

05-903-CD
Daniel A. Kalgren vs P Kalgren

Daniel Kalgren v. Patricia Kalgren
2005-903-CD

Date: 7/2/2010
Time: 09:44 AM
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Clearfield County Court of Common Pleas

User: LMILLER

ROA Report
Case: 2005-00903-CD
Current Judge: Paul E. Cherry
Daniel A. Kalgren vs. Patricia A. Armstrong-Kalgren

Civil Other

Date	Judge
6/23/2005	New Case Filed.
	X Filing: Complaint Paid by: Blakley, Benjamin S. III (attorney for Kalgren, Daniel A.) Receipt number: 1903408 Dated: 06/23/2005 Amount: \$85.00 (Check) 2CC atty
8/23/2005	X Motion For Entry of Default Judgment of Default and For Additional Relief, filed by s/ Benjamin S. Blakley, III, Esquire. 3CC Atty Blakley
	X Order: Motion for Entry of Default Judgment of Default and for Additional Relief is granted, and Order of Default Judgment is entered against the Respondent Patricia A. Armstrong-Kalgren, and in favor of the Movant, Daniel A. Kalgren. It is Further Ordered that Respondent is ordered to: (see original). By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Blakley
8/26/2005	X Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm. Shff Hawkins costs pd by atty for plff \$40.00 and \$38.04 pd to Jefferson Co., pd by atty for plff.
8/29/2005	X Filing: Praeclipe to Enter Judgment Paid by: Blakley, Benjamin S. III (attorney for Kalgren, Daniel A.) Receipt number: 1907350 Dated: 08/29/2005 Amount: \$20.00 (Check) Judgment in favor of Plaintiff and against Defendant Please enter Judgment in the above matter pursuant to the Order of Court dated August 23, 2005. Filed by s/ Benjamin S. Blakley, III, Esquire. 2 CC Atty. Blakley, 1CC Def.
9/14/2005	X Motion To Hold Defendant in Contempt For Failure to Abide By Order, filed by s/ Benjamin S. Blakley, III, Esquire. 3CC Atty. Blakley
9/16/2005	X Rule To Show Cause, NOW, this 15th day of Sept., 2005, upon consideration of the Plaintiff's Motion to Hold Def. in Contempt for Failure to Abide by Order, Ordered that a Rule be issued upon Def. Rule Returnable and Hearing thereon to be held the 6th day of October, 2005 at 2:00 p.m. in Courtroom No. 2. By The Court: /s/ Paul E. Cherry, Judge. 3CC Atty. Blakley
9/21/2005	X Motion For Continuance, filed by s/ Benjamin S. Blakley, III, Esquire 3cc Atty. Blakley
9/22/2005	X Order Of Court, NOW, this 21st day of Sept., 2005, it is Ordered that a hearing on Plaintiff's Motion for Continuance is rescheduled to the 10th day of October, 2005 at 3:00 p.m. in Courtroom 2. By The Court: /s/ Paul E. Cherry, Judge. 3CC Atty. Blakley
10/12/2005	X Order, NOW, this 10th day of October, 2005, this being the date set for hearing on motion to hold Def./Petitioner in contempt for failing to abide by this Court's Order of August 23, 2005; Def. having failed to appear, Ordered as follows: (see original). Bench warrant is issued forthwith. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Blakley, 1CC Def.

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Clearfield County Court of Common Pleas
ROA Report
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Civil Other

Date	Judge	
10/18/2005	Civil Bench Warrant, to C&D Investigations, You are commanded to take Def., Patricia A. Armstrong-Kalgren, who stands charged in said Court for contempt for failure to abide by Court Order and her failure to appear at hearing, and forthwith bring said person before Judge Paul E. Cherry. By The Court, /s/ Paul E. Cherry, Judge. 2 copies to C&D Investigations 1 copy to: Chester Hawkins Sam Lombardo Don McClusick David Meholic Paul E. Cherry, Judge	Paul E. Cherry
10/28/2005	Order, NOW, this 25th day of October, 2005, Ordered that the Def. pay the amount of \$50.00 by no later than Nov. 25, 2005, and \$50.00 by no later than Friday, Dec. 30, 2005. Bench warrant previously issued is hereby lifted. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty Blakley, 2CC Def.	Paul E. Cherry
11/7/2005	Petition For Relief From Default Judgment, filed by s/ Patrick Lavelle, Esquire. 1CC Atty	Paul E. Cherry
	Petition For Stay of Execution of the Court's Order, filed by s/ Patrick Lavelle, Esquire. 1CC Atty	Paul E. Cherry
	Entry of Appearance, filed. Please enter my appearance in the above captioned case on behalf of the defendant, PATRICIA A. ARMSTRONG-KALGREN, filed by s/ Patrick Lavelle Esq. 1CC Atty.	Paul E. Cherry
	Answer and New Matter filed by s/ Patrick Lavelle Esq. 1CC Atty.	Paul E. Cherry
11/14/2005	Order, NOW, this 8th day of Nov., 2005, a rule is issued upon respondent. Respondent shall file an answer to the petition within 20 days of service upon the respondent. Depositions shall be completed within 45 days of this date. An evidentiary hearing on disputed issues of material fact shall be held on December 28, 2005 at 11:00 a.m. in courtroom No. 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Lavelle Order, NOW, this 8th day of Nov., 2005, the Court being in receipt of a Petition for Stay of Execution of the Court's Order filed on Nov. 7, 2005, Ordered that said Petition for Stay of Execution is Denied. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Blakley, Lavelle	Paul E. Cherry
11/18/2005	Certificate of Service, filed. On the 16th day of November 2005, I served copies of the Orders of Court dated November 8, 2005, (1) issuing a Rule to Show Cause and Setting the Matter for a Hearing, and Setting a Time for Deposition and, (2) Denying the Defendant's Petition to Stay Execution of the Court's Order to Benjamin S. Blakley III Esq., filed by Patrick Lavelle Esq. No CC.	Paul E. Cherry
11/21/2005	Motion For Reconsideration of Petitioner's Petition for Stay of Execution of the Court's Order, filed by s/ Patrick Lavelle, Esquire. 1CC Atty Lavelle	Paul E. Cherry
11/22/2005	Answer to Petition For Relief From Default Judgment, , filed by s/ Benjamin S. Blakley, III, Esquire. 1CC to Atty	Paul E. Cherry
11/23/2005	Order, NOW, this 22nd day of Nov., 2005, upon consideration of motion for Reconsideration of Petitioner's Petition for Stay of Execution of the Court's Order, Ordered that Argument shall be held on Dec. 1, 2005 at 9:00 a.m. in Courtroom No. 2. By The Court, /s/ Paul E. Cherry, Judge. 4CC to Atty	Paul E. Cherry

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Clearfield County Court of Common Pleas
ROA Report
Case: 2005-00903-CD
Current Judge: Paul E. Cherry
Daniel A. Kalgren vs. Patricia A. Armstrong-Kalgren

User: LMILLER

Civil Other

Date	Judge
12/1/2005 ✓ X Order, NOW, this 1st day of Dec., 2005, Ordered that hearing scheduled for 11:00 a.m. on Wednesday, Dec. 28, 2005 is rescheduled for 1:30 p.m. on Wednesday, Jan. 4, 2005, Courtroom No. 2. By The Court, /s/ Paul E. Cherry, Judge. 2CC Attys: Lavelle, Blakley	Paul E. Cherry
✓ X Order, NOW, this 1st day of Dec., 2005, following argument on Motion for Reconsideration of Petitioner's Petition for Stay of Execution of the Court's Order; upon consideration of the same and agreement of the parties, it is the Order of this court that Daniel A. Kalgren shall not convey nor encumber the property in question, pending decision following hearing set for Jan. 4, 2006. By The Court, /s/ Paul E. Cherry, Judge. 1CC atty: Lavelle, Blakley	Paul E. Cherry
12/5/2005 ✓ X Certificate of Service, filed. That on the 28th day of November, 2005, I served copies of the Orders of Court dated November 23, 2005, setting the date for a hearing upon the Petitioner's Motion for Reconsideration to Benjamin S. Blakley III Esq., filed by s/ Patrick Lavelle Esq. 1CC Atty.	Paul E. Cherry
12/7/2005 ✓ X Answer To Motion For Reconsideration of the Petitioner's Petition For Stay of Execution of The Court's Order, filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty. Blakley	Paul E. Cherry
12/14/2005 ✓ X Certificate Prerequisite to Service of a Subpoena Pursuant, filed by Atty. Lavelle, 1 Cert. to Atty.	Paul E. Cherry
12/30/2005 ✓ X Answer to Petition for Relief From Default Judgment, filed by s/ Benjamin S. Blakley III Esq. No CC.	Paul E. Cherry
1/6/2006 ✓ X Order NOW, this 4th day of January, 2006, following hearing, it is the ORDER of this Court that counsel provide the Court with Findings of Fact, Conclusions of Law and letter brief within no more than thirty (30) days upon receipt of the transcript. Counsel shall thereafter have ten (10) days to file reply brief, if desired. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: Blakley and Lavelle.	Paul E. Cherry
5/4/2006 Transcript of Proceedings, filed. Defendant's Motion For Reconsideration of Petitioner's Petition For Stay of Execution of The Court's Order Held Before The Honorable Paul E. Cherry, Judge on Wednesday, January 4, 2006.	Paul E. Cherry
6/29/2006 ✓ X Order, NOW, this 29th day of June, 2006, Ordered that this Court's Order dated Jan. 4, 2006, is hereby rescinded in its entirety. Counsel shall provide the Court with Findings of Fact, Conclusions of Law and letter brief on or before July 24, 2006. No further extensions will be granted. By The Court, /s/ Paul E. Cherry, Judge. 2CC to Atty. Blakley & Lavelle	Paul E. Cherry
10/24/2006 ✓ X Order, NOW, this 24th day of Oct., 2006, Ordered that Defendant's Petition to Open Default Judgment is Denied. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Blakley, Lavelle	Paul E. Cherry
3/20/2007 ✓ X Petition to Hold Defendant in Contempt, filed by s/ Benjamin S. Blakley, III, Esquire. 3CC Atty. Blakley	Paul E. Cherry
3/21/2007 ✓ X Rule, NOW, this 20th day of March, 2007, upon consideration of the Plaintiff's Petition to Hold Defendant in Contempt, Ordered that a Rule be issued upon Patricia A. Armstrong-Kalgren. Rule Returnable and Hearing thereon to be held the 18th day of May, 2007, at 9:00 a.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Blakley	Paul E. Cherry

