaw
Prothonotary Zatzko

[Handwritten signature]

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

CARL R. KUNTZ, an individual,)
 Plaintiff,)
)
) No. 02 – 14 – CD
)
)
DAVID A. HOUP, an individual,)
 Defendant,)

ANSWER AND COUNTERCLAIM TO PLAINTIFF'S COMPLAINT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

AND NOW, comes the Defendant, by and through his attorney, Matthew R. Zatkan, Esq., and respectfully moves Your Honorable Court for a continuance of the Hearing For Seizure of Property scheduled in the above-captioned case, and in support thereof avers the following:

1. Defendant lacks information sufficient upon which to form an opinion in regard to the truth of this averment. Strict proof of same is demanded at the time of trial.
2. Admitted.
3. Defendant lacks information sufficient upon which to form an opinion in regard to the truth of this averment. Strict proof of same is demanded at the time of trial.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.

9. Strictly denied. The vehicle was tendered to Defendant, as payment for the work and storage that Defendant supplied on and for various racing vehicles owned by Plaintiff.

10. Defendant lacks information sufficient upon which to form an opinion in regard to the truth of this averment. Strict proof of same is demanded at the time of trial.

11. States a legal conclusion to which no response is necessary.

12. States a legal conclusion to which no response is necessary.

COUNTERCLAIM

13. Defendant incorporates Paragraphs 1 through 12 herein, as though more fully set forth at length.

14. Defendant, Counterclaim Plaintiff, is David Houpt, an adult individual, with an address of 731 Taylor Road, Friedens, PA 15541.

15. Plaintiff, Counterclaim Defendant, is Carl Kuntz, an adult individual, believed to reside at Colonel Drake Highway, Mahaffey, PA 15757.

16. Plaintiff, Counterclaim Defendant Carl Kuntz elected to sponsor two race cars in the Northern Division of the USAR Northern Hooters Pro Cup Series.

17. Defendant, Counterclaim Plaintiff David Houpt, at Carl Kuntz's direction, performed numerous tasks for this team, including, but not limited to providing shop space, labor, truck rental, parts and various other supplies and tasks.

18. Additionally, Defendant, Counterclaim Plaintiff David Houpt was hired to drive one of the cars for the team.

19. As compensation for all of the services and goods provided, Defendant, Counterclaim Plaintiff David Houpt, was to receive the Number 5 Laughlin Monte Carlo for \$1.00 (one dollar).

20. In direct violation of the agreement, Plaintiff, Counterclaim Defendant Carl Kuntz, demanded the return of this car.

WHEREFORE, Defendant, Counterclaim Plaintiff David Houpt respectfully request that this Honorable Court enter judgment in his favor and against Carl Kuntz in an amount in excess of the maximum jurisdictional amount for compulsory arbitration.

Respectfully submitted,



Matthew R. Latko, Esq.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11940

KUNTZ, CARL R.

02-14-CD

VS.

HOUPT, DAVID A.

COMPLAINT; WRIT OF SEIZURE; NOTICE OF HEARING FOR SEIZURE

SHERIFF RETURNS

Return Costs

Cost	Description
43.34	SHFF. HAWKINS PAID BY: ATTY.
37.46	SHFF. BROWN PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

25th Day Of March 2002

Jacqueline Kendrick

Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
by Mandy Harris

Chester A. Hawkins
Sheriff

FILED

MAR 25 2002

019301am
William A. Shaw
Prothonotary

Docket Number 02-14-CD Althea Houpt

SHERIFF'S RETURN

Personally appeared before me David L. Yack a deputy for CARL W. BROWN, Sheriff of Somerset County, Pennsylvania, who being duly sworn according to law, deposes and says that on the 15th day of January 2002 at 0935 AM he served the above named person as follows:

- Personal Service on person
Mailing to person at above address; evidence of mailing attached
Adult member of the person's household
Adult in charge of person's residence
Agent or person at the time and place in charge of the person's office or usual place of business
Manager/Clerk at the place of lodging in which person resides
Other Name
Posted most public part of premise situate at Residence, Business, Employment, Other, of person to be served, at 522 Stickerman Dr. Somerset Pa 15501

IN Somerset TWR/BORO and making known to such person the contents thereof.

