

03-1820-CD
MERLYN BRICEN, etal. vs. HERWARD B. PENNYCOCKE, etal.

Law Offices

FERNAN GECI LAW OFFICE, P.C.

217 Main St. • P.O. Box 467

Ridgway, PA 15853

A TRUE AND CORRECT CERTIFIED COPY:

Qx

**IN THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL
DISTRICT
OF PENNSYLVANIA**

**MERLYN BRICEN and DEBORAH
BRICEN, d/b/a BRICEN TOWING
AND SALVAGE**
Petitioners/Plaintiffs

vs.

**HEREWARD B. PENNYCOOKE and
THE GAINSCO COMPANIES,**
Respondents/Defendants

: **CLEARFIELD COUNTY**
:
: **NO. 2003-1820-CD**
:
: **Filed on behalf of Plaintiffs**
: **Counsel for this Party-**
: **KARL E. GECI, ESQ.**
: **FERNAN GECI LAW OFFICE, P.C.**
: **P. O. Box 467**
: **Ridgway, PA 15853**
: **(814) 776-6191**
: **I.D. No. 31098**
:

RULE TO SHOW CAUSE

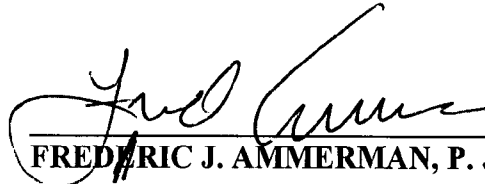
AND NOW, this 19 day of Dec, 2003, on consideration of the petition of Merlyn Bricen and Deborah Bricen, d/b/a Bricen Towing and Salvage, a rule is granted upon Howard B. Pennycooke and The Gainsco Companies, to show cause why ownership of the 1992 International Eagle truck should not be granted to Plaintiffs/Petitioners in this matter.

Rule returnable, the 13 day of January, 2004⁴ and hearing, if necessary on January 20, 2004⁴ at 3:00 o'clock, 9 M. at the Main Courtroom,
Clearfield County Courthouse, Clearfield, PA

BY THE COURT:

FILED

DEC 19 2003


FREDERIC J. AMMERMAN, P. J.

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL DISTRICT
OF PENNSYLVANIA**

**MERLYN BRICEN and DEBORAH
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Petitioners/Plaintiffs

vs.

**HEREWARD B. PENNYCOOKE and
THE GAINSCO COMPANIES,**

Respondents/Defendants

: CLEARFIELD COUNTY

:

: NO. 2003-1820-CD

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: Filed on behalf of Plaintiffs

: Counsel for this Party-

: KARL E. GECI, ESQ.

: FERNAN GECI LAW OFFICE, P.C.

: P. O. Box 467

: Ridgway, PA 15853

: (814) 776-6191

: I.D. No. 31098

:

FILED

DEC 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

PETITION

AND NOW, comes Merlyn and Deborah Bricen, d/b/a Bricen Towing and Salvage, by their counsel, Karl E. Geci, Esquire, and petitions this Honorable Court requesting that an Order be entered awarding ownership of one(1) 1992 International Eagle truck, VIN No. 2HSFHCAR5NCO58565 to the landowner and equitable owner, Bricen Towing and Salvage and which order extinguishes the right, title and interest of Hereward B. Pennycooke and The Gainsco Companies pursuant to §102(1)(iv) and §1114(a) and §1116(b) of the Vehicle Code for the following reasons:

1. Petitioners/Plaintiffs, Merlyn and Deborah Bricen, are the owner of lands in Huston Township, Clearfield County, having the address of 256 Hoovertown Road, Penfield, PA 16849.
2. Respondent/Defendant, Hereward B. Pennycooke, is an adult, presently residing at 314 Bishop Road, North Lauderdale, Florida 33068 and the record title owner of said International truck. (Copy of title attached as Exhibit 1).
3. Respondent/Defendant, The Gainsco Companies, is an insurance company having an

address at P. O. Box 2933, Fort Worth, Texas 76113.

