

03-917-CD

D.C. GUELICH EXPLOSIVE, CO. v8 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-CD

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.

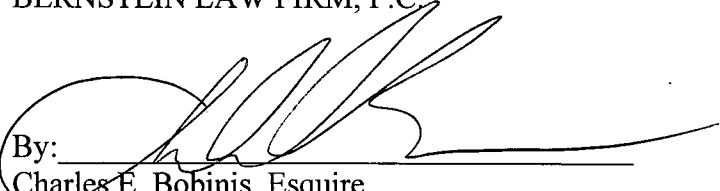
9. The total amount of principal and finance charges due through May 31, 2003, amount to \$58,774.16, per Exhibit "1".

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, B, 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 & B).

-----	-----	-----	-----Aged customer balances-----			
-----	-----	-----	Current	Over 30 days	Over 45 days	Over 60 days
-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----

A/R account: 000-1100 ACCOUNTS RECEIVABLE

JOHN	OPN-ITH	JOHNSON BROTHERS	58,774.16	974.01	0.00	974.01	56,826.14
		R. D. #1 BOX 580	Unlimited credit				
277-6215			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 O/E order: 084343	2,082.58	0.00	2,082.58	363
59821	6/19/02	I	59821	7/19/02	From O/E order: 084348	2,306.47	0.00	2,306.47	362
59844	6/20/02	I	59844	7/20/02	From O/E order: 084355	1,314.09	0.00	1,314.09	361
59845	6/20/02	I	59845	7/20/02	From O/E order: 084358	80.00	0.00	80.00	361
59879	6/26/02	I	59879	7/26/02	From O/E order: 084388	2,314.03	0.00	2,314.03	355
59903	6/28/02	I	59903	7/28/02	From O/E order: 084398	2,906.51	0.00	2,906.51	353
59957	7/01/02	I	59957	7/31/02	From O/E order: 084413	6,214.88	0.00	6,214.88	350
59958	7/05/02	I	59958	8/04/02	From O/E order: 084451	2,260.15	0.00	2,260.15	346
59959	7/08/02	I	59959	8/07/02	From O/E order: 084454	1,693.85	0.00	1,693.85	343
59987	7/09/02	I	59987	8/08/02	From O/E order: 084461	3,006.11	0.00	3,006.11	342
59988	7/10/02	I	59988	8/09/02	From O/E order: 084478	1,509.17	0.00	1,509.17	341
60007	7/11/02	I	60007	8/10/02	From O/E order: 084488	80.00	0.00	80.00	340
60008	7/11/02	I	60008	8/10/02	From O/E order: 084477	2,259.52	0.00	2,259.52	340
60073	7/19/02	I	60073	8/18/02	From O/E order: 084535	1,566.82	0.00	1,566.82	332
60088	7/18/02	I	60088	8/17/02	From O/E order: 084530	1,034.05	0.00	1,034.05	333
60128	7/23/02	I	60128	8/22/02	From O/E order: 084551	418.20	0.00	418.20	328
60245	8/08/02	I	60245	9/07/02	From O/E order: 084670	2,103.95	0.00	2,103.95	312
60266	8/09/02	I	60266	9/08/02	From O/E order: 084686	1,816.28	0.00	1,816.28	311
60329	8/20/02	I	60329	9/19/02	From O/E order: 084734	360.00	0.00	360.00	300
60812	10/17/02	I	60812	11/16/02	From O/E order: 085052	3,071.46	0.00	3,071.46	242
60816	10/17/02	I	60816	11/16/02	From O/E order: 085063	674.10	0.00	674.10	242
60829	10/21/02	I	60829	11/20/02	From O/E order: 085066	1,327.15	0.00	1,327.15	238
60841	10/22/02	I	60841	11/21/02	From O/E order: 085076	820.35	0.00	820.35	237
60846	10/23/02	I	60846	11/22/02	From O/E order: 085086	663.60	0.00	663.60	236
60960	11/01/02	I	60960	12/01/02	From O/E order: 085149	1,972.94	0.00	1,972.94	227
60966	11/01/02	I	60966	12/01/02	From O/E order: 085159	578.20	0.00	578.20	227
60982	11/06/02	I	60982	12/06/02	From O/E order: 085156	3,406.26	0.00	3,406.26	222
61018	11/11/02	I	61018	12/11/02	From O/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	Over 60 days
Phone-#-1	Address-2	Terms				
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.

