

05-339-CD

Penn National vs. BJR Inc et al

CO.

VS.

BJR, INC. ETAL

Penn Nat'l Mut. Cas., v. BJR Inc. et al
2005-339-CD

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

**PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY**

**NO. 05-339-CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE
KANE, jointly and severally**

Defendant(s)

COMPLAINT

**CODE-
FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096

APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone: 412-628-1466
Fax: 412-628-3138

FILED 3ccsheriff
m/3:46/1 Any pd 85.00
MAR 10 2005

WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

**PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY**

**NO.
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE
KANE, jointly and severally**

Defendant(s)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

COMPLAINT

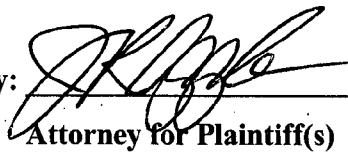
1. Plaintiff is a corporation whose address is P.O. Box 2361, Harrisburg, PA 17105-2361.
2. Defendants are a corporation and two individuals whose address is 9 Gulich Ave., Clearfield, Clearfield County, Pennsylvania 16830-5404.
3. On or about August 1, 2002, the Defendants made an application to the Plaintiff for certain insurance coverages.
4. At the specific request and instance of the Defendants, Plaintiff issued a certain insurance policies numbered AU90049039, CL90049039, UL90049039, and WC90049039.
5. The Defendants received and accepted the aforementioned coverages.
6. Plaintiff avers that said policies were canceled or otherwise terminated.
7. Plaintiff avers that at the inception of the policy period Defendants paid an estimated premium base on Defendants' estimated payroll and/or business activity for the policy term.
8. Plaintiff avers that premiums of \$5,705.00, are due, owing and unpaid, as is more specifically shown by a true and correct copy of Plaintiff's Statement of Account marked Exhibit(s) "A" and made a part hereof.
9. Plaintiff claims legal interest, as damages, on the liquidated debt from April 20, 2003.

10. Although repeatedly requested to do so by Plaintiff, Defendants have willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against all Defendants, jointly and severally, in the amount of \$5,705.00, with appropriate additional interest from April 20, 2003 and costs.

APPLE AND APPLE, P.C.

By: _____


Attorney for Plaintiff(s)



Sincerely,
Collections Processing Unit

_____A

101643

AFFIDAVIT

I Gregory R. Stine, of
Pennsylvania National Mutual Casualty Insurance Company, Plaintiff
herein, verify that the statements of fact contained in the foregoing Complaint are true
and correct. I understand that false statements herein are made subject to the penalties of
18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

January 21, 2005

Date

Gregory R. Stine

Affiant

Vice President & Controller

Title

PO Box 2361

Address

Harrisburg, PA 17105-2361

City, State and Zip

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

PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY

Plaintiff

Vs.

BJR, INC. dba CONSERVCO
JOSEPH KANE AND GRACE
KANE, jointly and severally
Defendant (s)

NO. 05-339-CD

Type of Case: Civil

Type of Pleading:
RESPONSE TO COMPLAINT

Filed on Behalf of:
Defendant Petitioner
Appearing Pro Se

9 Gulich Avenue
Clearfield, PA 16830
(814) 765-6732

FILED ^{no}cc
9/3:43/01
MAR 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANTS RESPONSE TO COMPLAINT AND NEW MATTERS

Defendant/Petitioner J.F. Kane, Appearing Pro Se, respectfully petitions this Court to dismiss the complaint filed by Penn National Mutual Casualty Insurance Company and responds to said complaint (exhibit A) as follows:

1. Averred
2. Averred in part, denied in part. It is agreed that BJR was a corporation. BJR is out of business and accordingly does not have any legal address. It is agreed that Joseph Kane resides at the indicated address. It is denied that Grace Kane resides at the indicated address.
3. Denied. The defendant did not make a formal application for coverage.
4. Denied. Coverage was offered as a continuation of prior years coverage and in the absence of a formal cancellation notice coverage was assumed.
5. Averred
6. Averred as amended. It is agreed that the policies were cancelled however same were canceled by BJR given that BJR ceased active operation on or about 04-15-03 and after a winding up period ceased all operations. Plaintiff's agent was so notified.
7. Averred
8. Denied. Plaintiff indicates in its "Statement of account" (exhibit B) that the insured period was until May 29th 2003. Signification operations ceased in April of 2003.
9. Denied
10. Denied