PENNSYLVANIA HOUSING FINANCE AGENCY
HOMEOWNERS' EMERGENCY MORTGAGE ASSISTANCE PROGRAM
CONSUMER CREDIT COUNSELING AGENCIES

Keystone Economic Development Corporation Indiana Co. Community Action Program
1954 Mary Grace Lane 827 Water Street, Box 187
Johnstown, PA 15901 Indiana, PA 15701
(814) 535-6556 (724) 465-2657
FAX (814) 539-1688 FAX (724) 465-5118
CCCS of Western Pennsylvania, Inc. CCCS of Northeastern PA
917a Logan Blvd., 1631 S. Atherton St., Suite 100
Altoona, PA 16602 State College, PA 16801
(888) 511-2227 (814) 238-3668
FAX (814) 238-3669 FAX (814) 238-3669
CCCS of Western Pennsylvania, Inc. CCCS of Northeastern PA
219-A College Park Plaza 219-A College Park Plaza
Johnstown, PA 15904 Johnstown, PA 15904
(814) 539-6335 (814) 539-6335

Clearyfield County

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Clearfield County Court of Common Pleas
ROA Report
Case: 2005-00903-CD
Current Judge: Paul E. Cherry

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Daniel A. Kalgren vs. Patricia A. Armstrong-Kalgren

Civil Other

Date	Judge
5/21/2007	Paul E. Cherry
6/29/2007	Paul E. Cherry
10/23/2009	Paul E. Cherry
10/26/2009	Paul E. Cherry
11/2/2009	Paul E. Cherry
11/3/2009	Paul E. Cherry
11/9/2009	Paul E. Cherry
11/17/2009	Paul E. Cherry
11/19/2009	Paul E. Cherry
12/11/2009	Paul E. Cherry
12/16/2009	Paul E. Cherry
12/21/2009	Paul E. Cherry
1/6/2010	Paul E. Cherry
3/8/2010	Paul E. Cherry
3/9/2010	Paul E. Cherry
3/10/2010	Paul E. Cherry

APPENDIX C

The Pennsylvania Housing Finance Agency can be reached **TOLL FREE** at (800) 342-2397 or 1-717-780-3940

Telephone Number: _____

Address: _____

Name of the Counseling Agency: _____

1. Within 30 days from the date of this notice, we intend to forward an application to the Pennsylvania Housing Finance Agency, Homeowner's Emergency Mortgage Assistance Program on behalf of the above-mentioned applicant(s).
2. By a copy of this Notice, we are notifying any other mortgagees, identified by the applicant(s) as also having a mortgage on the property identified above.
3. No legal action to enforce the mortgage may occur if a timely application is filed. The homeowner(s) must have a face-to-face meeting with a Consumer Credit Counseling Agency within 33 days from the date of the Act 91 Notice and an application must be received by FHFA-HMAM within 30 days of the face-to-face meeting in order to be protected by this forbearance period.

In accordance with the Homeowner's Emergency Mortgage Assistance Program, this is to inform you that

Date: 7/2/2010

Clearfield County Court of Common Pleas

User: LMILLER

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ROA Report

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Case: 2005-00903-CD

Current Judge: Paul E. Cherry

Daniel A. Kalgren vs. Patricia A. Armstrong-Kalgren

Civil Other

Date	Judge
3/16/2010	✓ Plaintiff's answer to Defendant's Motion in Limine Regarding Evidence of Equitable Set Off Against Damages, filed by s/ Benjamin S. Blakley, III, Esquire. No CC
3/23/2010	✓ Order, this 18th of March, 2010, the Court noting that additional testimony is need for completion of said Hearing, it is Ordered that this matter shall be continued until 11:00 a.m. on May 5, 2010, Courtroom 2. It is Ordered that Argument on Defendant's Motion in Limine scheduled for April 21, 2010 shall be continued to 11:00 a.m. on May 5, 2010. By The court, /s/ Paul E. Cherry, Judge. 2CC Attys: Blakley, Lavelle
5/7/2010	✓ Order, this 5th of May, 2010, following conclusion on Hearing for Petition to Determine Monetary Damage and Enter Judgment for Monetary Damages as well as argument on Motion in Limine, it is Ordered that counsel provide the Court with letter brief by no later than June 7, 2010. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Blakley, Lavelle
5/11/2010	Transcript of Proceedings, filed. Plaintiff's Petition to Determine Monetary Damages and to Enter Judgment, held before Paul E. Cherry, Judge, on March 4, 2010.

7-1-10 ✓ Opinion & order
8-2-10 ✓ Propriete to Enter Judgment
9-21-10 ✓ Motion to Compel Answers to Interrogatories
9-23-10 ✓ Rule to Show Cause

Name and Address of Mortgagor

From: _____

their mortgage payments and have received an Act 91 Notice of Intention to Foreclose dated _____, who indicated that they are more than sixty (60) days delinquent on _____.

This counseling agency has had a face-to-face meeting with the above-named applicant on _____.

Mortgage Loan Number

(NAME AND ADDRESS OF APPLICANT)

In accordance with the Pennsylvania Housing Finance Agency's Homeowner's Emergency Mortgage Assistance Program (PHFA-HMAP) (Act 91 of 1983), this is to inform you that we have been approached for mortgage counseling assistance by:

Mortgagor Name & Address

Date: _____

Notification of Face-to-Face Meeting
Consumer Credit Counseling Agency

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

DANIEL A. KALGREN,

) NO. 05-903 -C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading: COMPLAINT

PATRICIA A. ARMSTRONG-
KALGREN,

) Filed on Behalf of:

Defendant.

) Plaintiff

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court no. 26331

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

Du Bois, Pa 15801

) (814) 371-2730

FILED 2cc Atty
02-25-05 Blakley
JUN 23 2005
William A. Shaw Atty pd
Prothonotary/Clerk of Courts 85.00

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

DANIEL A. KALGREN,) NO. 05- -C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

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 IS 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 AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT REQUESTED BY 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.

David S. Meholic,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

DANIEL A. KALGREN,) NO. 05- -C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

COMPLAINT

AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and files the following Complaint against the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, of which the following is a statement:

COMPLAINT TO SET ASIDE FRAUDULENT DEED

1. Plaintiff is **DANIEL A. KALGREN**, an adult individual residing at 200 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. Defendant is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. The real property which is the subject of this Complaint is that piece or parcel of land situate and lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as set forth in Exhibit A attached hereto.

4. By Deed dated June 22, 1998, and recorded in Clearfield County Deed and Record Book Vol. 945, Page 156, the Plaintiff became seized of the subject real property and did continuously possess the real property until December 1, 2003.

5. Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, is the surviving spouse of Timothy S. Kalgren, an adult individual who resided at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania, and who died on August 17, 2004, leaving to survive him his spouse, the Defendant.

6. By Durable Power of Attorney executed by the Plaintiff on August 23, 2002, the Plaintiff did appoint his brother, the said Timothy S. Kalgren, as his agent under the terms and conditions of the said Durable Power of Attorney, said Durable Power of Attorney being recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, to Instrument No. 200321920. A copy of said Durable Power of Attorney is attached hereto as Exhibit B.

7. Under the terms of the Durable Power of Attorney, the said Timothy S. Kalgren, as agent for **DANIEL A. KALGREN**, was granted the power, *inter alia*, to make limited gifts on behalf of the Plaintiff as principal to the Plaintiff's spouse, issue and spouse of an issue, as set forth in Paragraph 5 of the said Durable Power of Attorney.

8. The Plaintiff was subsequently incarcerated under sentence of the Court of Common Pleas of Clearfield County.

9. Subsequent to the Plaintiff's incarceration, the said Timothy S. Kalgren, in contravention of the powers set forth in the Durable Power of Attorney dated August 23, 2002, did convey the subject real property to himself and to the Defendant as his wife by deed dated

December 1, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, a copy of which is attached to this Complaint as Exhibit C, and by corrective deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, a copy of which is attached hereto as Exhibit D.

