

02-852-CD
JULIE A. KENNEDY etal -vs- WAYNE CARLSON etal

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
IN EQUITY

JULIE A. KENNEDY, Plenary
Guardian of the Person and
Estate of JOHN WILLIAM
CARLSON, Plaintiff

vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

COMPLAINT

FILED

MAY 29 2002

SPD 0110421/atty
for William A. Shaw
Prothonotary

Bell PD. \$80.00

Sec atty Bell

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
COMPLAINT

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

MAY 29 2002

Dec. 5, 2002 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

William A. Shaw
Prothonotary

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

TO THE WITHIN NAMED DEFENDANTS

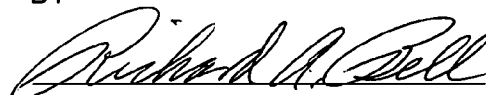
NOTICE TO DEFEND

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

COMPLAINT

NOW COMES, Julie a. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, by her attorney Richard A. Bell, Esquire of Bell, Silberblatt & Wood and states her Complaint against the Defendants as follows:

1. Julie A. Kennedy is an adult individual residing at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

2. Wayne Carlson is an adult individual last known to be residing at 925 West 10th Street, Erie, Pennsylvania 16502.

3. Western Surety Company is an corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office at 101 South Philips Avenue, Sioux Falls, South Dakota 57104, and a branch office with an authorized representative at 333 South Walbash Avenue, Floor 13-South, Chicago, Illinois 60604.

4. The incapacitated person is John William Carlson who resides with his daughter and guardian Julie A. Kennedy at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

5. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 26th, 1997, John William Carlson was determined to be incapacitated, and Wayne Carlson was appointed Plenary Guardian of the Person and Estate of John William Carlson.

6. Western Surety Company is in the business of writing surety bonds and under date of November 16, 1998, issued a surety bond with Wayne Carlson as principal and Western Surety Company as surety in the sum of Twenty-Five Thousand (\$25,000.00) Dollars, conditioned upon the faithful performance of the duties of Wayne Carlson as Guardian of the Estate of John William Carlson. A photocopy of the surety bond is marked Exhibit "A" and attached hereto and made a part hereof.

7. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 21, 2000, Wayne Carlson was ordered to file an Inventory and Appraisement of the Estate of John William Carlson within ninety (90) days of the date of the Order, and by the same Order appointed Julie Kennedy as Guardian of the Person and the property of the said John William Carlson.

8. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 4th, 2001, the Guardianship proceeding of John William Carlson was

transferred from the Orphans' Court Division of Butler County, Pennsylvania to the Orphans Court Division of Clearfield County, Pennsylvania, based upon the fact that John William Carlson, an incapacitated person and his Guardian Julie A. Kennedy now reside and are domiciled in Clearfield County, Pennsylvania.

9. During the time that Wayne Carlson was acting as Guardian of the Person and the Estate of John William Carlson, there was a money market account number 1701263 at the Farmer's National Bank of Emlenton, PA., and a regular checking account number 265922 at the Farmer's National Bank of Emlenton, PA. The Plaintiff has attached hereto a list of checks paid out of these two (2) accounts which the Plaintiff believes were not written for the needs or benefits of John William Carlson which total Twenty-Eight Thousand Three Hundred and Twenty-Six (\$28,326.00) Dollars. There was also unaccounted rental income belonging to John William Carlson in the amount of Fourteen Thousand (\$14,000.00) Dollars. There were also deposits to these account in the amount of Five Thousand Three Hundred and Thirty-Two Dollars and Fourteen Cents (\$5,332.14). The Plaintiff believes and therefore avers that there is due and owing to John William Carlson from Wayne Carlson the net sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86). The list of checks is marked Exhibit "B" and attached hereto and made a part hereof.

10. Any amounts due and owing from Wayne Carlson to John William Carlson because of improper handling of the accounts and which Wayne Carlson doesn't pay must be paid by Western Surety Company as surety for the faithful performance of the

duties of Wayne Carlson.

WHEREFORE, the Plaintiff respectfully requests that your Honorable Court Order as follows:


1. That Wayne Carlson submit an accounting of his handling of the funds of John William Carlson in his capacity a Guardian of the Estate of John William Carlson.

2. That Wayne Carlson explain the purpose of the checks as shown on the list attached hereto and made a part hereof designated as Exhibit "A".

3. That Wayne Carlson be ordered to pay to Julie A. Kennedy as Guardian of the Estate of John William Carlson the sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86) or such other sum as the Court may determine to be due.

4. Upon the failure of Wayne Carlson to pay the sums ordered by the Court to order that the same be paid by Western Surety Company to the limit of their coverage in the surety bond.

BELL, SILBERBLATT & WOOD
By


Richard A. Bell, Esquire

COMMONWEALTH OF PENNSYLVANIA:

:SS

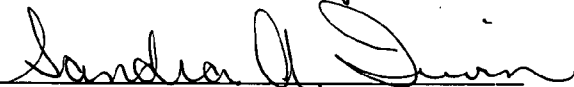
COUNTY OF CLEARFIELD:

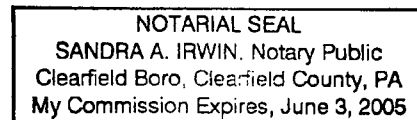
Before me, the undersigned officer, personally appeared JULIE A. KENNEDY, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing COMPLAINT are true and correct to the best of her knowledge, information and belief.


JULIE A. KENNEDY

SWORN AND SUBSCRIBED before me,

this 24th day of May, 2002.





Questionable checks

MMDA Money Market account # 1701263 Farmer's National Bank
 Numbered checks from regular checking account # 265922 Farmer's National Account

<u>DATE</u>	<u>CHECK #</u>	<u>PAYEE</u>	<u>AMOUNT</u>	
9/9/98	MMDA 458	Cash	800.00	
9/12/98	5133	Mary Lou Hall	100.00	
9/28/98	5138	Wayne Carlson	<u>150.00</u>	
			1050.00	
10/1/98	5144	Household Credit Services	51.00	
10/2/98	5136	Mary Lou Hall	100.00	
10/3/98	5137	Wayne Carlson	100.00	
10/19/98	5135	Cash	100.00	
10/26/98	5147	Mary Lou Hall	<u>150.00</u>	
			801.00	1851.00
11/14/98	483 MMDA	UAW MasterCard	32.00	
11/23/98	5151	Mary Lou Hall	100.00	
11/26/98	5157	UAW MasterCard	50.00	
11/27/98	5158	Elmwood Beer	<u>100.00</u>	
			282.00	2133.00
12/5/98	484 MMDA	Elmwood Beer	90.00	
12/10/98	5160	Elmwood Beer	100.00	
12/11/98	5161	Elmwood Beer	50.00	
12/11/98	5163	Mary Lou Hall	400.00	
12/21/98	5168	Stephen Schmidt	170.00	
12/30/98	5175	West Lake Beer	<u>100.00</u>	
			910.00	3043.00
1/4/99	5177	Mary Lou Hall	100.00	
1/14/99	MMDA	Jeff Cotheman	130.00	
1/14/99	MMDA	Cash	700.00	
1/12/99	5178	West Lake Beer	60.00	
1/13/99	5179	Marianne Pharmacy	200.00	
1/20/99	5180	Michael D'Aurora	200.00	
1/22/99	5181	Cash	300.00	
1/30/99	5182	West Lake Beer	138.00	
1/22/99	5183	Cash	200.00	
1/25/99	5188	Household Credit Services	<u>100.00</u>	
			2128.00	5171.00
2/12/99	5193	Tim Sullivan	900.00	
2/12/99	5194	Wayne Carlson	600.00	
2/17/99	492 MMDA	Wayne Carlson	400.00	
2/17/99	5196	Household Credit Services	200.00	
2/20/99	493 MMDA	Cash	250.00	
2/26/99	496 MMDA	Wayne Carlson	400.00	
2/22/99	5200	Dorothy Cacchione	180.00	
2/22/99	495 MMDA	Jeff Cotheman	600.00	
2/23/99	494 MMDA	Wayne Carlson	400.00	
2/30/99	4954	Wayne Carlson	<u>120.00</u>	
			4050.00	9221.00

3/3/99	497 MMDA	Cash	400.00	
3/6/99	498 MMDA	Jeff Cotherman	300.00	
3/8/99	5198	Elmwood Beer	190.00	
3/17/99	500 MMDA	Wayne Carlson	500.00	
3/26/99	4902		500.00	
3/29/99	4903	Steve Schmidt	275.00	
3/29/99	4905		200.00	
3/30/99	4904	Elmwood Beer	<u>400.00</u>	
			2765.00	11986.00
4/1/99	4906	Mary Lou Hall	200.00	
4/2/99	4910	West Lake Beer	135.00	
4/5/99	4909	Steve Schmidt	200.00	
4/12/99	4917	Cash	450.00	
4/17/99	4919	Cash	300.00	
4/23/99	4920	Cash	400.00	
4/25/99	4918	Cash	400.00	
4/28/99	4921	Cash	<u>400.00</u>	
			2485.00	14471.00
5/5/99	4922	West Lake Beer	200.00	
5/17/99	4924	Mary Lou Hall	200.00	
5/25/99	4908	Cash	<u>300.00</u>	
			700.00	15171.00
6/10/99	4935	Steve Schmidt	300.00	
6/23/99	4936	Cash	120.00	
6/21/99	4937	Mary Lou hall	100.00	
6/25/99	4938	Cash	450.00	
6/25/99	4939	Jeff Cotherman	150.00	
6/30/99	4942	Cash	150.00	
6/30/99	4941	Jeff Cotherman	250.00	
4/1/99	4943	Jeff Cotherman	<u>250.00</u>	
			1770.00	16941.00
7/12/99	4944	Cash	500.00	
7/17/99	4927	Patti Schroeck	<u>300.00</u>	
			800.00	17741.00
8/12/99	4947	West Lake Beer	150.00	
8/29/99	4952	Wayne Carlson	250.00	
8/31/99	4953	Wayne Carlson	200.00	
8/30/99	4951	Household Credit Services	<u>500.00</u>	
			1100.00	18841.00
9/13/99	4956	Cash	140.00	
9/24/99	139 MMDA	Wayne Carlson	220.00	
9/30/99	4954	Wayne Carlson	120.00	
9/30/99	140 MMDA	Wayne Carlson	<u>230.00</u>	
			710.00	19551.00
10/4/99	4928	Wayne Carlson	350.00	
10/5/99	4929	Wayne Carlson	220.00	
10/7/99	4931	Cash	80.00	

