

03-917-CD

D.C. GUELICH EXPLOSIVE, CO. v/s JOHNSON BROTHERS COAL, INC.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CO

vs.

COMPLAINT

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

JUN 23 2003

William A. Shaw
Prothonotary

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No.

JOHNSON BROTHERS COAL CO.
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

NOTICE AND COMPLAINT

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.

Lawyer Referral Service
PA Bar Association
P.O. Box 186
Harrisburg, PA 17108
1-800-692-7375

COMPLAINT

1. Plaintiff D. C. Guelich Explosive Company ("Guelich") is a Pennsylvania corporation maintaining principal offices and place of business at Clearfield, Pennsylvania.
2. Defendant Johnson Brothers Coal Co., also known as Johnson Brothers Coal Co., Inc. ("Johnson Brothers"), is a Pennsylvania corporation maintaining principal offices and place of business at RD #1, Box 580, Mahaffey, Clearfield County, PA 15757.
3. The actions and events out of which this cause of action arises occurred in Clearfield County, Pennsylvania, this Court therefore has subject matter jurisdiction and venue.
4. On various dates between June of 2002 and November of 2002, Guelich, at the specific request of Johnson Brothers, sold and delivered to Johnson Brothers various explosives goods and services at the times, in the amounts and for the prices listed on Plaintiff's invoices and blasting reports, referenced on Plaintiff's Statement of Account, a true and correct copy of which is attached hereto marked as Exhibit "1" and made a part hereof.
5. Defendant Johnson Brothers received and accepted the aforementioned blasting goods and services for prices, which were fair and agreed upon at the time of the delivery.
6. Johnson Brothers is in possession of copies of each of the invoices and blasting reports related to the subject Statement of Account at Exhibit "1". Because the records are voluminous and the Defendant has possession of copies, Plaintiff has not burdened the record with copies at this time.
7. Despite the occurrence of all conditions precedent, Defendant Johnson Brothers Coal Co. also known as Johnson Brothers Coal Co., Inc. failed and refused to pay Guelich the principal sum due.

8. The agreement between the parties provides that Johnson Brothers will pay Guelich finance charges of 2% per month on all principal balances not paid when due.

9. The total amount of principal and finance charges due through May 31, 2003, amount to \$58,774.16, per Exhibit "1".

10. Although repeatedly requested to pay, Defendant has failed and refused to pay the aforesaid sums justly due and owing to Guelich.

WHEREFORE, D. C. Guelich Explosive Co. demands Judgment on this Complaint against Defendant Johnson Brothers Coal Co. also known as Johnson Brothers Coal Co., Inc. in the amount of \$58,774.16, plus appropriate additional interest at the contractual rate from June 1, 2003, plus record costs and such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: _____
Charles E. Bobinis, Esquire
Attorney for Plaintiff
PA I.D. #30665
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8102

BERNSTEIN FILE NO. G0034882

ACCOUNTS RECEIVABLE DETAIL AGING REPORT

Aging date: 6/16/03

Document types: I = Invoice P = Payment C = Cr memo D = Dr memo B = Balance forward F = Finance charge R = Returned check

Notes: On types I, 8, C, D and R, Amount-1 is the amount subject to discount. On type P Amount-1 is cash receipt amt.

On type F Amount-1 is fin charge amt. On types I, C, D and R, Amount-2 is the amount not subject to discount.

On type P Amount-2 is discount plus allowance. (No Amount-2 for types F & 8).

Customer#	Name	Address-1	Address-2	Credit-limit	Terms	Balance	-----	Aged customer balances-----			
Contact-1								Current	Over 30 days	Over 45 days	Over 60 days
Phone #-1											
Phone #-2											
							Last-pmt-dt				

AR account: 000-1100 ACCOUNTS RECEIVABLE

JOHN	OPN-ITM	JOHNSON BROTHERS	58,774.16	974.01	0.00	974.01	56,826.14
		R. D. #1 BOX 580	Unlimited credit				
77-6215			NET 30 DAYS	2%	0%	2%	97%
		MAHAFFEY, PA 15757	11/12/02				

Doc-#	Doc-date	Typ	Apply-to	Due-date	Reference	Amount-1	Amount-2	Doc-total	Age
59820	6/18/02	I	59820	7/18/02	From 0/E order: 084343	2,082.58	0.00	2,082.58	363
59821	6/19/02	I	59821	7/19/02	From 0/E order: 084348	2,306.47	0.00	2,306.47	362
59844	6/20/02	I	59844	7/20/02	From 0/E order: 084355	1,314.09	0.00	1,314.09	361
59845	6/20/02	I	59845	7/20/02	From 0/E order: 084358	80.00	0.00	80.00	361
59879	6/26/02	I	59879	7/26/02	From 0/E order: 084388	2,314.03	0.00	2,314.03	355
59903	6/28/02	I	59903	7/28/02	From 0/E order: 084398	2,906.51	0.00	2,906.51	353
59957	7/01/02	I	59957	7/31/02	From 0/E order: 084413	6,214.88	0.00	6,214.88	350
59958	7/05/02	I	59958	8/04/02	From 0/E order: 084451	2,260.15	0.00	2,260.15	346
59959	7/08/02	I	59959	8/07/02	From 0/E order: 084454	1,693.85	0.00	1,693.85	343
59987	7/09/02	I	59987	8/08/02	From 0/E order: 084461	3,006.11	0.00	3,006.11	342
59988	7/10/02	I	59988	8/09/02	From 0/E order: 084478	1,509.17	0.00	1,509.17	341
60007	7/11/02	I	60007	8/10/02	From 0/E order: 084488	80.00	0.00	80.00	340
60008	7/11/02	I	60008	8/10/02	From 0/E order: 084477	2,259.52	0.00	2,259.52	340
60073	7/19/02	I	60073	8/18/02	From 0/E order: 084535	1,566.82	0.00	1,566.82	332
60088	7/18/02	I	60088	8/17/02	From 0/E order: 084530	1,034.05	0.00	1,034.05	333
60128	7/23/02	I	60128	8/22/02	From 0/E order: 084551	418.20	0.00	418.20	328
60245	8/08/02	I	60245	9/07/02	From 0/E order: 084670	2,103.95	0.00	2,103.95	312
60266	8/09/02	I	60266	9/08/02	From 0/E order: 084686	1,816.28	0.00	1,816.28	311
60329	8/20/02	I	60329	9/19/02	From 0/E order: 084734	360.00	0.00	360.00	300
60812	10/17/02	I	60812	11/16/02	From 0/E order: 085052	3,071.46	0.00	3,071.46	242
60816	10/17/02	I	60816	11/16/02	From 0/E order: 085063	674.10	0.00	674.10	242
60829	10/21/02	I	60829	11/20/02	From 0/E order: 085066	1,327.15	0.00	1,327.15	238
60841	10/22/02	I	60841	11/21/02	From 0/E order: 085076	820.35	0.00	820.35	237
60846	10/23/02	I	60846	11/22/02	From 0/E order: 085086	663.60	0.00	663.60	236
60960	11/01/02	I	60960	12/01/02	From 0/E order: 085149	1,972.94	0.00	1,972.94	227
60966	11/01/02	I	60966	12/01/02	From 0/E order: 085159	578.20	0.00	578.20	227
60982	11/06/02	I	60982	12/06/02	From 0/E order: 085156	3,406.26	0.00	3,406.26	222
61018	11/11/02	I	61018	12/11/02	From 0/E order: 085195	859.60	0.00	859.60	217
20020531	5/31/02	F	20020531	5/31/02	Finance chgs on 05/31/02	420.21	0.00	420.21	381
20020630	6/30/02	F	20020630	6/30/02	Finance chgs on 06/30/02	207.97	0.00	207.97	351
20020731	7/31/02	F	20020731	7/31/02	Finance chgs on 07/31/02	264.39	0.00	264.39	320
20020831	8/31/02	F	20020831	8/31/02	Finance chgs on 08/31/02	825.68	0.00	825.68	289
20020930	9/30/02	F	20020930	9/30/02	Finance chgs on 09/30/02	964.47	0.00	964.47	259

EXHIBIT...