PERSON NOT FOUND BECAUSE:

- Whereabouts Unknown, No Answer, Vacant, Moved left no forwarding address, Moved - New address
Other

Sworn and subscribed before me this 15th day of Feb. 2002

David L. Yack DEPUTY SHERIFF SOMERSET COUNTY, PA

Melissa A. Truscott

Notarial Seal Melissa A. Truscott, Notary Public Somerset Boro, Somerset County My Commission Expires February 24, 2003 Member, Pennsylvania Association of Notaries

Costs

Docket Number

02-14-CD DAVID A HOUPF

11940

SHERIFF'S RETURN

Personally appeared before me DUSTIN WELIC a deputy for **CARL W. BROWN**, Sheriff of Somerset County, Pennsylvania, who being duly sworn according to law, deposes and says that on the 15 day of JANUARY 2002 at 1215 AM/PM he served the above named person as follows:

- Personal Service on person
- Mailing to person at above address; evidence of mailing attached
- Adult member of the person's household
Name _____ Relationship _____
- Adult in charge of person's residence
Name _____ Relationship _____
- Agent or person at the time and place in charge of the person's office or usual place of business
Name _____ Relationship _____
- Manager/Clerk at the place of lodging in which person resides - Name _____
- Other Name _____ Title _____ of corporation
- Posted most public part of premise situate at Residence, Business, Employment, Other, of person to be served, at 731 TAYLOR RD
FRIEDENS PA 15541
IN SOMERSET (TWP)/BORO and making known to such person the contents thereof.

PERSON NOT FOUND BECAUSE:

- Whereabouts Unknown, No Answer, Vacant, Moved left no forwarding address, Moved - New address
- Other _____

Sworn and subscribed before me this

15th day of Feb 2002

Dustin Welic
DEPUTY SHERIFF SOMERSET COUNTY, PA

Melissa A. Truscott

Notarial Seal
Melissa A. Truscott, Notary Public
Somerset Boro, Somerset County
My Commission Expires February 24, 2003
Member, Pennsylvania Association of Notaries

Costs
PD
2-15-02 Sheriff Brown # 37.46

Docket Number 02-14-CD David A. Haupt

SHERIFF'S RETURN

Personally appeared before me David L. Yock a deputy for CARL W. BROWN, Sheriff of Somerset County, Pennsylvania, who being duly sworn according to law, deposes and says that on the 29th day of January 2002 at 1000 AM/PM he served the above named person as follows:

- Personal Service on person
Mailing to person at above address; evidence of mailing attached
Adult member of the person's household
Adult in charge of person's residence
Agent or person at the time and place in charge of the person's office or usual place of business
Manager/Clerk at the place of lodging in which person resides
Other Name
Posted most public part of premise situate at Residence, Business, Employment, Other, of person to be served, at

IN TWP/BORO and making known to such person the contents thereof.

PERSON NOT FOUND BECAUSE:

- Whereabouts Unknown, No Answer, Vacant, Moved left no forwarding address, Moved - New address
Other

Sworn and subscribed before me this 15th day of Feb 2002

David L. Yock DEPUTY SHERIFF SOMERSET COUNTY, PA

Melissa A. Truscott
listed property seized on above date & time.

Notarial Seal
Melissa A. Truscott, Notary Public
Somerset Co., Somerset County
My Commission Expires February 24, 2003
Member, Pennsylvania Association of Notaries

Costs



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765- 5915

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARL R. KUNTZ

VS

DAVID A. HOUPT

TERM & NO. 02-14-CD

SERVE BY: ASAP

or

HEARING DATE:

DOCUMENT TO BE SERVED:

COMPLAINT; WRIT OF SEIZURE; NOTICE OF HEARING
FOR SEIZURE

MAKE REFUND PAYABLE TO: JAMES A. NADDEO, Attorney

SERVE: DAVID A. HOUPT and ALTHEA HOUPT

ADDRESS: David--731 Taylor Road, Friedens, Pa. 15541
Althea--522 Slickerman Drive, Somerset, Pa.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of SOMERSET County Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this 8th day of JANUARY ~~2001~~. 2002.

