

03-1820-CD
MERLYN BRITCN, et al. vs. HERWARD B. PENNYCOOK, et al.

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Law Offices
FERNAN GECI LAW OFFICE, P.C.
217 Main St. • P.O. Box 467
Ridgway, PA 15853

A TRUE AND CORRECT CERTIFIED COPY:

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

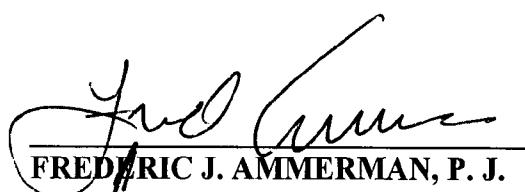
: CLEARFIELD COUNTY
: :
: NO. 2003-1820-CD
: :
: Filed on behalf of Plaintiffs
: Counsel for this Party-
: KARL E. GECI, ESQ.
: FERNAN GECI LAW OFFICE, P.C.
: P. O. Box 467
: Ridgway, PA 15853
: (814) 776-6191
: I.D. No. 31098
: :

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, 2004 and hearing, if necessary on
January 20, 2004 at 3:00 o'clock, P M. at the Main Courtroom,
Clearfield County Courthouse, Clearfield, PA

BY THE COURT:


FREDERIC J. AMMERMAN, P. J.

DEC 19 2003

William A. Shaw
Prost & Shaw

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
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: NO. 2003-1820-CJ
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: Filed on behalf of Plaintiffs
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: KARL E. GECI, ESQ.
: FERNAN GECI LAW OFFICE, P.C.
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: Ridgway, PA 15853
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:

FILED

DEC 10 2003

PETITION

William A. Shaw
Prothonotary/Clerk of Courts

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 §116(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
Merlyn Bricen, individually

Deborah Bricen
Deborah Bricen, individually

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

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

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

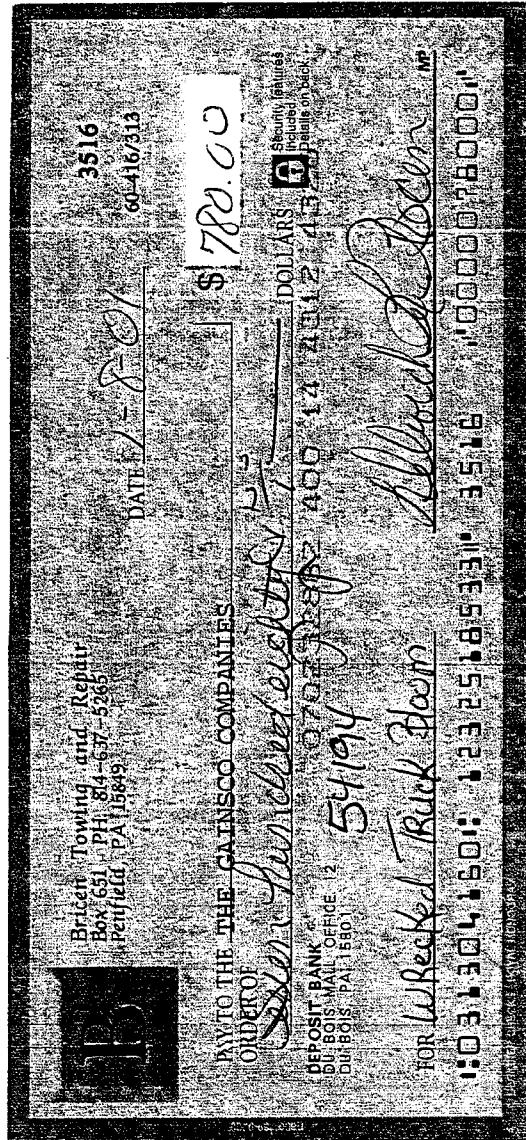
THE HEAVY DUTY WRECKER SERVICE

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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		
14-768-9410 Brads			2611		
NAME Penn Trucking		DATE 10-14-2001		TIME	
ADDRESS 1100 1/2 E. 2nd Street		TOWED FROM COLOR		TOWED TO RECEIVER	
CITY MADELINE		STATE YEAR		SERVICEMAN	
MAKE AND MODEL F-250		TOWED FROM COLOR		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 Kennebunk Rd Right Lane					
Tow Truck			Towing Charge		
Tow Truck			Road Service Charge		
Tow Truck			Labor Charge		
Tow Truck			Storage Charge		
Tow Truck			TOTAL		
BLOOM HEAVY DUTY TOWING SERVICE CANNOT BE HELD RESPONSIBLE FOR DAMAGE TO VEHICLE AND/OR TRAILER BEYOND EXERCISING REASONABLE CARE					
AGENT FOR Signature Check 400					
P A N D			300.00		
P A N D			2495.00		

Ex. 2.

G.
2



Ex. 3

ENDORSE HERE

The Grainsco Companies

John Bradburn
DO NOT WRITE, SIGN OR PRINT BELOW
RESERVED FOR FINANCIAL INSTITUTION USE

THE GAINSCO COMPANIES:

NSCO, INC.
GCA 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.

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FEDERAL RESERVE BANK REGULATION CC

The security features on this document include a Micro-Print Signature Line, Security Tint, and Micro-Foil separator lines on back. Absence of these features may indicate a forged instrument. The 3D Padlock design is a certification mark of Check Payment Systems Association.

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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. 2HSFHCAR5NC058565 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

Judie J. Zimmerman

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** : **CLEARFIELD COUNTY BRANCH**
Plaintiff :
vs. : **CIVIL ACTION - LAW**
**HEREWARD B. PENNYCOOKE
and THE GAINSCO COMPANIES** :
Defendant : **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. Gehr, Esq.
ATTORNEY FOR PLAINTIFF

FILED

JAN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

SENDER: <ul style="list-style-type: none"> ■ 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): <ul style="list-style-type: none"> 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery <p>Consult postmaster for fee.</p>
3. Article Addressed to: <i>Howard B. Leggory, cake 314 Bishop Road North Lauderdale, FL 33068</i>		4a. Article Number <i>P 341712789</i>
		4b. Service Type <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise
		<ul style="list-style-type: none"> <input type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD
		7. Date of Delivery <i>Jan-3-93</i>
5. Received By: (Print Name) <i>Howard Leggory</i>		8. Addressee's Address (Only if requested and fee is paid)
6. Signature: (Addressee or Agent) <i>X</i>		

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994 102595-98-B-0229 Domestic Return Receipt

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 •

Feinman Greci Law Office, PC.
PO Box 467
Kidgwick PA 15853

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Brion
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Gainsco Companies
PO Box 2933
Fort Worth TX
76113

2. Article Number

(Transfer from service label)

7002 3150 0000 7306 7742

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Charles* Agent
 Addressee

B. Received by (Printed Name)

Charles *DEC 26 2003*

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

Yes

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 Gecic Law Office
(PO Box 467)
Ridgway PA 15853

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