10/6/99	4932	Wayne Carlson	300.00	
10/1/99	4955	Wayne Carlson	60.00	
10/23/99	4930	West Lake Beer	160.00	
10/25/99	4958	Wayne Carlson	<u>220.00</u>	
			1390.00	20941.00
11/10/99	138 MMDA	Cash	225.00	
11/8/99	137 MMDA	Wayne Carlson	250.00	
11/12/99	4959		100.00	
11/27/99	4961	Nansen Hotel	<u>50.00</u>	
			625.00	21566.00
12/3/99	4933	Wayne Carlson	160.00	
12/2/99	4934		375.00	
12/20/99	4960	Cash	120.00	
12/21/99	136 MMDA	Wayne Carlson	160.00	
12/23/99	4969	Cash	200.00	
12/27/99	Discover Card	balance transfer to card	595.00	
12/29/99	4968	Cash	<u>200.00</u>	
			1810.00	23376.00
1/3/00	4967	Wayne Carlson	160.00	
1/11/00	4974	Wayne Carlson	165.00	
1/8/00	4972	Clarion Elks	35.00	
1/10/00	4976	Stephen Schmidt	75.00	
1/12/00	4970	Jaime Maldonado	150.00	
1/15/00	4975	Cash	180.00	
1/26/00	4977	Cash	200.00	
1/25/00	4978	Wayne Carlson	170.00	
1/21/00	4979	Wayne Carlson	<u>205.00</u>	
			1340.00	24716.00
2/2/00	4980	Cash	150.00	
2/4/00	4981	Cash	225.00	
2/7/00	4983	Cash	170.00	
2/10/00	4984	Cash	160.00	
2/18/00	4985	Cash	<u>225.00</u>	
			930.00	25646.00
3/2/00	4989	Cash	225.00	
3/30/00	4995	Cash	<u>450.00</u>	
			675.00	26321.00
4/17/00	4998	Cash	<u>150.00</u>	
			150.00	26471.00
5/3/00	4999	Wayne Carlson	<u>100.00</u>	
			100.00	26571.00
6/2/00	4997	Cash	150.00	
6/7/00	4996	Cash	100.00	
6/22/00	5006	Cash	<u>150.00</u>	
			400.00	26971.00
7/3/00	5007	Cash	175.00	
7/20/00	5008	West Lake Beer	75.00	

Exhibit "A"

7/10/00	5009	West Lake Beer	125.00	
7/22/00	5012	West Lake Beer	120.00	
7/29/00	5015	West Lake Beer	<u>60.00</u>	
			555.00	27526.00
8/2/00	5014	Cash	700.00	
8/28/00	5013	Cash	<u>100.00</u>	
			800.00	<u>\$28326.00</u>
<u>Unaccounted for Rental income</u>				
December 1997 – November 2000 \$400.00 per month				<u>+14000.00</u>
				\$42326.00

Unknown Deposits to Account

8/12/98	\$ 367.28	
9/10/98	\$ 340.00	
10/8/98	\$ 340.00	
2/20/99	\$1500.00	
5/17/99	\$ 244.82	
6/10/99	\$ 250.00	
12/14/99	\$ 400.00	
1/10/00	\$ 200.00	
1/12/00	\$1386.45	
6/16/00	\$ 280.90	
6/21/00	<u>\$ 22.69</u>	
	\$5332.14	
		- 5332.14
		<u>\$36993.86</u>

Exhibit "A"

IN THE Common Pleas, Orphan's Court Div

IN THE MATTER OF THE ESTATE OF
JOHN WILLIAM CARLSON

COURT OF Butler COUNTY,
STATE OF Pennsylvania

Bond No: 22836775

KNOW ALL MEN BY THESE PRESENTS:

That we, WAYNE CARLSON, as Principal, and
WESTERN SURETY COMPANY, as Surety, are held and firmly bound unto the Judge of the
aforesaid County, and his successors in office, in the sum of Twenty Five Thousand &
00/100, (\$ 25,000.00) Dollars, conditioned that the above
bounden Principal who has been appointed Guardian
(Executor, Administrator, Guardian)
of the Estate of JOHN WILLIAM CARLSON, NCM,
(Name of Estate) (Deceased, Minor, NCM)
shall well and truly, faithfully perform all the duties required of him under said
appointment.

Dated this 16th day of November, 19 98.

Wayne Carlson
Principal

"See Attached"

Agent

WESTERN SURETY COMPANY

(Surety)

By

By Wendy M. Lands
Attorney-in-Fact Wendy M. Lands



Western Surety Company

Dec 1 11

POWER OF ATTORNEY - CERTIFIED COPY

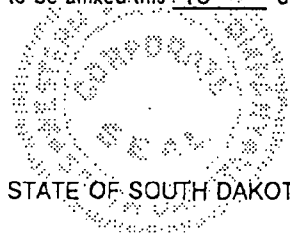
Bond No. 22836775

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Dale E. Clark, Brian A. Clark, Robert A. Jacobson, Diane Gibson, Aundrea D. Cooke, and Wendy M. Lands its true and lawful attorneys-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, any surety or fidelity bond not to exceed the penalty amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorneys-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

The penal amount of the bond herein described may be increased if there is attached to this Power, written authority so authorizing in the form of an endorsement, letter or telegram signed by the Senior Underwriting Officer, Underwriting Officer, President, Vice President, Assistant Vice President, Treasurer, Secretary, or Assistant Secretary of Western Surety Company specifically authorizing said increase.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its President, Stephen T. Pate, and its corporate seal to be affixed this 16 day of NOVEMBER, 1998.



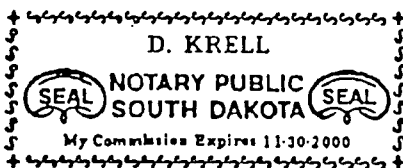
STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } SS

WESTERN SURETY COMPANY

Stephen T. Pate

Stephen T. Pate, President

On this 16 day of NOVEMBER, in the year 1998, before me, a notary public, personally appeared Stephen T. Pate, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



D. Krell

Notary Public - South Dakota

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 16 day of NOVEMBER, 1998.

WESTERN SURETY COMPANY

Stephen T. Pate

Stephen T. Pate, President

Form F3525

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

**JULIE A. KENNEDY, Plenary
Guardian of the Estate of
JOHN WILLIAM CARLSON,**

Plaintiff,

vs.

**WAYNE CARLSON and
WESTERN SURETY COMPANY,**

Defendants.

**CIVIL DIVISION
IN EQUITY
No.:02-852-CD**

ANSWER AND NEW MATTER

**Filed on Behalf of:
WESTERN SURETY COMPANY,
Defendant.**

**COUNSEL OF RECORD
FOR THIS PARTY:**

**Gary Milnes, Esquire
Pa. I.D. No. 32417**

**BRANDT MILNES & REA
1109 Grant Building
310 Grant Street
Pittsburgh, PA 15219
(412) 255-6500**

FILED

JUL 08 2002

**William A. Shaw
Prothonotary**

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

JULIE A. KENNEDY, Plenary Guardian)	
of the Person and Estate of)	
JOHN WILLIAM CARLSON,)	
)	
Plaintiff,)	
)	
vs.)	NO. 02-852-CD
)	
WAYNE CARLSON and)	
WESTERN SURETY COMPANY,)	
)	
Defendants.)	

ANSWER TO COMPLAINT

AND NOW comes Defendant, WESTERN SURETY COMPANY, by and through their attorneys, Gary Milnes, Esquire, and Brandt, Milnes & Rea, and makes the following Answer to the Complaint:

1. The averments of Paragraph "1" of the Complaint are admitted.
2. The averments of Paragraph "2" of the Complaint are denied for the reason that after reasonable investigation, this Defendant, is without knowledge or information sufficient to form a belief as to the truth of said averments and strict proof thereof is demanded at the time of trial.
3. The averments of Paragraph "3" of the Complaint are admitted.
4. The averments of Paragraph "4" of the Complaint are admitted.
5. The averments of Paragraph "5" of the Complaint are admitted.
6. The averments of Paragraph "6" of the Complaint are admitted.

7. The averments of Paragraph "7" of the Complaint are admitted.

8. The averments of Paragraph "8" of the Complaint are admitted.

9. The averments of Paragraph "9" of the Complaint are denied for the reason that after reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments and strict proof thereof is demanded at the time of trial.

