

02-586-07
DISCOVER BANK -vs- RICHARD GARDNER

Our File No. 156629
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
198 Allendale Road, Suite 306
King of Prussia, PA 19406
(610) 265-7720

FILED

APR 15 2002

-----X
DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
198 Allendale Road, Suite 306
King of Prussia, PA 19406

vs.

RICHARD GARDNER
-----X

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD
Prothonotary

TRIAL DIVISION

CIVIL ACTION

Term

No. 02-586-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 judgment may be entered against you by the court without further notice for any money claimed in this complaint or for any other claim or relief required 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 OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abagado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. A demas la la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

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

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-73

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BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57505
198 ALLENDALE ROAD, SUITE 306
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(610) 265-7720

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
198 Allendale Road, Suite 306
King of Prussia, PA 19406

vs.

RICHARD GARDNER

-----X
: COURT OF COMMON PLEAS
: COUNTY OF CLEARFIELD

: CIVIL ACTION

: _____ Term _____

: No.
:
:
:
:-----X

COMPLAINT

1. Plaintiff, DISCOVER BANK ,
is a DELAWARE BUSINESS TRUST
licensed to do business in the Commonwealth of Pennsylvania with its
place of business at P.O. BOX 8003, HILLIARD, OH 43026.

2. The Defendant(s), RICHARD GARDNER ,
resides at RR 2 BOX 435 , DU BOIS, PA 15801-9704.

3. There is due from the Defendant(s) the sum of \$3,644.89 for
credit extended by Plaintiff to Defendant(s), acct. no. 6011002233533249,
and which such credit was drawn and used by the Defendant(s).
Defendant(s) is in default for failure to make payments for such use.

4. The Plaintiff has made demand upon the Defendant(s) for payment
of monies in the sum of \$3,644.89 advanced to Defendant(s) through
Defendant(s) use of the above-referenced credit account, but Defendant(s)
has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to
Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$3,644.89
plus interest, attorneys fees and costs which are justly due and
owing from the Defendant(s) to the Plaintiff.

Dated: FEBRUARY 05, 2002

SPACE-AQ

ERIC M. BERMAN, P.C.

BY: _____

ERIC M. BERMAN, ESQUIRE

BY: _____

RON Z. OPHER, Esquire
Attorneys for Plaintiff

VERIFICATION

RON Z. OPPER, ESQUIRE, being duly sworn according to law, deposes and says that he is of Counsel to the Law Firm of Eric M. Berman, P.C., and/or ERIC M. BERMAN, ESQUIRE, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and as said attorney, he is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.



ERIC M. BERMAN, ESQUIRE



RON Z. OPPER, ESQUIRE

Dated: FEBRUARY 05, 2002

SPACE-AQ

ATTORNEY: **BERMAN**
ACCOUNT NUMBER: 6011002233533249
BALANCE: \$3644.89
CARDMEMBER (S): RICHARD GARDNER

STATE OF OHIO
COUNTY OF FRANKLIN

K. Ray, personally appeared before me, this day and after being duly sworn, according to law, upon his/her oath and says:

I am a Legal Placement Account Manager for **DISCOVER FINANCIAL SERVICES INC.**, the servicing agent of DISCOVER BANK, an FDIC insured Delaware State Bank.

THAT this affidavit is made on the basis of my personal knowledge and in support of Plaintiff's suit on account against the Debtor(s)

THAT, in my capacity as Legal Placement Account Manager, I have control over and access to records regarding Discover Card Account 6011002233533249 of the above referenced Debtor(s), further, that I have personally inspected said Account and statements regarding the balance due on said account. DISCOVER FINANCIAL SERVICES, INC. maintains these records in the ordinary course of business.

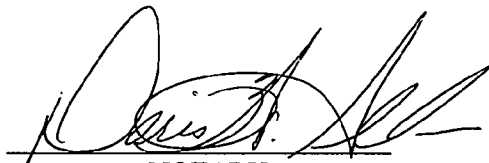
THAT the annexed statement of account is a true and correct statement of what is now due and owing Discover Bank on the account, and exhibit A is a copy of the Cardmember Agreement between Discover Bank and the above referenced Debtor(s). The Cardmember Agreement governs the terms and conditions of the relationship between Discover Bank and the Debtor(s) in connection with the account.

Based on my review of the account records, to the best of my knowledge and belief the above referenced Debtor(s) is not engaged in the military service of the United States and is a resident of the State and of the Country in which this action has been filed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Affiant

Sworn and Subscribed before me,
This day of Wednesday, January 09, 2002.


NOTARY



DORIS WALKER ALLEN
Notary Public
In and for the State of Ohio
My Commission Expires
Feb. 15, 2005

FILED

2 cc Skosiff

APR 11 2002

Arg pd - 80.00

WAS
William A. Shaw
Prothonotary

FILED

JUL 17 2002

William A. Shaw
Prothonotary

Our File No. 156629
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
vs.
RICHARD GARDNER

TRIAL DIVISION
CIVIL ACTION
No. 02-586

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:


Please enter a default judgment in favor of Plaintiff,
DISCOVER BANK,
and against Defendant, RICHARD GARDNER,
for failure to answer or otherwise respond to the Complaint - Civil
Action.


