

05-81-CD

J. Luther et al vs D. Fezell et al

FEZZELL, et al.

Janet Luther et al v. Donald Fezell et al
2005-081-CD

Robert Cochran

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

FILED 1 CC Any
m/2:26/01 3cc & 14 writs
JAN 18 2005 to Shff

William A. Shaw Any pd. 85.00
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No.

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

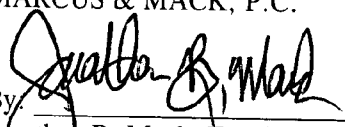
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By 
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

January 14, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

COPY

SUMMONS

**Janet Luther and
James Luther, her husband**

Vs.

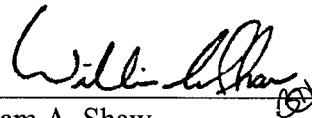
NO.: 2005-00081-CD

**Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2**

TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005



William A. Shaw
Prothonotary

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

-vs-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.,;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALTY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

CIVIL DIVISION

No.: 2005-00081-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on behalf of:
Defendants.

Counsel of Record for this Party:

Edmond R. Joyal, Jr., Esquire
Pa. I.D. 65907

LAW OFFICE OF JOSEPH S. WEIMER

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184

FILED

64 M 20088 NOCL

FEB 22 2005

William A. Shaw
Prothonotary

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

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

No.: 2005-00081-CD

Plaintiffs,

-vs-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.,;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALTY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

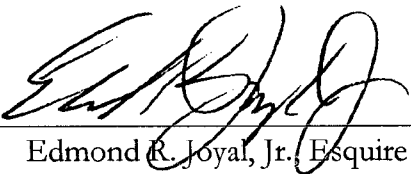
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter the appearance of Edmond R. Joyal, Jr., Esquire and the Law
Offices of Joseph S. Weimer, on behalf of Defendants, Dubois Realty Partners, L.P.,
Michael Joseph Development Corporation, Michael Joseph Acquisition Corporation,

Michael Joseph Limited Partnership #1 and Michael Joseph Limited Partnership #2,
concerning the above-captioned action.

LAW OFFICE OF JOSEPH S. WEIMER

BY: 
Edmond R. Joyal, Jr., Esquire
Attorney for Dubois Realty Partners,
Michael Joseph Development Corp.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Entry of Appearance has been served by First Class Mail, postage pre-paid, upon the following parties on this 17 day of February, 2005.

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701

Donald R. Fezell
i/t/d/b/a Fezell Shop 'N Save
200 Commons Drive
Dubois, PA 15901

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Attorney for Dubois Realty Partners,
Michael Joseph Development Corp.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

-vs-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.,;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALTY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

CIVIL DIVISION

No.: 2005-00081-CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Filed on behalf of:
Defendants.

Counsel of Record for this Party:

Edmond R. Joyal, Jr., Esquire
Pa. I.D. 65907

LAW OFFICE OF JOSEPH S. WEIMER

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184

FILED

OK FEB 22 2005
m 2:03 PM NOCC

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

No.: 2005-00081-CD

Plaintiffs,

-vs-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.,;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALTY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISTION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly issue a Rule to File Complaint upon Plaintiffs concerning the above-captioned action.

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Attorney for Dubois Realty Partners,
Michael Joseph Development Corp.

CERTIFICATE OF SERVICE

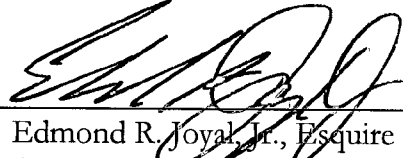
I hereby certify that a true and correct copy of the foregoing Praecipe for Rule to File Complaint has been served by First Class Mail, postage pre-paid, upon the following parties on this 17 day of February, 2005.

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701

Donald R. Fezell
i/t/d/b/a Fezell Shop 'N Save
200 Commons Drive
Dubois, PA 15901

LAW OFFICE OF JOSEPH S. WEIMER

BY: _____


Edmond R. Joyal, Jr., Esquire
Attorney for Dubois Realty Partners,
Michael Joseph Development Corp.

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

Janet Luther
James Luther

Vs.

Case No. 2005-00081-CD

Donald R. Fezell
Fezell Shop 'N Save
Shop 'N Save
Fezell Enterprises, Inc.
Fezell Enterprises II, Inc.
Fezell Enterprises III, Inc.
Fezell Enterprises IV, Inc.
Fezell Enterprises V, Inc.
Fezell Enterprises VI, Inc.
Fezell Enterprises VII, Inc.
Dubois Realty Partners, L.P.
Michael Joseph Development Corporation
Michael Joseph Acquisition Corporation
Michael Joseph Limited Partnership #1
Michael Joseph Limited Partnership #2

RULE TO FILE COMPLAINT

TO: Janet Luther and James Luther

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: February 22, 2005

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

**PRAECIPE TO REISSUE
WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

No CC
m/3:45 PM / Any pd. 7:00
MAR 14 2005

William A. Snow *4 wnts to Sheriff*
Prothonotary/Clerk of Courts *(Bk)*

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

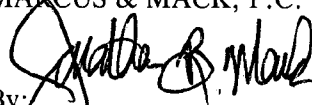
PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please reissue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.



By: _____
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

March 9, 2005

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

**Janet Luther and
James Luther, her husband**

Vs.

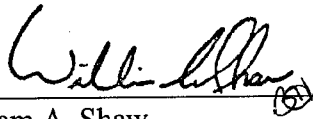
NO.: 2005-00081-CD

**Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2**

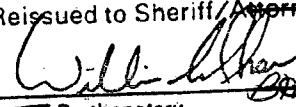
TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005


William A. Shaw
Prothonotary

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701

3-14-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 1 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED
0132761
MAR 15 2005 (CR)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 2 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON SHOP 'N SAVE DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 3 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 4 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON FEZELL ENTERPRISES II, INC..

NOW, January 24, 2005 AT 11:10 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES II, INC., DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 5 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES III, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 6 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES IV, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 7 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES V, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 8 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband
vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES VI, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DNO FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 9 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband
vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 21, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON FEZELL ENTERPRISES VII, INC. DEFENDANT AT 1000 S. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DON FEZELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 10 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband
vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON DUBOIS REALTY PARTNERS, L.P..

NOW, January 25, 2005 AT 1:50 PM SERVED THE WITHIN SUMMONS ON DUBOIS REALTY PARTNERS, L.P., DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 11 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband
vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH DEVELOPMENT CORPORATION.

NOW, January 25, 2005 AT 1:50 PM SERVED THE WITHIN SUMMONS ON MICHAEL JOSEPH DEVELOPMENT CORPORATION, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 12 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH ACQUISITION CORPORATION.

NOW, January 25, 2005 AT 1:50 PM SERVED THE WITHIN SUMMONS ON MICHAEL JOSEPH ACQUISITION CORPORATION, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 13 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #1.

NOW, January 25, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #1, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICE # 14 OF 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN

NOW, January 19, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #2.

NOW, January 25, 2005 AT SERVED THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #2, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100154
NO: 05-81-CD
SERVICES 14
SUMMONS

PLAINTIFF: JANET LUTHER and JAMES LUTHER, her husband

vs.