Sheriff Docket #

14217

VS.

03-917-CD

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

COMPLAINT

**SHERIFF RETURNS**

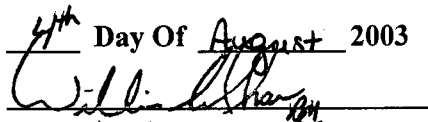
NOW JUNE 26, 2003 AT 10:54 AM SERVED THE WITHIN COMPLAINT ON JOHNSON BROTHERS COAL CO. A/K/A JOHNSON BROTHERS COAL CO. INC., DEFENDANT AT RESIDENCE, 1390 LEE RUN ROAD, MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE JOHNSON, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE 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

4<sup>th</sup> Day Of August 2003



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

So Answers,



Chester A. Hawkins  
Sheriff

**FILED**

01/10:11 801  
AUG 04 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.

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**

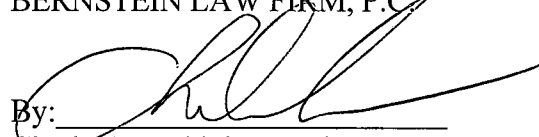
To the Prothonotary:

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

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 Praeceptum 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 be "J. H. H.", written over a horizontal line.

FILED

in 1:28 PM  
AUG 05 2003  
PE 20:00  
Miles to Day  
First & P. 2003

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: \$

Costs: \$

Int. From: \$

Entry: \$20.00

Vs.

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

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

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

(xx)    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.

(xx)    Entry of Judgment of  
            ☐ Court Order  
            ☐ Non-Pros  
            ☐ Confession  
            ☒ Default  
            ☐ Verdict  
            ☐ Arbitration Award

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

Prothonotary

By: \_\_\_\_\_

PROTHONOTARY (OR DEPUTY)

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.

**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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

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

Defendant.

CIVIL DIVISION

<sup>917</sup>  
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.

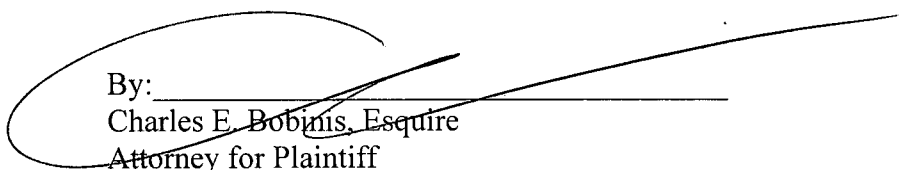
5. Although Leslie Johnson spoke to a representative before the deposition and was aware of it, Leslie Johnson failed and/or refused to appear at the deposition without warning, and there has been no communication from this individual or a representative of Defendant to explain the failure to appear 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)

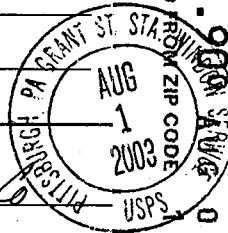
**EXHIBIT...!**

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

One piece of ordinary mail addressed to:  
**Johnson Brothers Coal Co.**  
RD #1, Box 580  
Makaffey, PA 15757

1433 U.S. POSTAGE PB 2211391  
9895 \$00.90  
9919 MAILED FROM ZIP CODE 15222



PS Form 3817, Mar. 1989 60034882

7975 2995 0001 2410 7002

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

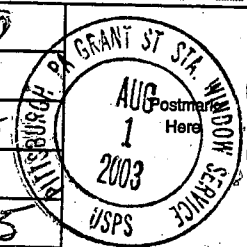
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**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

Sent To: **Johnson 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 THIS SECTION ON DELIVERY
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to: <b>Johnson Brothers Coal Co.</b> <b>RD #1, Box 580</b> <b>Makaffey, PA 15757</b></p>	<p>A. Signature: <b>Debbie Johnson</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <b>DEBBIE JOHNSON</b></p> <p>C. Date of Delivery: <b>8-2-03</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type:  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

7002 2410 0001 2995 7975

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

60034882  
X272 mek

EXHIBIT...!  
cont'2

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

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.