ACCOUNTS RECEIVABLE DETAIL AGING REPORT

Aging date: 6/16/03

Document types: I = Invoice P = Payment C = Cr memo D = Dr memo B = Balance forward F = Finance charge R = Returned check

Cust#	Name	Balance	Aged customer balances		
Contact-1	Address-1	Credit-limit	Current	Over 30 days	Over 45 days
Phone#-1	Address-2	Terms	Over 60 days		
Phone#-2	City/State/Zip	Last-pmt-dat			

Doc#	Doc-date	Typ	Apply-to	Due-date	Reference	Amount-1	Amount-2	Doc-total	Age
20021031	10/31/02	F	20021031	10/31/02	Finance chgs on 10/31/02	840.53	0.00	840.53	228
20021130	11/30/02	F	20021130	11/30/02	Finance chgs on 11/30/02	706.53	0.00	706.53	198
20021231	12/31/02	F	20021231	12/31/02	Finance chgs on 12/31/02	974.01	0.00	974.01	167
20030131	1/31/03	F	20030131	1/31/03	Finance chgs on 01/31/03	974.01	0.00	974.01	136
20030228	2/28/03	F	20030228	2/28/03	Finance chgs on 02/28/03	974.01	0.00	974.01	108
20030331	3/31/03	F	20030331	3/31/03	Finance chgs on 03/31/03	974.01	0.00	974.01	77
20030430	4/30/03	F	20030430	4/30/03	Finance chgs on 04/30/03	974.01	0.00	974.01	47
20030531	5/31/03	F	20030531	5/31/03	Finance chgs on 05/31/03	974.01	0.00	974.01	16

Totals for: 000-1100 ACCOUNTS RECEIVABLE

DR lines show totals for customers with debit balances as of the aging date

CR lines show totals for customers with credit balances as of the aging date

	Total	Current	Over 30 days	Over 45 days	Over 60 days
DR bal cust totals:	58,774.16	974.01 2%	0.00 0%	974.01 2%	56,826.14 97%
CR bal cust totals:	0.00	0.00 0%	0.00 0%	0.00 0%	0.00 0%
Net totals:	58,774.16	974.01 2%	0.00 0%	974.01 2%	56,826.14 97%

-- End of report --

VERIFICATION

The undersigned does hereby verify under penalty of perjury, that he/she is President of D.C.Guelich Explosive Co., Plaintiff herein, that he/she is duly authorized to make this Verification and that the facts set forth in the foregoing COMPLAINT are true and correct to the best of his/her knowledge, information and belief.

A handwritten signature in blue ink, appearing to read "Duane C. Guelich", is written over a horizontal line.

(Sign in Blue Ink)

In The Court of Common Pleas of Clearfield County, Pennsylvania

D.C. GUELICH EXPLOSIVE CO.

VS.

JOHNSON BROTHERS COAL CO. A/K/A JOHNSON BROTHERS COAL CO.

COMPLAINT

Sheriff Docket # 14217

03-917-CD

SHERIFF RETURNS

NOW JUNE 26, 2003 AT 10:54 AM SERVED THE WITHIN COMPLAINT ON JOHNSON BROTHERS COAL CO. A/K/A JOHNSON BROTHERS COAL CO. INC., DEFENDANT AT RESIDENCE, 1390 LEE RUN ROAD, MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE JOHNSON, 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
33.84	SHERIFF HAWKINS PAID BY: ATTY CK# 28507
10.00	SURCHARGE PAID BY: ATTY CK# 28508

Sworn to Before Me This

So Answers,

4th Day Of August 2003
William A. Shaw

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

Chester Hawkins
by *Marilyn Harris*
Chester A. Hawkins
Sheriff

FILED
01/10/2003
AUG 04 2003
E
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECIPE FOR JUDGMENT

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

AUG 05 2003

William A. Shaw
Prothonotary

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

PRAECIPE FOR JUDGMENT

To the Prothonotary:

Kindly enter Judgment against the Defendant above named and in favor of the Plaintiff, in the default of an Answer, in the amount of \$61,164.14, plus continuing finance charges at the rate of 2% per month on the declining balance computed as follows:

Amount claimed in Complaint	\$58,774.16
Finance charges from 6/1/03 – 7/31/03	\$ 2,389.98
TOTAL	\$61,164.14

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

BERNSTEIN LAW FIRM, P.C.

By: 

Charles E. Bobinis, Esquire
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

Plaintiff: c/o Bernstein Law Firm, P.C., Suite 2200 Gulf Tower, Pittsburgh, PA 15219
Defendant: RD #1, Box 580, Mahaffey, PA 15757

FILE COPY

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

IMPORTANT NOTICE

TO: Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co., Inc.
RD #1, Box 580
Mahaffey, PA 15757

Date of Notice: July 21, 2003

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:

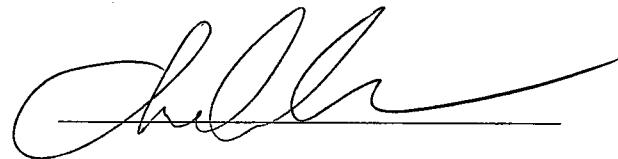
Lawyer Referral Service
PA Bar Association
P.O. Box 186
Harrisburg, PA 17108
1-800-692-7375

Bernstein Law Firm, P.C.

By: /s/Charles E. Bobinis
Charles E. Bobinis, Esquire
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities, that the parties against whom Judgment is to be entered according to the Praecipe attached are not members of the Armed Forces of the United States or any other military or non-military service covered by the Soldiers and Sailors Civil Relief Act of 1940. The undersigned further states that the information is true and correct to the best of the undersigned's knowledge and belief and upon information received from others.

A handwritten signature in black ink, appearing to read "John D. Miller", is positioned below the verification statement. The signature is fluid and cursive, with a horizontal line underneath it.

FILED

in 1:38 cr 02-00
Office of the
AUG 05 2003
Shaw & Poff

William A. Shaw
Prothonotary

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

D. C. Guelich Explosive Co.
Plaintiff(s)

No.: 2003-00917-CD

Real Debt: \$61,164.14

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Johnson Brothers Coal Co.
Johnson Brothers Coal Co., Inc.
Defendant(s)

Entry: \$20.00

Instrument: Assumpsit Judgment

Date of Entry: August 5, 2003

Expires: August 5, 2008

Certified from the record this 5th day of August, 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

D. C. GUELICH EXPLOSIVE CO.,

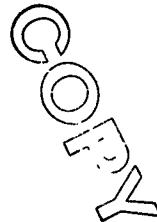
Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.



NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

Your are hereby notified that the
following Order or Judgment was
entered against you on 8/5/03.

Assumpsit Judgment in the amount
of \$61,164.14 plus costs.

Trespass Judgment in the amount
of \$ _____ plus costs.

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

Entry of Judgment of
 Court Order
 Non-Pros
 Confession
 Default
 Verdict
 Arbitration Award

Prothonotary

By:

William J. Hass
PROTHONOTARY (OR DEPUTY)

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

PRAECIPE FOR JUDGMENT

To the Prothonotary:

Kindly enter Judgment against the Defendant above named and in favor of the Plaintiff, in the default of an Answer, in the amount of \$61,164.14, plus continuing finance charges at the rate of 2% per month on the declining balance computed as follows:

Amount claimed in Complaint	\$58,774.16
Finance charges from 6/1/03 – 7/31/03	\$ 2,389.98
TOTAL	\$61,164.14

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

BERNSTEIN LAW FIRM, P.C.

By: 
Charles E. Bobinis, Esquire
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

Plaintiff: c/o Bernstein Law Firm, P.C., Suite 2200 Gulf Tower, Pittsburgh, PA 15219
Defendant: RD #1, Box 580, Mahaffey, PA 15757

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

917
No. 03-914-CD

MOTION TO COMPEL DEPOSITION
OF DEFENDANT FOR DISCOVERY
OF ASSETS IN AID OF EXECUTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

SEP 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-914-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON
BROTHERS COAL CO., INC.,

Defendant.

**MOTION TO COMPEL DEPOSITION OF DEFENDANT
FOR DISCOVERY OF ASSETS IN AID OF EXECUTION**

AND NOW, comes Plaintiff, by its counsel, Bernstein Law Firm, P.C. and moves this Honorable Court to Compel the Deposition of Defendant For Discovery of Assets in Aid of Execution on the following grounds:

1. Plaintiff is a Judgment Creditor of the Defendant, as captioned above.

2. Plaintiff's Judgment was entered on August 5, 2003 in the amount of \$61,164.14 plus costs.

3. On or about August 2, 2003, Plaintiff served upon Defendant a Notice of Deposition for discovery of assets in aid of execution, a true and correct copy of said Notice of Deposition with receipts for mailing and delivery are attached hereto, collectively marked as Exhibit "1" and made a part hereof (the notice was received by Debbie Johnson, the adult spouse of Defendant's President, Leslie Johnson).

4. Pursuant to the aforesaid Notice of Deposition, the said Defendant was directed to appear at a deposition at Plaintiff's local counsel's office on August 15, 2003 at 10:00 a.m.

5. Although Leslie Johnson spoke to a representative before the deposition and was aware of it, Leslie Johnson failed and/or refused to appear at the deposition without warning, and there has been no communication from this individual or a representative of Defendant to explain the failure to appear at the deposition or to request that the deposition be rescheduled, despite repeated efforts by Plaintiff and its counsel to gain Defendant's cooperation. (See the Transcript at Exhibit "2".)

6. Solely as a result of Defendant's unannounced failure to appear for the deposition, Plaintiff has incurred costs, counsel fees and court reporter fees of \$1,475.10. (See attached Exhibit "3").

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order compelling Defendant by Leslie Johnson, President, to appear as noticed specifically denied at Plaintiff's counsel's office for an oral examination for the discovery of assets in aid of execution within ten (10) days, and that the sum of \$1,475.10 be taxed against the Defendant as costs.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: _____
Charles E. Bobinis, Esquire
Attorney for Plaintiff
PA I.D. #30665
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8102

BERNSTEIN FILE NO. G0034882

BERNSTEIN
LAW FIRM, P.C.
TRADITION • TECHNOLOGY • TALENT

FILE COPY

CHARLES E. BOBINIS, ESQ.
CBOBINIS@BERNSTEINLAW.COM
412-456-8102 FAX: 412-456-8266

August 1, 2003

Johnson Brothers Coal Co.
RD #1, Box 580
Mahaffey, PA 15757

Re: D. C. Guelich Explosive Co.
Vs: Johnson Brothers Coal Co.
Civil Action No. 03-91-CD
BERNSTEIN FILE NO. G0034882

Ladies and Gentlemen:

Enclosed find a Notice of Deposition and Request for Production of Documents in the above captioned matter scheduled for Friday, August 15, 2003 at 10:00 a.m. in Altoona. Please produce the documents at least four calendar days prior to the deposition date so that they can be copied and marked for use in the deposition. Let me know if the scheduled date presents a conflict. Thank you for your professional cooperation.

Very truly yours,

BERNSTEIN LAW FIRM, P.C.

Charles E. Bobinis

CEB/mek

Enclosure

bcc: Thomas C. Neff, Jr.
D. C. Guelich Explosive Co.
RD #3, Box 125A
Clearfield, PA 16830
(w/Enclosure)

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received From: Bernstein Law Firm, P.C.
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

1433 U.S. POSTAGE
9895 \$00.90
9919 MAILED FROM ZIP CODE
PA 15222
1 AUG 1 2003
USPS

One piece of ordinary mail addressed to:

Jackson Brothers Coal Co
RD #1, Box 580
Makaffey, PA 15757

PS Form 3817, Mar. 1989 60034882

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

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$ 60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65

GRANT ST STA. WADDELL
AUG 1 2003
Postman Here
USPS

Sent To
Jackson Brothers Coal Co.
Street/Apt. No.;
or PO Box No.
RD #1 Box 580
City, State, ZIP+4
Makaffey, PA 15757

PS Form 3800, June 2002

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:

Jackson Brothers
Coal Co.
RD #1 Box 580
Makaffey, PA 15757

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Debbie Johnson

Agent
 Addressee

B. Received by (Printed Name)

Debbie Johnson 8/2/03

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2 7002 2410 0001 2995 7975

60034882

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

X72 mck

EXHIBIT!

cont'2

FILE COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

CIVIL DIVISION

No. 03-914-CD

NOTICE OF DEPOSITION AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

EXHIBIT J...
Cont'd

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

**NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

To: Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.
RD #1, Box 580
Mahaffey, PA 15757

Take notice that the Deposition upon oral examination of a designated representative of Johnson Brothers Coal Co. a/k/a Johnson Brothers Coal Co., Inc. for the discovery of assets in aid of Execution, pursuant to Pennsylvania Rules of Civil Procedure 3117, 4001, et seq., will be taken at the law offices of Gary Caldwell, 1201 Ninth Avenue, Altoona, PA 16602, on Friday, August 15, 2003, at 10:00 a.m. and at any adjournments thereof.

The scope and purpose of the examination will be to discover the existence and whereabouts of any and all assets real and/or personal of the Defendant.