DEFENDANT: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SHERIFF RETURN


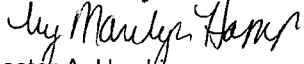
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS&MACK	32725	140.00
SHERIFF HAWKINS	MARCUS&MACK	32725	110.00
JEFFERSON CO.	MARCUS&MACK	32723	37.82
ALLEGHENY CO.	MARCUS&MACK	32726	100.00
ALLEGHENY CO.	MARCUS&MACK	32727	75.00
O'BRIEN, NOTARY	MARCUS&MACK	32729	3.00
O'BRIEN, NOTARY	MARCUS&MACK	32730	3.00
SHERIFF HAWKINS	MARCUS&MACK	33324	20.39

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


by 
Chester A. Hawkins
Sheriff

100154

No. 2005-00081-C.D.

Personally appeared before me, Brian Henretta, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on January 24, 2005 at 11:10 o'clock A.M. served the Writ of Summons upon FEZELL ENTERPRISES, II, INC., defendant, at their place of business located at 201 Hampton Avenue, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania, by handing to Denise Smith, Cash Office Manager and adult person in charge at time of service, one true copy of the Writ and by making known to her the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	35.82	Paid
Prothy:	2.00	
Total Costs:	37.82	
REFUNDED:	\$ 87.18	

So Answers,

Sworn and subscribed
to before me this 27th
day of Jan. 2005
By Scylla J. Devot

My Commission Expires The
First Monday January 2006

Brian Henretta Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JANET & JAMES LUTHER
VS.

DEFT. DONALD R. FEZELL i/t/d/b/a

ADD. DEFT. SERVE: DUBOIS REALTY PARTNERS, P.P.

ADD. DEFT. 105 Bradford Road, Suite 310, Wexford 15090

GARNISHEE

ADDRESS Shirley R. OBrien

MUNICIPALITY or CITY WARD

ATTY. MARCUS & MACK

DATE: 19

ADDRESS

ATTY'S Phone

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ CERT. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE

Now, Jan. 19, 2005 19, I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of ALLEGHENY County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 25th day of JAN, 1905 at 1:50 o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☒ Agent or person in charge of Defendant(s) office or usual place of business. Dennis Skosnik

☐ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt ☐ Envelope Returned ☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

You are hereby notified that on 19, levy was made in the case of 19 at 19 o'clock. Possession/Sale has been set for 19 at 19 o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS / / /

PETER R. DEFAZIO, Sheriff

By

District

JERRY E. HANLOPP, SR.
ALLEGHENY CO.
SHERIFF'S DEPARTMENT

Additional Costs Due \$, This is placed on writ when returned to Prothonotary. Please check before satisfying case.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

PAGE 100154 **IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

JANET LUTHER and JAMES LUTHER, her husband

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL, i/t/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SERVE BY: 02/17/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: DUBOIS REALTY PARTNERS, L.P.

ADDRESS: 105 BRADFORD ROAD, SUITE 310, WEXFORD, PA 15090

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 19, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JANET & JAMES LUTHER

VS.

DEFT. DONALD R. FEZELL i/t/d/b/a

ADD. DEFT. SERVE: MICHAEL JOSEPH DEVELOPMENT CORPORATION

ADD. DEFT. 105 Bradford Road, Suite 310, Wexford 15090

GARNISHEE

ADDRESS COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sheila R. O'Brien, Notary Public
Municipal of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008

DATE 19

ATTY'S Phone

88151

CASE# 05-81-CD

EXPIRES 2/17/05

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

MARCUS & MACK

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ CERT. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE

Now, Jan. 19, 2005 12:54 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of ALLEGHENY

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 19th day of JAN, 2005 at 1:30 o'clock A.M. P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☒ Agent or person in charge of Defendant(s) office or usual place of business. Data Unit. MGR

☐ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt

☐ Envelope Returned

☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

You are hereby notified that on _____, 19_____, levy was made in the case of _____

Possession/Sale has been set for _____

_____, 19_____ at _____ o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____

PETER R. DEFAZIO, Sheriff

By _____

District _____

JERRY E. HANCOCK SR.
ALLEGHENY CO
SHERIFF'S DEPARTMENT

Additional Costs Due \$_____. This is placed on writ when returned to Prothonotary. Please check before satisfying case.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

PAGE 100154
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER, her husband

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL, i/t/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SERVE BY: 02/17/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH DEVELOPMENT CORPORATION

ADDRESS: 105 BRADFORD ROAD, SUITE 310, WEXFORD, PA 15090

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 19, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JANET & JAMES LUTHER

VS.

DEFT. DONALD R. FEZELL i/t/d/b/a

ADD. DEFT. SERVE: MICHAEL JOSEPH ACQUISITION CORPORATION

ADD. DEFT. 105 Bradford Road, Suite 310, Wexford, 15090

GARNISHEE JAN 28 2005

ADDRESS Sheila R. O'Brien

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Sheila R. O'Brien, Notary Public

City of Pittsburgh, Allegheny County

My Commission Expires June 19, 2008

Member, Pennsylvania Association of Notaries

MUNICIPALITY or CITY WARD

DATE:

ATTY'S Phone

CASE# 05-81-CD

EXPIRES 2/17/05

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

MARCUS & MACK

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ CERT. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE

Now, Jan. 19, 2005

ALLEGHENY

I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of

County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 25th day of Jan

at 1:50 o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt

☐ Envelope Returned

☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

Dennis Vitt - Managing Partner

You are hereby notified that on _____, 19____, levy was made in the case of _____
Possession/Sale has been set for _____, 19____ at _____ o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____

PETER R. DEFAZIO, Sheriff

By

JERRY E. HANLON

ALLEGHENY COUNTY

CLERK

District

Additional Costs Due \$ _____. This is placed
on writ when returned to Prothonotary. Please check before
satisfying case.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

PAGE 100154 **IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

JANET LUTHER and JAMES LUTHER, her husband

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL, i/v/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SERVE BY: 02/17/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH ACQUISITION CORPORATION

ADDRESS: 105 BRADFORD ROAD, SUITE 310, WEXFORD, PA 15090

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 19, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JANET & JAMES LUTHER

VS.

DEFT. DONALD R. FEZELL i/t/d/b/a

ADD. DEFT. SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #1

ADD. DEFT. 1 JAN 28 2005 1 Road, Pittsburgh, Pa. 15235

GARNISHEE 1 JAN 28 2005

ADDRESS Sheila R. O'Brien

COMMONWEALTH OF PENNSYLVANIA

MUNICIPALITY or CITY WARD

DATE:

ATTY'S Phone

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008
Member, Pennsylvania Association of Notaries

ATTY.

ADDRESS

CASE# 05-81-CD

EXPIRES 2/17/05

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

MARCUS & MACK

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ CERT. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE
Now. Jan. 19, 2005 4:30 I, SHERIFF OF CLEARFIELD COUNTY, PA do hereby deputize the Sheriff of

ALLEGHENY

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 25 day of JAN, 19 2005 at 12:32 o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☒ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☒ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt

☐ Regular Mail Why

☐ Envelope Returned

☐ Neither receipt or envelope returned: writ expired

You are hereby notified that on

Possession/Sale has been set for

19

levy was made in the case of

19

at

o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS

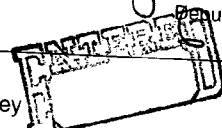
PETER R. DEFAZIO, Sheriff

By

Wm Glee

Deputy

District



Additional Costs Due \$ This is placed on writ when returned to Prothonotary. Please check before satisfying case.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100154

JANET LUTHER and JAMES LUTHER, her husband

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL, i/t/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SERVE BY: 02/17/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #1

ADDRESS: 559 RODI ROAD, PITTSBURGH, PA 15235

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 19, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JANET & JAMES LUTHER

VS.