4. Respondent, Hereward B. Pennycooke, had an accident with his 1992 International Truck on December 14, 2000, at mile marker 112 East near Clearfield, Pennsylvania.

5. The wrecked 1992 International tractor trailer was towed by Bloom Heavy Duty Towing Service of P. O. Box 165, Reynoldsville, PA ultimately to their place of business in Rockton, PA.

6. Respondent, The Gainsco Companies was the insurance carrier for the vehicle and The Gainsco Companies placed the International truck out for salvage bids through the E. L. Braid Claim Service, Inc.

7. Merlyn and Deborah Bricen, d/b/a, Bricen Towing and Salvage were the high bid and purchased the vehicle with payment made to Bloom Heavy Duty Towing Service in the amount of \$2,495.00 and the balance of \$780.00 to The Gainsco Companies. Said payments were made on January 8, 2001. (Copies attached as Exhibits 2 & 3).

8. Since January 8, 2001, no title has ever issued or been presented to Petitioners/Plaintiffs; in effect, leaving the vehicle abandoned on their premises in Penfield, Clearfield County, in that Plaintiffs have been unable to do anything with the vehicle for almost the last three years.

9. Despite efforts by Plaintiffs to acquire title documentation from either Respondent, Hereward B. Pennycooke or The Gainsco Companies, they have been entirely unsuccessful.

10. Petitioners, Merlyn and Deborah Bricen, d/b/a, Bricen Towing and Salvage, further believe that they have an equitable interest in the vehicle in that they have fully satisfied the agreed upon payments to Bloom Heavy Duty Towing Service and The Gainsco Companies.

11. Petitioners believe that Respondent/Defendant The Gainsco Companies would join in support of this petition in that their efforts to acquire title from Respondent/Defendant Hereward B. Pennycooke have failed and that they recognize their obligation to provide title following Plaintiffs satisfying payment in full to them on January 8, 2001.

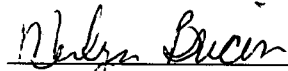
WHEREFORE, Petitioners, Merlyn and Deborah Bricen, d/b/a Bricen Towing and Salvage, respectfully request this Honorable Court enter an order awarding them ownership of the 1992 International truck and thereby extinguishing the right, title and interest of Hereward B. Pennycooke and The Gainsco Companies.

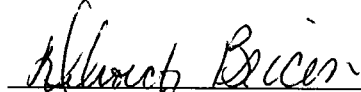
FERNAN GECI LAW OFFICE, P.C.

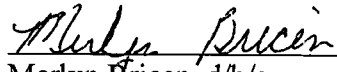
BY: Karl E. Geci Esq.
Karl E. Geci, Esq.
Attorney for Plaintiffs/Petitioners


VERIFICATION

I/We, Merlyn Bricen and Deborah Bricen, d/b/a Bricen Towing and Salvage verify that the facts set forth in the foregoing Petition are true and correct, to the best of my/our knowledge, information and belief. I/We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. section 4904 relating to unsworn falsification to authorities.


Merlyn Bricen, individually


Deborah Bricen, individually


Merlyn Bricen, d/b/a
Bricen Towing and Salvage


Deborah Bricen, d/b/a
Bricen Towing and Salvage

HERWARD B PENNYCOOKE
314 BISHOP RD.
N. LAUDERDALE FL 33088-3827

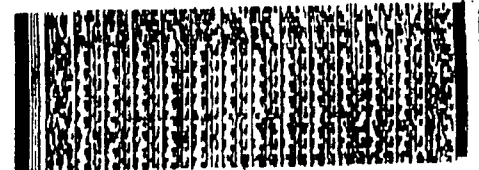
DATE OF ISSUE
08/23/2000

LEAD RELEASE
INTEREST IN THE ABOVE DESCRIBED VEHICLE IS
HEREBY RELEASED

MAIL TO:

HEREWARD B PENNYCOOKE
214 BISHOP RD.
N. LAUDERDALE FL 33068-3827

TITLE	DATE



CERTIFICATE OF TITLE

SATISFACTORY PROOF OF OWNERSHIP HAVING BEEN SUBMITTED UNDER SECTION 918.25, 328.03, FLORIDA STATUTES, TITLE TO THE MOTOR VEHICLE