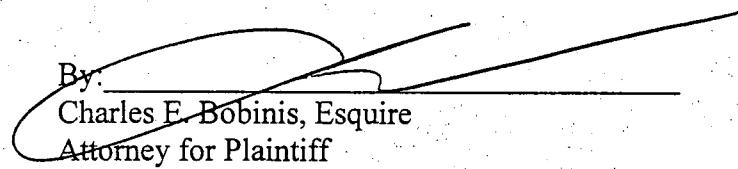
The deponent is instructed to bring all books, records, documents, contracts and all other papers relevant to the inquiry and which may be necessary to answer questions concerning assets of the Defendant. These documents should include, but not be limited to:

1. all property insurance policies;
2. all federal and state tax returns for the last three calendar years;
3. all bank statements, and cancelled checks for the last three years;
4. all credit or loan applications submitted or prepared during the last three calendar years;
5. all balance sheets and profit and loss statements submitted or prepared during the last three calendar years;
6. all records relating to the disposition or transfer of any assets, or proceeds thereof, during the last three calendar years;
7. titles, VIN numbers and tag numbers for all vehicles owned, possessed or leased by you during the last three calendar years;
8. all accounts receivable ledgers for the last six months to date;
9. all contracts to sell coal;
10. all documents which evidence or embody the existence and nature of any assets, and of all liens or encumbrances on any assets;
11. all documents which evidence or embody the identity, and the existence and nature of, any guarantors or sureties and their obligors for any debt of Defendant/Debtor; and

12. all correspondence relating to the negotiation, formation, performance or breach of all loans, notes, mortgages, security agreements, guaranties or surety agreements.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: 
Charles E. Bobinis, Esquire
Attorney for Plaintiff
PA I.D. #30665
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8102

BERNSTEIN FILE NO. G0034882

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

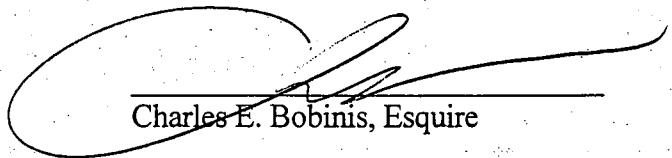
JOHNSON BROTHERS COAL CO.,
also known a JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

CERTIFICATE OF SERVICE

I, Charles E. Bobinis, Esquire, hereby certify that a true and correct copy of the NOTICE OF
TAKING OF DEPOSITION UPON ORAL EXAMINATION AND REQUEST FOR PRODUCTION OF
DOCUMENTS was served on the following parties by regular U.S. Mail, postage prepaid, this 1st day of
August, 2003, addressed as follows:

Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.
RD #1, Box 580
Mahaffey, PA 15757



Charles E. Bobinis, Esquire

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

D. C. GUELICH EXPLOSIVE CO.,
Plaintiff

Plaintiff

VS.

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.

Defendant

CIVIL ACTION NO. 03-917-CD

SCHEDULED

DEPOSITION OF:

A DESIGNATED REPRESENTATIVE OF
JOHNSON BROTHERS COAL CO.

TAKEN BY:

PLAINTIFF

BEFORE:

JO NELL SNIDER, RPR
NOTARY PUBLIC

DATE:

AUGUST 15, 2003 - 10:26 A.M.

PLACE :

Offices of:
GARY A. CALDWELL,
1201 NINTH AVE.
ALTOONA, PA 16602

APPEARANCES:

CHARLES E. BOBINIS, ESQ., on behalf of BERNSTEIN LAW FIRM

FOR PLAINTIFF

ALSO PRESENT:

DUWAYNE GUELICH, THOMAS NEFF

25

JO NELL SNIDER, RPR
COURT REPORTING SERVICE
P. O. BOX 202
EAST FREEDOM, PA 16637

I N D E X

Witness

(did not appear)

1 MR. BOBINIS: Good morning. My name is Charles
2 Bobinis. We're here today pursuant to my notice of
3 deposition and request for production of documents for
4 discovery of assets in aid of execution pursuant to our
5 judgment against Johnson Brothers Coal Company.

6 The notice was received by them by certified mail. I
7 have the receipt right here. It was signed for on August 2,
8 2003 by Debbie Johnson, who I understand is the wife of
9 Leslie Johnson, one of the principals of Johnson Coal
10 Company, and Mr. Johnson also spoke to the credit manager at
11 Guelich, Mr. Tom Neff, and was aware of the deposition and
12 wanted to know if we would insist on his being here, which we
13 informed him we did.

14 And we made every effort to contact him this morning by
15 his cell phone, by his pager and at his residence, and the
16 cell phone and the pager were disconnected. There was an
17 answering machine at the residence.

18 As a consequence, I made the trip here from Pittsburgh,
19 my client made the trip down from Clearfield, the court
20 reporter is here. My client has been damaged and has
21 suffered expenses and fees. We have waited a half hour now.
22 The deposition was scheduled for 10 o'clock, it's now
23 approximately 10:30 a.m. We've received no telephone call or
24 indication from Mr. Johnson and he's not here. So with that
25 we'll close the record and I'll take the matter up with the

1 Court. Thank you.

2

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4 COUNTY OF BLAIR

5 COMMONWEALTH OF PENNSYLVANIA

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10 I, Jo Nell Snider Reporter-Notary Public, authorized to
11 administer oaths within and for the Commonwealth of
12 Pennsylvania and take depositions in the trial of causes, do
13 hereby certify that the questions and answers were taken down
14 stenographically by the said Jo Nell Snider a Reporter-Notary
15 Public, approved and agreed to, and afterwards reduced to
16 typewriting under the direction of the said Reporter.

17 I further certify that the proceedings and evidence are
18 contained fully and accurately in the notes taken by me on
19 the within deposition/s, and that this copy is a correct
20 transcript of the same.

21 WITNESS my hand and seal in the Township of Freedom
22 County of Blair, State of Pennsylvania, this 25th day of
23 August, 2003.

24

25

Jo Nell Snider, RPR
Notary Public

26 NOTARIAL SEAL
27 JO NELL SNIDER, NOTARY PUBLIC
28 FREEDOM TOWNSHIP, BLAIR COUNTY
29 MY COMMISSION EXPIRES SEPT. 13, 2005

D. C. GUELICH EXPLOSIVE CO. v.
JOHNSON BROTHERS COAL CO.
BERNSTEIN FILE NO. G0034882

DATE	TKPR	DESCRIPTION OF SERVICES RENDERED	RATE	HOURS	AMOUNT
08/15/03	CEB	Attend deposition in Altoona (Defendant did not show up)	245.00	5.50	\$1,347.50
8/15/03	EXP	Travel Expense			\$ 67.60
8/25/03	EXP	Court Reporter/Transcript			\$ 60.00
TOTAL					\$1,475.10

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

9/7

Civil Action No. 03-~~914~~-CD

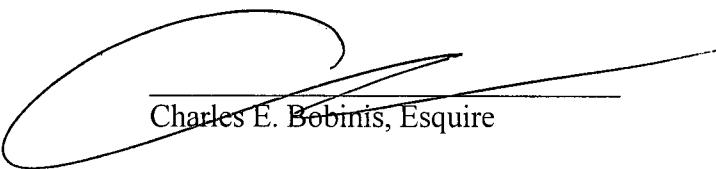
JOHNSON BROTHERS COAL CO.,
also known as JOHNSON
BROTHERS COAL CO., INC.,

Defendant.