DEFT. DONALD R. FEZELL i/t/d/b/a

ADD. DEFT. SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #2

ADD. DEFT. 558 Rodi Road, Pittsburgh, Pa. 15235

GARNISHEE

ADDRESS Sheila R. O'Brien COMMONWEALTH OF PENNSYLVANIA

MUNICIPALITY or CITY WARD

DATE

ATTY'S Phone

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008
Member, Pennsylvania Association of Notaries

ATTY. Marcus & Mack

ADDRESS

CASE# 05-81-CD

EXPIRES 2/17/05

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ CERT. MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORE

Now, Jan. 19, 2005, I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of ALLEGHENY

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 25 day of JAN, 19 2005 at 12:32 o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☒ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt

☐ Envelope Returned

☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

You are hereby notified that on _____, 19_____, levy was made in the case of _____

Possession/Sale has been set for _____, 19_____ at _____ o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____

PETER R. DEFAZIO, Sheriff

By

Wm Gleef Deputy

District

Additional Costs Due \$_____. This is placed on writ when returned to Prothonotary. Please check before satisfying case.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100154

JANET LUTHER and JAMES LUTHER, her husband

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL, i/t/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE et al

SERVE BY: 02/17/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #2

ADDRESS: 559 RODI ROAD, PITTSBURGH, PA 15235

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 19, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

Janet Luther and
James Luther, her husband

Vs.

NO.: 2005-00081-CD

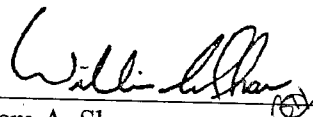
Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2

TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701


William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

Janet Luther and
James Luther, her husband

Vs.

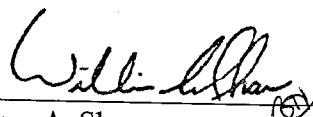
NO.: 2005-00081-CD

Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2

TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005


William A. Shaw
Prothonotary

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

CIVIL DIVISION
NO. 2005-00081-CD

COMPLAINT

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

Filed on behalf of Plaintiff

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Pa. ID #38970

Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

FILED *no cc*
m/115461
MAR 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

COMPLAINT

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY PARTNERS,
L.P.; MICHAEL JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

NOTICE TO PLEAD

TO: All Defendants

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 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. 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 REDUCED FEE OR NO FEE.

Clearfield County Court Administrator
2230 East Market Street
Clearfield, PA 16830
Telephone: (814) 765-2641

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire

Marcus & Mack, P.C.

Grant Building, Suite 2220

310 Grant Street

Pittsburgh, PA 15219

Pa. ID #38970

Telephone: 724-349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

CIVIL DIVISION

NO. 2005-00081-CD

COMPLAINT

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

COMPLAINT

1. The Plaintiffs are adult, married individuals who reside in Dubois, Clearfield County, Pennsylvania.
2. The Defendant, Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and Shop 'N Save (hereinafter "Defendant Shop 'N Save") is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
3. The Defendant, Fezell Enterprises, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.

4. The Defendant Fezell Enterprises II, Inc. is a Pennsylvania corporation with offices located at 201 Hampton Avenue, Groundhog Plaza, Punxsutawney, Jefferson County, Pennsylvania.
5. The Defendant Fezell Enterprises III, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
6. The Defendant Fezell Enterprises IV, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
7. The Defendant Fezell Enterprises V, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
8. The Defendant Fezell Enterprises VI, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
9. The Defendant Fezell Enterprises VII, Inc. is a Pennsylvania corporation with offices located at 1000 S. Brady Street, DuBois, Clearfield County, Pennsylvania.
10. The Defendant DuBois Realty Partners, L.P. is a Pennsylvania business with offices located at 105 Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania.
11. The Defendant Michael Joseph Development Corporation is a Pennsylvania corporation with offices located at 105 Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania.
12. The Defendant Michael Joseph Acquisition Corporation is a Pennsylvania corporation with offices located at 105 Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania.
13. The Defendant Michael Joseph Limited Partnership #1 is a Pennsylvania business with offices located at 105 Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania.
14. The Defendant Michael Joseph Limited Partnership #2 is a Pennsylvania business with offices located at 105 Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania.
15. At all times relevant, the Defendants had under their exclusive care, control, custody, maintenance and supervision, an employee parking lot located at the Shop 'N Save store in DuBois, Clearfield County, Pennsylvania.

16. At all times relevant, the Defendants were acting by and through their authorized agents, servants and employees who were then and there acting within the course of their employment and the scope of their authority.

17. On or about February 3, 2003, Plaintiff Janet Luther parked her vehicle in the lot designated for employee parking at the Shop 'N Save in DuBois, Clearfield County, Pennsylvania. Plaintiff exited her vehicle and was walking in a normal, prudent and careful manner around her vehicle when she unknowingly encountered an area of ice on the parking lot, which caused her to slip and fall, severely injuring her right ankle.

18. At all times relevant, the Defendants had actual knowledge and/or constructive knowledge of the icy conditions which caused the Plaintiff to fall.

19. The aforesaid accident was caused by the negligence of the Defendants in general and in the following particulars:

- a. In failing to maintain a safe and sanitary condition of the parking lot which was used by store employees;
- b. In failing to remove and/or properly treat the icy conditions on the parking lot;
- c. In failing to remove and/or properly treat the icy conditions when the Defendants knew or should have known of the danger such condition created to the Plaintiff;
- d. In failing to inspect and/or properly inspect the premises so as to discover the icy conditions of the parking lot;
- e. In failing to warn or adequately warn the Plaintiff of the dangerous condition existing on the premises caused by the icy conditions, when the Defendants knew, or should have known, of the danger that such condition presented to Plaintiff and that the Plaintiff would not discover the condition;
- f. In maintaining the parking lot in such a manner as to constitute a danger to persons lawfully thereon; and,
- g. In maintaining the parking lot in an improper manner and/or in employing personnel who were not sufficiently qualified to maintain the parking lot in a proper manner.

20. As a result of the aforesaid accident, the Plaintiff Janet Luther suffered, among other things, the following injuries:

- a. Trimalleolar fracture and dislocation of the right ankle requiring open reduction and internal fixation surgical repair;
- b. Deep venous thrombosis, right lower extremity, secondary to the right ankle fracture and subsequent surgery; and,
- c. Generalized trauma and injury to the muscles, tissues, tendons, and ligaments of right lower extremity.

21. As a result of the aforesaid accident, the Plaintiff Janet Luther, suffered, among other things, the following damages:

- a. She has incurred in the past, and will incur in the future, substantial medical expense;
- b. She has sustained in the past, and will sustain in the future, substantial economic loss;
- c. She has suffered in the past, and will suffer in the future, substantial pain, suffering, and inconvenience and the loss of certain ordinary pleasures of life;
- d. She has sustained in the past, and will sustain in the future, substantial scarring and disfigurement; and,
- e. She has sustained in the past, and will sustain in the future, other emotional, economic and physical harm.

WHEREFORE, the Plaintiff Janet Luther demands judgment against Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT II - LOSS OF CONSORTIUM


- 22. Each of the above paragraphs is incorporated herein by reference.
- 23. As a result of the injuries to his spouse, the husband-plaintiff, James Luther, has lost the society, comfort, and services of his spouse.

WHEREFORE, the husband-plaintiff, James Luther, demands judgment against all corporate Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

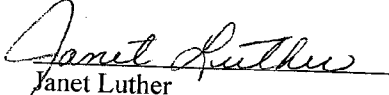
Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

VERIFICATION

I, Janet Luther, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.