NEW MATTERS

1. BJR, Inc was a duly recognized corporation in the State of Pennsylvania and as such was and remains solely responsible for any all obligation of the corporation. Joseph Kane and Grace Kane were not and are not personally responsible for any of the corporation's financial matters.
2. In article 7 of the plaintiff's complaint it is indicated that the coverage was based on estimated exposure. It is noted that the plaintiff did not do an audit for the insured period nor did the plaintiff request an audit. Had a timely audit been performed given the abbreviated time period it is likely that the final balance due would be significantly reduced or may have result in a credit to the defendant.
3. In plaintiffs "Statement of Account" (Exhibit B) it is noted that the defendant made regularly monthly installment payments to the Plaintiff. It was only at the termination of active operations and notification to the plaintiff that payments ceased.

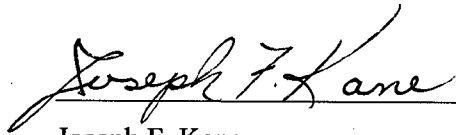
WHEREFORE, Since the plaintiff has not produced any documentation indicating personal liability for a corporate obligation and has produced no other documentation providing cause to pierce the corporate veil Joseph Kane and Grace Kane request that plaintiff's complaint against them jointly and severally be dismissed.



J.F. KANE, pro se

VERIFICATION

I, Joseph F. Kane, Defendant Petitioner, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I, the undersigned, understand that false statements made herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Joseph F. Kane

COMPLAINT

1. Plaintiff is a corporation whose address is P.O. Box 2361, Harrisburg, PA 17105-2361.
2. Defendants are a corporation and two individuals whose address is 9 Gulich Ave., Clearfield, Clearfield County, Pennsylvania 16830-5404.
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4. At the specific request and instance of the Defendants, Plaintiff issued a certain insurance policies numbered AU90049039, CL90049039, UL90049039, and WC90049039.
5. The Defendants received and accepted the aforementioned coverages.
6. Plaintiff avers that said policies were canceled or otherwise terminated.
7. Plaintiff avers that at the inception of the policy period Defendants paid an estimated premium base on Defendants' estimated payroll and/or business activity for the policy term.
8. Plaintiff avers that premiums of \$5,705.00, are due, owing and unpaid, as is more specifically shown by a true and correct copy of Plaintiff's Statement of Account marked Exhibit(s) "A" and made a part hereof.
9. Plaintiff claims legal interest, as damages, on the liquidated debt from April 20, 2003.

EXHIBIT A-1

10. Although repeatedly requested to do so by Plaintiff, Defendants have willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against all Defendants, jointly and severally, in the amount of \$5,705.00, with appropriate additional interest from April 20, 2003 and costs.

APPLE AND APPLE, P.C.


By: 
Attorney for Plaintiff(s)

EXHIBIT A-2



**PENN NATIONAL
INSURANCE**

Direct Bill Services
P.O. Box 2257 Harrisburg, PA 17105-2257

DATE: 11/05/04

TO:

REF: Conservco 3100004292

Below is a premium breakdown showing payment history for this account.

08/01/02 - 05/29/03

AU90049039	\$4813.00
CL90049039	\$5740.00
UL90049039	\$1958.00
WC90049039	\$11785.00
Installment fees charge this term	<u>\$48.00</u>
Total charges for this term	\$24344.00

Payments received on the account

09/06/02	-\$5562.00
10/04/02	-\$1829.00
10/28/02	-\$2144.00
12/09/02	-\$2231.00
12/23/02	-\$2231.00
02/06/03	-\$2321.00
03/20/03	<u>-\$2321.00</u>
total paid for this term	\$18639.00

balance due on the account	\$5705.00
----------------------------	-----------

Sincerely,
Collections Processing Unit

~~A~~ B

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100293
NO: 05-339-CD
SERVICE # 1 OF 3
COMPLAINT

PLAINTIFF: PENN NATIONAL MUTUAL CASUALTY INSURANCE COMPANY
vs.