CERTIFICATE OF SERVICE

I, Charles E. Bobinis, Esquire, hereby certify that a true and correct copy of the MOTION TO COMPEL DEPOSITION OF DEFENDANT FOR DISCOVERY OF ASSETS IN AID OF EXECUTION was served on the following parties by regular U.S. Mail, postage prepaid, this 9th day of September, 2003, addressed as follows:

Leslie Johnson, President
Johnson Brothers Coal Co. a/k/a
Johnson Brothers Coal Co., Inc.
RD #1, Box 580
Mahaffey, PA 15757


Charles E. Bobinis, Esquire

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

917

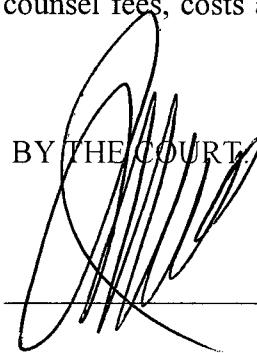
Civil Action No. 03-~~917~~-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON
BROTHERS COAL CO., INC.,

Defendant.

ORDER OF COURT

AND NOW, to-wit, this 15th day of September, 2003, upon Motion of Plaintiff's counsel, it is hereby ORDERED, ADJUGED and DECREED that Defendant by Leslie Johnson, President, shall appear as noticed at Plaintiff's counsel's office to attend a deposition for discovery of assets in aid of execution of Defendant within ten (10) days of the date of this Order, and \$1,475.10 is taxed as costs against Defendant to reimburse Plaintiff its counsel fees, costs and court reporter fees for the previously scheduled deposition.

BY THE COURT:

J.

FILED

SEP 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECLYPE FOR WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

Garnishees.

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED ^{No CC}
m12:05/01 6 writs to
DEC 20 2005 Centre Co.
William A. Shaw 6 writs to
Prothonotary/Clerk of Courts Jefferson Co.
Atty pd. 20.00
(60)

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriffs of Centre/Jefferson Counties: **DO NOT LEVY**

2. against Defendant: Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.

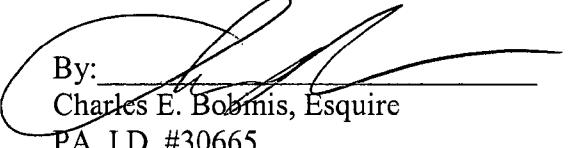
3. against Garnishees: King Coal Sales, Inc.
6-2 N. Centre
Philipsburg, PA 16866

Strishock Coal Company
Clay Plant Road
Brockway, PA 15824

4. JUDGMENT	\$61,164.14
Interest from 8/1/05 – 12/16/05:	\$ 1,396.03
Poundage	\$ 1,251.20
SUBTOTAL:	\$63,811.37
Costs (to be added by Prothonotary):	\$ 125.00
TOTAL	\$

BERNSTEIN LAW FIRM, P.C.

Date: 12-19-05

By: 
Charles E. Bobinis, Esquire
PA. I.D. #30665
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219

BERNSTEIN FILE NO. G0034882

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

D. C. Guelich Explosive Co.

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co., Inc.

King Coal Sales, Inc. and Strishock Coal Company
Garnishees

CCPY

TO THE SHERIFF OF CENTRE/JEFFERSON COUNTIES:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., also known as JOHNSON BROTHERS COAL CO., INC., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
DO NOT LEVY
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
King Coal Sales, Inc. and Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL:.....\$61,164.14
INTEREST from 8/1/05-12/16/05:...\$1,396.03
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 12/20/2005

PAID:.....\$125.00
SHERIFF: \$
OTHER COSTS: \$
POUNDAGE:.....\$1,251.20

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Charles E. Bobinis, Esq.
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECIPE FOR
WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

COUNSEL OF RECORD OF THIS PARTY:

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665

Garnishees.

Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

JAN 30 2006 *Ey*
10/11-301 WM
William A. Shaw
Prothonotary/Clerk of Courts
No 4C
6 WANTS TO S H E E R

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of Clearfield County: **DO NOT LEVY**
2. against Defendant: Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.
3. against Garnishee: Strishock Coal Company
220 Hillcrest Drive
DuBois, PA 15801

4. JUDGMENT	\$61,164.14
Interest from 8/1/05 – 12/16/05:	\$ 1,396.03
Poundage	\$ 1,251.20
SUBTOTAL:	\$63,811.37
Costs (to be added by Prothonotary):	\$
TOTAL	\$

BERNSTEIN LAW FIRM, P.C.

Date: 1-20-06
By: _____
Charles E. Bobinis, Esquire
PA. I.D. #30665
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219

BERNSTEIN FILE NO. G0034882

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECLYPE FOR
WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

COUNSEL OF RECORD OF THIS PARTY:

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

Garnishees.

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

D. C. Guelich Explosive Co.,
Plaintiff

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co., Inc.
Defendants

King Coal Sales, Inc., and
Strishock Coal Company
Garnishees

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Do Not Levy.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$61,164.37
INTEREST: 8/1/05-12/16/05 \$ 1,396.03
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 01/30/2006

PAID: \$145.00
SHERIFF: \$
OTHER COSTS: \$
Poundage \$1,251.37

William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Charles E. Bobinis, Esq
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees.

No. 03-917-CD

ANSWERS TO

INTERROGATORIES IN ATTACHMENT
DIRECTED TO KING COAL SALES, INC.

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF THIS PARTY:

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED NO CC
m10/42/06
JAN 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,
RD #1, Box 580
Mahaffey, PA 15757

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees.

Suggested Reference No.

TO: King Coal Sales, Inc.
602 N. Centre
Philipsburg, PA 16866

IMPORTANT NOTICES TO GARNISHEE!

- A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.
- B. Herein, the word "defendant" means any one or more of the defendants against whom the Writ of Execution is issued.
- C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

D. If any Defendant above named is an individual, and if Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.

E. In your answers to these Interrogatories in Attachment, please state whether the account includes Social Security direct deposits or that you have identified the funds in the account as being from sources other than Social Security direct deposits.

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

No

2. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

3. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

No

4. If the answer to Interrogatory 3 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

5. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

No

6. If the answer to Interrogatory 5 is in the affirmative, describe the nature, fair market value, and present location of each of said properties.

7. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

No

8. If the answer to Interrogatory 7 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

9. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

No

10. If the answer to Interrogatory 9 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

11. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

Yes

12. If the answer to Interrogatory 11 is in the affirmative, describe the amount or nature, fair market value and present location of each of such payments and properties.

King Coal Sales, Inc. is withholding and paying to D.C. Guelich Explosives Co. the agreed funds per the attached letter.

BERNSTEIN LAW FIRM, P.C.

By: _____
Charles E. Bobinis, Esquire
PA I.D. #30665

Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

BERNSTEIN FILE NO. G0034822

VERIFICATION

The undersigned does hereby verify under penalty of perjury, that he/she is the legal representative of KING COAL SALES, INC., Garnishee herein, that he/she is duly authorized to make this Verification and that the facts set forth in the foregoing INTERROGATORIES are true and correct to the best of his/her knowledge, information and belief.