Janet Luther

VERIFICATION

I, James Luther, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

James Luther
James Luther

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **COMPLAINT** was mailed,
U.S. First Class mail, to the following this 18th day of March, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219

Cindy A. Miller

FILED
m/11:54/61 no cc
MAR 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER, her husband, CIVIL DIVISION

Plaintiffs,

No.: 2005-00081-CD

-VS-

ANSWER AND NEW MATTER

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE;
FEZELL ENTERPRISES, INC.; FEZELL
ENTERPRISES II, INC.; FEZELL
ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL
ENTERPRISES V, INC.; FEZELL
ENTERPRISES VI, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH
LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

You are hereby notified to file a written
response to the enclosed Answer and New
Matter within 20 days from service
hereof or a judgment may be entered
against you.

By:


Edmond R. Joyal, Jr., Esquire

Filed on behalf of Defendants:

Dubois Realty Partners, L.P.; Michael Joseph
Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph
Limited Partnership #1; and Michael Joseph
Limited Partnership #2


Counsel of Record for this Party:

Edmond R. Joyal, Jr., Esquire
Pa. I.D. 65907

LAW OFFICE OF JOSEPH S. WEIMER
Firm #301

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184


FILED
m/j:33/bj
APR 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER, her husband, CIVIL DIVISION

Plaintiffs,

No.: 2005-00081-CD

-vs-

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE;
FEZELL ENTERPRISES, INC.; FEZELL
ENTERPRISES II, INC.; FEZELL
ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL
ENTERPRISES V, INC.; FEZELL
ENTERPRISES VI, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH
LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

ANSWER AND NEW MATTER

AND NOW, comes the Defendants, DuBois Realty Partners, L.P.; Michael Joseph Development Corporation; Michael Joseph Acquisition Corporation; Michael Joseph Limited Partnership #1; and Michael Joseph Limited Partnership #2, by and through their attorneys, Law Office of Joseph S. Weimer, by Edmond R. Joyal, Jr., Esquire, and files the following Answer and New Matter to Plaintiffs' Complaint averring as follows:

1. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 1 and the same are therefore denied.
2. The averments of paragraph 2 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
3. The averments of paragraph 3 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
4. The averments of paragraph 4 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
5. The averments of paragraph 5 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
6. The averments of paragraph 6 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
7. The averments of paragraph 7 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
8. The averments of paragraph 8 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
9. The averments of paragraph 9 of Plaintiffs' Complaint are directed to a Defendant other than these Defendants. Therefore no response is required of these Defendants.
10. Admitted.
11. Admitted.
12. Admitted.

13. Admitted.
14. Admitted.
15. The averments of paragraph 15 constitute conclusions of law to which no response is required.
16. The averments of paragraph 16 constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments are denied.
17. The averments of paragraph 17 constitute conclusions of law to which no response is required. To the extent that a response may be required, the Defendants answer as follows: Upon reasonable investigation, these Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 17 and the same are therefore denied.
18. The averments of paragraph 18 constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments of paragraph 18 are denied.
19. The averments of paragraph 19 and all of its sub-paragraphs constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments of paragraph 19 are denied.
20. The averments of paragraph 20 and all of its sub-paragraphs constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments of paragraph 20 are denied.
21. The averments of paragraph 21 and all of its sub-paragraphs constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments of paragraph 21 are denied.

WHEREFORE, Defendants deny liability to the Plaintiffs and request judgment in their favor and against Plaintiffs, together with the costs of defending this lawsuit.

COUNT II

LOSS OF CONSORTIUM

22. The Defendants repeat and incorporate by reference their responses to paragraphs 1 through 21 as if fully restated at length herein.

23. The averments of paragraph 23 constitute conclusions of law to which no response is required. To the extent that a response may be required, the averments of paragraph 23 are denied.

NEW MATTER

24. Plaintiffs Complaint fails to state a claim against these Defendants upon which relief can be granted and therefore should be dismissed.

25. Plaintiffs' cause of action is barred by the applicable statute of limitations.

26. Plaintiffs' injuries and damages, if any, were caused by other parties, forces, persons and/or entities over which these Defendants had no control or responsibility.

27. These Defendants believe and therefore aver that Wife-Plaintiff was negligent in general and in the following particulars:

- (a) In failing to exercise the degree of care required to assure her own safety under the circumstances then and there existing;
- (b) In failing to notice open and obvious conditions of the premises;

- (c) In failing to keep an appropriate lookout; and
- (d) In failing to pay adequate attention to her surroundings at all times relevant hereto.

28. These Defendants believe and therefore aver that Wife-Plaintiff's negligence is the sole and proximate result of Plaintiffs' alleged injuries and damages and therefore claim the Pennsylvania Comparative Negligence Act as a complete and total defense to Plaintiffs' allegations.

29. Plaintiffs' claims for relief are barred by the Wife-Plaintiff's contributory negligence and/or assumption of the risk of her injuries.

30. Plaintiffs' injuries and damages, if any, are the result of the prior and/or subsequent accidents and/or injuries and are not the proximate result of the incident in question.

31. These Defendants assert the Hills and Ridges Doctrine concerning the presence of snow and ice as an affirmative defense in this matter.

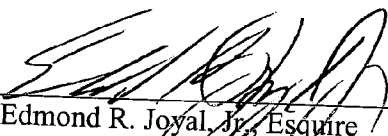
32. These Defendants have no knowledge concerning the specific location of the alleged incident. However, based on information available to date, these Defendants did not maintain, or have any responsibility or control over the area where Plaintiff allegedly fell at any time relevant hereto.

WHEREFORE, Defendants DuBois Realty Partners, L.P.; Michael Joseph Development Corporation; Michael Joseph Acquisition Corporation; Michael Joseph Limited Partnership #1; and Michael Joseph Limited Partnership #2, request judgment in their favor and against Plaintiffs, together with the costs of defending this lawsuit.

JURY TRIAL DEMANDED

LAW OFFICE OF JOSEPH S. WEIMER

BY:


Edmond R. Joyal, Jr., Esquire
Attorney for Defendants, DuBois Realty Partners, L.P.; Michael Joseph Development Corporation; Michael Joseph Acquisition Corporation; Michael Joseph Limited Partnership #1; and Michael Joseph Limited Partnership #2

VERIFICATION

I, Dennis J. Vith of Michael Joseph Development Corporation, Defendant in the within matter, verify that the statements contained in the within Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that false statements are made subject to penalty of Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

BY: _____

Dennis J. Vith

DATE: _____

4-11-05

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter has been served by First Class Mail, postage pre-paid, upon the following parties on this 12 day of April, 2005.

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701

Donald R. Fezell
i/t/d/b/a Fezell Shop 'N Save
200 Commons Drive
Dubois, PA 15901

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Attorney for Defendants, DuBois Realty
Partners, L.P.; Michael Joseph Development
Corporation; Michael Joseph Acquisition
Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph
Limited Partnership #2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100304
NO: 05-81-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: JANET LUTHER & JAMES LUTHER
vs.

DEFENDANT: DONALD R. FEZELL i/t/d/b/a FEZELL SHOP 'N SAVE al

SHERIFF RETURN

NOW, March 16, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #1.

NOW, March 18, 2005 AT 2:10 PM SERVED THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #1, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED (LX)

019, 1501
APR 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100304
NO: 05-81-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: JANET LUTHER & JAMES LUTHER
vs.

DEFENDANT: DONALD R. FEZELL i/t/d/b/a FEZELL SHOP 'N SAVE al

SHERIFF RETURN

NOW, March 16, 2005, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #2.