10. The averments of Paragraph "10" of the Complaint are denied for the reason they constitute conclusions of law to which no responsive pleading is required. By way of further denial, it is averred that the limit of liability of Western Surety Company is the penal sum of the aforementioned bond which is Twenty-Five Thousand (\$25,000.00) Dollars.

WHEREFORE, your Defendant, Western Surety Company, demands judgment in its favor and against the Plaintiff.

NEW MATTER

AND NOW comes the Defendant, Western Surety Company, by and through its attorneys, Gary Milnes, Esquire and Brandt, Milnes & Rea, and raises the following New Matter averring as follows:

1. The Complaint raises a claim against Defendant, Wayne Carlson, for certain defalcations in his capacity as Guardian of the Estate of John William Carlson, an incompetent person.

2. The Compliant asserts liability against the Defendant, Western Surety Company, based upon a certain bond identified as Exhibit "B" to the complaint.

3. The bond identified as Exhibit "B" to the Complaint obligates the Defendant, Western Surety Company, to the Judge of Butler County Pennsylvania and not to the Plaintiff herein.

4. Your Defendant, Western Surety Company, believes and therefore avers that the Defendant, Wayne Carlson, may not appear in the present litigation and would therefore subject himself to the entry of a judgment in default of answer.

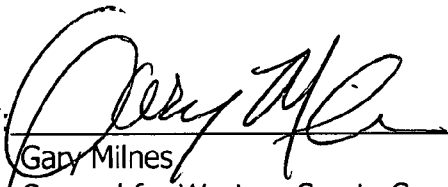
5. Your Defendant, Western Surety Company, reserves the right to raise defenses on behalf of its principle, Wayne Carlson, if any he may have.

6. Your Defendant, Western Surety Company, asserts its right of subrogation against the principal, Wayne Carlson, for any liability determined to be due under the bond.

WHEREFORE, your Defendant, Western Surety Company, demands judgment in its favor and against the Plaintiff.

Respectfully submitted,
BRANDT, MILNES & REA

BY:


Gary Milnes
Counsel for Western Surety Company

VERIFICATION

The undersigned, GARY MILNES, verifies that the statements contained in the foregoing pleading are true and correct to the best of his knowledge, information and belief, and subject to the penalties of 18 Pa. C.S.A, Section 4904, relating to unsworn falsification to authorities. This Verification is based upon information received from the Defendant, Sharon A. Sergeant, authorized representative of Western Surety Company, that said Sharon A. Sergeant is outside the jurisdiction of the Court and that her verification cannot be obtained within the time allowed for filing this pleading.

DATE: July 5, 2002



GARY MILNES

FILED

101020-84
JUL 08 2002

cc [signature]

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12573

KENNEDY, JULIE A., Plenary Guardian of the Person & estate of John Willi 02-852-CD

VS.

CARLSON, WAYNE

COMPLAINT

SHERIFF RETURNS

NOW MAY 29, 2002 BOB MERSKI, SHERIFF OF ERIE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE COMPLAINT ON WAYNE CARLSON, DEFENDANT.

NOW JUNE 20, 2002 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON WAYNE CARLSON, DEFENDANT BY DEPUTIZING THE SHERIFF OF ERIE COUNTY. THE RETURN OF SHERIFF MERSKI IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND". PER WIFE DEFENDANT LIVES AT PO BOX 222, EMLENTON, PA. 16373.

Return Costs

Cost	Description
32.89	SHFF. HAWKINS PAID BY: ATTY.
58.00	SHFF. MERSKI PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

AUG 06 2002

013:18

William A. Shaw
Prothonotary

So Answers,

Sworn to Before Me This

6th Day of August 2002
William A. Shaw

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

Chester A. Hawkins
My Marked Name
Chester A. Hawkins
Sheriff

CASE NO: 2002-00852 T
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ERIE

JULIE A KENNEDY, ET AL

VS

WAYNE CARLSON

Bob Merski, Sheriff, who being duly sworn
according to law, says, that he made a diligent search and inquiry for
the within named DEFENDANT, to wit:

CARLSON WAYNE but was
unable to locate Him in his bailiwick. He therefore returns the
COMPLAINT IN EQUITY

NOT SERVED, as to
the within named DEFENDANT, CARLSON WAYNE

NOT SERVED; PER WIFE WAYNE LIVES AT P.O. BOX 222, EMLENTON PA 16373

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

So answers:

Bob Merski
Bob Merski, Sheriff

00/00/0000

Sworn and subscribed to before me

this 20th day of June

2002 A.D.

Anna Marie Freese
Notary

NOTARIAL SEAL
ANNA MARIE FREESE, Notary Public
City of Erie, Erie County
My Commission Expires January 24, 2006

RECEIPT FOR PAYMENT
=====

Erie County Pennsylvania
140 West Sixth St - 4th Floor
Erie, PA 16501-1077

Receipt Date 05/31/2002
Receipt Time 13:55:26
Receipt No. 148869

JULIE A KENNEDY, ET AL (VS) WAYNE CARLSON

Case Number 2002-00852 T
Service Info
Remarks PD BY BELL, SILBERBLATT & WOOD
RAR/OUT OF TOWN

Total Check... + 58.00
Total Cash.... + .00
Cash Out..... - .00

Check No. 7344

Receipt total. = 58.00

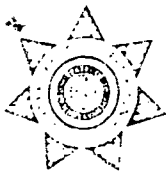
----- Distribution Of Payment -----

Transaction Description	Payment Amount
-------------------------	----------------

SHERIFF FEES	58.00
--------------	-------

TREASURER OF ERIE COUNTY

58.00



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

JULIE A. KENNEDY, Plenary Guardian of
the Estate of JOHN WILLIAM CARLSON

TERM & NO. 02-852-CD

VS

SERVE BY: 6/28/02

WAYNE CARLSON

DOCUMENT TO BE SERVED:
COMPLAINT

MAKE REFUND PAYABLE TO: BELL, SILBERBLATT & WOOD, Attorney

SERVE: WAYNE CARLSON

ADDRESS: 925 West 10th St., Erie, Pa. 16502

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 ERIE COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 29th Day of MAY 2002.

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CO

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
COMPLAINT

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

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

MAY 29 2002

Attest.

William A. Bell
Prothonotary/
Clerk of Courts

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

TO THE WITHIN NAMED DEFENDANTS

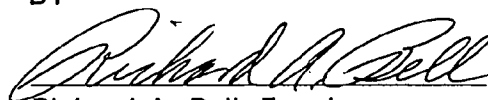
NOTICE TO DEFEND

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

COMPLAINT

NOW COMES, Julie a. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, by her attorney Richard A. Bell, Esquire of Bell, Silberblatt & Wood and states her Complaint against the Defendants as follows:

1. Julie A. Kennedy is an adult individual residing at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

2. Wayne Carlson is an adult individual last known to be residing at 925 West 10th Street, Erie, Pennsylvania 16502.

3. Western Surety Company is an corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office at 101 South Philips Avenue, Sioux Falls, South Dakota 57104, and a branch office with an authorized representative at 333 South Walbash Avenue, Floor 13-South, Chicago, Illinois 60604.

4. The incapacitated person is John William Carlson who resides with his daughter and guardian Julie A. Kennedy at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

5. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 26th, 1997, John William Carlson was determined to be incapacitated, and Wayne Carlson was appointed Plenary Guardian of the Person and Estate of John William Carlson.

6. Western Surety Company is in the business of writing surety bonds and under date of November 16, 1998, issued a surety bond with Wayne Carlson as principal and Western Surety Company as surety in the sum of Twenty-Five Thousand (\$25,000.00) Dollars, conditioned upon the faithful performance of the duties of Wayne Carlson as Guardian of the Estate of John William Carlson. A photocopy of the surety bond is marked Exhibit "A" and attached hereto and made a part hereof.

7. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 21, 2000, Wayne Carlson was ordered to file an Inventory and Appraisement of the Estate of John William Carlson within ninety (90) days of the date of the Order, and by the same Order appointed Julie Kennedy as Guardian of the Person and the property of the said John William Carlson.

8. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 4th, 2001, the Guardianship proceeding of John William Carlson was

transferred from the Orphans' Court Division of Butler County, Pennsylvania to the Orphans Court Division of Clearfield County, Pennsylvania, based upon the fact that John William Carlson, an incapacitated person and his Guardian Julie A. Kennedy now reside and are domiciled in Clearfield County, Pennsylvania.

9. During the time that Wayne Carlson was acting as Guardian of the Person and the Estate of John William Carlson, there was a money market account number 1701263 at the Farmer's National Bank of Emlenton, PA., and a regular checking account number 265922 at the Farmer's National Bank of Emlenton, PA. The Plaintiff has attached hereto a list of checks paid out of these two (2) accounts which the Plaintiff believes were not written for the needs or benefits of John William Carlson which total Twenty-Eight Thousand Three Hundred and Twenty-Six (\$28,326.00) Dollars. There was also unaccounted rental income belonging to John William Carlson in the amount of Fourteen Thousand (\$14,000.00) Dollars. There were also deposits to these account in the amount of Five Thousand Three Hundred and Thirty-Two Dollars and Fourteen Cents (\$5,332.14). The Plaintiff believes and therefore avers that there is due and owing to John William Carlson from Wayne Carlson the net sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86). The list of checks is marked Exhibit "B" and attached hereto and made a part hereof.