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11940

KUNTZ, CARL R.

02-14-CD

VS.

HOUPT, DAVID A.

COMPLAINT; WRIT OF SEIZURE; NOTICE OF HEARING FOR SEIZURE

SHERIFF RETURNS

NOW JANUARY 8, 2002, CARL W. BROWN, SHERIFF OF SOMERSET COUNTY WAS DEPUTIZED BY CHESTER A .HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT, WRIT OF SEIZURE, NOTICE OF HEARING FOR SEIZURE ON DAVID A. HOUPT AND ALTHEA HOUPT, DEFENDANTS.

NOW JANUARY 15, 2002 SERVED THE WITHIN COMPLAINT, WRIT OF SEIZURE, NOTICE OF HEARING FOR SEIZURE ON DAVID A. HOUPT, DEFENDANT BY DEPUTIZING THE SHERIFF OF SOMERSET COUNTY. THE RETURN OF SHERIFF BROWN IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

NOW JANUARY 15, 2002 SERVED THE WITHIN COMPLAINT, WRIT OF SEIZURE, NOTICE OF HEARING FOR SEIZURE ON ALTHEA HOUPT, DEFENDANT BY DEPUTIZING THE SHERIFF OF SOMERSET COUNTY. THE RETURN OF SHERIFF BROWN IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

NOW JANUARY 29, 2002 SEIZED PROPERTY OF DAVID A HOUPT, DEFENDANT BY DEPUTIZING THE SHERIFF OF SOMERSET COUNTY.

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUP,
an individual,
Defendant.
Defendant.

No. 02 - 14 - CD

c.

Type of Pleading:

**PRELIMINARY OBJECTION
TO DEFENDANT'S
COUNTERCLAIM**

NOW COMES the Plaintiff,

by, James A. Naddeo, Esquire, Filed on behalf of:
Plaintiff

1. Defendant has filed
Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa. I.D. 06820
211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

2. That said Counterclaim
lacks sufficient specificity to exact
any damages including, but not limited

- a) Number of hours claimed and rate charged;
- b) Amount incurred for truck rental;
- c) Reasonable value of shop
- d) Cost of parts;
- e) Cost of supplies; and
- f) Value of Houpt's services
driver.

FILED

APR 01 2002

William A. Shaw
Prothonotary

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

CK

FILED

0 11:19 AM
APR 01 2002

William A. Shaw
Prothonotary

1 cc
Amy Meddeo

[Handwritten signature]

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-8142

ASSOCIATE
LINDA C. LEWIS

April 1, 2002

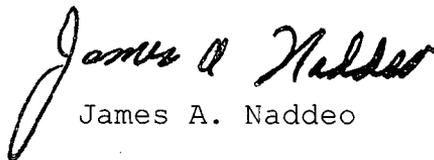
Marcy Kelley
Deputy Court Administrator
Clearfield County Court House
Clearfield, PA 16830

RE: Kuntz v. Houpt
No. 02-14-CD

Dear Ms. Kelley:

On March 22, 2002, Defendant filed Answer and Counterclaim to Plaintiff's Complaint. Plaintiff caused Preliminary Objections to be filed to the Counterclaim on April 1, 2002. Would you please schedule this matter for Argument.

Sincerely,


James A. Naddeo

JAN/jlr

cc: Mr. Carl R. Kuntz

CK

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

CARL R. KUNTZ

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:
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vs.

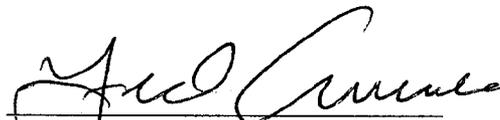
: No. 02-14-CD

DAVID A. HOUP

ORDER

AND NOW, this 22 day of April, 2002, it is the ORDER of the Court that argument on Preliminary Objections to Defendant's Counterclaim in the above matter has been scheduled for **Friday, May 17, 2002 at 9:00 A.M.** in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
Judge

FILED

APR 22 2002

William A. Shaw
Prothonotary

FILED

01:21:42 EST
APR 22 2002

Eng

1 cc Amy Maddox

1 cc Amy Zotto

William A. Shaw
Prothonotary

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

CARL R. KUNTZ, an individual,
Plaintiff,

vs.