NOW, March 18, 2005 AT 2:10 PM SERVED THE WITHIN SUMMONS ON MICHAEL JOSEPH LIMITED PARTNERSHIP #2, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100304
NO: 05-81-CD
SERVICES 2
SUMMONS

PLAINTIFF: JANET LUTHER & JAMES LUTHER
vs.

DEFENDANT: DONALD R. FEZELL i/t/d/b/a FEZELL SHOP 'N SAVE al

SHERIFF RETURN

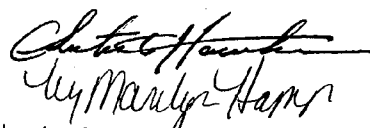
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS	33328	20.00
SHERIFF HAWKINS	MARCUS	33328	24.00
ALLEGHENY CO.	MARCUS	33329	75.00
SHELIA O'BRIEN, NOT	MARCUS	33330	3.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

108304

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF: Janet Luther and James Luther, her husband,

CASE#: 05-81-CD

EXPIRES:

DEFT: Donald R. Fezell i/t/d/b/a

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL OR SCI FA

☐ INTERROGATORIES

☐ EXECUTION • LEVY OR GARNISHEE

☐ OTHER

DEFT: SERVE: Michael Joseph Limited Partnership #2

DEFT:

GARNISHEE:

ADDRESS: 105 Bradford Road, Suite 310, Wexford, PA 15090

MUNICIPALITY OR CITY WARD:

ATTY: Jonathan B. Mack, Esquire/Marcus & Mack, P.C.

DATE: 20

ADDRESS: 57 S. 6th Street, P. O. Box 1107
Indiana, PA 15701

ATTY'S PHONE: (724) 349-5602

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☐ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: March 16

20 05

I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of
Allegheny County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 18th day of March, 2005, at 2:00 o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/other person authorized to accept deliveries of United States Mail

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other

☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Certified Mail ☐ Receipt ☐ Envelope Returned ☐ Neither receipt or envelope returned: writ expired

☐ Regular Mail Why

You are hereby notified that on _____, levy was made in the case of _____ Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS

Additional Costs Due \$ _____ This is placed on writ when returned to Prothonotary. Please check before satisfying case.

Affirmed and subscribed before me

this _____ day of APR 04 2005

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008

Notary

Member, Pennsylvania Association of Notaries

PETER R. DEFAZIO, Sheriff

BY:

DISTRICT:

JERRY E. HANLON SR.
IN ALLEGHENY COUNTY
SHERIFF'S DEPARTMENT
JERRY E. HANLON SR.

White Copy - Sheriff

Pink Copy - Attorney

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

88151

PLAINTIFF: Janet Luther and James Luther, her husband,
VS.

CASE#: 05-81-CD

EXPIRES: _____

DEFT.: Donald R. Fezell i/t/d/b/a

☒ SUMMONS/PRAECIPE

DEFT.: SERVE: Michael Joseph Limited Partnership #1

☐ SEIZURE OR POSSESSION

DEFT.: _____

☐ NOTICE AND COMPLAINT

GARNISHEE: _____

☐ REVIVAL OR SCI FA

☐ INTERROGATORIES

ADDRESS: 105 Bradford Road, Suite 310, Wexford, PA 15090

☐ EXECUTION • LEVY OR GARNISHEE

☐ OTHER _____

MUNICIPALITY OR CITY WARD: _____

ATTY: Jonathan B. Mack, Esquire/Marcus & Mack, P.C.

DATE: 20

ADDRESS: 57 S. 6th Street, P. O. Box 1107
Indiana, PA 15701

ATTY'S PHONE: xx(724) 349-5602

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: March 16 20 05 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of
Allegheny County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale therof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hearby CERTIFY and RETURN that on the 18th day of March, 2005 at 2:10 o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/other person authorized to accept deliveries of United States Mail _____

☒ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other _____

☐ Property Posted _____

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

☐ Certified Mail ☐ Receipt _____ ☐ Envelope Returned _____ ☐ Neither receipt or envelope returned: writ expired _____

☐ Regular Mail Why _____

You are hereby notified that on _____, levy was made in the case of _____, 20 _____ at _____ o'clock
Possession/Sale has been set for _____

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____

Additional Costs Due \$ _____, This is placed on writ when returned to Prothonotary. Please check before satisfying case.

PETER R. DEFAZIO, Sheriff

BY: _____

Affirmed and subscribed before me

this _____ day of APR 04 2005

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2008

DISTRICT: _____

JERRY E. HANLON SR.
ALLEGHENY CO
SHERIFFS DEPARTMENT

(DEPUTY)

Member, Pennsylvania _____

White Copy - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100304

JANET LUTHER & JAMES LUTHER

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL i/t/d/b/a FEZELL SHOP 'N SAVE at

SERVE BY: 04/13/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #1

ADDRESS: 105 BRADFORD ROAD, SUITE 310, WEXFORD, PA 15090

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 16, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
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PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100304

JANET LUTHER & JAMES LUTHER

TERM & NO. 05-81-CD

vs.

SUMMONS

DONALD R. FEZELL i/t/d/b/a FEZELL SHOP 'N SAVE al

SERVE BY: 04/13/05

MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.

SERVE: MICHAEL JOSEPH LIMITED PARTNERSHIP #2

ADDRESS: 105 BRADFORD ROAD, SUITE 310, WEXFORD, PA 15090

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 16, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

SHERIFF'S DIRECTIONS

TO THE SHERIFF OF ALLEGHENY COUNTY:

Please serve Writ of Summons on Defendant, Michael Joseph Limited Partnership #2, at 105
Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania 15090.

Please return proof of service.

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

March 9, 2005

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

SHERIFF'S DIRECTIONS

TO THE SHERIFF OF ALLEGHENY COUNTY:

Please serve Writ of Summons on Defendant, Michael Joseph Limited Partnership #1, at 105
Bradford Road, Suite 310, Wexford, Allegheny County, Pennsylvania 15090.

Please return proof of service.

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

March 9, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

COPY

SUMMONS

Janet Luther and
James Luther, her husband

Vs.

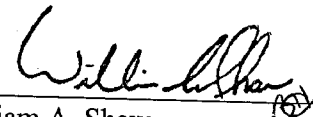
NO.: 2005-00081-CD

Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2

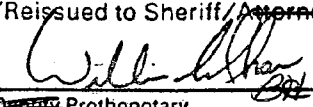
TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005


William A. Shaw
Prothonotary

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701

3-14-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

COPY

SUMMONS

Janet Luther and
James Luther, her husband

Vs.

