

2004-1374-CD  
ROBERT J. KROELL AL

VS

JERRY A. MILES, SR. ETAL

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

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

\* NO. 04 - 1374 - CD

\* Type of Pleading:

\* **COMPLAINT**

\* Filed on behalf of:

\* Plaintiffs

\* Counsel of Record for  
this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED

01345-3cc Shaw  
SEP 02 2004 Atty. Naddeo

William A. Shaw Pd \$85.00  
Prothonotary/Clerk of Courts

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

ROBERT J. KROELL and	*	
JOAN KROELL, husband and	*	
wife,	*	
	*	
Plaintiffs	*	
	*	
	*	
vs.	*	NO. 04 -
	*	- CD
	*	
JERRY A. MILES, SR., an	*	
individual, JERRY A. MILES,	*	
JR., an individual, and TOP	*	
OF THE LINE MOTORS, a	*	
Partnership,	*	
	*	
Defendants	*	
	*	

NOTICE

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, 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

ROBERT J. KROELL and	*
JOAN KROELL, husband and	*
wife,	*
Plaintiffs	*
	*
vs.	*
	*
	No. 04 -
	- CD
JERRY A. MILES, SR., an	*
individual, JERRY A. MILES,	*
JR., an individual, and TOP	*
OF THE LINE MOTORS, a	*
Partnership,	*
Defendants	*

C O M P L A I N T

NOW COME Plaintiffs, ROBERT J. KROELL and JOAN KROELL, by and through their attorney, James A. Naddeo, Esquire, and set forth the following:

1. That Plaintiffs are Robert J. Kroell and Joan Kroell, husband and wife, who reside at 1329 Overlook Drive, Clearfield, Pennsylvania 16830.
2. That Defendant, Jerry A. Miles, Sr., is a sui juris individual who resides in Coalport, Pennsylvania.
3. That Defendant, Jerry A. Miles, Jr., is a sui juris individual who resides in Coalport, Pennsylvania.
4. That Defendant, Top of the Line Motors, is a partnership which maintains its place of business at 640 South Brady Street, DuBois, Pennsylvania 15801.

5. That at all times referred to herein, the individual Defendants were co-partners t/d/b/a Top of the Line Motors.

6. That on or about November 29, 2003, Plaintiffs loaned to the Defendants individually and in their capacity as co-partners t/d/b/a Top of the Line Motors the sum of Fifty-five Thousand (\$55,000.00) Dollars as evidenced by a certain Promissory Note dated November 29, 2003, a copy of which is attached hereto as Exhibit "A".

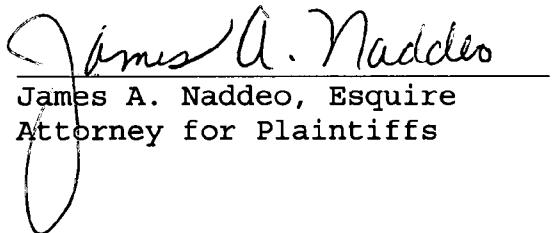
7. That the Promissory Note attached hereto as Exhibit "A" was due and payable without interest on February 28, 2004.

8. That the individual Defendants have failed to make payment upon the Promissory Note attached hereto as Exhibit "A" when due on February 28, 2004.

9. That the partnership known as Top of the Line Motors has failed to make payment upon the Promissory Note attached hereto as Exhibit "A" when due on February 28, 2004.

10. That Plaintiffs have made demand against the individual Defendants and against the partnership known as Top of the Line Motors for payment of the Promissory Note attached hereto as Exhibit "A", but said Defendants have failed and/or refused to make payment as demanded.

WHEREFORE, Plaintiffs claim damages against Defendants in the amount of Fifty-five Thousand (\$55,000.00) with interest from February 28, 2004.

  
James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

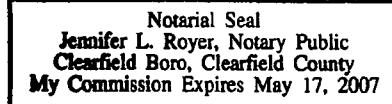
COMMONWEALTH OF PENNSYLVANIA      )  
    ss.  
COUNTY OF CLEARFIELD                )

Before me, the undersigned officer, personally appeared ROBERT J. KROELL who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Robert J. Kroell  
Robert J. Kroell

SWORN and SUBSCRIBED before me this 30th day of August, 2004.