10. Any amounts due and owing from Wayne Carlson to John William Carlson because of improper handling of the accounts and which Wayne Carlson doesn't pay must be paid by Western Surety Company as surety for the faithful performance of the

duties of Wayne Carlson.

WHEREFORE, the Plaintiff respectfully requests that your Honorable Court Order as follows:

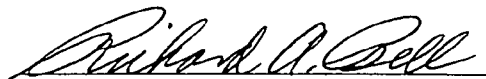
1. That Wayne Carlson submit an accounting of his handling of the funds of John William Carlson in his capacity a Guardian of the Estate of John William Carlson.

2. That Wayne Carlson explain the purpose of the checks as shown on the list attached hereto and made a part hereof designated as Exhibit "A".

3. That Wayne Carlson be ordered to pay to Julie A. Kennedy as Guardian of the Estate of John William Carlson the sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86) or such other sum as the Court may determine to be due.

4. Upon the failure of Wayne Carlson to pay the sums ordered by the Court to order that the same be paid by Western Surety Company to the limit of their coverage in the surety bond.

BELL, SILBERBLATT & WOOD
By


Richard A. Bell, Esquire

COMMONWEALTH OF PENNSYLVANIA:

:SS


COUNTY OF CLEARFIELD:

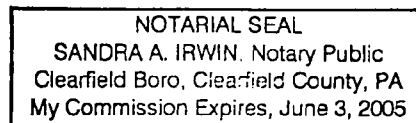
Before me, the undersigned officer, personally appeared JULIE A. KENNEDY, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing COMPLAINT are true and correct to the best of her knowledge, information and belief.


JULIE A. KENNEDY

SWORN AND SUBSCRIBED before me,

this 24th day of May, 2002.





Questionable checks

MMDA Money Market account # 1701263 Farmer's National Bank
 Numbered checks from regular checking account # 265922 Farmer's National Account

<u>DATE</u>	<u>CHECK #</u>	<u>PAYEE</u>	<u>AMOUNT</u>	
9/9/98	MMDA 458	Cash	800.00	
9/12/98	5133	Mary Lou Hall	100.00	
9/28/98	5138	Wayne Carlson	<u>150.00</u>	
			1050.00	
10/1/98	5144	Household Credit Services	51.00	
10/2/98	5136	Mary Lou Hall	100.00	
10/3/98	5137	Wayne Carlson	100.00	
10/19/98	5135	Cash	100.00	
10/26/98	5147	Mary Lou Hall	<u>150.00</u>	
			801.00	1851.00
11/14/98	483 MMDA	UAW MasterCard	32.00	
11/23/98	5151	Mary Lou Hall	100.00	
11/26/98	5157	UAW MasterCard	50.00	
11/27/98	5158	Elmwood Beer	<u>100.00</u>	
			282.00	2133.00
12/5/98	484 MMDA	Elmwood Beer	90.00	
12/10/98	5160	Elmwood Beer	100.00	
12/11/98	5161	Elmwood Beer	50.00	
12/11/98	5163	Mary Lou Hall	400.00	
12/21/98	5168	Stephen Schmidt	170.00	
12/30/98	5175	West Lake Beer	<u>100.00</u>	
			910.00	3043.00
1/4/99	5177	Mary Lou Hall	100.00	
1/14/99	MMDA	Jeff Cotherman	130.00	
1/14/99	MMDA	Cash	700.00	
1/12/99	5178	West Lake Beer	60.00	
1/13/99	5179	Marianne Pharmacy	200.00	
1/20/99	5180	Michael D'Aurora	200.00	
1/22/99	5181	Cash	300.00	
1/30/99	5182	West Lake Beer	138.00	
1/22/99	5183	Cash	200.00	
1/25/99	5188	Household Credit Services	<u>100.00</u>	
			2128.00	5171.00
2/12/99	5193	Tim Sullivan	900.00	
2/12/99	5194	Wayne Carlson	600.00	
2/17/99	492 MMDA	Wayne Carlson	400.00	
2/17/99	5196	Household Credit Services	200.00	
2/20/99	493 MMDA	Cash	250.00	
2/26/99	496 MMDA	Wayne Carlson	400.00	
2/22/99	5200	Dorothy Cacchione	180.00	
2/22/99	495 MMDA	Jeff Cotherman	600.00	
2/23/99	494 MMDA	Wayne Carlson	400.00	
2/30/99	4954	Wayne Carlson	<u>120.00</u>	
			4050.00	9221.00

3/3/99	497 MMDA	Cash	400.00	
3/6/99	498 MMDA	Jeff Cotherman	300.00	
3/8/99	5198	Elmwood Beer	190.00	
3/17/99	500 MMDA	Wayne Carlson	500.00	
3/26/99	4902		500.00	
3/29/99	4903	Steve Schmidt	275.00	
3/29/99	4905		200.00	
3/30/99	4904	Elmwood Beer	<u>400.00</u>	
			2765.00	11986.00
4/1/99	4906	Mary Lou Hall	200.00	
4/2/99	4910	West Lake Beer	135.00	
4/5/99	4909	Steve Schmidt	200.00	
4/12/99	4917	Cash	450.00	
4/17/99	4919	Cash	300.00	
4/23/99	4920	Cash	400.00	
4/25/99	4918	Cash	400.00	
4/28/99	4921	Cash	<u>400.00</u>	
			2485.00	14471.00
5/5/99	4922	West Lake Beer	200.00	
5/17/99	4924	Mary Lou Hall	200.00	
5/25/99	4908	Cash	<u>300.00</u>	
			700.00	15171.00
6/10/99	4935	Steve Schmidt	300.00	
6/23/99	4936	Cash	120.00	
6/21/99	4937	Mary Lou hall	100.00	
6/25/99	4938	Cash	450.00	
6/25/99	4939	Jeff Cotherman	150.00	
6/30/99	4942	Cash	150.00	
6/30/99	4941	Jeff Cotherman	250.00	
4/1/99	4943	Jeff Cotherman	<u>250.00</u>	
			1770.00	16941.00
7/12/99	4944	Cash	500.00	
7/17/99	4927	Patti Schroeck	<u>300.00</u>	
			800.00	17741.00
8/12/99	4947	West Lake Beer	150.00	
8/29/99	4952	Wayne Carlson	250.00	
8/31/99	4953	Wayne Carlson	200.00	
8/30/99	4951	Household Credit Services	<u>500.00</u>	
			1100.00	18841.00
9/13/99	4956	Cash	140.00	
9/24/99	139 MMDA	Wayne Carlson	220.00	
9/30/99	4954	Wayne Carlson	120.00	
9/30/99	140 MMDA	Wayne Carlson	<u>230.00</u>	
			710.00	19551.00
10/4/99	4928	Wayne Carlson	350.00	
10/5/99	4929	Wayne Carlson	220.00	
10/7/99	4931	Cash	80.00	

10/6/99	4932	Wayne Carlson	300.00	
10/1/99	4955	Wayne Carlson	60.00	
10/23/99	4930	West Lake Beer	160.00	
10/25/99	4958	Wayne Carlson	<u>220.00</u>	
			1390.00	20941.00
11/10/99	138 MMDA	Cash	225.00	
11/8/99	137 MMDA	Wayne Carlson	250.00	
11/12/99	4959		100.00	
11/27/99	4961	Nansen Hotel	<u>50.00</u>	
			625.00	21566.00
12/3/99	4933	Wayne Carlson	160.00	
12/2/99	4934		375.00	
12/20/99	4960	Cash	120.00	
12/21/99	136 MMDA	Wayne Carlson	160.00	
12/23/99	4969	Cash	200.00	
12/27/99	Discover Card	balance transfer to card	595.00	
12/29/99	4968	Cash	<u>200.00</u>	
			1810.00	23376.00
1/3/00	4967	Wayne Carlson	160.00	
1/11/00	4974	Wayne Carlson	165.00	
1/8/00	4972	Clarion Elks	35.00	
1/10/00	4976	Stephen Schmidt	75.00	
1/12/00	4970	Jaime Maldonado	150.00	
1/15/00	4975	Cash	180.00	
1/26/00	4977	Cash	200.00	
1/25/00	4978	Wayne Carlson	170.00	
1/21/00	4979	Wayne Carlson	<u>205.00</u>	
			1340.00	24716.00
2/2/00	4980	Cash	150.00	
2/4/00	4981	Cash	225.00	
2/7/00	4983	Cash	170.00	
2/10/00	4984	Cash	160.00	
2/18/00	4985	Cash	<u>225.00</u>	
			930.00	25646.00
3/2/00	4989	Cash	225.00	
3/30/00	4995	Cash	<u>450.00</u>	
			675.00	26321.00
4/17/00	4998	Cash	<u>150.00</u>	
			150.00	26471.00
5/3/00	4999	Wayne Carlson	<u>100.00</u>	
			100.00	26571.00
6/2/00	4997	Cash	150.00	
6/7/00	4996	Cash	100.00	
6/22/00	5006	Cash	<u>150.00</u>	
			400.00	26971.00
7/3/00	5007	Cash	175.00	
7/20/00	5008	West Lake Beer	75.00	

7/10/00	5009	West Lake Beer	125.00	
7/22/00	5012	West Lake Beer	120.00	
7/29/00	5015	West Lake Beer	<u>60.00</u>	
			555.00	27526.00
8/2/00	5014	Cash	700.00	
8/28/00	5013	Cash	<u>100.00</u>	
			800.00	<u>\$28326.00</u>
<u>Unaccounted for Rental income</u>				
December 1997 – November 2000 \$400.00 per month				<u>+14000.00</u>
				\$42326.00