NO.: 2005-00081-CD

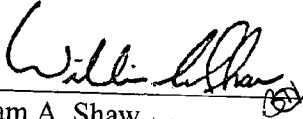
Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save; Fezell Enterprises, Inc.; Fezell Enterprises II, Inc.;
Fezell Enterprises III, Inc.; Fezell Enterprises IV, Inc.;
Fezell Enterprises V, Inc.; Fezell Enterprises VI, Inc.;
Fezell Enterprises VII, Inc.; Dubois Realty Partners, L.P.;
Michael Joseph Development Corporation; Michael Joseph
Acquisition Corporation; Michael Joseph Limited
Partnership #1; and Michael Joseph Limited Partnership #2

TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE
and SHOP 'N SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.; FEZELL ENTERPRISES III,
INC.; FEZELL ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL ENTERPRISES VII,
INC.; DUBOIS REALTY PARTNERS, L.P.; MICHAEL JOSEPH
DEVELOPMENT CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED PARTNERSHIP #1; and
MICHAEL JOSEPH LIMITED PARTNERSHIP #2

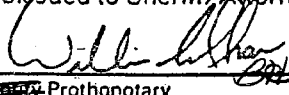
To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/18/2005

Issuing Attorney:
Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701


William A. Shaw
Prothonotary

3-14-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

Plaintiffs,

NO. 2005-00081-CD

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

FILED ^{cc}

m112:58.34
APR 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **REPLY TO NEW MATTER**
was mailed, U.S. First Class mail, to the following this 15th day of April, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219

Cindy A. Joyal

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

CIVIL DIVISION
NO. 2005-00081-CD

**PLAINTIFFS' REPLY TO
NEW MATTER**

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Pa. ID #38970

Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

REPLY TO NEW MATTER

AND NOW come the Plaintiffs, Janet Luther and James Luther, her husband, by their attorneys, MARCUS & MACK and Jonathan B. Mack, Esquire, and in reply to the Defendants Dubois Realty Partners, L.P., Michael Joseph Development Corporation, Michael Joseph Acquisition Corporation, Michael Joseph Limited Partnership #1 and Michael Joseph Limited Partnership #2's New Matter states as follows:

24. Denied. All the averments set forth in Paragraph 24 are denied as conclusions of law which require no response.

25. Denied. All the averments set forth in Paragraph 25 are denied as conclusions of law which require no response. By way of further answer, Plaintiffs filed their action via Writ of Summons on January 18, 2005, which was within the applicable Statute of Limitations.

26. Denied. All the averments set forth in Paragraph 26 are denied as conclusions of law which require no response. By way of further answer, Plaintiffs' injuries and damages were caused by the sole and/or joint negligence of the Defendants.

27. Denied. All the averments set forth in Paragraph 27 are denied as conclusions of law which require no response. By way of further answer, it is denied that Wife-Plaintiff:

- a. Failed to exercise the degree of care required to assure her own safety under the circumstances then and there existing;
- b. Failed to notice open and obvious conditions of the premises;
- c. Failed to keep an appropriate lookout; and,
- d. Failed to pay adequate attention to her surroundings at all times relevant hereto.

28. Denied. All the averments set forth in Paragraph 28 are denied as conclusions of law which require no response.

29. Denied. All the averments set forth in Paragraph 29 are denied as conclusions of law which require no response.

30. Denied. It is specifically denied that Plaintiffs' injuries and damages are the result of any prior and/or subsequent accidents and/or injuries. To the contrary, Plaintiffs' injuries and damages were caused solely and/or jointly by the Defendants.

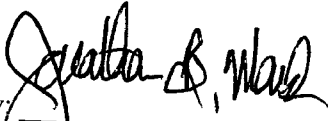
31. Denied. All the averments set forth in Paragraph 31 are denied as conclusions of law which require no response.

32. Denied. It is denied that the subject Defendants had no knowledge concerning the specific location of the incident. All the remaining averments set forth in Paragraph 32 are denied as conclusions of law which require no response.

WHEREFORE, Plaintiffs request that judgment be entered in their favor against the Defendants, Dubois Realty Partners, L.P., Michael Joseph Development Corporation, Michael Joseph Acquisition Corporation, Michael Joseph Limited Partnership #1 and Michael Joseph Limited Partnership #2.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jonathan B. Mack, Esquire
Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
Pa. ID #38970
Telephone: 724-349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

v.

CIVIL DIVISION
NO. 2005-00081-CD

**NOTICE OF PRAECIPE TO
ENTER JUDGMENT BY DEFAULT**

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Pa. ID #38970

Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

FILED ^{NO} _{cc}
m 1:36 PM
JUN 13 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.,

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

**NOTICE OF PRAECIPE TO ENTER
JUDGMENT BY DEFAULT**

**TO: DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N SAVE;
FEZELL ENTERPRISES, INC.; FEZELL ENTERPRISES II, INC; FEZELL
ENTERPRISES III, INC; FEZELL ENTERPRISES IV, INC; FEZELL
ENTERPRISES V, INC; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.**

Date of Notice: June 9, 2005

IMPORTANT NOTICE

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 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 REDUCE FEE OR NO FEE.

Clearfield County Court Administrator
2230 East Market Street
Clearfield, PA 16830
Telephone: (814) 765-2641

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

-vs-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALITY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants:

CIVIL DIVISION

No.: 2005-00081-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on behalf of:
Defendants

Counsel of Record for this Party:

Richard R. Tarantine, Esquire
Pa. I.D. 49082

527 Court Place
Pittsburgh, Pa 15219

(412) 690-24636

FILED NO CC
m/10:31/54
JUN 15 2005 @
William A. Shaw
Prothonotary/Clerk of Courts

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

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

No.: 2005-00081-CD

Plaintiffs,

-VS-

DONALD R. FEZELL, i/t/d/b/a
FEZELL SHOP 'N SAVE and SHOP 'N
SAVE; FEZELL ENTERPRISES, INC.;
FEZELL ENTERPRISES II, INC.;
FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
DUBOIS REALITY PARTNERS, L.P.;
MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH
ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,

Defendants:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter the appearance of Richard R. Tarantine, Esquire on behalf of
the following Defendants:

1. DONALD R. FEZELL, i/t/d/b/a FEZELL SHOP 'N SAVE and SHOP 'N
SAVE

2. FEZELL ENTERPRISES, INC.
3. FEZELL ENTERPRISES II, INC.
4. FEZELL ENTERPRISES III, INC.
5. FEZELL ENTERPRISES IV, INC.
6. FEZELL ENTERPRISES V, INC.
7. FEZELL ENTERPRISES VI, INC.

By: Richard R. Tarantine
Richard R. Tarantine, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Entry of Appearance has been served by First Class Mail, postage pre-paid, upon the following parties on this 13th day of June, 2005.

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701

Edmond R. Joyal, Jr., Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, Pa 15219

By:

Richard R. Tarantine
Richard R. Tarantine, Esquire

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,
882 Treasure Lake
Dubois, PA 15801

CIVIL ACTION

NO. 2005-00081-CD

Plaintiffs,

Type of case: CIVIL DIVISION

VS.

Type of Pleading: PLAINTIFF'S
ANSWERS TO INTERROGATORIES

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE;
FEZELL ENTERPRISES, INC.; FEZELL
ENTERPRISES II, INC.;
201 Hampton Avenue
Punxsutawney, PA 15767

FILED ON BEHALF OF:

JANET LUTHER and JAMES LUTHER,
her husband.

FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
1000 S. Brady Street
DuBois, PA 15801

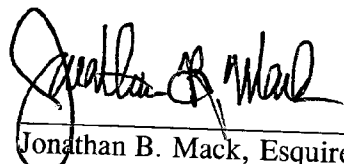
COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Pa. ID #38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

DUBOIS REALTY PARTNERS, L.P.;
105 Bradford Road, Suite 310
Wexford, PA 15090

Telephone: (724) 349-5602

MICHAEL JOSEPH DEVELOPMENT
CORPORATION;
105 Bradford Road, Suite 310
Wexford, PA 15090


Jonathan B. Mack, Esquire

MICHAEL JOSEPH ACQUISITION
CORPORATION;
105 Bradford Road, Suite 310
Wexford, PA 15090

MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,
105 Bradford Road, Suite 310
Wexford, PA 15090

Defendants.

FILED NO cc
m/11:43/61
JUL 28 2005 um

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

CIVIL DIVISION
NO. 2005-00081-CD

**PLAINTIFF JANET LUTHER'S
ANSWERS TO
INTERROGATORIES**

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Pa. ID #38970

Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,


Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF JANET
LUTHER'S ANSWER TO DEFENDANT'S INTERROGATORIES**

was mailed, U.S. First Class mail, to the following this 27th day of July, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,
882 Treasure Lake
Dubois, PA 15801

CIVIL ACTION

NO. 2005-00081-CD

Type of case: CIVIL DIVISION

Plaintiffs,

VS.