REGISTRATION NUMBER	TR	WGT OF THE	VEHICLE REG NO	TYPE NUMBER
2HSFHCARBNC06555	1	11000	323	01225894
MANUFACTURER	NO OF SPACER	ALC	TYPE	PRV. ISSUE DATE
STONING	1	1	PVT	
ODOMETER AT TIME OF REGISTRATION	MULTI-METER	PRC		DATE OF ISSUE
1992000 MILES				06/23/2000

REGISTERED OWNER
HERWARD B PENNYCOCK
214 8150R RD UNIT 2007
N LAUDERDALE FL 33008-0227

LIBERATION IN THE ABOVE DESCRIBED VEHICLE IS
HEREBY RELEASED

ITALIENHOLER 30

NONE

DIVISION OF MOTOR VEHICLES

DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

William T. Joyce

447799

Luis O. Hernandez

WILLIAM T. KUTCH
DIRECTOR

FRED O. DICKINSON III
EXECUTIVE DIRECTOR

[illegible]

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved. It is important to understand the context and the stakes of the situation.

Page	Date	Gold
1	1941	100
2	1942	100
3	1943	100
4	1944	100
5	1945	100
6	1946	100
7	1947	100
8	1948	100
9	1949	100
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31	1971	100
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87	2027	100
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89	2029	100
90	2030	100
91	2031	100
92	2032	100
93	2033	100
94	2034	100
95	2035	100
96	2036	100
97	2037	100
98	2038	100
99	2039	100
100	2040	100

...my knowledge, the odometer reading reflects the mechanical condition.

WAPPING - ODOMETER DISCREPANCY

PENALTIES OF PERJURY. I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

Printed Name	Grade	Room	Teacher
Purchased			
Printed Name of			

Co-Publisher:	55	100
Printed Name:	140	100
Address:	210	100

Printed Name of _____
Co. _____

Applicable to: _____ Tonnage: _____ Tonnage Collected: _____
 Dealer's License Number: _____

Section Name _____ Legend Number _____

BLOOM HEAVY DUTY TOWING SERVICE

Daytime Phone 814-583-7386 • Evening Phone 814-653-9615 • Fax 814-583-7919
 Kenneth K. Crawford
 PO Box 165 • Reynoldsville, PA 15851

THE HEAVY DUTY

WRECKER SERVICE

2011

NAME <i>Penny Trucking</i>		DATE <i>10-14-2000</i>		TIME <i>8:00</i>		AM PM
ADDRESS		CITY		STATE		
MAKE AND MODEL	YEAR	TOWED FROM <i>East 120</i>	TOWED TO <i>Rockton, Pa</i>	SERVICEMAN <i>K. K.</i>		TOTAL MILEAGE
START <input type="checkbox"/>	BRAKES <input type="checkbox"/>	WET <input type="checkbox"/>	FLAT TIRE <input type="checkbox"/>	WRECK <input checked="" type="checkbox"/>	FLAT TOW <input type="checkbox"/>	
BATTERY <input type="checkbox"/>	LOCKOUT <input type="checkbox"/>	FLOODED <input type="checkbox"/>	GAS <input type="checkbox"/>	DOLLY <input type="checkbox"/>	HOIST TOW <input type="checkbox"/>	
COMMENTS OR INSTRUCTIONS <i>Wrecked in East 120 in middle. Jack knifed trailer + trailer. 2 wreckers to assist 11 trailer was pulled + trailer to 5000 Brds Trucking</i>						
PAID <i>10/16/00 10:05 AM 2300</i>						
AGENT FOR <i>Trucking</i>						
SIGNATURE <i>Kenneth K. Crawford</i>						
BLOOM HEAVY DUTY TOWING SERVICE CANNOT BE HELD RESPONSIBLE FOR DAMAGE TO VEHICLE AND/OR TRAILER BEYOND EXERCISING REASONABLE CARE						
TOTAL						<i>2495</i>