10. Plaintiff received no consideration for the transfer of his real property by Timothy S. Kalgren to Timothy S. Kalgren and the Defendant, the same being a gift of the real property by the agent to himself and the Defendant.

11. The Plaintiff believes, and therefore avers, that the actions of the Defendant and Timothy S. Kalgren in conveying the subject property to themselves under the Durable Power of Attorney dated August 23, 2002, was a fraudulent use of the said Durable Power of Attorney and did exceed the powers granted to Timothy S. Kalgren by the Plaintiff by the said Durable Power of Attorney.

WHEREFORE, Plaintiff requests that:

- a. the alleged deed dated December 1, 2003, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921 be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;
- b. the alleged deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;

- c. Defendant be enjoined from executing any transfer or conveyance of the subject real property to third parties;
- d. if the Defendant has already made any transfer for value of the Plaintiff's interest in any portion of the property, she be ordered to pay to the Plaintiff the amount of such consideration received or to be received;
- e. the Defendant account to the Plaintiff of the rents and income derived from the real estate and pay over to him the amount determined to be due;
- f. such other relief as this Honorable Court may deem proper and necessary.

COUNT II - REPLEVIN

- 12. Plaintiff incorporates his allegations contained within Paragraphs 1 through 11 of his Complaint as if the same were fully set forth herein.
- 13. During the period of time that the Plaintiff resided in the premises described in Exhibit A attached hereto, the Plaintiff acquired numerous items of personal property, such items of personal property being more specifically described on Exhibit E attached hereto and made a part hereof.
- 14. On or after December 1, 2003, the Defendant and her late husband, Timothy S. Kalgren, did wrongfully take possession and dominion over the Plaintiff's real property and the personal property contained therein as set forth in Exhibit E attached hereto and made a part hereof.
- 15. Despite repeated requests for the return of the items of personal property, the Defendant has failed and refused to return the said real property, and Plaintiff believes, and therefore

avers, that the Defendant may have sold, conveyed or otherwise disposed of some, if not all, of the personal property of the Plaintiff after her wrongful taking of dominion over the same.

16. Plaintiff believes, and therefore avers, that Defendant has leased the subject real property to unknown third parties and has received rents and other consideration from the tenants who are leasing the aforesaid real property.

WHEREFORE, Plaintiff demands judgment in replevin in his favor and against the Defendant for:

- a. the possession and delivery of all of the itemized property set forth in Exhibit E attached hereto; and/or
- b. the value of the property, with interest to the date of trial, in case possession and delivery cannot be had, being a sum in excess of \$5,000.00; and
- c. any and all other relief which this Honorable Court may deem appropriate.

COUNT III - CONVERSION

17. Plaintiff incorporates his allegations contained within Paragraphs 1 through 15 of his Complaint as if the same were fully set forth herein.

18. Located upon the subject real property, there existed stands of trees of different variety, including but not limited to various veneer woods and other hardwoods.

19. After wrongfully taking possession of the Plaintiff's real property, the Defendant did direct the removal of various hardwood and other trees of unknown types and unknown quantities.

20. Further, Plaintiff believes, and therefore avers, that the Defendant, while in wrongful possession of Plaintiff's real property, did sell or have sold the various trees removed from the subject real property.

21. The actions of the Defendant in cutting and removing the timber of the Plaintiff and selling the same was a willful and deliberate conversion of said timber.

22. The value of the timber cut and removed from the lands of the Plaintiff by the Defendant is unknown, but it is believed by the Plaintiff to be in excess of \$25,000.00.

WHEREFORE, Defendant requests that:

- a. Defendant account to the Plaintiff for all timber cut, removed and sold from the lands of the Plaintiff while in the wrongful possession of the Defendant;
- b. Defendant pay over unto the Plaintiff all monies received from the cutting and sale of timber upon the lands of the Plaintiff in such an amount as this Honorable Court finds due and owing the Plaintiff, along with interest upon any aforesaid amounts;
- c. such other relief as this Honorable Court may deem proper and necessary.

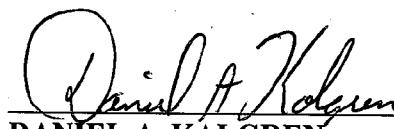
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, DANIEL A. KALGREN, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Daniel A. Kalgren
DANIEL A. KALGREN

Dated: 6-22-05

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
vs.)
Plaintiff,) Type of Case: CIVIL ACTION
vs.)
PATRICIA A. ARMSTRONG-) Type of Pleading: MOTION FOR ENTRY
KALGREN,) OF DEFAULT JUDGMENT OF DEFAULT
Defendant.) AND FOR ADDITIONAL RELIEF
) Filed on Behalf of:
) Plaintiff
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED 3cc
01/31/01 Amy Blakley
AUG 23 2005 (R)

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
vs.)
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)
)

FILED 6th
01/31/05 3:00 PM
AUG 23 2005
William A. Shaw
Prothonotary/Clerk of Courts
Blakley

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Entry of Default Judgment of Default and for Additional Relief, it is the ORDER of this Court that said Motion is hereby granted, and that an Order of Default Judgment is hereby entered against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**. It is FURTHER ORDERED that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, is hereby ordered to:

- a. execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by

Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;

c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;

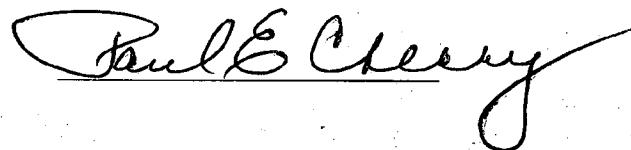
d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;

e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

It is FURTHER ORDERED that this matter shall be scheduled for an evidentiary hearing upon the request of Plaintiff following the receipt of the accountings as ordered above.

By the Court,

August 23, 2005

Paul E. Cheevey

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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.

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 east Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
vs.)
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

**MOTION FOR ENTRY OF JUDGMENT
OF DEFAULT AND FOR ADDITIONAL RELIEF**

AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and moves this Honorable Court for the entry of a judgment of default in the above-captioned matter and for additional relief, and in support thereof, the following is averred:

1. The Movant is **DANIEL A. KALGREN**, an adult individual residing at 200 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. The Respondent is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. By Complaint filed on June 23, 2005, before this Honorable Court, the Movant did allege that the Respondent did improperly convey real property owned by the Movant to herself and her late husband under a Durable Power

of Attorney dated August 23, 2002, did collect rents from the property after improperly conveying the property to herself, did sell timber from the aforesaid real property and did retain the proceeds of said timber sales and did retain personal property of the Movant which was located on the real property of the Movant. A copy of said Complaint is attached hereto and marked Exhibit A.

4. In his said Complaint, the Movant did request the following relief:
 - a. that the alleged deed dated December 1, 2003, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, conveying the real property of the Movant to the Respondent and her husband be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to the Movant for the subject property described therein;
 - b. that Respondent be enjoined from executing any transfer or conveyance of the subject real property to third parties;
 - c. that the Respondent account to the Movant for any rents and other income derived from the real property and to pay over the amounts received by her to him;

- d. that the Respondent deliver possession of the personal property of the Movant as set forth in said Complaint for the value of any such personal property received by the Respondent;
- e. that the Respondent account to the Movant for all timber cut, removed and sold from the lands of the Movant and pay over to the Movant all monies received from the cutting of said timber.

5. Said Complaint was served upon the Respondent by the Sheriff of Jefferson County, Pennsylvania, on July 12, 2005, and no response to said Complaint was received by the Movant.

6. Pursuant to Rule 237 of the Pennsylvania Rules of Civil Procedure, Movant did serve upon the respondent a ten-day notice of default on August 8, 2005. A copy of said Notice is attached hereto and marked as Exhibit B.

7. No responsive pleading has been received by the Movant from the Respondent.

8. The Respondent is in default for failure to file a responsive pleading within the time specified by the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Movant respectfully requests that this Honorable Court grant his

Motion and:

- a. enter an Order of Default Judgment against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**;
- b. order Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, to execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- c. order that the Respondent deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;
- d. order that the Respondent provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;
- e. order that the Respondent provide an accounting of all items of personal property removed from the Movant's real property and

disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;

f. order that the Respondent provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

g. schedule an evidentiary hearing to be held at the request of the Movant to establish and all damages or other monies due Movant from the Respondent after receipt and review of the accountings provided for above; and

h. such other relief as this Honorable Court may deem proper and necessary.

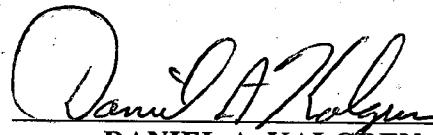
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, DANIEL A. KALGREN, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Motion for Entry of Default Judgment of Default and for Additional Relief are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



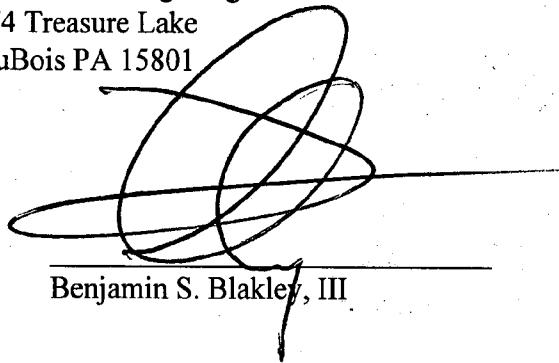
Daniel A. Kalgren
DANIEL A. KALGREN

Dated: 8-22-05

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Defendant's Motion for Entry of Default Judgment of Default and for Additional Relief a in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail:

Ms. Patricia Armstrong Kalgren
474 Treasure Lake
DuBois PA 15801



Benjamin S. Blakley, III

Dated: 8/23/05

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

DANIEL A. KALGREN,) NO. 05-903 -C.D.
vs.)
Plaintiff,) Type of Case: CIVIL ACTION
vs.)
PATRICIA A. ARMSTRONG-) Type of Pleading: COMPLAINT
KALGREN,)
Defendant.) Filed on Behalf of:
) Plaintiff
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 23 2005

Attest.