Jennifer L. Royer



## PROMISSORY NOTE

\$ 55,000.00

Dated: November 29 2003, year)

Principal Amount

State of Pennsylvania

FOR VALUE RECEIVED, the undersigned hereby jointly and severally promise to pay to the order of *Robert Kroell and Joan Kroell*, *1324 Overlook Drive, Clearfield, PA. 16830*, the sum of *Fifty Five Thousand Dollars and 00/00*, Dollars (\$55,000.00), together with interest thereon at the rate of *-0-* % per annum on the unpaid balance. Said sum shall be paid in the manner following: *Due: February 28, 2004*

*Time Deposit certificate # 50033772 will be used  
as collateral for this loan*

All payments shall be first applied to interest and the balance to principal. This note may be prepaid, at any time, in whole or in part, without penalty. All prepayments shall be applied in reverse order of maturity.

This note shall at the option of any holder hereof be immediately due and payable upon the failure to make any payment due hereunder within days of its due date.

In the event this note shall be in default, and placed with an attorney for collection, then the undersigned agree to pay all reasonable attorney fees and costs of collection. Payments not made within five (5) days of due date shall be subject to a late charge of % of said payment. All payments hereunder shall be made to such address as may from time to time be designated by any holder hereof.

The undersigned and all other parties to this note, whether as endorsers, guarantors or sureties, agree to remain fully bound hereunder until this note shall be fully paid and waive demand, presentment and protest and all notices thereto and further agree to remain bound, notwithstanding any extension, renewal, modification, waiver, or other indulgence by any holder or upon the discharge or release of any obligor hereunder or to this note, or upon the exchange, substitution, or release of any collateral granted as security for this note. No modification or indulgence by any holder hereof shall be binding unless in writing; and any indulgence on any one occasion shall not be an indulgence for any other or future occasion. Any modification or change of terms, hereunder granted by any holder hereof, shall be valid and binding upon each of the undersigned, notwithstanding the acknowledgment of any of the undersigned, and each of the undersigned does hereby irrevocably grant to each of the others a power of attorney to enter into any such modification on their behalf. The rights of any holder hereof shall be cumulative and not necessarily successive. This note shall take effect as a sealed instrument and shall be construed, governed and enforced in accordance with the laws of the State first appearing at the head of this note. The undersigned hereby execute this note as principals and not as sureties.

TOP OF THE LINE MOTORS  
640 South Brady Street  
DU BOIS, PENNSYLVANIA 15801

Signed in the presence of:

Danielle R. Cessna

Witness

Danielle R. Cessna

Witness

Jeanne L. Jones  
Borrower

Jay T. Cole  
Borrower

Notarial Seal

Danielle R. Cessna, Notary Public  
Canoe Twp., Indiana County

My Commission Expires Jan. 23, 2007

Member, Pennsylvania Association Of Notaries

GUARANTY

We the undersigned jointly and severally guaranty the prompt and punctual payment of all moneys due under the aforesaid note and agree to remain bound until fully paid.

In the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Guarantor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Guarantor

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

KROELL, ROBERT J. & JOAN

VS.

MILES, JERRY A. SR. al

**COMPLAINT**

Sheriff Docket # 16241

04-1374-CD

**SHERIFF RETURNS**

NOW SEPTEMBER 10, 2004 AT 1:00 PM SERVED THE WITHIN COMPLAINT ON JERRY A. MILES SR., DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES SR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: SNYDER

NOW SEPTEMBER 10, 2004 AT 1:00 PM SERVED THE WITHIN COMPLAINT ON JERRY A. MILES JR., DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES SR., PARTNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: SNYDER

NOW SEPTEMBER 10, 2004 AT 1:00 PM SERVED THE WITHIN COMPLAINT ON TOP OF THE LINE MOTORS, DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JERRY A. MILES SR., PARTNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: SNYDER

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**Return Costs**

Cost	Description
45.62	SHERIFF HAWKINS PAID BY: ATTY CK# 9797
30.00	SURCHARGE PAID BY: ATTY CK# 9798

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Sworn to Before Me This

120<sup>th</sup> Day Of Sept. 2004  
William A. Shaw  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins  
My Marilyn Harr  
Chester A. Hawkins  
Sheriff

**FILED**  
10/25/04  
SEP 20 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

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\*

\* NO. 04 - 1374 - CD

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\* Type of Pleading:

\*  
\*  
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**CERTIFICATE OF SERVICE**

\*  
\*  
\*

Filed on behalf of:  
Plaintiffs

\*  
\*  
\*

Counsel of Record for  
this party:

\*  
\*  
\*

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\*

\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED <sup>(R)</sup> 3cc  
01/10/2004 Atty Naddeo  
OCT 05 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT J. KROELL and	*
JOAN KROELL, husband and	*
wife,	*
Plaintiffs	*
	*
vs.	*
	*
	No. 04 - 1374 - CD
JERRY A. MILES, SR., an	*
individual, JERRY A. MILES,	*
JR., an individual, and TOP	*
OF THE LINE MOTORS, a	*
Partnership,	*
Defendants	*

CERTIFICATE OF SERVICE

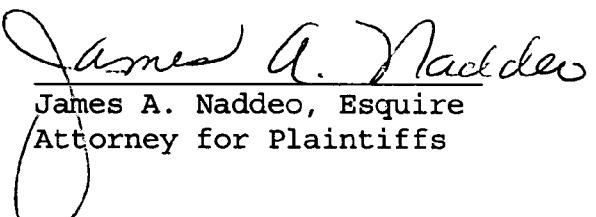
I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Default filed in the above-captioned action was served on the following persons and in the following manner on the 5th day of October, 2004:

First-Class Mail, Postage Prepaid

Jerry A. Miles, Sr.  
640 South Brady St.  
DuBois, PA 15801

Jerry A. Miles, Jr.  
640 South Brady St.  
DuBois, PA 15801

Top of the Line Motors  
640 South Brady Street  
DuBois, PA 15801

  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

JAMES A. NADDEO  
ATTORNEY AT LAW  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
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Partnership,

Defendants

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\* No. 04 - 1374 - CD

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\* Type of Pleading:

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\*  
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**PRAECIPE FOR ENTRY OF  
DEFAULT JUDGMENT**

\*  
\*  
\*  
\*  
\*

\* Filed on behalf of:  
\* Plaintiffs

\*  
\*  
\*  
\*

\* Counsel of Record for  
\* this party:

\*  
\*  
\*  
\*

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\*  
\*  
\*  
\*

\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

No CC  
014.00 S.A.  
0ct 18 2004  
Notice to Defs.  
Statement to Atty  
Atty pd. 20.00 J

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

ROBERT J. KROELL and	*
JOAN KROELL, husband and	*
wife,	*
	*
Plaintiffs	*
	*
	*
vs.	*
	*
	*
	No. 04 - 1374 - CD
JERRY A. MILES, SR., an	*
individual, JERRY A. MILES,	*
JR., an individual, and TOP	*
OF THE LINE MOTORS, a	*
Partnership,	*
	*
Defendants	*

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter judgment of default in favor of Plaintiffs, Robert J. Kroell and Joan Kroell, and against Defendants, Jerry A. Miles, Sr., Jerry A. Miles, Jr., and Top of the Line Motors for their failure to plead to the Complaint in this action within the required time. The Complaint contains a Notice to Defend within twenty (20) days from the date of service thereof. Defendants were served on September 10, 2004. Their answers were due to be filed on September 30, 2004.

Attached as Exhibit "A" are copies of Plaintiff's written Notices of Intention to File Praecipe for Entry of Default Judgment as well as a copy of Certificate of Service marked Exhibit "B" showing the date of service of the Notices which I certify were mailed by regular mail to the Defendants on

October 5, 2004, which is at least ten days prior to the filing of this Praeclipe.

Judgment to be entered in the amount of \$55,000.00 plus interest from February 28, 2004.

James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiff

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

ROBERT J. KROELL and	*
JOAN KROELL, husband and	*
wife,	*
	*
Plaintiffs	*
	*
	*
vs.	*
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	*
JERRY A. MILES, SR., an	*
individual, JERRY A. MILES,	*
JR., an individual, and TOP	*
OF THE LINE MOTORS, a	*
Partnership,	*
	*
Defendants	*

No. 04 - 1374 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praecipe for Entry of Default Judgment filed in the above-captioned action was served on the following persons and in the following manner on the 18th day of October, 2004:

First-Class Mail, Postage Prepaid

Jerry A. Miles, Sr.  
640 South Brady St.  
DuBois, PA 15801

Jerry A. Miles, Jr.  
640 South Brady St.  
DuBois, PA 15801

Top of the Line Motors  
640 South Brady Street  
DuBois, PA 15801

*James A. Naddeo*  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

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

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

\* \* \* \* \*  
No. 04 - 1374 - CD

To: Jerry A. Miles, Sr.

Date of Notice: October 5, 2004

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator  
Clearfield County Court House  
Market and Second Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5988

*James A. Naddeo*  
James A. Naddeo, Esquire  
207 E. Market St., P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

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

7 10/5/04X  
ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

No. 04 - 1374 - CD

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

To: Jerry A. Miles, Jr.

