

02-1819-CD
COUNTY NATIONAL BANK et al. vs. ROBERT REGOSIA

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

COUNTY NATIONAL BANK, ATTORNEY IN :
FACT FOR FLORENCE REGOSIA, :
Plaintiff :
: NO. 02 - 1819 - C.D.
vs. :
: COMPLAINT
ROBERT REGOSIA, :
Defendant :
:

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

NOV 21 2002

William A. Shaw
Prothonotary

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

COUNTY NATIONAL BANK, ATTORNEY IN :
FACT FOR FLORENCE REGOSIA, :
Plaintiff :
: NO. 02 - - C.D.
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: :
ROBERT REGOSIA, :
Defendant :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in 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
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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COUNTY NATIONAL BANK, ATTORNEY IN :
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Plaintiff :
: NO. 02 - - C.D.
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: ROBERT REGOSIA, :
Defendant :
:

COMPLAINT

AND NOW comes the Plaintiff, County National Bank, Attorney in Fact for Florence Regosia, by and through its attorneys, Belin & Kubista, files the following complaint, and in support thereof avers as follows:

1. That County National Bank is a national bank with an office and place of business at 1 South Second Street, Clearfield, Clearfield County, Pennsylvania 16830 ("CNB").

2. That Florence Regosia is an individual who presently resides at Colonial Courtyard, Clearfield, Clearfield County, Pennsylvania 16830, and who has executed a power of attorney to CNB on April 11, 2002, a copy of which is attached hereto as Exhibit "A."

3. That Robert Regosia is an individual who resides at 7 Minello Drive and Stanley Court, P.O. Box 58, Carmel, New York 10512.

4. That it is believed and averred Robert Regosia was an attorney in fact for Florence Regosia prior to the power executed to CNB which earlier power was cancelled by Florence Regosia on April 11, 2002, a copy of said cancellation is attached hereto as Exhibit "B."

5. That CNB has requested Robert Regosia to turn over the following assets that are owned by Florence Regosia:

(a) First Fidelity Savings Account in the approximate amount of \$273,553.72;

(b) First Fidelity Checking Account in the approximate amount of \$69,500.75;

(c) Franklin AGE High Income Fund in the approximate amount of \$53,025.00;

(d) Best of America Annuity Account No. 01-5327952 in the approximate amount of \$182,802.72;

(e) Best of America Annuity Account No. 01-5361930 in the approximate amount of \$349,163.52;

(f) All America Select Annuity Account No. 020034131
in the approximate amount of \$241,903.29;

(g) First Union Certificate of Deposit No.
187092060511276 in the approximate amount of \$50,339.00.

6. That Robert Regosia has failed, and, in effect, has refused to turn over said assets which are the Florence Regosia assets.

7. That it is believed and averred the value of the assets total approximately \$1,220,288.00.

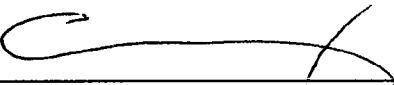
8. That continued retention of the Florence Regosia assets constitutes a conversion of these assets by Robert Regosia.

9. That the willful and deliberate refusal to return the assets has necessitated this litigation and warrants the imposition of counsel fees under 42 Pa. C.S.A. § 2503.

WHEREFORE, Plaintiff requests Your Honorable Court to direct Defendant to file an accounting and to turn over the assets described in Paragraph 5 failing which to enter judgment

against him in the amount of the assets, together with interest,
counsel fees, and costs.

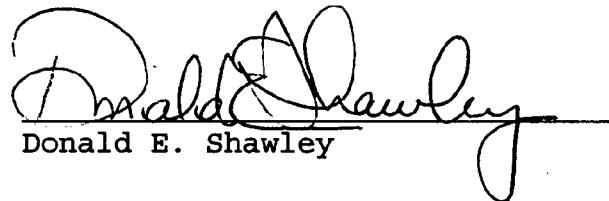
BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me the undersigned officer, personally appeared Donald E. Shawley, who deposes and says he is the Senior Vice President and Senior Trust Officer of the County National Bank, and as such being authorized to do so, and being duly sworn according to law, depose and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

COUNTY NATIONAL BANK



Donald E. Shawley

Sworn and subscribed before me this 20th day of November, 2002.