Wm. H. ...
Prothonotary/
Clerk of Courts

EXHIBIT

A

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

DANIEL A. KALGREN,) NO. 05- -C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

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 IS 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 AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT REQUESTED BY PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

DANIEL A. KALGREN,) NO. 05- -C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

COMPLAINT

AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and files the following Complaint against the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, of which the following is a statement:

COMPLAINT TO SET ASIDE FRAUDULENT DEED

1. Plaintiff is **DANIEL A. KALGREN**, an adult individual residing at 200 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. Defendant is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. The real property which is the subject of this Complaint is that piece or parcel of land situate and lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as set forth in Exhibit A attached hereto.

4. By Deed dated June 22, 1998, and recorded in Clearfield County Deed and Record Book Vol. 945, Page 156, the Plaintiff became seized of the subject real property and did continuously possess the real property until December 1, 2003.

5. Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, is the surviving spouse of Timothy S. Kalgren, an adult individual who resided at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania, and who died on August 17, 2004, leaving to survive him his spouse, the Defendant.

6. By Durable Power of Attorney executed by the Plaintiff on August 23, 2002, the Plaintiff did appoint his brother, the said Timothy S. Kalgren, as his agent under the terms and conditions of the said Durable Power of Attorney, said Durable Power of Attorney being recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, to Instrument No. 200321920. A copy of said Durable Power of Attorney is attached hereto as Exhibit B.

7. Under the terms of the Durable Power of Attorney, the said Timothy S. Kalgren, as agent for **DANIEL A. KALGREN**, was granted the power, *inter alia*, to make limited gifts on behalf of the Plaintiff as principal to the Plaintiff's spouse, issue and spouse of an issue, as set forth in Paragraph 5 of the said Durable Power of Attorney.

8. The Plaintiff was subsequently incarcerated under sentence of the Court of Common Pleas of Clearfield County.

9. Subsequent to the Plaintiff's incarceration, the said Timothy S. Kalgren, in contravention of the powers set forth in the Durable Power of Attorney dated August 23, 2002, did convey the subject real property to himself and to the Defendant as his wife by deed dated

December 1, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, a copy of which is attached to this Complaint as Exhibit C, and by corrective deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, a copy of which is attached hereto as Exhibit D.

10. Plaintiff received no consideration for the transfer of his real property by Timothy S. Kalgren to Timothy S. Kalgren and the Defendant, the same being a gift of the real property by the agent to himself and the Defendant.

11. The Plaintiff believes, and therefore avers, that the actions of the Defendant and Timothy S. Kalgren in conveying the subject property to themselves under the Durable Power of Attorney dated August 23, 2002, was a fraudulent use of the said Durable Power of Attorney and did exceed the powers granted to Timothy S. Kalgren by the Plaintiff by the said Durable Power of Attorney.

WHEREFORE, Plaintiff requests that:

- a. the alleged deed dated December 1, 2003, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921 be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;
- b. the alleged deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;

- c. Defendant be enjoined from executing any transfer or conveyance of the subject real property to third parties;
- d. if the Defendant has already made any transfer for value of the Plaintiff's interest in any portion of the property, she be ordered to pay to the Plaintiff the amount of such consideration received or to be received;
- e. the Defendant account to the Plaintiff of the rents and income derived from the real estate and pay over to him the amount determined to be due;
- f. such other relief as this Honorable Court may deem proper and necessary.

COUNT II - REPLEVIN

12. Plaintiff incorporates his allegations contained within Paragraphs 1 through 11 of his Complaint as if the same were fully set forth herein.

13. During the period of time that the Plaintiff resided in the premises described in Exhibit A attached hereto, the Plaintiff acquired numerous items of personal property, such items of personal property being more specifically described on Exhibit E attached hereto and made a part hereof.

14. On or after December 1, 2003, the Defendant and her late husband, Timothy S. Kalgren, did wrongfully take possession and dominion over the Plaintiff's real property and the personal property contained therein as set forth in Exhibit E attached hereto and made a part hereof.

15. Despite repeated requests for the return of the items of personal property, the Defendant has failed and refused to return the said real property, and Plaintiff believes, and therefore

avers, that the Defendant may have sold, conveyed or otherwise disposed of some, if not all, of the personal property of the Plaintiff after her wrongful taking of dominion over the same.

16. Plaintiff believes, and therefore avers, that Defendant has leased the subject real property to unknown third parties and has received rents and other consideration from the tenants who are leasing the aforesaid real property.

WHEREFORE, Plaintiff demands judgment in replevin in his favor and against the Defendant for:

- a. the possession and delivery of all of the itemized property set forth in Exhibit E attached hereto; and/or
- b. the value of the property, with interest to the date of trial, in case possession and delivery cannot be had, being a sum in excess of \$5,000.00; and
- c. any and all other relief which this Honorable Court may deem appropriate.

COUNT III - CONVERSION

17. Plaintiff incorporates his allegations contained within Paragraphs 1 through 15 of his Complaint as if the same were fully set forth herein.

18. Located upon the subject real property, there existed stands of trees of different variety, including but not limited to various veneer woods and other hardwoods.

19. After wrongfully taking possession of the Plaintiff's real property, the Defendant did direct the removal of various hardwood and other trees of unknown types and unknown quantities.

20. Further, Plaintiff believes, and therefore avers, that the Defendant, while in wrongful possession of Plaintiff's real property, did sell or have sold the various trees removed from the subject real property.

21. The actions of the Defendant in cutting and removing the timber of the Plaintiff and selling the same was a willful and deliberate conversion of said timber.

22. The value of the timber cut and removed from the lands of the Plaintiff by the Defendant is unknown, but it is believed by the Plaintiff to be in excess of \$25,000.00.

WHEREFORE, Defendant requests that:

- a. Defendant account to the Plaintiff for all timber cut, removed and sold from the lands of the Plaintiff while in the wrongful possession of the Defendant;
- b. Defendant pay over unto the Plaintiff all monies received from the cutting and sale of timber upon the lands of the Plaintiff in such an amount as this Honorable Court finds due and owing the Plaintiff, along with interest upon any aforesaid amounts;
- c. such other relief as this Honorable Court may deem proper and necessary.

Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **DANIEL A. KALGREN**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Daniel A. Kalgren
DANIEL A. KALGREN

Dated: 6-22-05

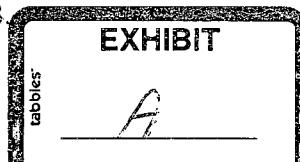
ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.



THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING all that certain piece of parcel on land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, and being more fully bounded and described in Deed dated February 18, 1999 between Daniel A. Kalgren, as Grantor, and Wesley J. Kalgren and Tamara E. Kalgren, as Grantees, containing 12 acres, more or less. Said deed being recorded in the Office of Recorder of Deeds for Clearfield County, Pennsylvania, as Instrument No. 199903038.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

Instrument Number - 200321920

Recorded On 12/3/2003 At 1:52:36 PM

* Instrument Type - POWER OF ATTORNEY

* Total Pages - 8

Invoice Number - 102271

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

HANAK, GUIDO, AND TALADAY

P.O. BOX 487

DUBOIS, PA 15801

*** FEES**

RECORDING FEES -	\$19.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
STATE WRIT TAX	\$0.50
TOTAL	\$24.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT

B

DURABLE POWER OF ATTORNEY

DANIEL A. KALGREN, Principal

TIMOTHY S. KALGREN, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

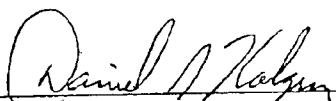
A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: 8-23-02



Daniel A. Kalgren

DURABLE POWER OF ATTORNEY

I, DANIEL A. KALGREN, an individual, of DuBois, Pennsylvania, do hereby appoint my brother, TIMOTHY S. KALGREN, of DuBois, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and

acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and

conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of

my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

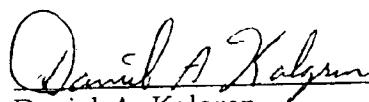
20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this 23 day of August, 2002.



Daniel A. Kalgren

(SEAL)

ACKNOWLEDGMENT

I, TIMOTHY S. KALGREN, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

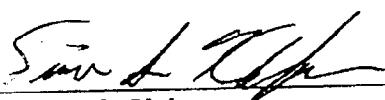
I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: 9/5/02


Timothy S. Kalgren (SEAL)

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

*RETURN DOCUMENT TO:

Instrument Number - 200321921
Recorded On 12/3/2003 At 1:52:37 PM

HANAK, GUIDO, AND TALADAY
P.O. BOX 487
DUBOIS, PA 15801

* Instrument Type - DEED

* Total Pages - 6

Invoice Number - 102271

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

* FEES

RECORDING FEES -	\$15.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO JUSTICE	\$10.00
STATE WRIT TAX	\$0.50
TOTAL	\$30.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

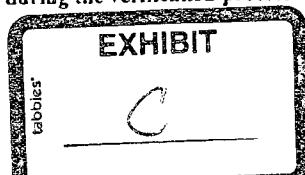
Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.