George W. Kite

Joyce A. Kitko, Secretary-Treasurer



D.C. Guelich Explosive Co.
R.D.#3, Box 128A
Clearfield, PA 16830
Phone: (814)765-1558
Fax: (814)765-2962

D.C. Guelich Explosive Co.

January 10, 2006

Mr. Leslie Johnson, President
Johnson Brothers Coal
R.D.#1, Box 580
Mahaffey, PA 15757

Dear Mr. Johnson:

When you visited our office last week we agreed that our garnishment of your sales to King Coal Sales, Inc. would be enforced by having King Coal withhold \$1.00 per ton on your monthly sales to them and King Coal will forward these monies to our office on the 25th of the following month. If the total monthly amount is less than the \$4,000.00 minimum you agreed to pay, you will be responsible for making up the difference. If you fail to do so, we withhold the right to increase the amount per ton that King Coal will withhold in following months. Enclosed please find a copy of the arrangements made with King Coal regarding the garnishment.

Sincerely,
D.C. Guelich Explosive Co.

Thomas C. Neff
Controller

CC: Timothy A. Decker, Vice President
King Coal Sales, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101214
NO: 03-917-CD
SERVICE # 1 OF 1
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: D.C. GUELICH EXPLOSIVE CO.

vs.

DEFENDANT: JOHNSON BROTHERS COAL CO. aka JOHNSON BROTHERS COAL CO. INC
-VS- KING COAL SALES INC and STRISHOCK COAL COMPANY.

SHERIFF RETURN

NOW, February 01, 2006 AT 2:15 PM SERVED THE WITHIN WRIT OF EXECUTION, INTERROGATORIES ON STRISHOCK COAL COMPANY DEFENDANT AT 220 HILLCREST DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATTI SPICHER, OFFICE MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, INTERROGATORIES AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED
01/04/06
FEB 03 2006
LS

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERNSTEIN	35740	10.00
SHERIFF HAWKINS	BERNSTEIN	35740	40.91

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marilyn Hump
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

D. C. Guelich Explosive Co.,
Plaintiff

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co. , Inc.
Defendants

King Coal Sales, Inc., and
Strishock Coal Company
Garnishees

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Do Not Levy.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$61,164.37
INTEREST: 8/1/05-12/16/05 \$ 1,396.03
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 01/30/2006

PAID: \$145.00 TO PROTHONOTARY
SHERIFF: \$
OTHER COSTS: \$
Poundage \$1,251.37

William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 30 day
of Jan A.D. 2006
At 3.30 A.M. P.M.

Requesting Party: Charles E. Bobinis, Esq
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

Sheriff Wayne Mauldin

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

D. C. Guelich Explosive Co.,
Plaintiff

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co., Inc.
Defendants

King Coal Sales, Inc., and
Strishock Coal Company
Garnishees

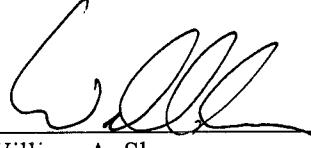
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Do Not Levy.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$61,164.37
INTEREST: 8/1/05-12/16/05 \$ 1,396.03
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 01/30/2006

PAID: \$145.00 TO *Prothonotary*
SHERIFF: \$
OTHER COSTS: \$
Poundage \$1,251.37



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 30 day
of Jan A.D. 2006
At 3:30 A.M./P.M.

Requesting Party: Charles E. Bobinis, Esq
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

Sheriff *Chester A. Hamlin*
By Marilyn Hamlin

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

D. C. GUELICH EXPLOSIVE CO., Plaintiff	:	CIVIL DIVISION
	:	No. 03-917-CD
vs.	:	Type of Pleading:
JOHNSON BROTHERS COAL CO., also known as JOHNSON BROTHERS COAL CO., INC.,	:	ANSWERS TO INTERROGATORIES IN ATTACHMENT
Defendant	:	Filed on behalf of:
vs.	:	STRISHOCK COAL COMPANY
KING COAL SALES, INC. and STRISHOCK COAL COMPANY, Garnishees	:	

FILED NO cc
m 10 28 01
FEB 10 2006
60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

INTERROGATORIES IN ATTACHMENT
DIRECTED TO STRISHOCK COAL
COMPANY

Defendant.

FILED ON BEHALF OF
Plaintiff

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

COUNSEL OF RECORD OF THIS PARTY:

Garnishees.

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

Garnishees.

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,
RD #1, Box 580
Mahaffey, PA 15757

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees.

Suggested Reference No.

TO: Strishock Coal Company
Clay Plant Road
Brockway, PA 15824

IMPORTANT NOTICES TO GARNISHEE!

- A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.
- B. Herein, the word "defendant" means any one or more of the defendants against whom the Writ of Execution is issued.
- C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

D. If any Defendant above named is an individual, and if Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.

E. In your answers to these Interrogatories in Attachment, please state whether the account includes Social Security direct deposits or that you have identified the funds in the account as being from sources other than Social Security direct deposits.

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason? **NO**

No.

2. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

N/A

3. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant. **NO**

No.

4. If the answer to Interrogatory 3 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

N/A

5. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest? **No**

No.

6. If the answer to Interrogatory 5 is in the affirmative, describe the nature, fair market value, and present location of each of said properties.

N/A

7. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest? **No**

No.

8. If the answer to Interrogatory 7 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

N/A

9. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof? **No**

No.

10. If the answer to Interrogatory 9 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

N/A

11. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you? No

No.

12. If the answer to Interrogatory 11 is in the affirmative, describe the amount or nature, fair market value and present location of each of such payments and properties.

N/A

BERNSTEIN LAW FIRM, P.C.

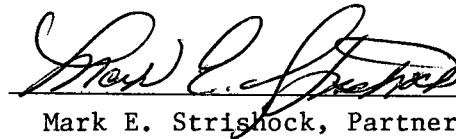
By: _____
Charles E. Bobinis, Esquire
PA I.D. #30665

Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

BERNSTEIN FILE NO. G0034822

VERIFICATION

The undersigned does hereby verify under penalty of perjury, that he/she is the legal representative of Strishock Coal Company, Garnishee herein, that he/she is duly authorized to make this Verification and that the facts set forth in the foregoing INTERROGATORIES are true and correct to the best of his/her knowledge, information and belief.



Mark E. Strishock, Partner

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

D. C. Guelich Explosive Co.,
Plaintiff

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co., a/k/a
Johnson Brothers Coal Co., Inc.
Defendants

King Coal Sales, Inc., and
Strishock Coal Company
Garnishees

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Do Not Levy.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$61,164.37
INTEREST: 8/1/05-12/16/05 \$ 1,396.03
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 01/30/2006

PAID: \$145.00 *To Prothonotary*
SHERIFF: \$
OTHER COSTS: \$
Poundage \$1,251.37



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 30 day
of Jan A.D. 2006
At 3:30 A.M. (P.M.)

Chesler A. Haynes
Sheriff Clyde Mauldin Haynes

Requesting Party: Charles E. Bobinis, Esq
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

D.C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant.