Type of Pleading: PLAINTIFF'S
RESPONSE TO DEFENDANT'S
REQUEST FOR PRODUCTION OF
DOCUMENTS

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE;
FEZELL ENTERPRISES, INC.; FEZELL
ENTERPRISES II, INC.;
201 Hampton Avenue
Punxsutawney, PA 15767

FILED ON BEHALF OF:

JANET LUTHER and JAMES LUTHER,
her husband.

FEZELL ENTERPRISES III, INC.;
FEZELL ENTERPRISES IV, INC.;
FEZELL ENTERPRISES V, INC.;
FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
1000 S. Brady Street
DuBois, PA 15801

COUNSEL OF RECORD FOR THIS
PARTY:

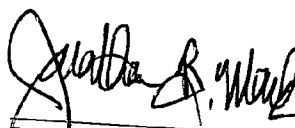
DUBOIS REALTY PARTNERS, L.P.;
105 Bradford Road, Suite 310
Wexford, PA 15090

Jonathan B. Mack, Esquire
Pa. ID #38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

MICHAEL JOSEPH DEVELOPMENT
CORPORATION;
105 Bradford Road, Suite 310
Wexford, PA 15090

Telephone: (724) 349-5602

MICHAEL JOSEPH ACQUISITION
CORPORATION;
105 Bradford Road, Suite 310
Wexford, PA 15090


Jonathan B. Mack, Esquire

MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL
JOSEPH LIMITED PARTNERSHIP #2,
105 Bradford Road, Suite 310
Wexford, PA 15090

Defendants.

FILED ^{NO}cc
m/11:43
JUL 28 2005 ^{cc}

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

Plaintiffs,

CIVIL DIVISION
NO. 2005-00081-CD

**PLAINTIFFS' RESPONSE TO
DEFENDANT'S REQUEST
FOR PRODUCTION OF
DOCUMENTS**

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.,; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Pa. ID #38970

Marcus & Mack, P.C.
57 S. 6th Street
Indiana, PA 15701
(724) 349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

Plaintiffs,

NO. 2005-00081-CD

v.

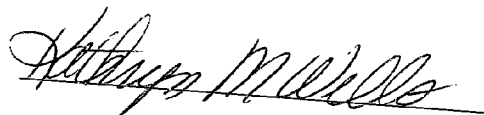
DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RESPONSE TO
DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS**
was mailed, U.S. First Class mail, to the following this 27th day of July, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

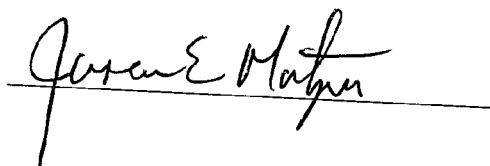
NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS were mailed, U.S.

First Class mail, to the following this 11th day of October, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219



FILED

OCT 12 2005

William A. Shaw
Prothonotary/Clerk of Court
1 SENT TO ATTORNEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

CIVIL DIVISION

NO. 2005-00081-CD

Plaintiffs,

v.

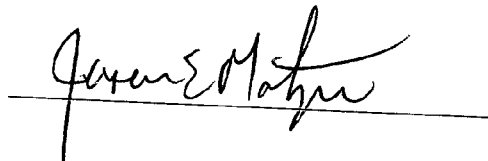
DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES
V, INC.; FEZELL ENTERPRISES VI, INC.;
FEZELL ENTERPRISES VII, INC.;
DUBOIS REALTY PARTNERS, L.P.; MICHAEL
JOSEPH DEVELOPMENT CORPORATION;
MICHAEL JOSEPH ACQUISITION CORPORATION;
MICHAEL JOSEPH LIMITED PARTNERSHIP #1;
and MICHAEL JOSEPH LIMITED PARTNERSHIP #2,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**
INTERROGATORIES TO DEFENDANTS were mailed, U.S. First Class mail, to the following
this 11th day of October, 2005:

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219



FILED

OCT 12 2005
M/11:45/w
William A. Shaw
Prothonotary/Clerk of Courts
1 CEN TO ATT

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and
JAMES LUTHER, her husband,

Plaintiffs,

882 Treasure Lake
Dubois, PA 15801

vs.

DONALD R. FEZELL, I/T/D/B/A
FEZELL SHOP 'N SAVE AND SHOP
'N SAVE, ET AL.,

Defendants.

Edmond R. Joyal, Jr.
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219

CIVIL DIVISION

NO. 2005-00081-CD

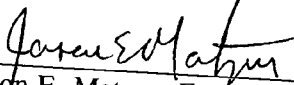
Type of Case: CIVIL


Type of Pleading: NOTICE OF
DEPOSITION

Filed on behalf of :
JANET LUTHER and JAMES
LUTHER, her husband.

Filed by:

Jason E. Matzus, Esquire
Pa. ID #76229
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602


Jason E. Matzus, Esquire

FILED ^{NOV}
m/2:43/04
OCT 31 2005 
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES
LUTHER, her husband,

CIVIL ACTION NO. 2005-00081-CD

Plaintiffs,

v.

DONALD R. FEZELL, I/T/D/B/A
FEZELL SHOP 'N SAVE AND SHOP
'N SAVE, ET AL.,

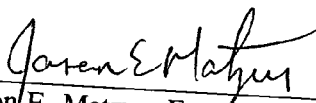
Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **DENNIS VITH**, will be taken on oral examination at the Law offices of **Marcus & Mack, 57 South 6th Street, Indiana, PA**, on **December 6, 2005**, at 11:00 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By



Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 76229

Dated: *October 26, 2005*

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES
LUTHER, her husband,

No. 2005-00081-CD

Plaintiff,

NOTICE OF DEPOSITION OF DENNIS
VITH

vs.

Filed on behalf of Plaintiff

DONALD R. FEZELL, I/T/D/B/A
FEZELL SHOP 'N SAVE AND SHOP
'N SAVE, ET AL.,

Counsel of Record for this Party:

Defendants.

Jason E. Matzus, Esquire
Sup. Ct. ID 76229

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DENNIS VITH** to Counsel for Defendant, Edmond R. Joyal, Jr., Esquire, 975 Two Chatham Center, Pittsburgh, PA 15219 on behalf of the Plaintiff in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: Jason E. Matzus
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 2005-00081-CD

Plaintiffs,

NOTICE OF DEPOSITION OF DENNIS
VITH

vs.

Filed on behalf of Plaintiff

DONALD R. FEZELL, I/T/D/B/A
FEZELL SHOP 'N SAVE AND SHOP 'N
SAVE, ET AL.,

Counsel of Record for this Party:

Defendants.