Warranty Deed
County Parcel No. _____

THIS DEED

MADE the 1st day of December in the year two thousand three (2003).

BETWEEN DANIEL A. KALGREN, a single person, of Sandy Township, Clearfield County, Pennsylvania, by his attorney-in-fact, Timothy S. Kalgren, Party of the First Part and GRANTOR,

and

TIMOTHY S. KALGREN and PATRICIA A. ARMSTRONG-KALGREN, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as GRANTEES;

WITNESSETH, That in consideration of the sum of One (\$1.00) Dollar, the said Grantor does hereby grant and convey to the said Grantees,

ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of

DuBois, formerly Subdivision No. 6, 94 perches to the place of beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.

THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

Timothy S. Kalgren, Attorney-in-Fact for Daniel Kalgren, makes this conveyance under authority granted by Power of Attorney dated August 23, 2002 and attached hereto as Exhibit "A".

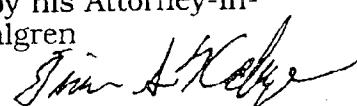
It is hereby affirmed for purposes of the Commonwealth of Pennsylvania Realty Transfer Tax Act that this is a transaction between brother and brother and brother-in-law and sister-in-law, and therefore no transfer taxes are due or owing.

AND the said Grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal, the day and year first above-written.

Sealed and delivered in the presence of:

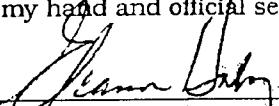

(SEAL)
Daniel A. Kalgren, by his Attorney-in-Fact, Timothy S. Kalgren



Commonwealth of Pennsylvania :
SS.
County of Clearfield :

On this, the 1st day of December, 2003, before me the undersigned officer, a notary public, personally appeared TIMOTHY S. KALGREN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public

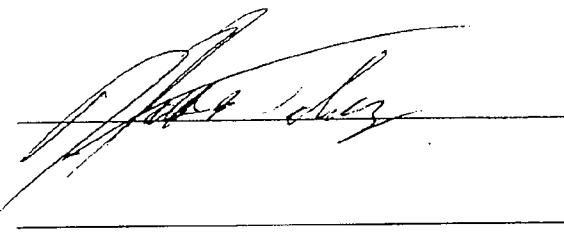
Notarial Seal
Eleanor Haky, Notary Public
DuBois, Clearfield County
My Commission Expires Mar. 24, 2004

Member, Pennsylvania Association of Notaries

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:



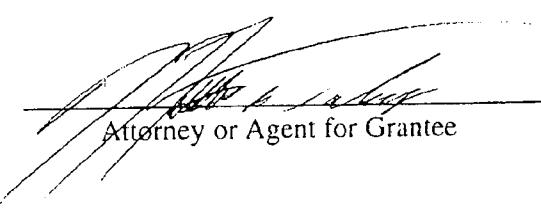
This 1st day of December, 2003.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

474 Treasure Lake
DuBois, PA 15801



Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

AFFIDAVIT No. 37212

*RETURN DOCUMENT TO:

Instrument Number - 200401401
Recorded On 1/29/2004 At 1:02:57 PM

HANAK, GUIDO, AND TALADAY
P.O. BOX 487
DUBOIS, PA 15801

* Instrument Type - DEED

* Total Pages - 6

Invoice Number - 104977

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

* FEES

RECORDING FEES -	\$15.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO JUSTICE	\$10.00
STATE WRIT TAX	\$0.50
TOTAL	\$30.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

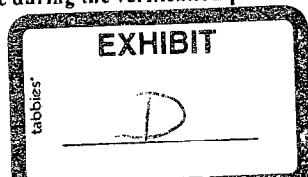
Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

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* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.



Warranty Deed
County Parcel No. _____

CORRECTIVE DEED

MADE the 27th day of January in the year two thousand four (2004).

BETWEEN DANIEL A. KALGREN, a single person, of Sandy Township, Clearfield County, Pennsylvania, by his attorney-in-fact, Timothy S. Kalgren, Party of the First Part and GRANTOR,

and

TIMOTHY S. KALGREN and PATRICIA A. ARMSTRONG-KALGREN, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as GRANTEES;

WITNESSETH, That in consideration of the sum of One (\$1.00) Dollar, the said Grantor does hereby grant and convey to the said Grantees,

ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of

beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.

THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING all that certain piece of parcel on land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, and being more fully bounded and described in Deed dated February 18, 1999 between Daniel A. Kalgren, as Grantor, and Wesley J. Kalgren and Tamara E. Kalgren, as Grantees, containing 12 acres, more or less. Said deed being recorded in the Office of Recorder of Deeds for Clearfield County, Pennsylvania, as Instrument No. 199903038.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

Timothy S. Kalgren, Attorney-in-Fact for Daniel Kalgren, makes this conveyance under authority granted by Power of Attorney dated August 23, 2002, which is recorded as Instrument No. 200321920.

It is hereby affirmed for purposes of the Commonwealth of Pennsylvania Realty Transfer Tax Act that this is a transaction between brother and brother and brother-in-law and sister-in-law, and therefore no transfer taxes are due or owing.

AND the said Grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal, the day and year first above-written.

Sealed and delivered in the presence of:

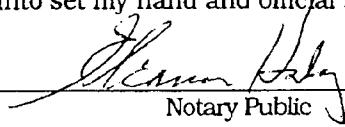

(SEAL)
Daniel A. Kalgren, by his Attorney-in-Fact, Timothy S. Kalgren

Commonwealth of Pennsylvania :
SS.

County of Clearfield :

On this, the 27th day of January, 2004, before me the undersigned officer, a notary public, personally appeared TIMOTHY S. KALGREN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public

Notary Public
Eleanor S. Notary Public
Duscia, Clearfield County
My Commission Expires April 24, 2005

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:



Timothy S. Kalgren

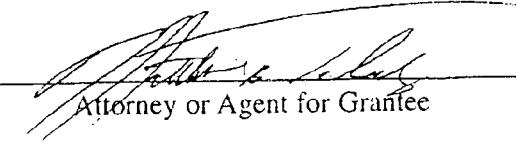
This 27th day of January, 2004.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

474 Treasure Lake
DuBois, PA 15801



Attorney or Agent for Grantee

INSIDE

sewing machine
2 stoves
2 Refrigerators
1 MICROWAVE
3 sets Barbells
60 Jars canned Food
2 gun cabinets
Antique nick nack stand and all on it
1 Big man's Lazy boy
2 couches
1 enter Train went center
Kitchen Table and 4 Leather chairs
3 sweepers 1 shop VAC
world book encyclopedias
2 VCR's
3 bed room sets
2 Portrait Paintings
1 Portrait in granite
2 sets antique dishes (Jackson chintz) sets of 8 each
Pots - Pans
dish washer
SAFE
coin collection
Pewter dragon collection
6 other Pewter sets
original star trek Millennium Falcon still in Box
1 washer 3 cloths
1 dryer
1 deep Freezer

EXHIBIT

E

outside

cordless drill

electric makita drill

MIG welder

2 arc welders

Digital Electric Tester

Ford - computer Tester
GM - computer Tester

Garden Tractor - Roto Tiller - plow - grass cutter

BAR B Q grill

2 Studebaker Trucks (59) (60)

1,600' oak veneer in garage 54" x 16" x 10"

3,000' cherry, oak, hard maple outside garage

89 Dodge Spirit

1 lg set SK Tools, 1 small set and 1 set 1/4 drive

1 Craftsman Tool Box

Burke Tools

wheel hub sockets Ford & GM

Drill Press

Grinder

Anvil

Paint guns

Air compressor and gauges and Filters

Sand blaster

Wood burner

Fuel oil Furnace (XTRA)

Log splitter

Stoker System

2 Picnic Tables

6 lawn chairs

Small Roto Tiller

12 6' poly Tandem Tires

6 Stanley Atlas

Outside

Mom and Dads shrine

2 - 1' thick x 6' round cement pads

1 ~~11'~~ wide x 14' high cement heart standing in yard 1' thick

1 - 1' thick 11' wide x 14' long flat in yard

1 - miniature Dutchshoed named (Arlington Dogbreath Kaliyan)

6' Pillars

3' high Gargoyle

2 compound bows

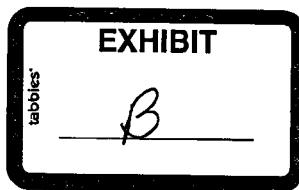
1 sword

1 Petet Pistol

My dog

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiffs,) Type of Case: CIVIL ACTION
)
 vs.) Type of Pleading:
) TEN-DAY NOTICE
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,) Filed on Behalf of:
) PLAINTIFFS
)
 Defendants.)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730



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

DANIEL A. KALGREN,) NO. 05-903-C.D.
)
Plaintiffs,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendants.)
)

TEN-DAY NOTICE

DATE OF NOTICE: August 8, 2005

TO: PATRICIA A. ARMSTRONG-KALGREN
474 Treasure Lake
DuBois PA 15801

IMPORTANT NOTICE

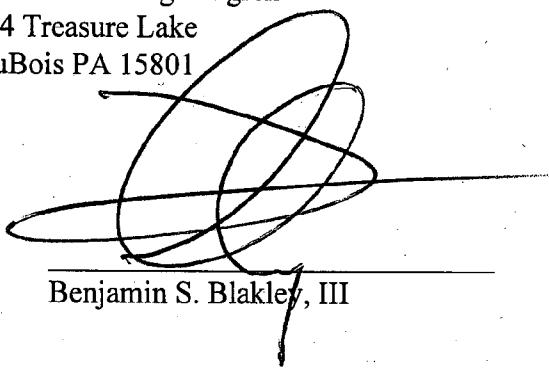
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU 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 FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Defendant's Motion for Entry of Default Judgment of Default and for Additional Relief a in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail:

Ms. Patricia Armstrong Kalgren
474 Treasure Lake
DuBois PA 15801



Benjamin S. Blakley, III

Dated: 8/23/01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100579
NO: 05-903-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DANIEL A. KALGREN
vs.
DEFENDANT: PATRICIA A. ARMSTRONG-KALGREN

SHERIFF RETURN

NOW, July 06, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON PATRICIA A. ARMSTRONG-KALGREN.