Date of Notice: October 5, 2004

IMPORTANT NOTICE

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(814) 765-2641 Ext. 5988

*James A. Naddeo*  
James A. Naddeo, Esquire  
207 E. Market St., P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

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

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

No. 04 - 1374 - CD

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

To: Top of the Line Motors

Date of Notice: October 5, 2004

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator  
Clearfield County Court House  
Market and Second Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5988

*James A. Naddeo*  
James A. Naddeo, Esquire  
207 E. Market St., P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

10/5/04  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ROBERT J. KROELL and  
JOAN KROELL, husband and  
wife,

Plaintiffs

vs.

JERRY A. MILES, SR., an  
individual, JERRY A. MILES,  
JR., an individual, and TOP  
OF THE LINE MOTORS, a  
Partnership,

Defendants

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\* NO. 04 - 1374 - CD

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\* Type of Pleading:

\*

\* CERTIFICATE OF SERVICE

\*

\* Filed on behalf of:

\*

Plaintiffs

\*

\*

Counsel of Record for  
this party:

\*

\*

\* James A. Naddeo, Esq.

\*

Pa I.D. 06820

\*

\* 207 E. Market Street

\* P.O. Box 552

\* Clearfield, PA 16830

\* (814) 765-1601

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

ROBERT J. KROELL and \*  
JOAN KROELL, husband and \*  
wife, \*  
Plaintiffs \*  
\*  
vs. \* No. 04 - 1374 - CD  
\*  
JERRY A. MILES, SR., an \*  
individual, JERRY A. MILES, \*  
JR., an individual, and TOP \*  
OF THE LINE MOTORS, a \*  
Partnership, \*  
Defendants \*

CERTIFICATE OF SERVICE

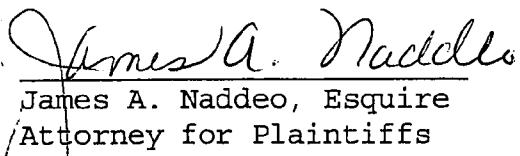
I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Default filed in the above-captioned action was served on the following persons and in the following manner on the 5th day of October, 2004:

First-Class Mail, Postage Prepaid

Jerry A. Miles, Sr.  
640 South Brady St.  
DuBois, PA 15801

Jerry A. Miles, Jr.  
640 South Brady St.  
DuBois, PA 15801

Top of the Line Motors  
640 South Brady Street  
DuBois, PA 15801

  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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

ROBERT J. KROELL and \*  
JOAN KROELL, husband and \*  
wife, \*  
Plaintiffs \*

vs. \*  
\* No. 04 - 1374 - CD

JERRY A. MILES, SR., an \*  
individual, JERRY A. MILES, \*  
JR., an individual, and TOP \*  
OF THE LINE MOTORS, a \*  
Partnership, \*

Defendants \*

NOTICE

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$55,000.00 with interest from February 28, 2004.

PROTHONOTARY

By William H. Bittner 10/18/04

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

Robert J. Kroell

Joan Kroell

Plaintiff(s)

No.: 2004-01374-CD

Real Debt: \$55,000.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jerry A. Miles Sr.

Entry: \$20.00

Jerry A. Miles Jr.

Top of the Line Motors, Inc.

Defendant(s)

Instrument: Default Judgment

Date of Entry: October 18, 2004

Expires: October 18, 2009

Certified from the record this 18th day of October, 2004.

---

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

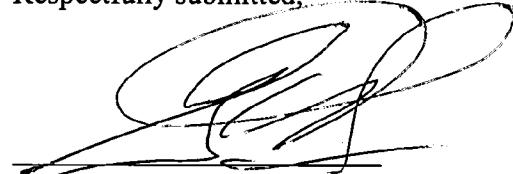
ROBERT J. KROELL and : Case No. 04-1374-CD  
JOAN KROELL, husband and wife, :  
Plaintiffs :  
: v. :  
: :  
JERRY A. MILES and JERRY A. :  
MILES, JR. and TOP OF THE LINE :  
MOTORS, INC., :  
Defendants :  
:

**PRAECIPE TO DOCKET BANKRUPTCY  
LIEN AVOIDANCE ORDER**

TO: The Prothonotary:

Kindly note at the above docket number the Bankruptcy Court Order dated April 6, 2005 avoiding the lien of Robert J. Kroell and Joan Kroell in this matter as it pertains to Jerry A. Miles, Jr. A copy of said Order is attached hereto.

