

02-1137-CD
American Interstate Ins. Vs Holland Tree

02

02-1137-CD
AMERICAN INTERSTATE INSURANCE CO. -vs- HOLLAND TREE SERVICES,
INC.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AMERICAN INTERSTATE INSURANCE CO.

NO. 02-1157-C
IN CIVIL ACTION

-vs-

Plaintiff(s)

HOLLAND TREE SERVICES, INC.

Defendant(s)

COMPLAINT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

JUL 22 2002

101330 Ruth Apple

William A. Shaw PD 80.00

SA

Pretermitted

lcc shay

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

AMERICAN INTERSTATE INSURANCE CO. NO. 02-1137-CD
IN CIVIL ACTION

-vs-

HOLLAND TREE SERVICES, INC.

Defendant(s)

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 upon you, 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 AFFORD ONE, GO
TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

COMPLAINT

1. Plaintiff is a corporation having offices at 2301 Highway, Deridder, LA 70634.
2. Defendant is a corporation having its offices or place of business at RR 3, Box 566-H, Corwensville, Clearfield County, Pennsylvania 16833.
3. On or about February 12, 1998, the Defendant made an application to the Plaintiff for certain insurance coverage.
4. At the specific request and instance of Defendant, Plaintiff issued a certain policy numbered 98WCPAL122905.
5. Defendant received and accepted the aforementioned coverage.
6. Plaintiff avers that said policy was canceled or otherwise terminated.
7. Plaintiff avers that at the inception of the policy period Defendant paid an estimated premium based on Defendant's estimated payroll for the policy term.
8. Plaintiff avers that actual premiums for the policy term were to be determined from Defendant's actual payroll over the policy period, with Defendant's payroll being subject to audit.
9. Plaintiff avers that if upon audit, actual payroll exceeded the estimated payroll, premiums to cover the additional exposure would be owed.

10. Plaintiff avers that premiums of \$9,514.46, as determined by audit are due, owing and unpaid, as is more specifically shown by a true and correct copy of Plaintiff's final audit billing, which has been attached hereto, marked Exhibit A" and made a part hereof..

11. Plaintiff avers that during the course of dealings between the parties, Defendant executed and delivered to Plaintiff six (6) checks for payment of monies due and owing Plaintiff, copies of which are attached hereto, respectively marked Exhibits B-1" through B-3" and made a part hereof.

12. Plaintiff avers that the aforementioned check(s) were not paid by Defendant's bank for the reason that there were not sufficient funds on deposit in Defendant's account in said bank, to cover said check(s).

13. Plaintiff further avers that the total principal amount due for the redemption of said check(s) is \$10,637.79.

14. Plaintiff avers that in addition to the foregoing sums, Plaintiff is due the sum of \$13.88 from Defendant as the result of shortages appearing upon Defendant's July 1988 reports.

15. Plaintiff avers that the total indebtedness of Defendant to Plaintiff amounted to \$20,166.13.

16. Plaintiff avers that in partial payment of said debt, Defendant made payments to the Plaintiff totaling \$8,343.00, thereby reducing the total amount owed to Plaintiff to \$11,823.13.

17. Plaintiff claims legal interest, as damages, on the liquidated debt from March 29, 1999.

18. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in the amount of \$11,823.13, with appropriate additional interest and costs.

APPLE AND APPLE, P.C.

By: 

Attorneys for Plaintiff(s)



AMERICAN INTERSTATE INSURANCE COMPANY

Home Office

2301 Hwy. 190 West • DeRidder, LA • 70634
• (800) 256-9052 • (318) 463-9052 • Fax (318) 463-7369

WORKERS' COMPENSATION FINAL AUDIT

INSURED: HOLLAND TREE SERVICE, INC.
PO BOX 367
CURWENSVILLE, PA 16833

DATE: March 29, 1999
POLICY NO. 98WCPAL122905
AUDITOR ECS
AUDIT PERIOD 12-Feb-98 05-Nov-98
POLICY PERIOD 12-Feb-98 05-Nov-98
PRODUCER NO. JONES
RISK I.D.
ACCOUNT NO. 678841
FEIN 25-1738001

PRODUCER: CHAS. A. JONES INSURANCE AGENCY
PO BOX 209
PHILLIPSBURG, PA 16866

CLASSIFICATION OF OPERATIONS		CLASS CODE	REMUNERATION	RATE	PREMIUM
STATE	PENNSYLVANIA				
LOGGING OR LUMBERING		009	112,563.00	22.810	25,676.00
TREE PRUNING		005	18,271.00	14.090	2,574.00
NURSERYMEN		0013	7,432.00	5.080	378.00
CLERICAL OFFICE		953	11,937.00	0.260	31.00
SUB-TOTAL					28,659.00
INCREASED LIMITS				0.00%	0.00
SUB-TOTAL					28,659.00
WAIVER OF SUBROGATION				0.00%	0.00
SUB-TOTAL					28,659.00
EXPERIENCE MODIFICATION				1.000	0.00
MERIT RATING CREDIT		9885		-5.00%	(1,433.00)
SUB-TOTAL					27,226.00
PREMIUM DISCOUNT				8.90%	(2,423.00)
EXPENSE CONSTANT					82.00
TOTAL PREMIUM			\$24,885.00		
DEPOSIT PREMIUM			\$3,397.00		
PREBILLED PREMIUM			\$11,973.54		
ADDITIONAL/RETURN PREMIUM			\$9,514.46		

CHAD
MA
General Agent

HOLLAND TREE SERVICES, INC.