**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

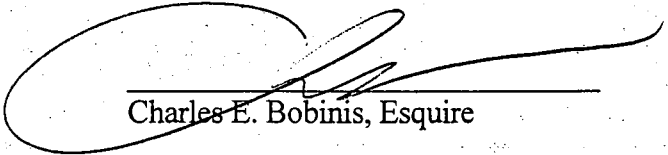
JOHNSON BROTHERS COAL CO.,  
also known a JOHNSON BROTHERS  
COAL CO., INC.,

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 1<sup>st</sup> 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

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, ESQ.  
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

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

EXHIBIT 2

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  
3  
4 COUNTY OF BLAIR :

5 COMMONWEALTH OF PENNSYLVANIA :

:  
: ss  
:

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

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

17 WITNESS my hand and seal in the Township of Freedom  
18 County of Blair, State of Pennsylvania, this 25th day of  
19 August, 2003.

20  
21 \_\_\_\_\_  
Jo Nell Snider, RPR  
Notary Public

22  
23 NOTARIAL SEAL  
JO NELL SNIDER, NOTARY PUBLIC  
FREEDOM TOWNSHIP, BLAIR COUNTY  
24 MY COMMISSION EXPIRES SEPT. 13, 2005  
25

**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				<u>\$1,475.10</u>



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

D. C. GUELICH EXPLOSIVE CO.,

Plaintiff,

vs.

917  
Civil Action No. 03-~~914~~-CD

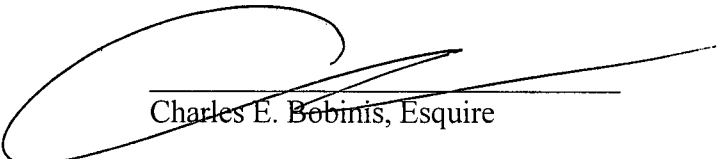
JOHNSON BROTHERS COAL CO.,  
also known as JOHNSON  
BROTHERS COAL CO., INC.,

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 9<sup>th</sup> 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.

417  
Civil Action No. 03-~~914~~-CD

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

Defendant.

**ORDER OF COURT**

AND NOW, to-wit, this 15<sup>th</sup> 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.

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  
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

**FILED** No CC

m12:05/01 Le wants to  
DEC 20 2005 Centre Co.

William A. Shaw Le wants to  
Prothonotary/Clerk of Courts Jefferson Co.

Atty pd. 20.00  
CR

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

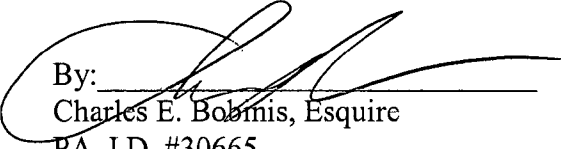
TOTAL \$

BERNSTEIN LAW FIRM, P.C.

Date:

12-19-05

By:

  
Charles E. Bobmis, 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

\_\_\_\_\_  
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

PRAECIPE FOR  
WRIT 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

JAN 30 2006 *EW*  
12/11/20/2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
NO 21C  
6 WANTS TO SHAR

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...