WRIT OF EXECUTION
NOTICE

This paper is a "Writ of Execution". It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. **SUCH PROPERTY IS SAID TO BE EXEMPT**. No matter what you may owe, there is a **DEBTOR'S EXEMPTION** established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have exemption, you should do the following promptly:

- (1) Complete the claim form on the back and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. **IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.**

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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
PA Bar Association
P.O. Box 186
Harrisburg, PA 17108
1-800-692-7375

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and family members.
3. Bibles, school books, sewing machines, uniforms and equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages and unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran and armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

(a) I desire that my statutory \$300.00 exemption be:

(1) set aside of kind (specify property to be set aside in kind):

(2) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption: (specify property and basis of exemption)

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption: in cash in kind

(specify property):

(b) Social Security benefits on deposit in the amount of \$_____;

(c) Other (specify amount and basis for exemption):

I request a prompt court hearing to determine the exemption.

Notice of the hearing should be given me at the following:

(ADDRESS)

(TELEPHONE NUMBER)

I verify that the statements made in this Claim for Exemption 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.

Date:

Defendant:

THIS CLAIM TO BE FILED WITH:

Clearfield County Sheriff

P.O. Box 549

Clearfield, PA 16830

Note: Under paragraphs (1) and (2) of the Writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a). (b) Each court shall, by local rule, designate the officer, organization or person to be named in the notice.

Prothonotary/Clerk of Courts
William A. Shaw
FEB 10 2006

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECLPICE TO REISSUE
WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

COUNSEL OF RECORD OF THIS PARTY:

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

Garnishees.

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

Ema
AUG 02 2006

■ M/ 10:30 (w)
William A. Shaw
Prothonotary/Clerk of Courts

NO CER. COPIES

ISSUED 6 REISSUED
WRITS TO SHAW,

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees

PRAECIPE TO REISSUE WRIT OF EXECUTION

To the Prothonotary:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of Clearfield County: Levy and set sale.

A. against Defendant: Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.

B. against Garnishee: Strishock Coal Company
220 Hillcrest Drive
DuBois, PA 15801

C. against Garnishee: King Coal Sales, Inc.
602 N. Centre
Philipsburg, PA 16866

(by deputizing Sheriff of Centre County – instructions enclosed)

D. Levy on Debtor's equipment, at Debtor's mine site, off Log Cabin Road, Clearfield, PA.

2. JUDGMENT	\$61,164.14
Payment of 3/25/06 from King Coal Sales	<\$ 941.90>
Interest from 8/1/05 to 8/16/06 on declining balance	\$ 3,819.24
Poundage	\$ 1,300.00
SUBTOTAL:	\$65,341.48
Costs (to be added by Prothonotary):	\$
TOTAL	\$

BERNSTEIN LAW FIRM, P.C.

Date: July 28, 2006

By: 

7-28-6

Charles E. Bobinis, Esquire
PA. I.D. #30665
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219

BERNSTEIN FILE NO. G0034882

CEB
2006.07.28
BERNSTEIN FILE NO. G0034882

REISSUED
WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

D. C. Guelich Explosive Co.,

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co.,
a/k/a Johnson Brothers Coal Co., Inc.

King Coal Sales, Inc. and Strishock Coal Company
Garnishees

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc. , Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Equipment at Debtor's mine site, off Log Cabin Road, Clearfield, PA
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
King Coal Sales, Inc. and Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

AMOUNT DUE/PRINCIPAL: \$61,164.14

PAYMENT OF 3/25/06 from King Coal Sales

<941.90>

INTEREST: \$ from 8/1/05 to 8/16/06 on declining
balance \$3,819.24

ATTY'S COMM: \$

DATE: 01/30/2006

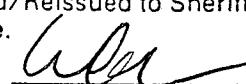
PROTHONOTARY'S COSTS PAID: \$152.00

Aug-2, 2006 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

SHERIFF: \$

POUNDAGE: \$1,300.00

OTHER COSTS: \$


Deputy Prothonotary

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Charles E. Boninis, Esq.
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECLYPE TO ISSUE
WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

COUNSEL OF RECORD OF THIS PARTY:

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

Garnishees.

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

FILED

AUG 07 2006

m 112-05/w

William A. Shaw
Prothonotary/Clerk of Courts

NO C/C

ISSUAN WRT TO
SHERIFF OF CLEARFIELD
CO.

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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

Civil Action No. 03-917-CD

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

vs.

KING COAL SALES, INC. and
STRISHOCK COAL COMPANY,

Garnishees

PRAECIPE TO ISSUE WRIT OF EXECUTION

To the Prothonotary:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of Centre County for Garnishee King Coal Sales, Inc.:

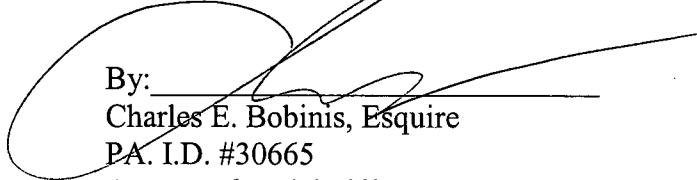
- A. against Defendant: Johnson Brothers Coal Co. a/k/a
Johnson Brother Coal Co., Inc.
- B. against Garnishee: Strishock Coal Company
220 Hillcrest Drive
DuBois, PA 15801
- C. against Garnishee: King Coal Sales, Inc.
602 N. Centre
Philipsburg, PA 16866

D. Levy on Debtor's equipment, at Debtor's mine site, off Log Cabin Road, Clearfield, PA.

2. JUDGMENT	\$61,164.14
Payment of 3/25/06 from King Coal Sales	<\$ 941.90>
Interest from 8/1/05 to 8/16/06 on declining balance	\$ 3,819.24
Poundage	\$ 1,300.00
SUBTOTAL:	\$65,341.48
Costs (to be added by Prothonotary):	\$
TOTAL	\$

Prothonotary costs 162.00

BERNSTEIN LAW FIRM, P.C.

Date: 8-4-6
By: 
Charles E. Bobinis, Esquire
PA. I.D. #30665
Attorney for Plaintiff
Suite 2200 Gulf Tower
Pittsburgh, PA 15219

BERNSTEIN FILE NO. G0034882

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

No. 03-917-CD

vs.

PRAECIPE TO ISSUE
WRIT OF EXECUTION

JOHNSON BROTHERS COAL CO.,
also known as JOHNSON BROTHERS
COAL CO., INC.,

Defendant,

FILED ON BEHALF OF
Plaintiff

vs.

COUNSEL OF RECORD OF THIS PARTY:

KING COAL SALES, INC., and
STRISHOCK COAL COMPANY,

Garnishees.

CHARLES E. BOBINIS, ESQUIRE
PA I.D. #30665
Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

DIRECT DIAL: (412) 456-8102

BERNSTEIN FILE NO. G0034882

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

D. C. Guelich Explosive Co.,

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co.,

King Coal Sales, Inc.
Strischok Coal Company
Garnishees

TO THE SHERIFF OF CENTRE COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., , Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Debtor's equipment, at Debtor's mine site, off Log Cabin Road, Clearfield, PA.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
King Coal Sales, Inc.
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL: \$61,164.14
INTEREST: \$from 8/1/05 to 8/16/06 on declining
balance \$3,819.24
POUNDAGE: \$1,300.00
ATTY'S COMM: \$
DATE: 08/07/2006

PROTHONOTARY'S COSTS PAID: \$167.00
SHERIFF: \$
PAYMENT of 3/25/06 from King Coal Sales
<\$941.90>
OTHER COSTS: \$

William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Charles E. Bobinis, Esq.
Suite 2200 Gulf Towe
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20428
NO: 03-917-CD

PLAINTIFF: D. C. GUELICH EXPLOSIVE CO.

