

04-630-CD  
WALTER McILVAIN CO. vs. TRI-WOODS INC.

**Walter McIlvain Co. vs Tri-Woods, Inc**  
**2004-630-CD**

# COMPLAINT

IN THE COURT OF COMMON PLEAS CLEARFIELD  
COUNTY, PENNSYLVANIA

04-630-C

PLAINTIFF:

THE WALTER McILVAIN CO.

TYPE OF PLEADING:  
**COMPLAINT**

DEFENDANT:

TRI-WOODS INC.

FILED ON BEHALF OF  
**THE WALTER McILVAIN CO.**  
**NELSON OCHS**

PLAINTIFF'S ADDRESS  
**THE WALTER McILVAIN CO.**  
901 Muirfield Road  
Bryn Mawr, PA. 19010  
610-525-0952

FILED

MAY 06 2004

William A. Shaw  
Prothonotary

## COMPLAINT - NOTICE TO DEFEND

IN THE COURT OF COMMON PLEAS CLEARFIELD  
COUNTY, PA.

THE WALTER McIVAIN CO.

Plaintiff

04-630-CD

VS.

TRI-WOODS INC.

Defendant

Type of Pleading :  
**COMPLAINT**

### NOTICE

You have been sued in Court. If you wish to defend yourself, you must take action within 30 days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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 ACTION ON THIS PAPER AT ONCE**

Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, Pennsylvania 16830  
814-765-2641, extension 1300

# **COMPLAINT**

## **IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA**

**PLAINTIFF:**

THE WALTER McILVAIN CO  
901 Muirfield Road  
Bryn Mawr, PA. 19010  
610-525-0952

**CONTACT:**

Nelson C. Ochs  
V.P. - The Walter McIlvain Co.  
814-744-9314

**TYPE OF PLEADING:**  
**COMPLAINT**

**DEFENDANT:**

TRI - WOODS INC.  
301 Aspen Way  
Dubois, PA. 15801

**CONTACT:**

Ryan Horchen  
V.P. - Tri-Woods Inc  
814-371-1195

The Plaintiff, The Walter McIlvain Co is filing a complaint against Tri-Woods Inc to recover money not paid for the agreed lumber products that were bought and picked up by the customer at the Walter McIlvain Co. dry kiln operation at Acme, PA.

The Walter McIlvain Co. is seeking payment of \$13,642.27 due including interest as of April 30, 2004 for the 5/4 1 com Red Oak lumber.

The Walter McIlvain Co. is asking Tr-Woods Inc. to give us full payment or a repayment schedule that is agreeable to the Walter McIlvain Co., or we will proceed with further actions.

WMCo.

The Walter McIlvain Co.  
 901 Muirfield Road  
 Bryn Mawr, PA 19010

## Statement

DATE

4/30/2004

BILL TO
Tri-Woods PO Box 275 Dubois, PA 15801

AMOUNT DUE	AMOUNT ENC.
\$13,624.27	

DATE	DESCRIPTION	AMOUNT	BALANCE		
11/30/2002	Balance forward		0.00		
12/17/2002	INV #1671. Due 01/16/2003.	10,938.00	10,938.00		
02/28/2003	INV #FC 111. Due 02/28/2003. Finance Charge	393.77	11,331.77		
03/31/2003	INV #FC 112. Due 03/31/2003. Finance Charge	167.22	11,498.99		
04/30/2003	INV #FC 113. Due 04/30/2003. Finance Charge	161.82	11,660.81		
05/31/2003	INV #FC 114. Due 05/31/2003. Finance Charge	167.22	11,828.03		
06/30/2003	INV #FC 115. Due 06/30/2003. Finance Charge	161.82	11,989.85		
07/31/2003	INV #FC 116. Due 07/31/2003. Finance Charge	167.22	12,157.07		
08/31/2003	INV #FC 117. Due 08/31/2003. Finance Charge	167.22	12,324.29		
09/30/2003	INV #FC 119. Due 09/30/2003. Finance Charge	161.82	12,486.11		
10/31/2003	INV #FC 121. Due 10/31/2003. Finance Charge	167.22	12,653.33		
11/30/2003	INV #FC 122. Due 11/30/2003. Finance Charge	161.82	12,815.15		
12/31/2003	INV #FC 123. Due 12/31/2003. Finance Charge	167.22	12,982.37		
01/31/2004	INV #FC 124. Due 01/31/2004. Finance Charge	167.22	13,149.59		
02/29/2004	INV #FC 125. Due 02/29/2004. Finance Charge	156.43	13,306.02		
03/31/2004	INV #FC 126. Due 03/31/2004. Finance Charge	167.22	13,473.24		
04/28/2004	INV #FC 127. Due 04/28/2004. Finance Charge	151.03	13,624.27		
CURRENT	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	AMOUNT DUE
0.00	318.25	0.00	323.65	12,982.37	\$13,624.27