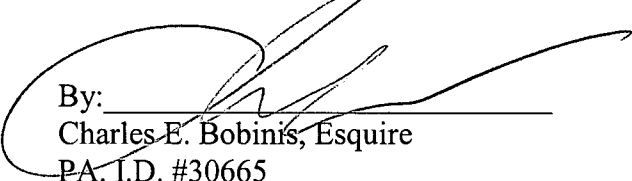
1. directed to the Sheriff of Clearfield County: **DO NOT LEVY**
2. against Defendant: Johnson Brothers Coal Co. a/k/a  
Johnson Brother Coal Co., Inc.
3. against Garnishee: Strishock Coal Company  
220 Hillcrest Drive  
DuBois, PA 15801



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: 1-20-6

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,

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

PRAECIPE FOR  
WRIT 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

**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 <sup>no cc</sup>  
m10:42/201  
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

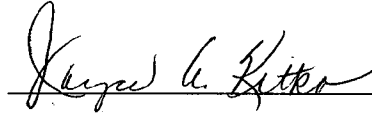
(412) 456-8100

**BERNSTEIN FILE NO. G0034822**

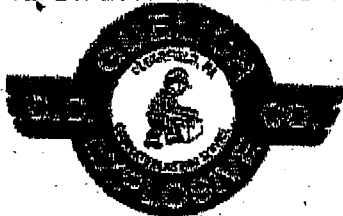


**VERIFICATION**

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.

A handwritten signature in cursive script, appearing to read "Joyce A. Kitko", is written over a horizontal line.

Joyce A. Kitko, Secretary-Treasurer



D.C. Guelich Explosive Co.  
R.D.#3, Box 125A  
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 25<sup>th</sup> 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  
01/10/49/50  
FEB 03 2006

William A. Shaw  
Prothonotary/Clerk of Courts

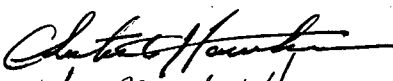
PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERNSTEIN	35740	10.00
SHERIFF HAWKINS	BERNSTEIN	35740	40.91

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

\_\_\_\_\_

So Answers,

  
by Marilyn Hamer  
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

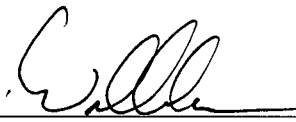
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

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 03:30 A.M. (P.M.)

Chester A. Hays  
Sheriff  
Lyn Mauley-Hann

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

**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.

Chester A. Handley  
Sheriff  
by Mary Ann Handley

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

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

CIVIL DIVISION

No. 03-917-CD

Type of Pleading:

ANSWERS TO INTERROGATORIES  
IN ATTACHMENT

Filed on behalf of:

STRISHOCK COAL COMPANY

FILED <sup>NO</sup>cc  
m/10,226/  
FEB 10 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,

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: 

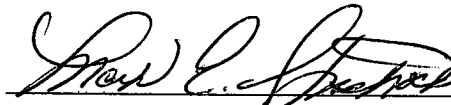
Charles E. Bobinis, Esquire  
PA L.D. #30665

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

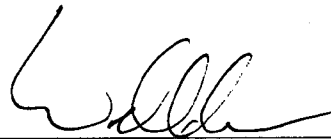
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

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.)

Chester A. Hawkins  
Sheriff  
by Maury Harris

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.

FILED  
FEB 10 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,

No. 03-917-CD

vs.

PRAECIPE 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,

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

FILED

AUG 02 2006

M/10:30/w

William A. Shaw  
Prothonotary/Clerk of Courts

NO CLERK 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.

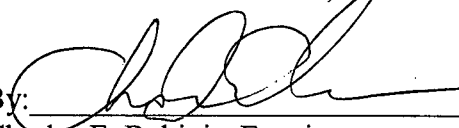
2. JUDGMENT	\$61,164.14
Payment of 3/25/06 from King Coal Sales	<\$ 941.90>
Interest from 8/1/05 to 8/16/06 on declining balance	\$ 3,819.24
Poundage	\$ 1,300.00
SUBTOTAL:	\$65,341.48
Costs (to be added by Prothonotary):	\$
TOTAL	\$

BERNSTEIN LAW FIRM, P.C.