C. 2

C. 2.

Britten Towing and Repair
Box 651, PA 154-637-5285
Pittsburgh, PA 15819

3516

60-416/313

DATE 1-8-01

\$1780.00

PAY TO THE GAINSCO COMPANIES

ORDER OF

Don't forget to pay

DOLLARS

Security features included on back

DEPOSIT BANK &
DU BOIS MAIL OFFICE 12
DU BOIS, PA 15801

400 14 2112 413

54194

Alfred L. Deen

FOR Wrecked Truck Farm

10313041501 12325185331 3516 1000000760000

Ex. W

x The Grainsco Companies


9 L Graham

THE GAINSCO COMPANIES:

GAINSCO, INC.
 MGA AGENCY, INC.
 GENERAL AGENTS INS. CO. OF AM. INC.
 GENERAL AGENTS PREM FINANCE CO.
 AGENTS PROCESSING SYSTEMS, INC.
 MGA INSURANCE CO., INC.
 GAINSCO SERVICE CORP.
 GAINSCO COUNTY MUTUAL INS CO.

B-PRIACA*PCHS 0310-0094-01
0232882 0310-0094-01
0232882 01119-01

FEDERAL RESERVE BANK REGULATION CO

 The security features on this document include a Micro-Print Signature Line, Security Lines and Micro-Print, Response Lines on back. Absence of these features may indicate a counterfeit design is a certification mark of Check Payment Systems Association.

Ex. 3

CP

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

MERLYN BRICEN and DEBORAH BRICEN:

d/b/a BRICEN TOWING AND SALVAGE :

VS. : NO. 03-1820-CD

HEREWARD B. PENNYCOOKE and :

THE GAINSCO COMPANIES :

O R D E R

NOW, this 20th day of January, 2004, after reasonable notice and an opportunity for hearing having been provided to all interested parties, the Court hereby awards ownership of one 1992 International Eagle truck, VIN No. 2HSFHCAR5NCO58565 to Merlyn Bricen and Deborah Bricen, d/b/a Bricen Towing and Salvage and the right, title and interest of Hereward B. Pennycooke and The Gainsco Companies to said vehicle is hereby extinguished. The Department of Transportation may accept this order as evidence of ownership in lieu of a certificate of title. The Petitioners shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Department of Transportation in order to receive the appropriate certificate of title for said vehicle.

BY THE COURT,

FILED

JAN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts



President Judge

**IN THE COURT OF COMMON PLEAS OF THE
FORTY-SIXTH JUDICIAL DISTRICT**

**MERLYN BRICEN and DEBORAH
BRICEN, d/b/a BRICEN TOWING
AND SALVAGE**

Plaintiff

vs.

**HEREWARD B. PENNYCOOKE
and THE GAINSCO COMPANIES**

Defendant

: CLEARFIELD COUNTY BRANCH

:

:

:

: CIVIL ACTION - LAW

:

:

:

: NO. 2003-1820 C.D.

AFFIDAVIT OF SERVICE

I verify and affirm that I am an adult over the age of 18 (eighteen) years and that a copy of the Complaint in Divorce was served on Hereward B. Pennycook Defendant, by U. S. first class mail on December 31, 2003 and on The Gainsco Companies on December 26, 2003. The receipts for certified mail are attached hereto and as proof that service was made on December 31, 2003 and December 26, 2003 in accordance with Pa. R.C.P. 1920.4.

I verify that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 19 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

BY:

Karl E. Greenberg
ATTORNEY FOR PLAINTIFF

FILED

JAN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Howard B. Lenny Cooke
314 Bishop Road
North Lauderdale, FL 33068

4a. Article Number

D 341712789

4b. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

12-31-93

5. Received By: (Print Name)

Howard B. Lenny Cooke

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Fernan Gaei Law Office, PC.
PO Box 467
Ridgway PA 15853

08



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>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>The Gaines Companies PO Box 2933 Fort Worth TX 76113</p>		<p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery DEC 26 2003</p>	
<p>2. Article Number (Transfer from service label) 7002 3150 0000 7306 7742</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 checked="" 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</p>	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Fernan Gecir Law Office
PO Box 467
Ridgway PA 15853

15853+0467