**WMCo.**901 Muirfield Rd.  
Bryn Mawr, PA 19010**Invoice**

DATE	INVOICE #
12/17/2002	1671

BILL TO
Tri-Woods 301 Aspen Way Dubois, PA 15801

SHIP TO
CPU

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA	FOB
	1% 10 Net 30 AKD	NCO	12/17/2002	CPU	Acme
DESCRIPTION		QTY	RATE		AMOUNT
5/4 RWL 1 COMMON RED OAK KD RGH		9,115	1.20		10,938.00
\$88.87 discount allowed if paid by 12/27/2002 Pennsylvania Sales Tax			6.00%		0.00
A service charge of 1 1/2% per month (18% annual rate) will be charged on all invoices over 30 days				<b>Total</b>	\$10,938.00



**WMCo**  
THE WALTER McILVAIN CO.  
901 MUIRFIELD RD.  
BRYN MAWR, PA 19010

**NELSON OCHS  
PHONE : 814-744-9314  
FAX : 814-744-9321  
ORDER #        N-2783**

## **ACKNOWLEDGEMENT OF ORDER**

**CUSTOMER PO #**

DATE: 11-27-02

Bill To:  
TRI - WOODS  
301 ASPEN WAY  
DuBOIS, PA. 15801  
814-371-1195      RYAN HORNCHEN

Ship to:  
SAME  
C P U

## THE WALTER McILVAIN CO

901 MUIRFIELD ROAD  
BRYN MAWR, PA 19010

**NELSON OCHS  
LEEPER, PA  
814-744-9314  
FAX- 744-9321**

E-MAIL WMCO@PENN.COM

## BUNDLE SUMMARY SHEET

**CUSTOMER:** TRI - WOODS  
**ORDER NO.** N-2783

**CONTAINER NO.**

CONTAINER NO.

SEAL NO.

**CUSTOMER PO #**

RYAN H.

Dec 17 02 01:53p

Acme Dry Kilns

Dec 16 02 03:55p

NELSON OCHS

814-744-9321

P.2



**WMCo**

THE WALTER McILVAIN CO.  
901 MUIRFIELD RD.  
BRYN MAWR, PA 19010

NELSON OCHS  
PHONE: 814-744-9314  
FAX: 814-744-9321

## BILL OF LADING

Trucking Company:

FRANK HORCHEN

Order No.: N-2783

Driver's Signature:

Ryan Horchen

Date: 10/17/02

Species: R. OAK

Thickness: 5/4

Customer: TRI-WOODS

Grade: 1 COM

Address: 301 ASPEN WAY

Footage: 9115' GROSS

DUBOIS

State: PA Zip: 15801

No. of Packages: 11 BUNDLES

Gross Weight:       

Load No.: N-2783

Load Tarped:

Yes: X

No:       

Deliver To: TRI-WOODS INC.

301 ASPEN WAY

Address: DUBOIS

State: PA

Zip: 15801

Received By:       

Date:       

Additional Instructions: ADVISE OF ANY PROBLEMS

CUSTOMER

PO#

RYAN HORCHEN

Customer : TRI-WOODS  
301 Aspen Way  
Dubois, PA. 15801

Order Taken 11-27-02  
PO. # verbal Ryan Horchen  
Order Shipped 12-17-02

Load picked up at Acme, Pa by Frank Horchen Trucking

Invoice # 1671  
9115' 5/4 1 com R.Oak KD Rgh  
Price 1200 per thousand or 1.20 per foot  
TOTAL INVOICE AMOUNT \$10,938.00  
Invoice Due Date 1-17-03

1-2-03 – Visited with Ryan to see how the lumber was. Ryan said the lumber was real good and when could they get more.  
1-21-03 – Visited with Ryan he wondered about more lumber, would see that invoice is paid.  
2-5-03 – Faxed Ryan a past due notice about the invoice.  
3-19-03 – Visited with Ryan he said a check would be coming soon.  
4-9-03 – Visited with Ryan, he is working on getting our payment out, money is tight.  
5-7-03 – Visited with Ryan, he said they are working on some new credit lines and will pay soon.  
5-21-03 – Stopped in but Ryan was away today.  
6-9-03 - Visited with Ryan still working on the new credit lines.  
6-13-04 – Talked to Ryan on phone, he said there should be no problem getting a check out next week.  
7-17-03 – Stopped in Ryan was not in.  
7-25-03 – Visited with Ryan, very close on new financing. Will pay old invoice and order more stock.  
9-10-03 – Stopped in was told Ryan was out of town.  
10-21-03 – Visited with Ryan working closely with new lenders to finalize a credit line.  
11-6-03 – Visited with Ryan more of the same excuses.  
11-16-03 - Stopped in Ryan was out. Shop was very quiet.  
12-9-03 – Talked to Ryan, he said things are very close to being completed with the new line of credit and he would be paying us before the year is over.  
1-16-04 – Still trying to get the credit line established, getting very close.  
2-10-04 – Stopped in getting ready to start up again, has been shut down for awhile.  
3-3-04 – Visited with Ryan, He said he is in desparate need of lumber, Lots of orders not getting enough lumber to get them produced.  
3-15-04 – Talked to Ryan by phone, lots of orders but unable to get enough lumber.  
4-6-04 – Visited with Ryan, I gave him an new updated statement showing what they owe with the interest charges. I told Ryan maybe we could work out some kind of a deal to try to get this cleaned up. Ryan said he didn't want to work out any deals, he wanted to pay us in full. I expressed to Ryan that we have reached our limit and will have to look at other ways to Collect our money. Ryan stated that he would have us half our money next week and get us The other half the following week. He said after this he would put us on a vendor guarantee List. He said he currently has two suppliers on this and it is working real well. I told him I Quess I will have to wait until next week to see what will happen.  
4-16-04 – Called Tri-Woods left a message for Ryan to call me on the answer machine.  
4-23-04 – Called and left a message for a return call.  
4-29-04 – Visited with Ryan Horchen at Tri-Woods location to talk about getting our money. I explained to Ryan that we cannot wait any longer and that if we didn't have some sort of an attempt to make payment we would need to file to get it. Ryan said he would have me \$2000 by 5-5-04. I asked if I could have a check now and hold it until then. He said he would mail it.  
5-3-04 I called and talked to Ryan to see if they have sent any payment. He said they still had not.