NOW, July 12, 2005 AT 10:24 AM SERVED THE WITHIN COMPLAINT ON PATRICIA A. ARMSTRONG-KALGREN, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

0/3:44 LM

AUG 26 2005

LM

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100579
NO: 05-903-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DANIEL A. KALGREN
vs.
DEFENDANT: PATRICIA A. ARMSTRONG-KALGREN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BLAKLEY	4366	10.00
SHERIFF HAWKINS	BLAKLEY	4366	30.00
JEFFERSON CO.	BLAKLEY	4367	38.04

Sworn to Before Me This

So Answers,

____ Day of _____ 2005



Chester A. Hawkins
Sheriff

No. 903 C.D. 2005

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 July 12, 2005 at 10:24 o'clock A.M. served the Notice and Complaint upon PATRICIA ARMSTRONG-KALGREN, Defendant, at her place of employment, Sheetz Main Street, Borough of Reynoldsville, County of Jefferson, State of Pennsylvania, by handing to her, personally, a true copy of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 36.04 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 38.04
Refunded:	\$ 86.96

Sworn and subscribed 144
to before me this
day of July 12 2005
By Brian J. Henretta

My Commission Expires The
First Monday January 2006

So Answers,

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

SEARCHED AND SERIALIZED

Q8

140

10

FILED

AUG 26 2005

William A. Shaw
Prothonotary

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiffs,) Type of Case: CIVIL ACTION
)
vs.) Type of Pleading:
PATRICIA A. ARMSTRONG-) PRAECIPE TO ENTER JUDGMENT
KALGREN,) Filed on Behalf of:
Defendants.) PLAINTIFF
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED *2cc Atty*
10/2/2005 *Blakley*
AUG 29 2005
1CC Def *474 Treasure Lake*
William A. Shaw *DeBois, PA 15801*
Prothonotary/Clerk of Courts
Atty pd. 20.00

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

DANIEL A. KALGREN,) NO. 05-903-C.D.
)
 Plaintiffs,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendants.)
)

PRAECIPE TO ENTER JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY

Please enter judgment in the above matter pursuant to the Order of Court dated

August 23, 2005.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

) NO. 05-903 C.D.
)
) Type of Case: CIVIL ACTION
)
) Type of Pleading: MOTION TO HOLD
) DEFENDANT IN CONTEMPT FOR
) FAILURE TO ABIDE BY ORDER
)
) Filed on Behalf of:
) Plaintiff
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

FILED *3cc*
09/14/05
SEP 14 2005
Atty Blakley
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

RULE TO SHOW CAUSE

AND NOW, this 15th day of September 2005 upon consideration of the Plaintiff's Motion to Hold Defendant in Contempt for Failure to Abide by Order, it is the ORDER of this Court that a Rule be issued upon **PATRICIA A. ARMSTRONG-KALGREN** to show cause why the prayer in said Petition should not be granted.

Rule Returnable and Hearing thereon to be held the 6th day of October, 2005,
at 2:00 o'clock P. M. in Courtroom No. 2 of the Clearfield County Courthouse,
Clearfield, Pennsylvania 16830.

BY THE COURT:

Paul E. Cherry

FILED 3cc
01938 Col Atty Blakley
SEP 16 2005 80

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 VS.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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.

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 east Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

**MOTION TO HOLD DEFENDANT
IN CONTEMPT FOR FAILURE TO ABIDE BY ORDER**

AND NOW comes the Movant, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and moves this Honorable Court to find the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, in contempt of this Honorable Court's Order of August 23, 2005, and in support thereof, the following is averred:

1. The Movant is **DANIEL A. KALGREN**, an adult individual residing at 200 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. The Respondent is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. By Order dated August 23, 2005, this Honorable Court, pursuant to Plaintiff's Motion for Entry of Default Judgment and for Additional Relief, ordered the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, to:

- a. execute a deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and that the same be executed within ten (10) days of the Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;
- c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;
- d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order; and
- e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order.

A copy of this Honorable Court's Order of August 23, 2005, is attached hereto and made a part hereof.

4. More than ten (10) days have passed since the date of the Court's Order, and the Respondent has failed to comply with any portion of the Court's Order.

5. Movant believes and therefore avers that an additional Order will be necessary in order to compel the Respondent to comply with this Honorable Court's Order.

WHEREFORE, Movant respectfully requests that this Honorable Court grant his Motion and order:

- a. that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, be given ten (10) days to comply with the Court's Order of August 23, 2005 or be found in contempt;
- b. that Respondent be made to pay Movant's costs for the bringing of this Petition in the amount of \$750.00, the same to be paid within ten (10) days of this Honorable Court's Order;
- c. award such other relief as this Honorable Court may deem appropriate.

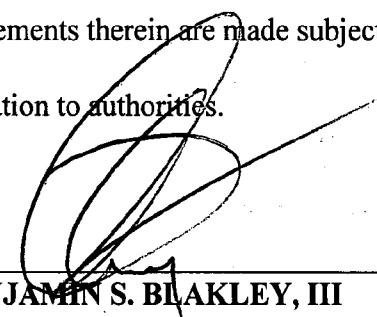
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, BENJAMIN S. BLAKLEY, III, hereby state that I am counsel for the Plaintiff in this action and verify that the statements made in the foregoing Motion to Hold Defendant in Contempt for Failure to Abide by Order are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



BENJAMIN S. BLAKLEY, III

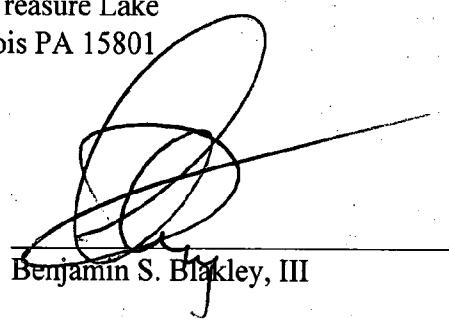
Dated: 9/19/05

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Motion to Hold Defendant in Contempt for Failure to Abide by Order in the above-captioned matter on the following parties at the addresses shown below by first-class U.S.

Mail:

Ms. Patricia Armstrong Kalgren
474 Treasure Lake
DuBois PA 15801



Benjamin S. Blakley, III

Dated:

9/14/05

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Entry of Default Judgment of Default and for Additional Relief, it is the ORDER of this Court that said Motion is hereby granted, and that an Order of Default Judgment is hereby entered against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**. It is FURTHER ORDERED that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, is hereby ordered to:

- a. execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by

Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;

c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;

d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;

e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

It is FURTHER ORDERED that this matter shall be scheduled for an evidentiary hearing upon the request of Plaintiff following the receipt of the accountings as ordered above.

By the Court,

/s/ Paul E. Cherry

August 23, 2005

I hereby certify this to be a true and attested copy of the original statement filed in this case.

AUG 23 2005

CA

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

-) NO. 05-903 C.D.
-)
-) Type of Case: CIVIL ACTION
-)
-) Type of Pleading:
-) MOTION FOR CONTINUANCE
-)
-) Filed on Behalf of:
-) Plaintiff
-)
-) Counsel of Record:
-) BENJAMIN S. BLAKLEY, III, ESQ.
-) Supreme Court no. 26331
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

FILED 3cc
m/11/2005 Atty Blakley
SEP 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

ORDER OF COURT

AND NOW this 21st day of September, 2005, it is hereby ORDERED that a hearing on Plaintiff's Motion for Continuance is hereby rescheduled to the 10th day of October, 2005, at 3:00 o'clock P M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

By the Court:

Paul E. Cherry

FILED
Clerk: 300 AM, Blakley
SEP 22 2005 (60)

William A. Shaw
Prothonotary

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

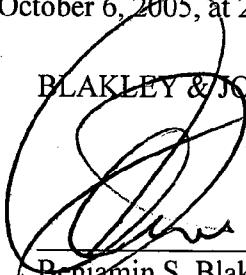
MOTION FOR CONTINUANCE

AND NOW comes Movant, **BENJAMIN S. BLAKLEY, III**, attorney for Plaintiff, **DANIEL A. KALGREN**, and moves this Honorable Court for a continuance of the hearing scheduled for October 6, 2005, at 2:00 p.m. in the above captioned matter. In support thereof the following is averred:

1. Plaintiff, **DANIEL A. KALGREN**, has filed a Motion to Hold Defendant in Contempt for Failure to Abide by Order, upon which a hearing has been scheduled for October 6, 2005, at 2:00 p.m.
2. Plaintiff's Attorney is scheduled to appear before the Court of Common Pleas of Jefferson County, Pennsylvania, for a custody trial on that date and time and will therefore be unable to be present to represent the Plaintiff on the aforesaid day and date.