DEFENDANT: BJR, IC. d/b/a CONSERVCO, JOSEPH KANE and GRACE KANE jointly & severally

SHERIFF RETURN

NOW, March 15, 2005 AT 2:23 PM SERVED THE WITHIN COMPLAINT ON BJR, INC. d/b/a CONSERVCO DEFENDANT AT 9 GULICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOE KANE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

(sw)
FILED
0/9:30/sw
APR 11 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100293
NO: 05-339-CD
SERVICE # 2 OF 3
COMPLAINT

PLAINTIFF: PENN NATIONAL MUTUAL CASUALTY INSURANCE COMPANY

vs.

DEFENDANT: BJR, IC. d/b/a CONSERVCO, JOSEPH KANE and GRACE KANE jointly & severally

SHERIFF RETURN

NOW, March 15, 2005 AT 2:23 PM SERVED THE WITHIN COMPLAINT ON JOSEPH KANE, Jointly & Severally DEFENDANT AT 9 GULICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH KANE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100293
NO: 05-339-CD
SERVICE # 3 OF 3
COMPLAINT

PLAINTIFF: PENN NATIONAL MUTUAL CASUALTY INSURANCE COMPANY

vs.

DEFENDANT: BJR, IC. d/b/a CONSERVCO, JOSEPH KANE and GRACE KANE jointly & severally

SHERIFF RETURN

NOW, March 15, 2005 AT 2:23 PM SERVED THE WITHIN COMPLAINT ON GRACE KANE, Jointly & Severally DEFENDANT AT 9 GULICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOE KANE, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100293
NO: 05-339-CD
SERVICES 3
COMPLAINT

PLAINTIFF: PENN NATIONAL MUTUAL CASUALTY INSURANCE COMPANY

vs.

DEFENDANT: BJR, IC. d/b/a CONSERVCO, JOSEPH KANE and GRACE KANE jointly & severally

SHERIFF RETURN

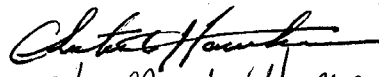
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APPLE	5297	30.00
SHERIFF HAWKINS	APPLE	5297	32.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


by Marilyn Hamr

Chester A. Hawkins
Sheriff

FILED

APR 11 2005

William A. Shaw
Prothonotary

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

PENN NATIONL MUTUAL CASUALTY)
INSURANCE COMPANY,)
Plaintiff)

Vs.)

No. 05-339-CD)

BJR, INC, dba CONSERVCO
JOSEPH KANE AND GRACE KANE
Jointly and severally

AFFADAVIT OF RETURN OF SERVICE BY MAIL

On Monday, March 29th, 2005 I mailed a true copy of the Response to Complaint by certified mail, return receipt requested, to Mr. James R. Apple, Esq. at his address. Mr. Apple's agent signed the return receipt upon delivery and the receipt, attached here as Exhibit "A," was returned by the post office on April 1st, 2005.

I make these statements pursuant to 18 Pa. Cons. Stat. Ann. 4904 relating to unsworn falsification to authorities and understand that false statements may subject me to criminal penalties under that statute.


J. F. Kane

FILED ⁶²
01/3-2005 cc
APR 20 2005

William A. Shaw
Prothonotary/Clerk of Courts


SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Apple +
Apple

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery

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

MAR 30 2005

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service)

7004 1350 0004 9671 2276

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Exhibit A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY

NO. 2005-339-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally

Defendant(s)

FILED

DEC 16 2005

William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO ATT

PRAECIPE TO DISCONTINUE
WITH PREJUDICE AS
TO JOSEPH KANE AND GRACE
KANE, PERSONALLY PURSUANT
TO STIPULATION

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
OF THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone: 412-682-1466

Fax: 412-628-3138

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY

NO. 2005-339-CD
IN CIVIL ACTION

Plaintiff(s)

-VS-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally

Defendant(s)

PRAECIPE TO DISCONTINUE
WITH PREJUDICE AS TO JOSEPH KANE
AND GRACE KANE, PERSONALLY PURSUANT
TO STIPULATION

TO THE PROTHONOTARY

SIR:

Kindly discontinue without prejudice the above-captioned matter upon the records
of the Court as to Joseph Kane and Grace Kane, jointly and severally.