DAVID A. HOIPT, an individual,
Defendant,

No. 02 - 14 - CD

AMENDED ANSWER and
COUNTERCLAIM

Filed on behalf of:
Defendant

Counsel of Record for this party:

Matthew R. Zatko, Esq.
PA ID 79988

202 East Union Street
Somerset, PA 15501
814/ 443 1631

FILED

MAY 15 2002

m/11/30/2002 rec atty *Zatko*
William A. Shaw
Prothonotary *ESW*

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

CARL R. KUNTZ, an individual,
Plaintiff,

vs.

DAVID A. HOUPPT, an individual,
Defendant,

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)
)
)

No. 02 - 14 - CD

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 judgement 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.

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

AMERICANS WITH DISABILITIES ACT OF 1990

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Market and Second Streets
Clearfield, PA 16830
814/ 765 2641

9. Strictly denied. The vehicle was tendered to Defendant, as payment for the work and storage that Defendant supplied on and for various racing vehicles owned by Plaintiff.

10. Defendant lacks information sufficient upon which to form an opinion in regard to the truth of this averment. Strict proof of same is demanded at the time of trial.

11. States a legal conclusion to which no response is necessary.

12. States a legal conclusion to which no response is necessary.

COUNTERCLAIM

13. Defendant incorporates Paragraphs 1 through 12 herein, as though more fully set forth at length.

14. Defendant, Counterclaim Plaintiff, is David Houpt, an adult individual, with an address of 731 Taylor Road, Friedens, PA 15541.

15. Plaintiff, Counterclaim Defendant, is Carl Kuntz, an adult individual, believed to reside at Colonel Drake Highway, Mahaffey, PA 15757.

16. Plaintiff, Counterclaim Defendant Carl Kuntz elected to sponsor two race cars in the Northern Division of the USAR Northern Hooters Pro Cup Series.

17. Defendant, Counterclaim Plaintiff David Houpt, at Carl Kuntz's direction, performed numerous tasks for this team, including, but not limited to the following:

- a) Providing shop rental, including tools, with an estimated fair market value of \$21,000.00 (14 months at \$1,500.00 per month);
- b) Labor, with an estimated fair market value of \$19,475.00 (779 hours at \$25.00 per hour);
- c) Truck rental, with special hydraulic lift gate for car, with a fair market value of \$5,525.00 (13 trips at \$425.00 per trip).

202 EAST UNION STREET
SOMERSET, PENNSYLVANIA 15501

MATTHEW R. ZATKO
ATTORNEY AT LAW

PHONE: (814) 443-1631
FAX: (814) 445-7570

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

ICC
0110:42281
Atty Naddeo
E

MAY 31 2002



William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 02 - 14 - CD

ANSWER TO COUNTERCLAIM

NOW COMES the Plaintiff, Carl R. Kuntz, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

13. No answer is required.

14. Admitted.

15. Admitted in so far as it identifies Carl Kuntz as Defendant in Counterclaim. It is alleged, however, that the correct address of Defendant in Counterclaim is 377 Zorger Road, Mahaffey, Pennsylvania 15757.

16. Denied as stated. On the contrary, it is alleged that Defendant in Counterclaim purchased two (2) vehicles to be raced in the Northern Division of the USAR Northern Hooters Pro Cup Series during the 2001 racing season. In further answer thereto, it is alleged that one vehicle was to be operated by Defendant's son and the other vehicle was to be operated by Plaintiff, David Houpt, with all prize money earned by the Houpt vehicle to be retained by the said Houpt. Finally, it is

alleged that in consideration for the use of Defendant's vehicle, Houpt agreed to fully maintain the vehicle that he was operating and further agreed to provide a pit crew and all labor necessary to maintain the vehicle operated by Defendant's son.

17. Denied and in answer thereto Counterclaim Defendant incorporates his answer to Paragraph 16 of the Counterclaim by reference and makes it a part hereof. In further answer thereto, Counterclaim Defendant after reasonable investigation is unable to determine the truth of subparagraphs (a) through (c), knowledge of which is within the exclusive possession of Counterclaim Plaintiff, and strict proof thereof is demanded.