The Complaint was served upon Defendant on 05/13/2002,
by the Sheriff's Office of COUNTY OF CLEARFIELD County.

A copy of the Notice of Intention to Take Default served upon
the Defendant by regular mail on 7/15/02
is attached hereto as Exhibit B.

I certify that written notice of the intention to file this praecipe
was mailed or delivered to the party against whom judgment is to be
entered after the default occurred and at least ten days prior to
the date of the filing of this praecipe. Copies are attached. R.C.P.237.1.

Assess damages in the principal amount of \$3,644.89, being
the amount demanded in the Complaint, together with attorneys fees
and court costs.


ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire


ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher

SPACEJUD-ZF

Our File No. 156629
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Wayne, PA 19087
(610) 902-0530

-----X	COURT OF COMMON PLEAS
:	COUNTY OF CLEARFIELD
DISCOVER BANK	:
c/o ERIC M. BERMAN, P.C.	: TRIAL DIVISION
985 Old Eagle School Road, Suite 505	: CIVIL ACTION
Wayne, PA 19087	:
	: No. 02-586
vs.	:
	:
RICHARD GARDNER	:
-----X	

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceeding and that enclosed herewith is a copy of all the (record) documents filed in support of the said Judgment.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:
ERIC M. BERMAN, P.C., Attorneys at Law.
Attention: Eric M. Berman, Esquire, or Ron Z. Opher, Esquire, at
this telephone number. 1-610-902-0530.

PROTHONOTARY

spacejud-zf

Our File No. 156629
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
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(610) 902-0530

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
985 Old Eagle School Road, Suite 505
Wayne, PA 19087

TRIAL DIVISION
CIVIL ACTION

vs.

RICHARD GARDNER

No. 02-586

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: RICHARD GARDNER
RR 2 BOX 435
DU BOIS, PA 15801-9704

DATE OF NOTICE: 7/5/02

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 of the date of this Notice, as set forth above, 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 YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD COUNTY BAR ASSOCIATION
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-

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

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-73
SPACEJUD-ZF

ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire

ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher, Esquire

Our File No. 156629
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COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

-----X
DISCOVER BANK :
c/o ERIC M. BERMAN, P.C. :
985 Old Eagle School Road, Suite 505 :
Wayne, PA 19087 :
vs. :
RICHARD GARDNER :
-----X

TRIAL DIVISION
CIVIL ACTION

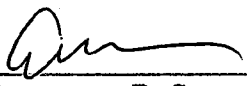
No. 02-586


CERTIFICATION OF ADDRESSES

TO THE PROTHONOTARY:

The address of the Plaintiff, Judgment Creditor, is c/o
Eric M. Berman, P.C., 985 Old Eagle School Road, Suite 505,
Wayne, PA 19087.

The last known address of the Defendant, Judgment Debtor, is
RR 2 BOX 435, , DU BOIS, PA 15801 9704.


Eric M. Berman, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire
SPACEJUD


Eric M. Berman, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher

File No. 156629

AFFIDAVIT OF NON-MILITARY SERVICE

State of Pennsylvania:

ss.

County of **Clearfield**


Eric M. Berman, Esq. being duly sworn according to law, deposes and says that he/she (is) (represents) the Plaintiff(s) in the above entitled case; that he/she is authorized to make this affidavit on behalf of the Plaintiff(s); and that the above named Defendant(s) is (are) above 18 years of age; the address of Defendant(s) is:

RR1 Box 435, Du Bois, P A 15801

Occupation of Defendant(s) is unknown; and Defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and the Sailors' Civil Relief Act of 1940 and the amendments thereto.

Commonwealth of Pennsylvania
County of **Clearfield**

I, Eric M. Berman, Esq.
depose and say that the facts set forth
in this complaint are true and correct
and acknowledge that I am subject to the
penalties of 18 P.S. 4904 relating to
Unsworn Falsification to Authorities



Eric M. Berman, Esq.
Attorney for the Plaintiff

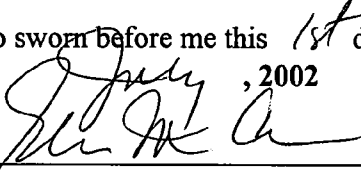
I hereby acknowledge receipt of the
following affidavit forms which I understand
must be properly completed, notarized and
presented to the Court at the hearing :

_____ Medical Affidavit
_____ Repair Affidavit
_____ Bookkeeper Affidavit

Signature

So sworn before me this 1st day of

July, 2002



ELLEN M. CALABRESE
Notary Public, State of New York
No. 02CA6024830
Qualified in Suffolk County
Term Expires May 17, 2003

FILED

0 m/2:04 PM
JUL 17 2002

Att. ed.
Aug 2000

1cc Aug 21 Statement

1cc def. w/ Notice

William A. Shaw
Prothonotary



COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Discover Bank

Vs.