Unknown Deposits to Account

8/12/98	\$ 367.28	
9/10/98	\$ 340.00	
10/8/98	\$ 340.00	
2/20/99	\$1500.00	
5/17/99	\$ 244.82	
6/10/99	\$ 250.00	
12/14/99	\$ 400.00	
1/10/00	\$ 200.00	
1/12/00	\$1386.45	
6/16/00	\$ 280.90	
6/21/00	<u>\$ 22.69</u>	
	\$5332.14	
		<u>- 5332.14</u>
		\$36993.86

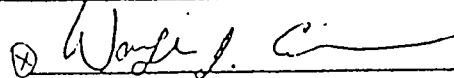
Exhibit "A"

IN THE Common Pleas, Orphan's Court DivIN THE MATTER OF THE ESTATE OF
JOHN WILLIAM CARLSONCOURT OF Butler COUNTY,
STATE OF Pennsylvania

Bond No: 22836775

KNOW ALL MEN BY THESE PRESENTS:

That we, WAYNE CARLSON, as Principal, and
WESTERN SURETY COMPANY, as Surety, are held and firmly bound unto the Judge of the
aforesaid County, and his successors in office, in the sum of Twenty Five Thousand &
00/100, (\$ 25,000.00) Dollars, conditioned that the above
bounden Principal who has been appointed Guardian
(Executor, Administrator, Guardian)
of the Estate of JOHN WILLIAM CARLSON, NCM,
(Name of Estate) (Deceased, Minor, NCM)
shall well and truly, faithfully perform all the duties required of him under said
appointment.

Dated this 16th day of November, 19 98.
Principal

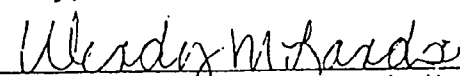
"See Attached"

Agent

WESTERN SURETY COMPANY

(Surety)

By _____

By 
Attorney-in-Fact Wendy M. Lands

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

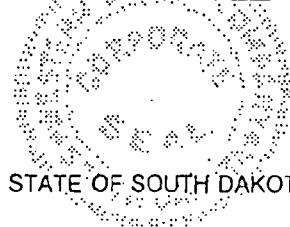
Bond No. 22836775

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Dale E. Clark, Brian A. Clark, Robert A. Jacobson, Diane Gibson, Aundrea D. Cooke, and Wendy M. Lands its true and lawful attorneys-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, any surety or fidelity bond not to exceed the penalty amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorneys-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

'Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.'

The penal amount of the bond herein described may be increased if there is attached to this Power, written authority so authorizing in the form of an endorsement, letter or telegram signed by the Senior Underwriting Officer, Underwriting Officer, President, Vice President, Assistant Vice President, Treasurer, Secretary, or Assistant Secretary of Western Surety Company specifically authorizing said increase.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its President, Stephen T. Pate, and its corporate seal to be affixed this 16 day of NOVEMBER, 1998.



STATE OF SOUTH DAKOTA

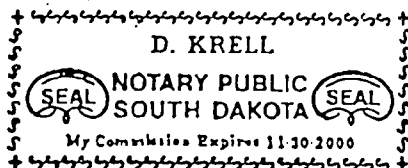
COUNTY OF MINNEHAHA

} SS

WESTERN SURETY COMPANY

Stephen T. Pate, President

On this 16 day of NOVEMBER, in the year 1998, before me, a notary public, personally appeared Stephen T. Pate, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



Notary Public - South Dakota

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 16 day of NOVEMBER, 1998.

WESTERN SURETY COMPANY

Stephen T. Pate, President

Form F3525

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA

CIVIL DIVISION
NO. 02-852-CD

JULIE A. KENNEDY, Plenary
Guardian of the Person and
Estate of JOHN WILLIAM
CARLSON, Plaintiff
vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

BELL, SILBERBLATT & WOOD

ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

FILED

DEC 05 2002

William A. Shaw
Prothonetary

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
PRAECIPE TO REINSTATE
COMPLAINT

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

DEC 05 2002
0/12-07/44
William A. Shaw
Prothonotary
No. 02-852-CD
7.00

2 Re-issued complaint to
Army

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

PRAECIPE TO REINSTATE COMPLAINT

To: William Shaw, Prothonotary

Please reinstate the Complaint in the above matter.

BELL, SILBERBLATT & WOOD
BY

A handwritten signature in cursive script, reading "Richard A. Bell", written in black ink over a horizontal line.

Richard A Bell
Attorney for Plaintiff

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Praecipe To Reinstate Complaint in the
above matter was mailed the 5th day of December, 2002, by regular mail
postage prepaid at the post office in Clearfield, PA 16830 to the following:

Gary Milnes, Esquire
BRANDT, MILNES & REA
1109 Grant Building
310 Grant Street
Pittsburgh, PA 15219-2202


Richard A. Bell, Esquire
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12573

KENNEDY, JULIE A., Plenary Guardian of the Person & estate of John Willi 02-852-CD

VS.

CARLSON, WAYNE

COMPLAINT

SHERIFF RETURNS

NOW DECEMBER 5, 2002, GENE PRICE, SHERIFF OF VENANGO COUNTY WAS
DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO
SERVE THE WITHINCOMPLAINT ON WAYNE CARLSON, DEFENDANT.

NOW DECEMBER 12, 2002 SERVED THE WITHIN COMPLAINT ON WAYNE CARLSON
DEFENDANT BY DEPUTIZING THE SHERIFF OF VENANGO COUNTY. THE RETURN
OF SHERIFF PRICE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
19.20	SHFF. HAWKINS PAID BY: ATTY.
37.50	SHFF. PRICE PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.
<u>66.70</u>	

Sworn to Before Me This

30th Day Of January 2003

FILED

JAN 30 2003

William A. Shaw
Prothonotary

So Answers,



Chester A. Hawkins
Sheriff

AFFIDAVIT OF SERVICE
VENANGO COUNTY SHERIFF'S OFFICE

RE: Julie A. Kennedy

NO. 02-852-CD

Plaintiff

VS

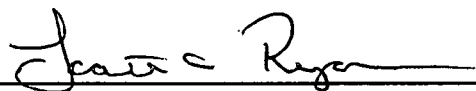
Wayne Carlson

Defendant

Before me the undersigned authority, personally appeared **Scott Ryan, Deputy Sheriff** who being duly sworn according to law, deposes and says that on the **12th** day of **DEC 2002** at **14:07 HRS. PM** he served the within ~ **COMPLAINT** ~ upon the within named **Wayne J. Carlson** - by handing one true and certified copy of Writ received from **CLEARFIELD COUNTY** - to **WAYNE CARLSON** - In person located @ **705 RIVER AVE EMLENTON PA 16373** place of RESIDENCE and by making known to **HIM** the contents thereof.

Venango County Costs: \$37.50

16DEC02



Scott Ryan, Deputy Sheriff

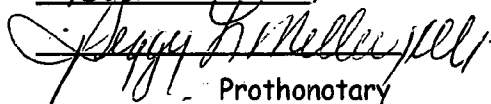


Gene Price, Sheriff of Venango County

Sworn to and subscribed before

me this 23rd day of

December, 2002


Prothonotary

MY COMMISSION EXPIRES
THE FIRST MONDAY OF JAN. 2004

COPY

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
COMPLAINT

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

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

DEC 05 2002

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

December 5, 2002 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
[Signature]
Deputy Prothonotary

FILED

MAY 22 2002

William A. Shaw
Prothonotary

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

TO THE WITHIN NAMED DEFENDANTS

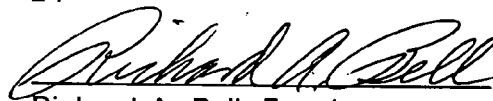
NOTICE TO DEFEND

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO.

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

COMPLAINT

NOW COMES, Julie a. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, by her attorney Richard A. Bell, Esquire of Bell, Silberblatt & Wood and states her Complaint against the Defendants as follows:

1. Julie A. Kennedy is an adult individual residing at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

2. Wayne Carlson is an adult individual last known to be residing at 925 West 10th Street, Erie, Pennsylvania 16502.

3. Western Surety Company is an corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office at 101 South Philips Avenue, Sioux Falls, South Dakota 57104, and a branch office with an authorized representative at 333 South Walbash Avenue, Floor 13-South, Chicago, Illinois 60604.

4. The incapacitated person is John William Carlson who resides with his daughter and guardian Julie A. Kennedy at 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830.

5. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 26th, 1997, John William Carlson was determined to be incapacitated, and Wayne Carlson was appointed Plenary Guardian of the Person and Estate of John William Carlson.

6. Western Surety Company is in the business of writing surety bonds and under date of November 16, 1998, issued a surety bond with Wayne Carlson as principal and Western Surety Company as surety in the sum of Twenty-Five Thousand (\$25,000.00) Dollars, conditioned upon the faithful performance of the duties of Wayne Carlson as Guardian of the Estate of John William Carlson. A photocopy of the surety bond is marked Exhibit "A" and attached hereto and made a part hereof.

7. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 21, 2000, Wayne Carlson was ordered to file an Inventory and Appraisement of the Estate of John William Carlson within ninety (90) days of the date of the Order, and by the same Order appointed Julie Kennedy as Guardian of the Person and the property of the said John William Carlson.