18. Denied and in answer thereto Counterclaim Defendant incorporates his answer to Paragraph 16 of the Counterclaim.

19. Denied as stated. On the contrary, it is alleged that as compensation for the services that Counterclaim Plaintiff agreed to provide to Counterclaim Defendant, Counterclaim Plaintiff was to receive the use of the Number 5 Laughlin Monte Carlo during the 2001 racing season with Counterclaim Defendant having the option to repurchase the vehicle for the same consideration.

20. States a conclusion to which no answer is required. To the extent that an answer may be required, said

allegation is denied for the reasons set forth in answers to Paragraphs 16 and 19 of the Counterclaim, which answers are incorporated herein by reference.

WHEREFORE, Defendant respectfully requests that the Counterclaim be dismissed.

Respectfully submitted,



James A. Naddeo, Esquire
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

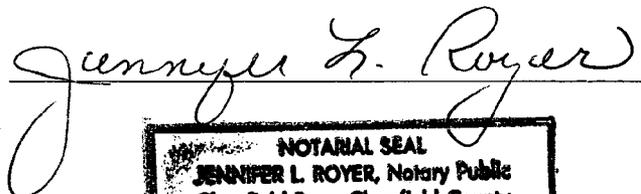
COUNTY OF CLEARFIELD)

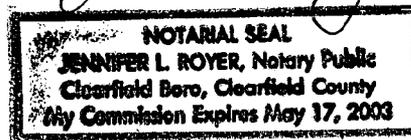
Before me, the undersigned officer, personally appeared CARL R. KUNTZ, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to Counterclaim are true and correct to the best of his knowledge, information and belief.



Carl R. Kuntz

SWORN and SUBSCRIBED before me this 31st day of May, 2002.





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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUP, T,
an individual,
Defendant.

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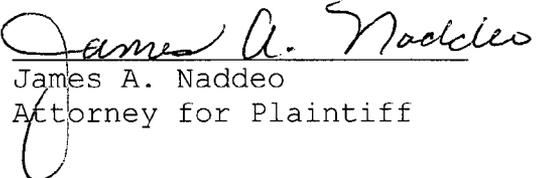
No. 02 - 14 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Answer to Counterclaim filed in the above-captioned action was served on the following person and in the following manner on the 31st day of May, 2002:

First-Class Mail, Postage Prepaid

Matthew R. Zatko, Esquire
202 East Union Street
Somerset, PA 15501


James A. Naddeo
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

100

010:4284

MAY 31 2002

Any address



William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 02 - 14 - CD

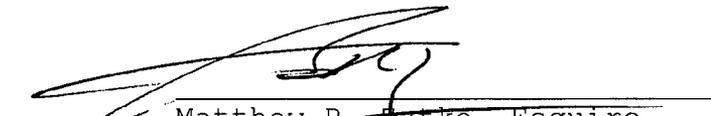
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.


James A. Naddeo, Esquire
Attorney for Plaintiff


Matthew R. Patko, Esquire
Attorney for Defendant

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

013:458A
JUL 01 2002

1 cc Atty Maddico
Cert of Ssc to Atty
Copy to C/F

[Signature]

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Carl R. Kuntz

Vs.

No. 2002-00014-CD

David A. Houpt

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 1, 2002 marked:

Settled and Discontinued

Record costs in the sum of \$180.80 have been paid in full by James A. Naddeo, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of July A.D. 2002.

William A. Shaw, Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUP, T,
an individual,
Defendant.

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No. 02 - 14 - CD

O R D E R

AND NOW this 8 day of July, 2002, upon
consideration of the attached Motion of Plaintiff by its
attorney, James A. Naddeo, Esquire, it is the Order of this
Court that the Replevin Bond dated December 28, 2001, S-3556 -
Replevin Bond (Pa.), issued by The Ohio Casualty Insurance
Company be and is hereby released.

BY THE COURT,



FILED

JUL 08 2002

William A. Shaw
Prothonotary

FILED

012:34 ~~BT~~
JUL 08 2002

Atty Noddles

WAS
William A. Shaw
Prothonotary

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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No. 02 - 14 - CD

MOTION TO RELEASE BOND

NOW COMES the Plaintiff, Carl R. Kuntz, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. That Plaintiff filed an action for replevin with bond to the above term and number.