SWORN TO AND SUBSCRIBED

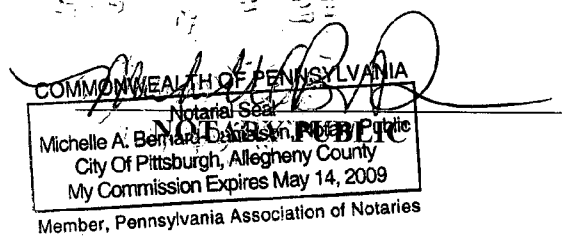
APPLE AND APPLE, P.C.

BEFORE ME THIS 14 DAY OF

December, 20 05

By: 

Attorneys for Plaintiff(s)



FILED
DEC 16 2005
William A. Shaw
Prothonotary/Clerk of Courts



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

**PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY**

**NO. 2005-339-CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally**

Defendant(s)

**PRAECIPE FOR JUDGMENT
AS TO BJR, INC. d/b/a CONSERVCO
PURSUANT TO STIPULATION**

**CODE-
FILED ON BEHALF OF
PLAINTFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No 37942
Charles F. Bennett, Esq.
PA I.D. No 30541
Joel E. Hausman, Esq.
PA I.D. No 42096
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

FILED

DEC 16 2005 *(Evs)*
W/410016
William A. Shaw
Prothonotary/Clerk of Courts
CERT TO BJR w/
none
Clerk of Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY

NO. 2005-339-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally

Defendant(s)

PRAECIPE FOR JUDGMENT
AS TO BJR, INC. d/b/a CONSERVCO
PURSUANT TO STIPULATION

TO THE PROTHONOTARY:


Kindly enter Judgment against the above- named Defendant(s) in Default of an Answer, in the amount of \$6,605.29, computed as follows:

Amount named in Complaint	\$5,705.00
Interest from April 20, 2003 to December 10, 2005 on \$5,705.00	\$900.29
Less payment of:	-\$
Attorney fees	\$
TOTAL	\$6,605.29

Defendant: BJR, Inc. d/b/a Conservco
9 Gulich Ave.
Clearfield PA 16830-5404

APPLE AND APPLE, P.C.

Dated: 12/13/05

By: 
Attorneys for the Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL
CASUALTY INSURANCE COMPANY,

NO. 2005-339- CD

Plaintiff(s)

IN CIVIL ACTION

-vs-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally,

STIPULATION FOR
ENTRY OF JUDGMENT

Defendant(s)

DEFENDANTS:

COUNSEL OF RECORD
FOR THE PLAINTIFF:

*BJR, INC. dba
Conservco, Joseph
Kane and Grace Kane
9 Gulich Avenue
Clearfield, PA 16830
Telephone (412) 779-1020*

*James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL
CASUALTY INSURANCE COMPANY,

NO. 2005-339- CD

Plaintiff(s)

IN CIVIL ACTION

-vs-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally,

Defendant(s)

STIPULATION FOR ENTRY OF JUDGMENT

THIS STIPULATION made by and between:

Penn National Mutual Casualty Insurance Company, (*hereinafter* "Plaintiff"),

AND

BJR, Inc. *dba* CONSERVCO and Joseph and Grace Kane (*hereinafter collectively*
"Defendants");

WHEREAS, Plaintiff, instituted a civil action in assumpsit at No. 2005-339-CD
in the Court of Common Pleas of Clearfield County seeking certain sums from Defendants;

WHEREAS, the Defendants, Joseph Kane and Grace Kane have generally denied
personal liability for such sum based upon the incorporation of the Defendant BJR, INC.;

WHEREAS, Plaintiff and Defendants desire to amicably resolve the matters of
dispute raised in connection with the aforementioned action and to memorialize the same
through the entry of judgments and court orders of record;

WITNESSETH: In consideration of the foregoing premises and the amicable resolution of the aforementioned civil action Plaintiff and Defendants do hereby stipulate and agree as follows:

A. Acknowledgment of Indebtedness: Defendant BJR, INC. *dba* Conservco, hereby acknowledges indebtedness to the Plaintiff in the principal sum of \$5,705.00, together with interest at the statutory legal rate of 6% per annum from April 20, 2003.