8. By Order of the Orphans' Court of Butler County, Pennsylvania dated September 4th, 2001, the Guardianship proceeding of John William Carlson was

transferred from the Orphans' Court Division of Butler County, Pennsylvania to the Orphans Court Division of Clearfield County, Pennsylvania, based upon the fact that John William Carlson, an incapacitated person and his Guardian Julie A. Kennedy now reside and are domiciled in Clearfield County, Pennsylvania.

9. During the time that Wayne Carlson was acting as Guardian of the Person and the Estate of John William Carlson, there was a money market account number 1701263 at the Farmer's National Bank of Emlenton, PA., and a regular checking account number 265922 at the Farmer's National Bank of Emlenton, PA. The Plaintiff has attached hereto a list of checks paid out of these two (2) accounts which the Plaintiff believes were not written for the needs or benefits of John William Carlson which total Twenty-Eight Thousand Three Hundred and Twenty-Six (\$28,326.00) Dollars. There was also unaccounted rental income belonging to John William Carlson in the amount of Fourteen Thousand (\$14,000.00) Dollars. There were also deposits to these account in the amount of Five Thousand Three Hundred and Thirty-Two Dollars and Fourteen Cents (\$5,332.14). The Plaintiff believes and therefore avers that there is due and owing to John William Carlson from Wayne Carlson the net sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86). The list of checks is marked Exhibit "B" and attached hereto and made a part hereof.

10. Any amounts due and owing from Wayne Carlson to John William Carlson because of improper handling of the accounts and which Wayne Carlson doesn't pay must be paid by Western Surety Company as surety for the faithful performance of the

duties of Wayne Carlson.

WHEREFORE, the Plaintiff respectfully requests that your Honorable Court Order as follows:

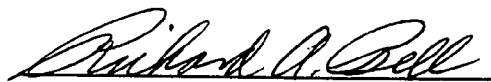
1. That Wayne Carlson submit an accounting of his handling of the funds of John William Carlson in his capacity a Guardian of the Estate of John William Carlson.

2. That Wayne Carlson explain the purpose of the checks as shown on the list attached hereto and made a part hereof designated as Exhibit "A".

3. That Wayne Carlson be ordered to pay to Julie A. Kennedy as Guardian of the Estate of John William Carlson the sum of Thirty-Six Thousand Nine Hundred and Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86) or such other sum as the Court may determine to be due.

4. Upon the failure of Wayne Carlson to pay the sums ordered by the Court to order that the same be paid by Western Surety Company to the limit of their coverage in the surety bond.

BELL, SILBERBLATT & WOOD
By


Richard A. Bell, Esquire

COMMONWEALTH OF PENNSYLVANIA:

:SS


COUNTY OF CLEARFIELD:

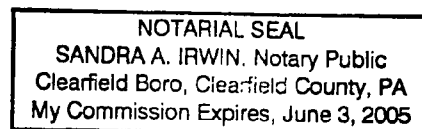
Before me, the undersigned officer, personally appeared JULIE A. KENNEDY, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing COMPLAINT are true and correct to the best of her knowledge, information and belief.


JULIE A. KENNEDY

SWORN AND SUBSCRIBED before me,

this 24th day of May, 2002.





Questionable checks

MMDA Money Market account # 1701263 Farmer's National Bank
 Numbered checks from regular checking account # 265922 Farmer's National Account

<u>DATE</u>	<u>CHECK #</u>	<u>PAYEE</u>	<u>AMOUNT</u>	
9/9/98	MMDA 458	Cash	800.00	
9/12/98	5133	Mary Lou Hall	100.00	
9/28/98	5138	Wayne Carlson	<u>150.00</u>	
			1050.00	
10/1/98	5144	Household Credit Services	51.00	
10/2/98	5136	Mary Lou Hall	100.00	
10/3/98	5137	Wayne Carlson	100.00	
10/19/98	5135	Cash	100.00	
10/26/98	5147	Mary Lou Hall	<u>150.00</u>	
			801.00	1851.00
11/14/98	483 MMDA	UAW MasterCard	32.00	
11/23/98	5151	Mary Lou Hall	100.00	
11/26/98	5157	UAW MasterCard	50.00	
11/27/98	5158	Elmwood Beer	<u>100.00</u>	
			282.00	2133.00
12/5/98	484 MMDA	Elmwood Beer	90.00	
12/10/98	5160	Elmwood Beer	100.00	
12/11/98	5161	Elmwood Beer	50.00	
12/11/98	5163	Mary Lou Hall	400.00	
12/21/98	5168	Stephen Schmidt	170.00	
12/30/98	5175	West Lake Beer	<u>100.00</u>	
			910.00	3043.00
1/4/99	5177	Mary Lou Hall	100.00	
1/14/99	MMDA	Jeff Cotherman	130.00	
1/14/99	MMDA	Cash	700.00	
1/12/99	5178	West Lake Beer	60.00	
1/13/99	5179	Marianne Pharmacy	200.00	
1/20/99	5180	Michael D'Aurora	200.00	
1/22/99	5181	Cash	300.00	
1/30/99	5182	West Lake Beer	138.00	
1/22/99	5183	Cash	200.00	
1/25/99	5188	Household Credit Services	<u>100.00</u>	
			2128.00	5171.00
2/12/99	5193	Tim Sullivan	900.00	
2/12/99	5194	Wayne Carlson	600.00	
2/17/99	492 MMDA	Wayne Carlson	400.00	
2/17/99	5196	Household Credit Services	200.00	
2/20/99	493 MMDA	Cash	250.00	
2/26/99	496 MMDA	Wayne Carlson	400.00	
2/22/99	5200	Dorothy Cacchione	180.00	
2/22/99	495 MMDA	Jeff Cotherman	600.00	
2/23/99	494 MMDA	Wayne Carlson	400.00	
2/30/99	4954	Wayne Carlson	<u>120.00</u>	
			4050.00	9221.00

3/3/99	497 MMDA	Cash	400.00	
3/6/99	498 MMDA	Jeff Cotherman	300.00	
3/8/99	5198	Elmwood Beer	190.00	
3/17/99	500 MMDA	Wayne Carlson	500.00	
3/26/99	4902		500.00	
3/29/99	4903	Steve Schmidt	275.00	
3/29/99	4905		200.00	
3/30/99	4904	Elmwood Beer	<u>400.00</u>	
			2765.00	11986.00
4/1/99	4906	Mary Lou Hall	200.00	
4/2/99	4910	West Lake Beer	135.00	
4/5/99	4909	Steve Schmidt	200.00	
4/12/99	4917	Cash	450.00	
4/17/99	4919	Cash	300.00	
4/23/99	4920	Cash	400.00	
4/25/99	4918	Cash	400.00	
4/28/99	4921	Cash	<u>400.00</u>	
			2485.00	14471.00
5/5/99	4922	West Lake Beer	200.00	
5/17/99	4924	Mary Lou Hall	200.00	
5/25/99	4908	Cash	<u>300.00</u>	
			700.00	15171.00
6/10/99	4935	Steve Schmidt	300.00	
6/23/99	4936	Cash	120.00	
6/21/99	4937	Mary Lou hall	100.00	
6/25/99	4938	Cash	450.00	
6/25/99	4939	Jeff Cotherman	150.00	
6/30/99	4942	Cash	150.00	
6/30/99	4941	Jeff Cotherman	250.00	
4/1/99	4943	Jeff Cotherman	<u>250.00</u>	
			1770.00	16941.00
7/12/99	4944	Cash	500.00	
7/17/99	4927	Patti Schroeck	<u>300.00</u>	
			800.00	17741.00
8/12/99	4947	West Lake Beer	150.00	
8/29/99	4952	Wayne Carlson	250.00	
8/31/99	4953	Wayne Carlson	200.00	
8/30/99	4951	Household Credit Services	<u>500.00</u>	
			1100.00	18841.00
9/13/99	4956	Cash	140.00	
9/24/99	139 MMDA	Wayne Carlson	220.00	
9/30/99	4954	Wayne Carlson	120.00	
9/30/99	140 MMDA	Wayne Carlson	<u>230.00</u>	
			710.00	19551.00
10/4/99	4928	Wayne Carlson	350.00	
10/5/99	4929	Wayne Carlson	220.00	
10/7/99	4931	Cash	80.00	

10/6/99	4932	Wayne Carlson	300.00	
10/1/99	4955	Wayne Carlson	60.00	
10/23/99	4930	West Lake Beer	160.00	
10/25/99	4958	Wayne Carlson	<u>220.00</u>	
			1390.00	20941.00
11/10/99	138 MMDA	Cash	225.00	
11/8/99	137 MMDA	Wayne Carlson	250.00	
11/12/99	4959		100.00	
11/27/99	4961	Nansen Hotel	<u>50.00</u>	
			625.00	21566.00
12/3/99	4933	Wayne Carlson	160.00	
12/2/99	4934		375.00	
12/20/99	4960	Cash	120.00	
12/21/99	136 MMDA	Wayne Carlson	160.00	
12/23/99	4969	Cash	200.00	
12/27/99	Discover Card	balance transfer to card	595.00	
12/29/99	4968	Cash	<u>200.00</u>	
			1810.00	23376.00
1/3/00	4967	Wayne Carlson	160.00	
1/11/00	4974	Wayne Carlson	165.00	
1/8/00	4972	Clarion Elks	35.00	
1/10/00	4976	Stephen Schmidt	75.00	
1/12/00	4970	Jaime Maldonado	150.00	
1/15/00	4975	Cash	180.00	
1/26/00	4977	Cash	200.00	
1/25/00	4978	Wayne Carlson	170.00	
1/21/00	4979	Wayne Carlson	<u>205.00</u>	
			1340.00	24716.00
2/2/00	4980	Cash	150.00	
2/4/00	4981	Cash	225.00	
2/7/00	4983	Cash	170.00	
2/10/00	4984	Cash	160.00	
2/18/00	4985	Cash	<u>225.00</u>	
			930.00	25646.00
3/2/00	4989	Cash	225.00	
3/30/00	4995	Cash	<u>450.00</u>	
			675.00	26321.00
4/17/00	4998	Cash	<u>150.00</u>	
			150.00	26471.00
5/3/00	4999	Wayne Carlson	<u>100.00</u>	
			100.00	26571.00
6/2/00	4997	Cash	150.00	
6/7/00	4996	Cash	100.00	
6/22/00	5006	Cash	<u>150.00</u>	
			400.00	26971.00
7/3/00	5007	Cash	175.00	
7/20/00	5008	West Lake Beer	75.00	