P.O. BOX 367 PH. 814-236-3599
CURWENSVILLE, PA 16833

PRESENTED 3 315
TWICE

478841

CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

REFUGEE UNEMPLOYMENT FEE STATE DATE 10-12-83

60-1683-313

PAY TO THE ORDER OF American Interstate Insurance
One thousand one hundred and
Policy # 98WCPAL122965



MAIN OFFICE • CURWENSVILLE, PA 16833

REFUGEE UNEMPLOYMENT FEE STATE DATE 10-12-83

60-1683-313

PAY TO THE ORDER OF American Interstate Insurance
Two thousand two hundred and
Policy # 98WCPAL122965

PRESENTED
TWICE 3 314

478841

CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

60-1683-313

PAY TO THE ORDER OF American Interstate Insurance
Two thousand two hundred and
Policy # 98WCPAL122965

PRESENTED
TWICE 3 314

478841

CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

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PAY TO THE ORDER OF American Interstate Insurance
Two thousand two hundred and
Policy # 98WCPAL122965

PRESENTED
TWICE 3 314

478841

CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

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CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

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Two thousand two hundred and
Policy # 98WCPAL122965

PRESENTED
TWICE 3 314

478841

CSB BANK

CURWENSVILLE, PENNSYLVANIA 16833

60-1683-313

8-1

VERIFICATION

I, Beverly Gott, of
American Interstate Insurance Co., Plaintiff
herein, verify that the statements of fact contained in the foregoing Pleading
are true and correct. I understand that false statements herein are made
subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification
to authorities.

5-29-02

Date

Beverly Gott

Affiant

Accounts Receivable Supervisor
Title

2301 Hwy. 190 West
Address

DeRidder, La. 70634
City, State and Zip

02 MAY 29 AM 10:50

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12807

AMERICAN INTERSTATE INSURANCE CO.

02-1137-CD

VS.

HOLLAND TREE SERVICES, INC.

COMPLAINT

SHERIFF RETURNS

**NOW JULY 26, 2002 AT 10:46 AM DST SERVED THE WITHIN COMPLAINT ON
HOLLAND TREE SERVICES, INC., DEFENDANT AT RESIDENCE, RR#3 BOX 566H,
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
ALLYSHA HOLLAND, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: DAVIS/MORGILLO

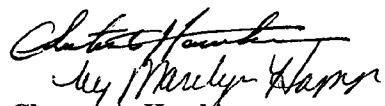
Return Costs

Cost	Description
21.90	SHFF. HAWKINS PAID BY; ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

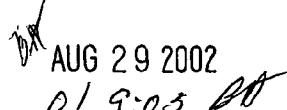
29 Day Of August, 2002
William A. Shaw

So Answers,


Chester A. Hawkins
Sheriff

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

FILED


AUG 29 2002
01 9:05 AM
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AMERICAN INTERSTATE INSURANCE CO.

NO. 2002-01137-CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

HOLLAND TREE SERVICES, INC.

**PRAECIPE FOR DEFAULT
JUDGMENT**

Defendant(s)

CODE -
FILED ON BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED

SEP 19 2002

William A. Shaw
Prothonotary

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

AMERICAN INTERSTATE INSURANCE CO.

NO. 2002-01137-CD
IN CIVIL ACTION

- 85 -

Plaintiff(s)

HOLLAND TREE SERVICES, INC.

Defendant(s)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the above-named Defendant(s) in Default of an Answer, in the amount of \$14,281.69, computed as follows:

Amount named in Complaint \$ 11,823.13

Interest from March 29, 1999
to September 15, 2002 on \$11,823.13 2,458.56

TOTAL \$ 14,281.69

I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on September 4, 2002 by Regular mail, postage prepaid and, addressed as follows:

Defendant: Holland Tree Service, Inc.
RR #3 Box 566 H
Curwenville, PA 16833

APPLE AND APPLE, P.C.

Dated: Sept. 16, 2002

By:

Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AMERICAN INTERSTATE INSURANCE CO.

NO. 2002-01137-CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

HOLLAND TREE SERVICES, INC.

Defendant(s)

Holland tree Services, Inc.
RR #3 Box 566 H
Curwensville, PA 16833

Date of Notice: September 4, 2002

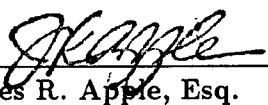
IMPORTANT NOTICE

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 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
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

APPLE AND APPLE, P.C.

By:


James R. Apple, Esq.

Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

FILED

12:37 AM
SEP 19 2002

ICCA Notice
to Def

Atty pd. 20.00

William A. Shaw
Proprietary

cc: Atty

Statement to Atty

COPY

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

AMERICAN INTERSTATE INSURANCE CO.

**NO. 2002-01137-CD
IN CIVIL ACTION**

-vs-

Plaintiff(s)

HOLLAND TREE SERVICES, INC.

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff Defendant Garnishee

You are hereby notified that the following Order or Judgment was entered against you
on September 19, 2002.

Assumpsit Judgment in the amount of \$14,281.69, plus costs.

Trespass Judgment in the amount of \$_____.

If not satisfied within sixty (60) days, your motor vehicle operator's license and/or registration
will be suspended by the Dept. of Transportation, Bureau of Traffic Safety, Harrisburg, PA.

Entry of Judgment Court Order

Non-Pros

Confession

Default

Verdict

Arbitration Award

Other

Holland Tree Service, Inc.

RR #3 Box 566 H

PROTHONOTARY

Curwenville, PA 16833

By: _____
Prothonotary (or Deputy)

COPY

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

American Interstate Insurance Co.
Plaintiff(s)

No.: 2002-01137-CD

Real Debt: \$14,281.69

Atty's Comm:

Vs.

Costs: \$

Int. From:

Holland Tree Services, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 19, 2002

Expires: September 19, 2007

Certified from the record this 19th day of September, 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