B. Stipulation for Judgment against Defendant BJR, INC. dba Conservco: The parties hereto do stipulate and agree that a judgment shall be entered in favor of the Plaintiff and against the Defendant BJR, INC. *dba* Conservco in the principal sum of \$5,705.00, together with interest at the statutory legal rate of 6% per annum from April 20, 2003, and such judgment be recorded upon the docket of this matter pursuant to this Stipulation upon presentment of the within stipulation for filing.

C. Stipulation for discontinuance of Plaintiff's action against Defendants Joseph Kane and Grace Kane The parties hereto do stipulate and agree that Plaintiff's cause of action against Defendant Joseph Kane and Defendant Grace Kane shall be dismissed, with prejudice, pursuant to this Stipulation, and that Plaintiff shall, simultaneous to the filing of the within stipulation, present for filing a Praecipe to Discontinue the aforementioned action, with Prejudice.

D. Warrant of Capacity: Plaintiff and Defendants warrant:

1. That no promise or inducement has been offered except as herein set forth;
2. That this Agreement is executed without reliance upon any statement or representation of either party or its representatives concerning the nature and extent of the claims and damages or legal liability therefore;

3. That Plaintiff and Defendants are competent to execute this Stipulation and accept full responsibility therefore;

4. That Plaintiff and Defendants hereby acknowledge that this Agreement evidences the settlement of claims disputed both as to liability and amount, and that the consideration for such shall not be construed as an admission of liability;

5. That Plaintiff and Defendants have read and understand, or have had counsel explain any and all implications of their respective entry into the within Stipulation; and

6. That the within Stipulation has been entered into knowingly and voluntarily by Plaintiff and Defendants and fully expresses the intentions and desires of the parties hereto.

IN WITNESS WHEREOF, Plaintiff and Defendants, do affix their hands and seals hereto with the intention of being legally bound hereby.

ATTEST:

BJR, INC. d/b/a Conservco

Wendy L. Kane

By: Joseph F. Kane
JOSEPH F. KANE
Typed or Printed Name

Title: PRES.

Dated: 9-30-05

WITNESS:

JOSEPH KANE

Wendy L. Kane

Joseph F. Kane (L.S.)

Dated: 9-30-05

WITNESS:

GRACE KANE

Ann B. Wood

Grace S. Kane (L.S.)

Dated: October 10, 2005

ATTEST:

PENN NATIONAL MUTUAL
CASUALTY INSURANCE COMPANY

Bruce Thompson

By: Gregory R. Stine

Gregory R. Stine

Typed or Printed Name

Title: Vice President & Controller

Dated: November 11, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PENN NATIONAL MUTUAL CASUALTY
INSURANCE COMPANY

NO. 2005-339-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

BJR, INC. d/b/a CONSERVCO,
JOSEPH KANE AND GRACE KANE,
jointly and severally

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: () Plaintiff (X) Defendant () Garnishee

You are hereby notified that the following Order or Judgment was entered against you on

Dec. 16, 2005.

(X) Assumpsit Judgment in the amount of \$6,605.29, plus costs.

() Trespass Judgment in the amount of \$ _____.

() If not satisfied within sixty (60) days, your motor vehicle operator's license and/or

(X) Registration will be suspended by the Dept. of Transportation, Bureau of Traffic
Safety, Harrisburg, PA.

(X) Entry of Judgment

() Court Order

() Non-Pros

() Confession

(X) Default STIPULATION

() Verdict

() Arbitration Award

() Other

Conservco BJR Inc
9 Gulich Ave.
Clearfield, PA 16830-5404

PROTHONOTARY

By: [Signature]

Prothonotary (or Deputy)