Susan M. Hartzfeld
Notary Public

NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES AUGUST 16, 2005

COPY

NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAVE HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

Date: 4/11/62

Florence Regosia

Florence Regosia

POWER OF ATTORNEY

I, **FLORENCE REGOSIA**, of P.O. Box 21, Coalport, Clearfield County, Pennsylvania 16627, hereby appoint, the **COUNTY NATIONAL BANK**, of Clearfield, Clearfield County, Pennsylvania, as my Agent, for me, and in my name or in its name, and on my behalf,

to take all actions and perform all acts concerning my affairs as it may deem necessary or advisable, in its absolute discretion, including, without limiting the generality of the foregoing, all acts or actions with respect to any person, matter, transaction of property, whether real, personal or mixed, tangible or intangible, now owned or later acquired by me and also including, but not by way of limitation, the following powers:

1. To make limited gifts;
2. To create a trust for my benefits;
3. To make additions to an existing trust for my benefit;
4. To claim an elective share of the estate of my deceased spouse;
5. To disclaim any interest in property;
6. To renounce fiduciary positions.
7. To withdraw and receive the income or corpus of a trust.
8. To authorize my admission to a medical, nursing, residential or similar care facility and to enter into agreements for my care;
9. To authorize medical and surgical procedures;
10. To engage in real property transactions;
11. To engage in tangible personal property transactions;
12. To engage in stock, bond and other securities transactions;

13. To engage in commodity and option transactions;
14. To engage in banking and financial transactions;
15. To borrow money;
16. To enter safe deposit boxes;
17. To engage in business transactions;
18. To engage in retirement plan transactions;
19. To handle interest in estates and trusts;
20. To pursue claims and litigation;
21. To receive government benefits;
22. To pursue tax matters;
23. To make an anatomical gift of all or part of my body.

I hereby nominate the **COUNTY NATIONAL BANK** as the guardian of my person and my estate in the event I am ever adjudicated an incompetent.

My Agent shall have the full power and authority to do everything necessary in exercising all of the powers granted by this Power of Attorney as fully as I could do if personally present.

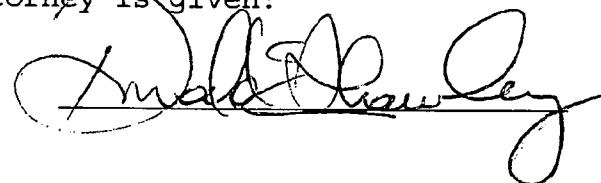
I hereby ratify all that my Agent shall lawfully do or cause to be done by virtue of this Power of Attorney.

THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY SUBSEQUENT DISABILITY OR DEATH.

This Power of Attorney shall continue in force and may be accepted and relied upon by any person to whom it is presented despite my purported revocation of it or my death or

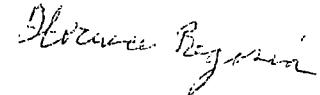
incompetency, until actual written notice of either event has been received by that person.

The following is a specimen signature of the person to whom this Power of Attorney is given:



IN WITNESS WHEREOF, I, FLORENCE REGOSIA, have hereunto set my hand and seal this 11th day of April, 2002.

WITNESS:

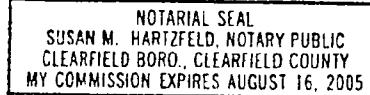


COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

ON THIS, the 11th day of April, 2002, before me, a Notary Public, personally appeared **FLORENCE REGOSIA**, known to me or satisfactorily proven to be the person whose name is subscribed to the within power of attorney, and acknowledge that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of April, 2002.