Respectfully submitted,



Gary H. Simone, Esquire  
RISHOR SIMONE  
Suite 208, 101 E. Diamond Street  
Butler, PA 16001  
(724) 283-7215  
PA I.D. #43955

FILED  
APR 11 2005  
APR 25 2005

WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JERRY A. MILES, JR.  
Debtor,

Bankruptcy No.: 04-34143 BM

JERRY A. MILES, JR.  
Movant,

Chapter 7

vs.

CHARLES E. RITZIE, MARY F. RITZIE,  
a/k/a MARY FRANCES RITZIE, LYNN A.  
MYERS, KATHI J. MYERS, DONALD R.  
FEZELL, ROBERT J. KROELL, JOAN  
KROELL, TIMOTHY R. WELKER,  
MELISSA A. WELKER, NEIL R. WELKER,  
RHONDA L. JONES and JAMES R.  
WALSH, Chapter 7 Trustee

Respondents

Document No.: 13

*Default*

ORDER OF COURT

AND NOW this 6<sup>th</sup> day of April, 2005, upon due consideration of the

Debtor's Motion to Avoid Liens Impairing Debtor's Exemption,

IT IS HEREBY ORDERED:

Said Motion is granted. The following judgment liens entered in the Court of Common  
Pleas of Clearfield County, Pennsylvania are hereby avoided in their entirety thereby canceling  
said liens and releasing from same the Debtor's residential property located at 1425 Treasure  
Lake, DuBois, Pennsylvania, 15801:

Charles E. Ritzie and Mary F.  
Ritzie, a/k/a Mary Frances

October 27, 2004

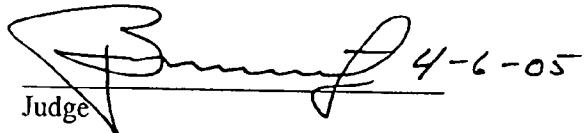
2004-1358 CD

\$50,150.00

Ritzie

Lynn A. Myers and Kathi J. Myers	October 28, 2004	2004-1426 CD \$18,643.62
Donald R. Fezell	October 27, 2004	2004-1433 CD \$48,500.00
Robert J. Kroell and Joan Kroell	October 18, 2004	2004-1374 CD \$55,000.00
Timothy R Welker, Melissa A. Welker and Neil R. Welker	August 26, 2004	2004-01326 CD \$60,500.00
Neil R. Welker and Timothy R. Welker	August 26, 2004	2004-03125 CD \$93,500.00
Rhonda L. Jones	October 24, 2004	2004-1357 CD \$16,700.00

By the Court,



4-6-05

Judge

FILED

APR 6 2005

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT J. KROELL and : Case No. 04-1374-CD  
JOAN KROELL, husband and wife, :  
Plaintiffs :  
:  
v. :  
:  
JERRY A. MILES and JERRY A. :  
MILES, JR. and TOP OF THE LINE :  
MOTORS, INC., :  
Defendants :  
:

CERTIFICATE OF SERVICE

I, Gary H. Simone, Esquire, hereby certify that a true and correct copy of the Praeclipe to Docket  
Lien Avoidance was sent by United States Mail, postage prepaid, to the following:

James A. Naddeo, Esquire  
207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830

Date: 4.19.05



Gary H. Simone, Esquire  
RISHOR SIMONE  
Suite 208, 101 E. Diamond  
Butler, PA 16001  
(724) 283-7215  
PA I.D. 43955

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PA I.D. #43955

FILED  
m/13/05  
APR 25 2005  
APR 25 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

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Debtor,	:	
JERRY A. MILES, JR.	:	Chapter 7
Movant,	:	Document No.: 13
vs.	:	
CHARLES E. RITZIE, MARY F. RITZIE, a/k/a MARY FRANCES RITZIE, LYNN A. MYERS, KATHI J. MYERS, DONALD R. FEZELL, ROBERT J. KROELL, JOAN KROELL, TIMOTHY R. WELKER, MELISSA A. WELKER, NEIL R. WELKER, RHONDA L. JONES and JAMES R. WALSH, Chapter 7 Trustee	:	
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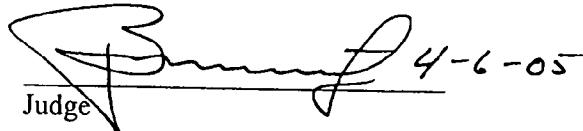
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By the Court,



4-6-05

Judge

FILED

APR 6 2005

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA

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