2. That hearing upon ex parte seizure was held before your Honorable Court on January 16, 2002.

3. That as a result of the hearing referred to in Paragraph 2 hereof, your Honorable Court issued an Order dated January 23, 2002, in favor of Plaintiff. A copy of said Order is attached hereto as Exhibit "A".

4. That Defendant filed an Answer and Counterclaim to Plaintiff's Complaint on March 22, 2002, to which Plaintiff filed Preliminary Objections.

5. That an Amended Answer and Counterclaim was filed by Defendant on May 15, 2002, to which Plaintiff filed an Answer to Counterclaim.

6. That after all pleadings were closed, the parties negotiated a settlement of the instant action.

7. That counsel for each party signed a Praeceptum to Settle and Discontinue, which Praeceptum was filed with the Prothonotary of Clearfield County on July 1, 2002. A copy of said Praeceptum is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests your Honorable Court to issue the attached Order directing that the bond posted by Plaintiff be released.


James A. Naddeo
Attorney for Plaintiff

JAN 24 2002

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

CARL R. KUNTZ,
an individual,
Plaintiff,

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*
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v.

No. 02 - 14 - CD

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*

DAVID A. HOUPT,
an individual,
Defendant.

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*
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ORDER

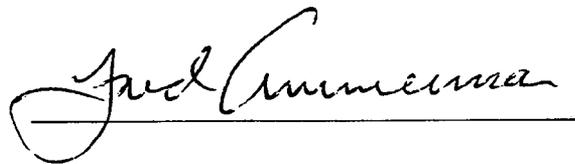
AND NOW, this 23rd day of January, 2002, after hearing held in the above-captioned matter as required by Pa. R.C.P. 1075.2(c), it is the finding of this Court that Plaintiff has established the probable validity of his claim to possession and grounds for the *ex parte* issuance of a Writ of Seizure for a certain Monte Carlo with Laughlin motor, Car No. 5. Therefore, it is the ORDER of this Court that the Sheriff of Somerset County execute said Writ previously served on Defendant, David A. Houpt, and the party in possession of said vehicle, Althea Houpt.

It is the further ORDER of this Court that the Sheriff of Somerset County is hereby authorized to use whatever force may be necessary to obtain possession of said vehicle.

Finally, it is the ORDER of this Court that upon seizure of said vehicle, the Sheriff of Somerset County be and is hereby authorized to deliver said vehicle immediately to the

Plaintiff, Carl R. Kuntz, and/or the dully authorized agent of
the Plaintiff.

BY THE COURT



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

JAN 24 2002

Attest.


Prothonotary/
Clerk of Courts

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

CARL R. KUNTZ,
an individual,
Plaintiff,

v.

DAVID A. HOUPPT,
an individual,
Defendant.

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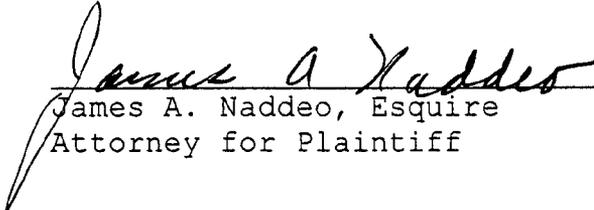
No. 02 - 14 - CD

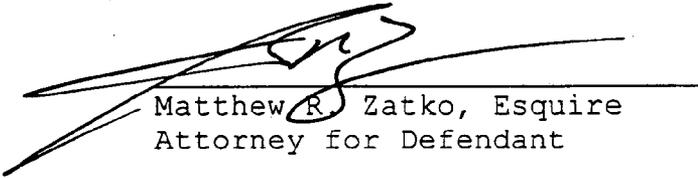
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.


James A. Naddeo, Esquire
Attorney for Plaintiff


Matthew R. Zatko, Esquire
Attorney for Defendant

JAMES A. NADDEO
ATTORNEY AT LAW
211½ EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

NA

FILED

JUL 02 2002
01/01:53 AM

William A. Shaw
Prothonotary