WHEREFORE, Petitioner respectfully requests this Honorable Court grant his Motion and continue the hearing on Plaintiff's Motion to Hold Defendant in Contempt for Failure to Abide by Order scheduled for October 6, 2005, at 2:00 p.m. to a later date and time.

BLAKLEY & JONES

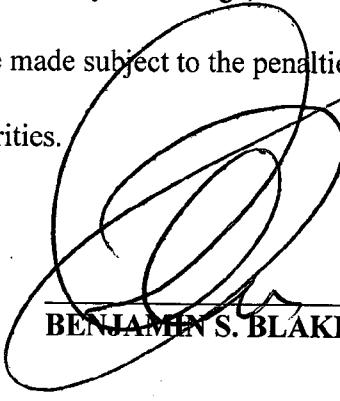


Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Plaintiff in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

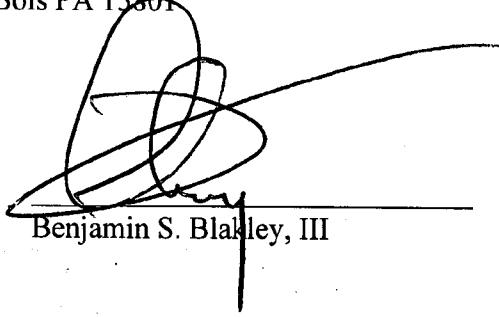
Dated: 9/20/06


BENJAMIN S. BLAKLEY, III

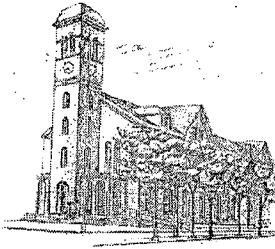
CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Motion for Continuance in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail:

Ms. Patricia Armstrong Kalgren
474 Treasure Lake
DuBois PA 15801


Benjamin S. Blakley, III

Dated: 9/20/05



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

CIVIL BENCH WARRANT

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

DANIEL A. KALGREN

NO. 05-903-CD

V.

PATRICIA A. ARMSTRONG-KALGREN

TO: C & D INVESTIGATIONS
P.O. BOX 263
HYDE, PENNSYLVANIA 16843
TELEPHONE: 814-765-2740

You are commanded by the Court of Common Pleas of Clearfield County, Civil Division, to take Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, who stands charged in said Court for contempt for failure to abide by this Court's Order of August 23, 2005 and her failure to appear at hearing on October 10, 2005, and forthwith bring said person before Judge Paul E. Cherry to be dealt with according to law.

WITNESS this 18th day of October, 2005.

Prothonotary, Clerk of Courts
Civil Division

Defendant's Address: 474 Treasure Lake
Dubois, PA. 15801

Social Security Number: Unknown **Date of Birth:** Unknown

FINES:	\$ Undetermined
COSTS:	\$ Undetermined
SERVICE FEE	\$ 100.00
TOTAL	\$ 100.00

Service Date: _____ Served By: _____

BY THE COURT,

PAUL E. CHERRY,
JUDGE

October 18, 2005

Bob -

Defendant is Manager at Sheetz in downtown Reynoldsville, you may be able to pick her up there.

Plaintiff had an incident with her last evening and had to call state police. The warrant had not been processed, therefore they couldn't take her into custody. Apparently she is giving him a very difficult time.

Judge requesting this Defendant be taken to jail when she is picked up and our office advised when same occurs.

Thanks!

Dawn

Instructions for Distribution of Bench Warrants:

- 1 copy to C & D Investigations, c/o Bob Dale or Bob Cessna
- 1 copy to Chester Hawkins, Clearfield County Sheriff
- 1 copy to Sam Lombardo, Warden, Clearfield County Prison
- 1 copy to Don McClusick, Director, Clearfield County Probation Services
- 1 copy to David Meholick, Court Administrator, Clearfield County
- 1 copy to Paul E. Cherry, Judge

CA
FILED 2ccatty
0134281 Blakley
OCT 12 2005 1cc def.

William A. Shaw 474 Treasurer
Prothonotary/Clerk of Courts
Lake
DuBois, PA
15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

(6K)
CIVIL DIVISION

DANIEL A. KALGREN :

VS. : NO. 05-903-CD

PATRICIA A. ARMSTRONG-KALGREN :

O R D E R

NOW, this 10th day of October, 2005, this being the date set for hearing on motion to hold Defendant/Petitioner Patricia A. Armstrong-Kalgren in contempt for failing to abide by this Court's Order of August 23, 2005; the Defendant having failed to appear despite receiving due and proper notice, it is the ORDER of this Court as follows:

1. Karen L. Stark, Recorder of Deeds of Clearfield County, shall execute a deed on behalf of the Defendant, Patricia A. Armstrong-Kalgren, reconveying the real property of Daniel A. Kalgren to him located in Sandy Township, Clearfield County, Pennsylvania. Benjamin S. Blakley, Esquire, shall provide appropriate deed to Karen L. Stark, Recorder of Deeds of Clearfield County, within no more than fifteen (15) days from today's date. Patricia A. Armstrong-Kalgren shall pay for all recording expenses thereof.

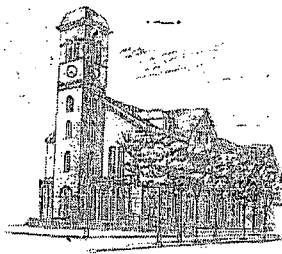
2. That Patricia A. Armstrong-Kalgren shall pay legal fees in the amount of Seven Hundred Fifty (\$750.00) Dollars to the Law Offices of Blakley and Jones within no more than thirty (30) days from today's date or suffer appropriate

sanctions.

It is the further Order of this Court that Bench
Warrant be issued forthwith.

BY THE COURT,

Paul E Cherry
Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

CIVIL BENCH WARRANT

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

DANIEL A. KALGREN

NO. 05-903-CD

V.

PATRICIA A. ARMSTRONG-KALGREN

FILED copies

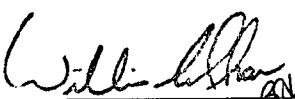
of 1:47 AM See
OCT 18 2005 reverse

William A. Shaw
Prothonotary/Clerk of Courts

TO: C & D INVESTIGATIONS
P.O. BOX 263
HYDE, PENNSYLVANIA 16843
TELEPHONE: 814-765-2740

You are commanded by the Court of Common Pleas of Clearfield County, Civil Division, to take Defendant, PATRICIA A. ARMSTRONG-KALGREN, who stands charged in said Court for contempt for failure to abide by this Court's Order of August 23, 2005 and her failure to appear at hearing on October 10, 2005, and forthwith bring said person before Judge Paul E. Cherry to be dealt with according to law.

WITNESS this 18th day of October, 2005.



Prothonotary, Clerk of Courts
Civil Division

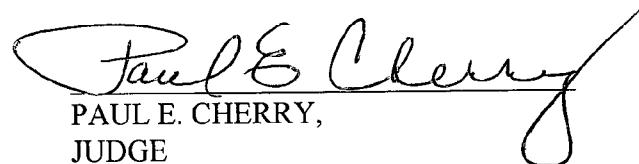
Defendant's Address: 474 Treasure Lake
Dubois, PA. 15801

Social Security Number: Unknown **Date of Birth:** Unknown

FINES:	\$ Undetermined
COSTS:	\$ Undetermined
SERVICE FEE	\$ 100.00
TOTAL	\$ 100.00

Service Date: _____ Served By: _____

BY THE COURT,



PAUL E. CHERRY,
JUDGE

Instructions for Distribution of Bench Warrants:

- 1 copy to C & D Investigations, c/o Bob Dale or Bob Cessna
- 1 copy to Chester Hawkins, Clearfield County Sheriff
- 1 copy to Sam Lombardo, Warden, Clearfield County Prison
- 1 copy to Don McClusick, Director, Clearfield County Probation Services
- 1 copy to David Meholick, Court Administrator, Clearfield County
- 1 copy to Paul E. Cherry, Judge

FILED

OCT 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN :
-vs- : No. 05-903-CD
PATRICIA A. ARMSTRONG-KALGREN:

O R D E R

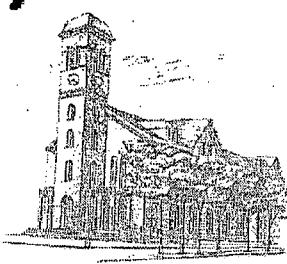
NOW, this 25th day of October, 2005, it is the ORDER of this Court that the Defendant pay the amount of Fifty (\$50.00) Dollars by no later than Friday, November 25, 2005, and Fifty (\$50.00) Dollars by no later than Friday, December 30, 2005.