Date:

July 28, 2006

By:

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

7-28-06

**BERNSTEIN FILE NO. G0034882**

CEB  
2006 JUL 28  
JUL 28 2006

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):

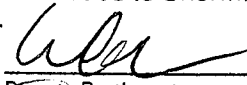
- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:  
Equipment at Debtor's mine site, off Log Cabin Road, Clearfield, PA
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
King Coal Sales, Inc. 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.   
Deputy Prothonotary

William A. Shaw  
Prothonotary/Clerk Civil Division

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

Requesting Party: Charles E. Boninis, 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,

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,

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

**FILED**

AUG 07 2006

m12:05/w

William A. Shaw  
Prothonotary/Clerk of Courts

NO C/L

ISSUED WRIT 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

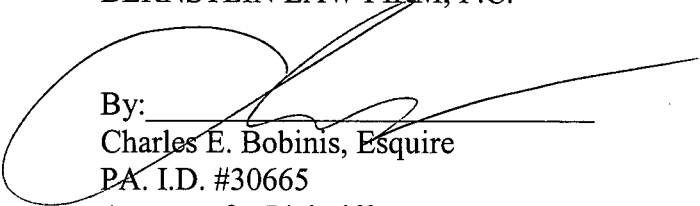
D. Levy on Debtor's equipment, at Debtor's mine site, off Log Cabin Road, Clearfield, PA.

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: 8-4-06

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.

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,

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

**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**

FILED  
978:56  
FEB 17 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

10/5/2006 @ 9:45 AM SERVED JOHNSON BROTHERS COAL CO., A/K/A JOHNSON BROTHERS  
SERVED JOHNSON BROTHERS COAL CO, A/K/A JOHNSON BORTHERS, DEFEDANT, AT THEIR RESIDNECE 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 COAL CO., A/K/A JOHNSON BROTHERS

SERVED JOHNSON BROTHERS COAL 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


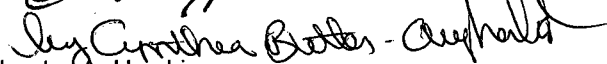
SHERIFF RETURN

---

SHERIFF HAWKINS \$106.56

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
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

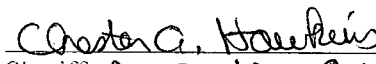
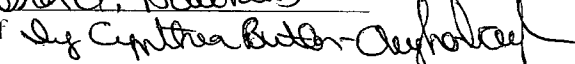
SHERIFF: \$  
POUNDAGE: \$1,300.00  
OTHER COSTS: \$

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

  
William A. Shaw  
Prothonotary/Clerk Civil Division

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

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

  
Sheriff 

**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
SERVICE	9.00
MILEAGE	2.00
LEVY	20.00
MILEAGE	2.00
POSTING	9.00
HANDBILLS	10.00
COMMISSION	0.00
POSTAGE	1.56
HANDBILLS	10.00
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$106.56</b>

DEBT-AMOUNT DUE	61,164.14
INTEREST @ %	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	30.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	3,819.24
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$65,271.94</b>

**COSTS:**

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
SHERIFF COSTS	106.56
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	152.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$258.56</b>
<b>TOTAL COSTS</b>	<b>\$65,271.94</b>

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

October 17, 2006

Sheriff  
P.O. Box 549  
Clearfield, PA 16830

Attn: Cindy

**VIA FACSIMILE - 814-765-5915**

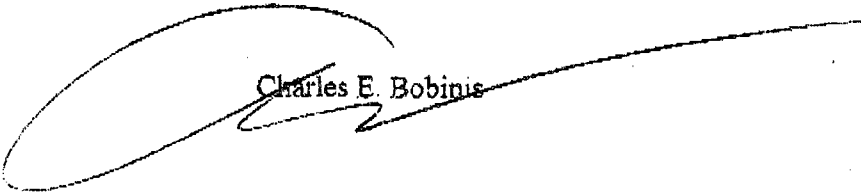
Re: D. C. Guelich Explosive Co.  
Vs: Johnson Brothers Coal Co.  
Civil Action No. 03-917-CD  
**BERNSTEIN FILE NO. G0034882**

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

MEK010337V001