Jason E. Matzus, Esquire
Sup. Ct. ID 76229

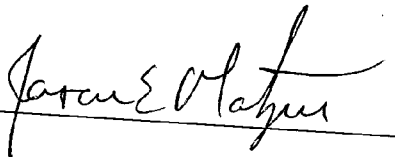
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION was served by U.S. First Class Mail, postage prepaid this 26th day of
October, 2005, upon the following:

Edmond R. Joyal, Jr., Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3103

Valeri Lazor Court Reporting
1495 Indian Springs Road
Indiana, PA 15701
(724) 349-8777



Date: 10/11/2005

Time: 01:52 PM

Page 1 of 2

Clearfield County Court of Common Pleas

ROA Report

User: LBENDER

Case: 2005-00081-CD

Current Judge: No Judge

Civil Other

Date		Judge
01/18/2005	✓ New Case Filed.	No Judge
	✓ Filing: Writ of Summons Paid by: Mack, Jonathan B. (attorney for Luther, Janet) Receipt number: 1893976 Dated: 01/18/2005 Amount: \$85.00 (Check) 1 CC to Atty. 3 CC and 14 Writs to Shff.	No Judge
02/22/2005	✓ Praeipce For Entry of Appearance, filed. Kindly enter the appearance of Edmond R. Joyal, Jr., Esquire and the Law Offices of Joseph S. Weimer, on behalf of of Defendants, DuBois Realty Partners, LP, Michael Joseph Development Corporation, Michael Joseph Acquisition Corporation, Michael Joseph Limited Partnership #1 and Michael Joseph Limited Partnership #2., concerning the above-captioned action. Filed by s/ Edmond R. Joyal, Jr., Esquire. No CC	No Judge
	✓ Praeipce For Rule to File Complaint, filed by s/ Edmond R. Joyal, Jr., Esquire. No CC	No Judge
03/14/2005	✓ Filing: Praeipce To Reissue Writ/Complaint Paid by: Mack, Jonathan B. (attorney for Luther, Janet) Receipt number: 1897561 Dated: 03/14/2005 Amount: \$7.00 (Check)	No Judge
	✓ Writs to Sheriff	
03/15/2005	✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
03/21/2005	✓ Complaint, filed by s/ Jonathan B. Mack, Esquire. No CC	No Judge
	✓ Certificate of Service, copy of Complaint, to Edmond R. Joyal, Jr., on March 18, 2005.	No Judge
04/14/2005	✓ Answer and New Matter filed. By s/ Edmond R. Joyal, Jr., Esquire. No CC	No Judge
04/19/2005	✓ Sheriff Return, On March 16, 2005, Summons served on Michael Joseph Limited Partnership # 1 and Michael Joseph Limited Partnership #2, Defendant. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
	✓ Plaintiff's Reply To New Matter and Certificate of Service, filed by s/ Jonathan B. Mack, Esquire. No CC	No Judge
06/13/2005	✓ Notice of Praeipce to Enter Judgment by Default, filed by s/ Jonathan B. Mack, Esquire. No CC	No Judge
06/15/2005	✓ Praeipce For Entry of Appearance, filed on behalf of the following Defendants: Donald R. Fezell, I/t/d/b/a Fezell Shop 'N Save and Shop 'N Save Fezell Enterprises, Inc. Fezell Enterprises, II, Inc Fezell Enterprises, III, Inc Fezell Enterprises, IV, Inc Fezell Enterprises, V, Inc Fezell Enterprises, VI, Inc filed by s/ Richard R. Tarantine, Esquire. No CC	No Judge

Date: 10/11/2005

Time: 01:52 PM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2005-00081-CD

Current Judge: No Judge

User: LBENDER

Civil Other

Date

Judge

07/28/2005

✓ Certificate of Service, filed. Certify that a true and correct copy of the forgoing Response to Defendant's Request for Production of Documents were mailed to Edmond R. Joyal Jr Esquire on July 27, 2005 filed by s/ Kathryn M. Wells Esquire. No CC.

No Judge

✓ Certificate of Service, filed. Certify that a true and coorrect copy of the forgoing Plaintiff Janet Luther's Answer to Defendant's Interrogatories were mailed on July 27, 2005 to Edmond R. Joyal Jr Esquire filed by s/ Kathryn M. Wells Esquire. No CC.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

PRAECIPE TO DISCONTINUE

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

FILED
m/1:50pm disc issued
JUN 12 2008 to Atty Mack

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JANET LUTHER and JAMES LUTHER,
her husband,

No. 05-81-CD

Plaintiffs,

vs.

DONALD R. FEZELL, i/t/d/b/a FEZELL
SHOP 'N SAVE and SHOP 'N SAVE; FEZELL
ENTERPRISES, INC.; FEZELL ENTERPRISES II,
INC.; FEZELL ENTERPRISES III, INC.; FEZELL
ENTERPRISES IV, INC.; FEZELL ENTERPRISES V,
INC.; FEZELL ENTERPRISES VI, INC.; FEZELL
ENTERPRISES VII, INC.; DUBOIS REALTY
PARTNERS, L.P.; MICHAEL JOSEPH DEVELOPMENT
CORPORATION; MICHAEL JOSEPH ACQUISITION
CORPORATION; MICHAEL JOSEPH LIMITED
PARTNERSHIP #1; and MICHAEL JOSEPH LIMITED
PARTNERSHIP #2,

Defendants.

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY OF SAID COURT:

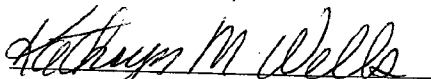
Please mark the above-captioned action settled and forever discontinued of record.

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

Sworn and subscribed
to before me this
9th day of June, 2006.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kathryn M. Wells, Notary Public
Washington Twp., Indiana County
My Commission Expires Sept. 27, 2008
Member, Pennsylvania Association Of Notaries

MARCUS & MACK

Attorneys at Law

A PROFESSIONAL CORPORATION

☐ 1-(800) 488-0338

www.marcusandmack.com

The Mitchell House ☐ 57 South 6th Street ☐ P.O. Box 1107 ☐ Indiana, PA 15701

☐ (724) 349-5602

(724) 349-8362 (Fax)

June 9, 2006

William Shaw, Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

**RE: Janet Luther and James Luther, her husband, vs.
Donald R. Fezell, i/t/d/b/a Fezell Shop 'N Save and
Shop 'N Save, et al.; No. 05-81-CD**

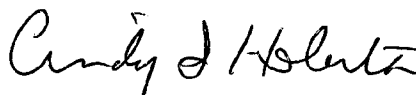
Dear Mr. Shaw:

Enclosed please find an original and one copy of Plaintiffs' Praecept to Discontinue regarding the above-captioned matter. Please file the original, time-stamp the copy and return the copy and a discontinuance slip to me in the enclosed envelope. It is our understanding that there is no fee for filing the enclosed or for the discontinuance slip.

Please do not hesitate to contact me should you have any questions or problems in this regard.

Sincerely yours,

MARCUS & MACK, P.C.



By Cindy S. Holuta
Paralegal

Enclosures

cc: Edmond R. Joyal, Jr., Esquire (w/ enc.)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Janet Luther
James Luther

Vs.

No. 2005-00081-CD

Donald R. Fezell, Fezell Shop 'N Save
Shop 'N Save, Fezell Enterprises, Inc.
Fezell Enterprises II, Inc., Fezell Enterprises III, Inc.
Fezell Enterprises IV, Inc., Fezell Enterprises V, Inc.
Fezell Enterprises VI, Inc., Fezell Enterprises VII, Inc.
Dubois Realty Partners, L.P., Michael Joseph Development Corporation
Michael Joseph Acquisition Corporation
Michael Joseph Limited Partnership #1
Michael Joseph Limited Partnership #2

CERTIFICATE OF DISCONTINUATION

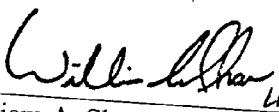
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County
and Commonwealth aforesaid do hereby certify that the above case was on June 12, 2006,
marked:

Settled and forever discontinued

Record costs in the sum of \$92.00 have been paid in full by Jonathan B. Mack Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 12th day of June A.D. 2006.



William A. Shaw, Prothonotary