7/10/00	5009	West Lake Beer	125.00	
7/22/00	5012	West Lake Beer	120.00	
7/29/00	5015	West Lake Beer	<u>60.00</u>	
			555.00	27526.00
8/2/00	5014	Cash	700.00	
8/28/00	5013	Cash	<u>100.00</u>	
			800.00	<u>\$28326.00</u>
<u>Unaccounted for Rental income</u>				
December 1997 – November 2000 \$400.00 per month				<u>+14000.00</u>
				\$42326.00

Unknown Deposits to Account

8/12/98	\$ 367.28	
9/10/98	\$ 340.00	
10/8/98	\$ 340.00	
2/20/99	\$1500.00	
5/17/99	\$ 244.82	
6/10/99	\$ 250.00	
12/14/99	\$ 400.00	
1/10/00	\$ 200.00	
1/12/00	\$1386.45	
6/16/00	\$ 280.90	
6/21/00	<u>\$ 22.69</u>	
	\$5332.14	
		<u>- 5332.14</u>
		\$36993.86

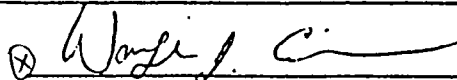
Exhibit "A"

IN THE Common Pleas, Orphan's Court DivIN THE MATTER OF THE ESTATE OF
JOHN WILLIAM CARLSONCOURT OF Butler COUNTY,
STATE OF Pennsylvania

Bond No: 22836775

KNOW ALL MEN BY THESE PRESENTS:

That we, WAYNE CARLSON, as Principal, and
WESTERN SURETY COMPANY, as Surety, are held and firmly bound unto the Judge of the
aforesaid County, and his successors in office, in the sum of Twenty Five Thousand &
00/100, (\$ 25,000.00) Dollars, conditioned that the above
bounden Principal who has been appointed Guardian
(Executor, Administrator, Guardian)
of the Estate of JOHN WILLIAM CARLSON, NCM
(Name of Estate) (Deceased, Minor, NCM)
shall well and truly, faithfully perform all the duties required of him under said
appointment.

Dated this 16th day of November, 19 98.
Principal

"See Attached"

Agent

WESTERN SURETY COMPANY

(Surety)

By

By


Attorney-in-Fact Wendy M. Lands



Western Surety Company

Dec 1 11

POWER OF ATTORNEY - CERTIFIED COPY

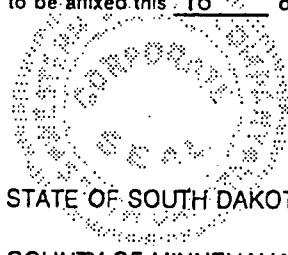
Bond No. 22836775

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Dale E. Clark, Brian A. Clark, Robert A. Jacobson, Diane Gibson, Aundrea D. Cooke, and Wendy M. Lands its true and lawful attorneys-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, any surety or fidelity bond not to exceed the penalty amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorneys-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

The penal amount of the bond herein described may be increased if there is attached to this Power, written authority so authorizing in the form of an endorsement, letter or telegram signed by the Senior Underwriting Officer, Underwriting Officer, President, Vice President, Assistant Vice President, Treasurer, Secretary, or Assistant Secretary of Western Surety Company specifically authorizing said increase.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its President, Stephen T. Pate, and its corporate seal to be affixed this 16 day of NOVEMBER, 1998.



STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

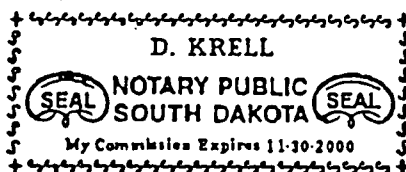
} SS

WESTERN SURETY COMPANY

Stephen T. Pate

Stephen T. Pate, President

On this 16 day of NOVEMBER, in the year 1998, before me, a notary public, personally appeared Stephen T. Pate, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



D. Krell

Notary Public - South Dakota

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 16 day of NOVEMBER, 1998.

WESTERN SURETY COMPANY

Stephen T. Pate

Stephen T. Pate, President

Form F3525

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA
CIVIL DIVISION
NO. 02-852-CD

JULIE A. KENNEDY, Plenary
Guardian of the Person and
Estate of JOHN WILLIAM
CARLSON, Plaintiff

VS.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

PRECIPE FOR ENTRY OF
JUDGMENT OF DEFAULT

FILED

5 13:22 BY PL 80002
JUL 03 2003 Notice to Def
Start to Act

William A. Shaw
Prothonotary

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
PRAECIPE FOR ENTRY OF
JUDGMENT OF DEFAULT

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

JUL 03 2003

William A. Shaw
Prothonotary

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

PRAECIPE FOR ENTRY OF JUDGMENT OF DEFAULT

TO: WILLIAM SHAW, Prothonotary:

Please enter Judgment Of Default in favor of Plaintiff Julie A. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, Plaintiff and against Defendant Wayne Carlson for Defendant's failure to plead to the Complaint in this action within the required time. The Complaint contains a Notice To Defend within twenty (20) days from the date of service thereof. Defendant was served with the Complaint on December 12, 2002, and Defendant's Answer was due to be filed on January 2, 2003.

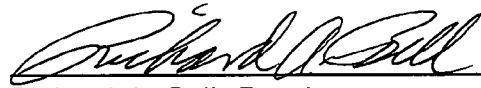
Attached as Exhibit "A" is a copy of Plaintiff's written Notice Of Intention To File Praecipe For Entry Of Default Judgment pursuant to R.C.P. 237.1 which I certify was mailed by regular mail and certified mail, return receipt to the Defendant at his last known address on May 22, 2003, which is at least ten (10) days

prior to the filing of this Praecipe.

Please assess damages in the amount of Thirty-Six Thousand Nine Hundred Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86), being the amount demanded in the Complaint.

BELL, SILBERBLATT & WOOD
By

DATED: July 3, 2003


Richard A. Bell, Esquire
Attorney for Plaintiff

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

Type of Pleading
IMPORTANT NOTICE

Filed on Behalf of:
Julie A. Kennedy,
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

EXHIBIT "A"

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-CD

Vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

TO:

WAYNE CARLSON
705 RIVER AVE.
EMLENTON, PA. 16373

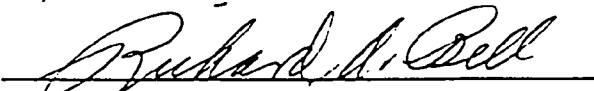
DATE OF NOTICE: 5/22/03

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator
CLEARFIELD COUNTY COURTHOUSE
Clearfield, PA 16830
(814) 765-2641

Regular Mail AND
Certified Mail No.
Return Receipt
7001 2510 003 0263 6895


Richard A. Bell, Esquire
318 E. Locust Street
P.O. Box 670
Clearfield, PA 16830
(814) 765-5537

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY
NO. 02-852-CD

Vs.


WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Important Notice in the above matter was mailed the 22nd day of May 2003, by regular mail and certified mail, return receipt requested, no. 7001 2510 0003 0263 6895 postage prepaid at the post office in Clearfield, PA 16830 to the following:

Gary Milnes, Esquire
BRANDT, MILNES & REA
1109 Grant Building
310 Grant Street
Pittsburgh, PA 15219-2202

Wayne Carlson
705 River Avenue
Emlenton, PA 16373


Richard A. Bell, Esquire
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Wayne Carlson
~~705 River Avenue~~
 Emlenton, PA 16373

2. Article Number (Copy from service label)

7001 2510 0003 0263 6895

PS Form 3811, July 1999

Domestic Return Receipt

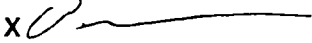
102595-99-M-176

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Wayne Carlson 5/28/00

C. Signature

X  ☐ Agent
☐ Address

D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No

PO Box 222

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

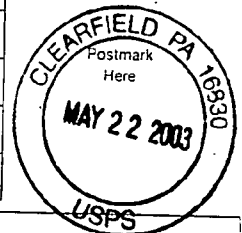
☐ Yes

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0003 0263 6895

Postage	\$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42



Sent To

Wayne Carlson
 Street, Apt. No.,
 or PO Box No. 705 River Avenue
 City, State, ZIP+4 Emlenton, PA 16373

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Wayne Carlson
 705 River Avenue
 Emlenton, PA 16373

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) WAYNE CARLSON B. Date of Delivery 5/28/03

C. Signature X ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No
PO Box 222

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

117001 2510 0003 0263 6895

PS Form 3811, July 1999

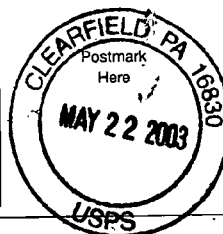
Domestic Return Receipt

102595-99-M-1789

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT**
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 0.37
 Certified Fee 2.30
 Return Receipt Fee (Endorsement Required) 1.75
 Restricted Delivery Fee (Endorsement Required) 0.00
 Total Postage & Fees \$ 4.42



Sent To
Wayne Carlson
 Street, Apt. No.,
 or PO Box No. 705 River Avenue
 City, State, ZIP+4 Emlenton, PA 16373

PS Form 3800, January 2001

See Reverse for Instructions

5689 3920 E000 0152 1001

23

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

Julie A. Kennedy
John William Carlson Estate
Plaintiff(s)

No.: 2002-00852-CD

Real Debt: \$36,993.86

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Wayne Carlson
Defendant

Entry: \$20.00

Instrument: Judgment

Date of Entry: July 3, 2003

Expires: July 3, 2007

Certified from the record this 3rd day of July, 2003

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, CIVIL DIVISION

JULIE A. KENNEDY, Plenary Guardian of
The Estate of JOHN WILLIAM CARLSON,

Plaintiff,

vs.