No. 2002-00586-CD

Richard Gardner

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$3,644.89 on July 17, 2002.

William A. Shaw
Prothonotary

William A. Shaw

COPY

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

Discover Bank
Plaintiff(s)

No.: 2002-00586-CD

Real Debt: \$3,644.89

Atty's Comm:

Vs.

Costs: \$

Int. From:

Richard Gardner
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: July 17, 2002

Expires: July 17, 2007

Certified from the record this 17th day of July, 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

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12394

DISCOVER BANK

02-586-CD

VS.

GARDNER, RICHARD

COMPLAINT

SHERIFF RETURNS

NOW MAY 13, 2002 AT 10:40 AM DST SERVED THE WITHIN COMPLAINT ON
RICHARD GARDNER, DEFENDANT AT RESIDENCE, RR#2 BOX 435, DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RICHARD GARDNER
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET/RYEN

Return Costs

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

FILED

MAY 20 2002

01326

William A. Shaw
Prothonotary



Sworn to Before Me This

20th Day Of May 2002



WILLIAM A. SHAW
Prothonotary

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

So Answers,



Chester A. Hawkins
Sheriff

Our File No. 156629
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83688
BY: Ron Z. Opher, Esquire, I.D. 57507
198 Allendale Road, Suite 306
King of Prussia, PA 19406
(610) 265-7720

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

COPY

APR 15 2002

Attest:

William L. Han

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
198 Allendale Road, Suite 306
King of Prussia, PA 19406

vs.

RICHARD GARDNER

TRIAL DIVISION

CIVIL ACTION

Term

No. 02-586-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 judgment may be entered against you by the court without further notice for any money claimed in this complaint or for any other claim or relief required by the plaintiff. You may lose money or property or other rights important to you.

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AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abagado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. A demas la la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

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(610) 265-7720

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
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King of Prussia, PA 19406

vs.

RICHARD GARDNER

-----X
: COURT OF COMMON PLEAS
: COUNTY OF CLEARFIELD
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: CIVIL ACTION
: _____ Term _____
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COMPLAINT

1. Plaintiff, DISCOVER BANK ,
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licensed to do business in the Commonwealth of Pennsylvania with its
place of business at P.O. BOX 8003, HILLIARD, OH 43026.

2. The Defendant(s), RICHARD GARDNER
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3. There is due from the Defendant(s) the sum of \$3,644.89 for
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and which such credit was drawn and used by the Defendant(s).
Defendant(s) is in default for failure to make payments for such use.

4. The Plaintiff has made demand upon the Defendant(s) for payment
of monies in the sum of \$3,644.89 advanced to Defendant(s) through
Defendant(s) use of the above-referenced credit account, but Defendant(s)
has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to
Defendant(s) credit account.


WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$3,644.89
plus interest, attorneys fees and costs which are justly due and
owing from the Defendant(s) to the Plaintiff.

Dated: FEBRUARY 05, 2002

SPACE-AQ

ERIC M. BERMAN, P.C.

BY: 
ERIC M. BERMAN, ESQUIRE


BY: _____
RON Z. Opher, Esquire
Attorneys for Plaintiff

VERIFICATION

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I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.



ERIC M. BERMAN, ESQUIRE



RON Z. OPPER, ESQUIRE

Dated: FEBRUARY 05, 2002

SPACE-AQ

ATTORNEY: BERMAN
ACCOUNT NUMBER: 6011002233533249
BALANCE: \$3644.89
CARDMEMBER (S): RICHARD GARDNER

STATE OF OHIO
COUNTY OF FRANKLIN

K. Ray, personally appeared before me, this day and after being duly sworn, according to law, upon his/her oath and says:

I am a Legal Placement Account Manager for **DISCOVER FINANCIAL SERVICES INC.**, the servicing agent of DISCOVER BANK, an FDIC insured Delaware State Bank.

THAT this affidavit is made on the basis of my personal knowledge and in support of Plaintiff's suit on account against the Debtor(s)

THAT, in my capacity as Legal Placement Account Manager, I have control over and access to records regarding Discover Card Account 6011002233533249 of the above referenced Debtor(s), further, that I have personally inspected said Account and statements regarding the balance due on said account. DISCOVER FINANCIAL SERVICES, INC. maintains these records in the ordinary course of business.

THAT the annexed statement of account is a true and correct statement of what is now due and owing Discover Bank on the account, and exhibit A is a copy of the Cardmember Agreement between Discover Bank and the above referenced Debtor(s). The Cardmember Agreement governs the terms and conditions of the relationship between Discover Bank and the Debtor(s) in connection with the account.

Based on my review of the account records, to the best of my knowledge and belief the above referenced Debtor(s) is not engaged in the military service of the United States and is a resident of the State and of the Country in which this action has been filed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

K. Ray
Affiant

Sworn and Subscribed before me,
This day of Wednesday, January 09, 2002.

[Signature]
NOTARY



DORIS WALKER ALLEN
Notary Public
In and for the State of Ohio
My Commission Expires
Feb. 15, 2005