VS.

DEFENDANT: JOHNSON BROTHERS COAL CO., A/K/A JOHNSON BROTHERS COAL CO., INC. AND KING COAL SALES, INC. AND STRISHOCK COAL COMPANY

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 8/2/2006

LEVY TAKEN 10/4/2006 @ 1:00 PM

POSTED 10/16/2006 @ 1:56 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/17/2009

DATE DEED FILED **NOT SOLD**

S FILED
018:56 AM
FEB 17 2009
William A. Shaw
Prothonotary/Clerk of Courts
VS

DETAILS

10/5/2006 @ 9:45 AM SERVED JOHNSON BROTHERS CO., A/K/A JOHNSON BROTHERS
SERVED JOHNSON BROTHERS CO, A/K/A JOHNSON BROTHERS, DEFENDANT, AT THEIR RESIDENCE 1390 LEE RUN ROAD,
MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE JOHNSON, WIFE OF OWNER/ADULT AT RESIDENCE
A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY
MAKING KNOWN TO HER THE CONTENTS THEREOF.

9/13/2006 @ 2:00 PM SERVED STRISHOCK COAL COMPANY
SERVED STRISHOCK COAL COMPANY, GARNISHEE, AT 220 HILLCREST DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO PATTI SPICHER, OFFICE MANAGER OF STRISHOCK COAL COMPANY
A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO
GARNISHEE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

10/13/2006 @ 9:56 AM SERVED JOHNSON BROTHERS CO., A/K/A JOHNSON BROTHERS
SERVED JOHNSON BROTHERS CO., A/K/A JOHNSON BROTHERS, DEFENDANT, AT THE RESIDENCE 1390 LEE RUN ROAD,
MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE JOHNSON WIFE OF OWNER

A NOTICE OF SALE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

@ SERVED

NOW, OCTOBER 17, 2005 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CANCEL THE SHERIFF SALE SCHEDULED
FOR JANUARY 19, 2007.

@ SERVED

NOW, FEBRUARY 17, 2009 RETURN THE WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20428
NO: 03-917-CD

PLAINTIFF: D. C. GUELICH EXPLOSIVE CO.

VS.

DEFENDANT: JOHNSON BROTHERS COAL CO., A/K/A JOHNSON BROTHERS COAL CO., INC. AND KING COAL SALES, INC. AND STRISHOCK COAL COMPANY

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$106.56

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
Ivey Andrea Bister - Deppold
Chester A. Hawkins
Sheriff

REISSUED
WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

D. C. Guelich Explosive Co.,

Vs.

NO.: 2003-00917-CD

Johnson Brothers Coal Co.,
a/k/a Johnson Brothers Coal Co., Inc.

King Coal Sales, Inc. and Strishock Coal Company
Garnishees

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due D. C. GUELICH EXPLOSIVE CO., Plaintiff(s) from JOHNSON BROTHERS COAL CO., a/k/a Johnson Brothers Coal Co., Inc., Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Equipment at Debtor's mine site, off Log Cabin Road, Clearfield, PA
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
King Coal Sales, Inc. and Strishock Coal Company
Garnishee(s) as follows:
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

AMOUNT DUE/PRINCIPAL: \$61,164.14
PAYMENT OF 3/25/06 from King Coal Sales
<941.90>
INTEREST: \$from 8/1/05 to 8/16/06 on declining
balance \$3,819.24
ATTY'S COMM: \$
DATE: 01/30/2006

PROTHONOTARY'S COSTS PAID: \$152.00

SHERIFF: \$
POUNDAGE: \$1,300.00
OTHER COSTS: \$

Aug. 2, 2006 Document
Reinstated/Reissued to Sheriff/Attorney
for service. Willie
Deputy Prothonotary



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 2nd day
of August A.D. 2006
At 3:00 A.M./P.M.

Requesting Party: Charles E. Boninis, Esq.
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100

Chesler A. Hawkins
Sheriff by Cynthia Butler-Deppeler

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME JOHNSON BROTHERS COAL CO., A/K/A JOHNSON BROTHERS

NO.

03-917-CD

NOW, February 15, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Johnson Brothers Coal Co., A/K/A Johnson Brothers Coal Co., Inc. And King Coal Sales, Inc. And Strishock Coal Company to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	9.00	DEBT-AMOUNT DUE	61,164.14
SERVICE	9.00	INTEREST @ %	0.00
MILEAGE	2.00	FROM TO	
LEVY	20.00		
MILEAGE	2.00	PROTH SATISFACTION	
POSTING	9.00	LATE CHARGES AND FEES	
HANDBILLS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	1.56	ATTORNEY COMMISSION	
HANDBILLS	10.00	REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	30.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE	9.00	ESCROW DEFICIENCY	
		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	3,819.24
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID/ SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$65,271.94
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
		ADVERTISING	0.00
BILLING/PHONE/FAX	10.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$106.56	LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	106.56
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	152.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$258.56
		TOTAL COSTS	\$65,271.94

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

BERNSTEIN
LAW FIRM, P.C.
TRADITION • TECHNOLOGY • TALENT

BOARD-CERTIFIED IN CREDITORS' RIGHTS
BY THE AMERICAN BOARD OF CERTIFICATION

CHARLES E. BOBINIS, ESQ.
CBOBINIS@BERNSTEINLAW.COM
412-456-8102 FAX: 412-456-8266

Sheriff
P.O. Box 549
Clearfield, PA 16830

Attn: Cindy

October 17, 2006

VIA FACSIMILE - 814-765-5915

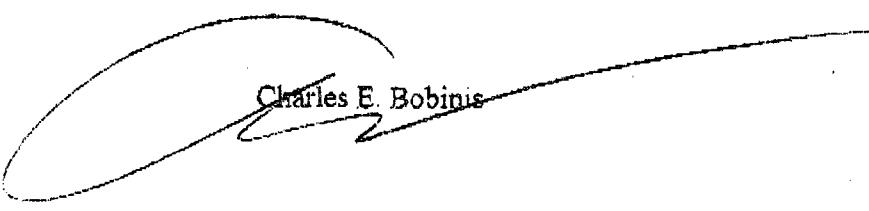
Re: D. C. Guelich Explosive Co.
Vs: Johnson Brothers Coal Co.
Civil Action No. 03-917-CD
BERNSTEIN FILE NO. G0034882

Dear Cindy:

This is to inform you that we would like to cancel the Sheriff's Sale scheduled for Friday, January 19, 2007 at 10:00 a.m., in the above-captioned matter.

Very truly yours,

BERNSTEIN LAW FIRM, P.C.



Charles E. Bobinis

CEB/mek

MEK010937V001