## VERIFICATION

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Nelson C. Oels

Nelson C. Oels

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

THE WALTER McILVAIN CO.

VS.

TRI-WOODS INC.

COMPLAINT

Sheriff Docket #

15539

04-630-CD

**SHERIFF RETURNS**

NOW MAY 12, 2004 AT 11:00 AM SERVED THE WITHIN COMPLAINT ON TRI-WOODS INC., DEFENDANT AT EMPLOYMENT, 301 ASPEN WAY, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DUSTIN HORCHEN, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET/MCCLEARY

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**Return Costs**

Cost	Description
32.62	SHERIFF HAWKINS PAID BY: CASH BY NELSON OCHS
10.00	SURCHARGE PAID BY: CASH BY NELSON OCHS

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Sworn to Before Me This

19 Day Of May 2004  
W. A. Shaw

So Answers,

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

**FILED**

*0 203 00*

MAY 19 2004

*WAS*

William A. Shaw  
Prothonotary

F. CORTEZ BELL, III, ESQUIRE  
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE  
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010  
FAX: 814-765-7649  
EMAIL: [fbell@clearfieldco.org](mailto:fbell@clearfieldco.org)



HON. FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

HON. PAUL E. CHERRY  
JUDGE

OFFICE OF THE COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830-2448

March 14, 2013

**RE: 2004 - 630 - CD**

**Walter McIlvain Co.**  
vs.  
**Tri-Woods, Inc.**

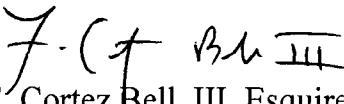
To All Parties and Counsel:

Please be advised that the Court intends to terminate the above-captioned case without notice, because the Court records show that no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement to Proceed must be filed on or before May 13, 2013.

**If you fail to file the required Statement of Intention to Proceed within the required time period, the case will be terminated.**

Sincerely,

  
F. Cortez Bell, III, Esquire  
Court Administrator

RECEIVED  
MAY 13 2013  
MAR 14 2013  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
iK

OFFICE OF COURT ADMINISTRATOR

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PA 16830

②

MAR 21 2013  
01/00  
William A. Shaw  
Prothonotary/Clerk of Courts

RECEIVED MAR 21 2013

Tri Woods, Inc.  
329 Aspen Way  
DuBois, PA 15801

RE TURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

SC: 16830244853 \* 3043-10191-14-44  
153013639007448

06426524836  
\$00.430  
03-11-2013  
Mailed from 16830  
US POSTAGE

Proth -  
Please file.  
DF

2004-630 - CD

F. CORTEZ BELL, III, ESQUIRE  
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE  
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010  
FAX: 814-765-7649  
EMAIL: [fbell@clearfieldco.org](mailto:fbell@clearfieldco.org)



HON. FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

HON. PAUL E. CHERRY  
JUDGE

OFFICE OF THE COURT ADMINISTRATOR  
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CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
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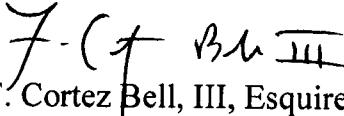
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Court Administrator

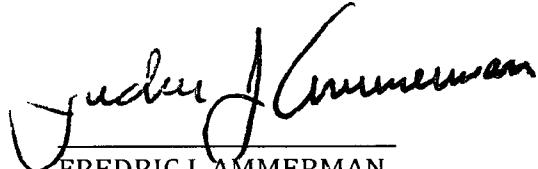
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

WALTER MCILVAIN CO	*	NO. 2004-630-CD
Plaintiff	*	
vs.	*	
TRI-WOODS, INC.,	*	
Defendant	*	

**ORDER**

NOW, this 20th day of June, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since May 19, 2004 and that a Notice of Proposed Termination of Court Case had been mailed to the parties March 14, 2013 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

cc:

9 10/19/13  
2 cm  
612