Susan M. Hartzfeld

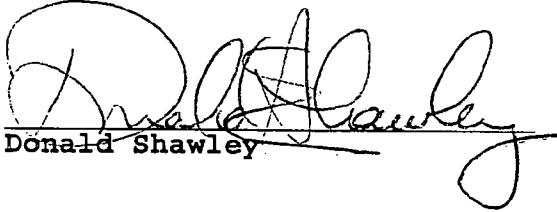


ACKNOWLEDGEMENT OF AGENT

I, Donald Shawley, Trust Officer of the COUNTY NATIONAL BANK, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the power of attorney or in 20 Pa.C.S. when I act as agent, I shall exercise the powers for the benefit of the principal, I shall keep the assets of the principal separate from my assets, I shall exercise reasonable caution and prudence, and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Date: 4-11-02

COUNTY NATIONAL BANK


Donald Shawley

COPY

CANCELLATION OF GENERAL POWER OF ATTORNEY

CANCELLATION OF GENERAL POWER OF ATTORNEY made this 11th day of April, 2002, by **FLORENCE REGOSIA**, of P.O. Box 21, Coalport, Pennsylvania 16627, in favor of **ROBERT REGOSIA**, now or formerly of 7 Minello Drive and Stanley Court, P.O. Box 58, Carmel, New York 10512.

WHEREAS, **FLORENCE REGOSIA** executed a General Power of Attorney dated April 25, 1994, where she granted certain powers to **ROBERT REGOSIA**;

AND WHEREAS, due to difficulties arising concerning the attorney-in-fact, **FLORENCE REGOSIA**, desires to cancel said General Power of Attorney which is hereby rendered of no further legal effect.

NOW, THEREFORE, in consideration of the premises, the undersigned intending to be legally bound does hereby declare as follows:

1. That **FLORENCE REGOSIA**, of P.O. Box 21, Coalport, Pennsylvania 16627, does hereby cancel the General Power of Attorney executed by her on April 25, 1994, and does declare

said General Power of Attorney void and of no further legal effect.

2. I hereby direct that all further business heretofore included within said General Power of Attorney shall be valid only if done by me personally or by attorneys-in-fact appointed by me on or after this date.

IN WITNESS WHEREOF, I, FLORENCE REGOSIA, hereunto set my hand and seal this 11th day of April, 2002.

WITNESS:

Kathryn Chensh

Lisa G Blake

Florence Regosia
Florence Regosia

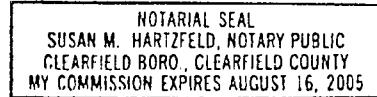
(SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

ON THIS, the 11th day of April, 2002, before me, a Notary Public, personally appeared **FLORENCE REGOSIA**, known to me or satisfactorily proven to be the person whose name is subscribed to the within cancellation of power of attorney, and acknowledge that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of April, 2002.

Susan M. Hartzfeld
Notary Public



CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED *Att'y Belin*
01/10/3481 Ad 8500
11/12/3481
11/12/3481
Att'y Belin

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

COUNTY NATIONAL BANK, ATTORNEY IN :
FACT FOR FLORENCE REGOSIA, :
Plaintiff :
: NO. 02-1819-CD
vs. :
: PRAECIPE
ROBERT REGOSIA, :
Defendant :
:

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED 1000/1 Certificate
01/11/04/04 to Atty Belin
JUN 29 2002
LS
William A. Shaw
Prothonotary/Clerk of Courts

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

COUNTY NATIONAL BANK, ATTORNEY IN :
FACT FOR FLORENCE REGOSIA, :
Plaintiff :
: NO. 02-1819-CD
vs. :
: ROBERT REGOSIA, :
Defendant :
:

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and
ended.

BELIN, KUBISTA & RYAN

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

County National Bank
Florence Regosia

Vs. No. 2002-01819-CD
Robert Regosia

CERTIFICATE OF DISCONTINUATION

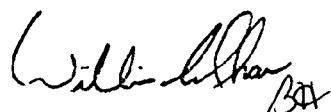
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 29, 2007, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Carl A. Belin, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of June A.D. 2007.



William A. Shaw, Prothonotary