WAYNE CARLSON and WESTERN
SURETY COMPANY,

Defendants.

CIVIL DIVISION

No.: 02-852-CD

FILED

AUG 25 2003

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition To Mark Judgment to the Use of the Partial Assignee together with the Rule scheduling argument was served by first class mail postmarked August 22, 2003 on the individuals and at the addresses set forth below.

Richard A. Bell, Esquire
BELL, SILBERBLATT & WOOD
P.O. Box 670
Clearfield, PA 16830

Mr. Wayne Carlson
705 River Avenue
Emlenton, PA 16373

Date: August 22, 2003



Gary Milnes, Esquire

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

JULIE A. KENNEDY
Plenary Guardian of the
Person and Estate of
JOHN WILLIAM CARLSON,
Plaintiff

IN EQUITY

NO. 02-852-C

FILED

AUG 25 2003

Vs.
WAYNE CARLSON and
WESTERN SURETY COMPANY,
Defendants

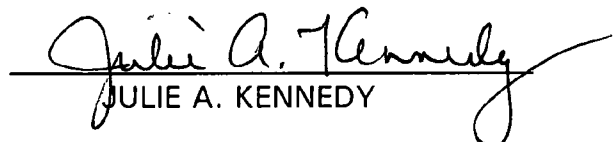
ASSIGNMENT OF JUDGMENT

William A. Shaw
Prothonotary

KNOW ALL MEN BY THESE PRESENTS, that I, JULIE A. KENNEDY, Plenary Guardian of the Person and Estate of John William Carlson, Plaintiff, of 408 West Locust Street, Clearfield, Clearfield County, Pennsylvania 16830, in consideration of the sum of Twenty-Five Thousand (\$25,000.00) Dollars, receipt of which is acknowledged, do hereby grant, bargain, transfer, assign and make over to WESTERN SURETY COMPANY of 101 South Philips Avenue, Sioux Falls, South Dakota 57104 its successors and assigns, a part of a certain judgment recovered by me in the Court of Common Pleas of Clearfield County, Pennsylvania, as of No. 02-852-CD against Wayne Carlson of 705 River Avenue, Emlenton, PA 16373 for the sum of Thirty-Six Thousand Nine Hundred Ninety-Three Dollars and Eighty-Six Cents (\$36,993.86) debt or damages. The assignment is limited to the sum of Twenty-Five Thousand (\$25,000.00) Dollars; together with all the benefits and advantages that may be obtained thereby, and full power to enforce and recover the judgment to its own and their own use. I further authorize and empower the Prothonotary or any attorney on behalf of the assignee to mark the judgment to the assignee's use to the extent of Twenty-Five Thousand (\$25,000.00) Dollars.

WITNESS:


Richard A. Bell


JULIE A. KENNEDY

FILED

*At 11:50 AM pl 80.00
1cc to 100g*

AUG 25 2003

William A. Shaw
Prothonotary

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Q007

Julie A. Kennedy
John William Carlson Estate

Vs.

No. 2002-00852-CD

Wayne Carlson

To: DEFENDANT

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$36,993.86 on the July 3, 2003.

William A. Shaw
Prothonotary

William A. Shaw

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

Western Surety Company

No.: 2002-00852-CD

Real Debt: \$25,000.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Wayne Carlson

Entry: \$20.00

Instrument: Assignment of Judgment

Date of Entry: August 25, 2003

Expires: August 25, 2008

Certified from the record this August 25, 2003

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

1. Your Petitioner is a surety company engaged in the business of issuing surety bonds within the Commonwealth of Pennsylvania and is an affiliate of CNA Surety with offices at CNA Plaza, 333 South Wabash Avenue, Floor 13-South, Chicago, Illinois.
2. Your Petitioner issued a surety bond with the Defendant, Wayne Carlson as principal in the face amount of Twenty-five Thousand (\$25,000.00) Dollars conditioned upon the faithful performance of the duties of Wayne Carlson as Guardian of the Estate of John William Carlson, and alleged incompetent person.
3. On or about September 21, 2000 Wayne Carlson was removed as guardian of the Estate of John William Carlson and was replaced by the Plaintiff, Julie Kennedy.

4. The within captioned proceeding was brought by the successor guardian to recover certain funds alleged to have been misappropriated from the incompetent's estate by the Defendant, Wayne Carlson.

5. Plaintiff has entered judgment in the within captioned proceeding against the Defendant, Wayne Carlson, in the amount of \$36,993.86.

6. Your Petitioner and the Plaintiff have agreed to settle the within captioned litigation and as part of the consideration for the settlement your Petitioner has agreed to pay the Estate of John William Carlson the sum of Twenty-five Thousand (\$25,000.00) Dollars and the Plaintiff has agreed to assign a portion of her judgment against the Defendant, Wayne Carlson, to your Petitioner. A true and correct copy of the Assignment of Judgment is attached hereto, incorporated herein and identified as Exhibit "A".

7. It is the desire of the Petitioner herein to be subrogated to the rights of the Plaintiff, Julie A. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, in the judgment obtained against the Defendant, Wayne Carlson, to the extent of the sum of Twenty-five Thousand (\$25,000.00) Dollars; that the judgment be marked to your Petitioner's use to such extent; and that your Petitioner be entitled to the use of all the remedies of which the Plaintiff could avail herself in the collection of the judgment.

WHEREFORE, your Petitioner, Western Surety Company, requests your Honorable Court that it be subrogated to the rights of the Plaintiff, Julie A. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson, in the judgment obtained against the Defendant, Wayne Carlson, to the extent of the sum of Twenty-five Thousand

(\$25,000.00) Dollars; that the judgment be marked to the use of Western Surety Company, its successors and assigns to such extent; and that your Petitioner, Western Surety Company be entitled to the use of all the remedies of which the Plaintiff, Julie A. Kennedy, Plenary Guardian of the Estate of John William Carlson, could avail herself in the collection of the judgment.

Respectfully submitted,
BRANDT, MILNES & REA

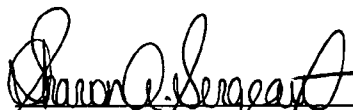
BY: _____


Gary Milnes
Counsel for Defendant,
Western Surety Company

VERIFICATION

The undersigned, SHARON A. SERGEANT, authorized representative of WESTERN SURETY COMPANY, the Defendant in the within pleading, hereby verifies that the statements contained in the foregoing Petition are true and correct to the best of her knowledge, information and belief, and subject to the penalties of 18 Pa. C.S.A, Section 4904, relating to unsworn falsification to authorities.

August 8, 2003
DATE



SHARON A. SERGEANT

FILED 3cc
11:04 AM
AUG 15 2003
Atty M. Jones

William A. Shaw
Prothonotary/Clerk of Courts

CP

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

JULIE A. KENNEDY, Plenary
Guardian of the Estate of
JOHN WILLIAM CARLSON,

CIVIL DIVISION
IN EQUITY
No.:02-852-CD

Plaintiff,

vs.

WAYNE CARLSON and
WESTERN SURETY COMPANY,

Defendants.

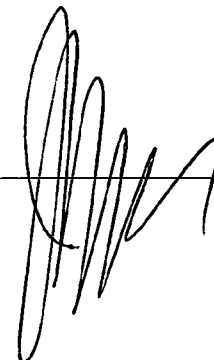
RULE

A Rule is hereby issued upon Plaintiff, Julie A. Kennedy, Plenary Guardian of the Person and Estate of John William Carlson and upon Defendant, Wayne Carlson, to appear and show cause on the 29 day of September, 2003 in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, why the attached Petition to Mark Judgment to the Use of the Partial Assignee should not be granted. at 2:00 A.M.

8-2003

FILED

AUG 21 2003

 J.

William A. Shaw
Prothonotary

FILED

0 10:00 ~~AM~~ 3 cc to *Cathy Milner*
AUG 21 2003 *File*

William A. Shaw
Prothonotary

FILED

0 3:34 AM 1 cc - Atty Bell
1 cc - Atty Melrose
SEP 29 2003 1 cc - Wayne Evans
205 River Ave
RA 16373

William A. Shaw
Prothonotary