Bench warrant previously issued is hereby lifted.

BY THE COURT,

Paul E Cherry
Judge

FILED[®]
acc A/H/2
9/23/05 Blakley
OCT 28 2005 acc deft
P. Kalgren
474 Treasure Lake
William A. Shaw DuBois PA 16801
Prothonotary



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
**Petition for Relief from Default
Judgment**

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED 11/07/2005
NOV 07 2005
William A. Shaw
Prothonotary/Clerk of Courts
60

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

PETITION FOR RELIEF FROM DEFAULT JUDGMENT

AND NOW comes the Petitioner, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Petition for Relief from Default Judgment, the facts in support of which are set forth as follows:

1. This case was initiated on June 23, 2005 with the filing of a complaint by the Respondent seeking to set aside an allegedly fraudulent deed, and also actions sounding in Replevin and Conversion.
2. The complaint was personally served on the Respondent at her place of employment on July 12, 2005 by a member of the Jefferson County Sheriff's Department.
3. The Petitioner took the complaint to the offices of Hanak, Guido & Taliday for advice on how to proceed, and subsequently received a letter from that firm on July 19, 2005 indicating that Attorney Taliday had spoken with the Respondent's attorney and advised Respondent's counsel of the actual

circumstances surrounding the conveyance of the Respondent's property, including the fact that the Respondent had received consideration in the form of debt relief totaling approximately \$50,000.00 (See *Copy of correspondence attached and marked as Petitioner's Exhibit "A"*).

4. The aforementioned correspondence also indicated to the Petitioner that the Respondent would be re-evaluating his position, and that the law firm would not be able to represent the Respondent due to a conflict of interest.

5. The Respondent subsequently phoned the office of Mr. Taliday and was advised that she need not take any action unless and until she received additional materials related to this case.

6. Subsequently the case moved forward with the Respondent filing a Notice of Intent to Enter a Default Judgment, a Praecept for Default Judgment and a Petition for Additional Relief.

7. The Court also issued process in this case including *inter alia* an Order granting relief to the Respondent, an Order setting the matter for a hearing, an Order setting a hearing on the Motion for Contempt, an Order granting relief and finding the Respondent in Contempt for failure to appear, and finally a Civil Bench Warrant.

8. All of the documents described in paragraphs six (6) and seven (7) above that required service were served by mailing same to the Petitioner at 474 Treasure Lake, DuBois, PA. 15801

9. The Petitioner's actual mailing address is 503 Treasure Lake, DuBois, PA. 15801.

10. The address of 474 Treasure Lake, DuBois, PA. 15801 was the personal address of the Petitioner's deceased husband, Timothy Kalgren.

11. The Petitioner avers herein that at no time did she ever receive, or otherwise come into possession of any of the documents which were mailed to 474 Treasure Lake, DuBois, PA. 15801.

12. The Petitioner avers that she first learned of any action taken in pursuit of this matter, other than the initial service of the complaint, on October 17, 2005, when the Respondent reported her presence on the subject property to the Sandy Twp. Police Department, alleging to the police that the Petitioner was an armed trespasser.

13. It was during the discussion with the responding police officers that she was told that the court had issued an order granting possession of the property to the Respondent.

14. On Friday, October 21, 2005, the Petitioner contacted her present counsel, having been referred from previous counsel, in an effort to respond to the situation presented to her.

15. On Monday, October 24, 2005, Petitioner's counsel retrieved copies of the relevant documents in this case from the Clearfield County Prothonotary's office.

16. Review of the file revealed the existence of the Court's Civil Bench Warrant.

17. On October 25, 2005 the Petitioner voluntarily appeared in front of the Honorable Paul E. Cherry, Judge of the Court of Common Pleas of Clearfield County in response to the Civil Bench Warrant.

18. The Petitioner avers herein that she had no knowledge prior to October 17, 2005 of any of the actions taken by the Respondent or by the Court in this matter.

19. The Petitioner avers that although she had access to the mailbox at 474 Treasure Lake, DuBois, PA. 15801, and on occasion actually retrieved mail from said mailbox, that there was never any correspondence received there from the Respondent, his attorney, or the court.

20. Although the Petitioner is without evidence or plausible explanation for the absence of such documents, the possibility exists that the mail became intermixed with the normally large volume of "junk" mail that accumulated in her deceased husband's personal mail box, or an unknown third person intentionally removed such articles of mail from the mailbox.

21. In any event, the Petitioner would aver that the instant petition was promptly filed, at least with reference to the time of her first actual knowledge of the action of the Court entering such judgment or Order in this case.

22. The Petitioner further avers that her failure to appear was based upon a lack of knowledge of any of the proceedings in this case, and that fact should be considered in excusing her failure to appear, in light of her previous conduct

23. Upon being personally served with the complaint in this action, the Petitioner immediately contacted her previous counsel for advice on how to proceed.

24. Upon receipt of his letter advising her of the existence of a conflict, she immediately contacted the attorney for advice on how to proceed, and was advised to wait for further documents or filings prior to taking any further action.

25. Upon gaining knowledge of the existence of the possible judgment, the Petitioner immediately contacted her former counsel who referred her to another attorney.

26. Upon learning of the existence of the Court's Civil Bench Warrant, the Petitioner immediately responded by appearing in Court to answer.

27. All of the foregoing conduct on the part of the Petitioner in responding to the matters associated with this action, would be inconsistent with a subsequent failure to address other developments in the case, if she had knowledge of the existence of such developments, and/or had actually received any of the associated documents from the Respondent or the Court.

28. Additionally, the Petitioner avers that her failure to respond would be not only inconsistent with her other conduct, but would be totally unreasonable considering the fact that a simple reference to the bank transaction associated with the conveyance of the Respondent's real property would indicate that the transaction was not a gift made by the Respondent's brother to himself and his wife, but rather a sale of real property to a bona fide purchaser for value.

29. The documents would show that the Respondent's brother, acting pursuant to the authority granted him by the Respondent in the Power of Attorney, secured a loan with 1st Commonwealth Bank for the purchase of the Respondent's property, and utilized a large portion of the proceeds of that loan to payoff the Respondent's mortgage in an amount exceeding \$48,000.00 dollars, thus avoiding the bank's intended conduct in filing an Action in Foreclosure against the Respondent. (See *Copy of Transaction Settlement Statement, attached and Marked as Petitioner's Exhibit "B"*).

30. The Respondent's brother also utilized a portion of the mortgage loan to payoff the back taxes which were owed on the property by his brother, the Respondent.

31. Such evidence, which is readily available, would undermine and negate the allegations of the Respondent that the conveyance of his property was done as a gift without consideration flowing to the Respondent, or that it was otherwise fraudulent.

32. Such evidence would also undermine and negate the allegations of the Respondent with respect to conversion involving the timbering of the property after the conveyance.

33. The Petitioner also avers, and has evidence in the form of correspondence from the Respondent, that he was at all time aware of, and in agreement with the conduct of his brother in transferring the property and addressing the Respondent's debts.

34. Such evidence would also indicate that the Respondent, in making the allegations contained in his complaint, and verifying them as being true, may have committed fraud himself, knowledge of which if revealed may subject him to the possibility of a parole violation and a subsequent return to incarceration.

35. Even in the event of the Court's ruling disallowing the Petitioner the opportunity to advance her obviously meritorious defenses to the original action, Equity should command that the Court allow her to proceed with an action in Equity for Unjust Enrichment seeking the return of the funds expended by the Petitioner to retire the Respondent's mortgage debt on the property at the time of the conveyance.

36. It would be totally inequitable for the Respondent to assert that the conveyance of the property to his brother was fraudulent, retain possession of the property, and also retain the benefit of having had his mortgage paid off by his brother and his sister-in-law.

37. The entire transaction of the conveyance of the Respondent's property, which included the pledging of the Petitioner's real property to secure the mortgage note, was to protect the Respondent's property against a pending foreclosure action by the bank against the Respondent, who was unable to pay his bills because he was in jail.

WHEREFORE the Petitioner prays that this Honorable Court grant the Petitioner's Petition, Stay the operation and enforcement of the Court's October 10, 2005 Order, and allow her to file her answer to the Respondent's complaint and proceed with her defenses and counter-claims as set forth herein.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for the Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

FILED
0/2/2005 *cc: Atty Lavelle*
NOV 14 2005 *(6K)*

ORDER

William A. Shaw
Prothonotary

AND NOW this 8th day of November, 2005, upon
consideration of the foregoing Petition, it is hereby ordered that

(1) a rule is issued upon the respondent to show cause why the
petitioner is not entitled to the relief requested;

(2) Petitioner seeks relief from the default judgment and order of
the court issued on October 10, 2005, seeks leave to file her answer to the
original complaint and proceed with the advancement of her defenses and
counterclaims;

(3) the respondent shall file an answer to the petition within twenty
(20) days of service upon the respondent;

(4) the petition shall be decided under *Pa. R.C.P. No. 206.7*

(5) depositions shall be completed within 45 days of this date;

(6) an evidentiary hearing on disputed issues of material fact shall be held on December 28, 2005, at 11:00 a.m. in courtroom No. 2 of the Clearfield County Courthouse;

(7) notice of the entry of this order shall be provided to all parties by the petitioner.

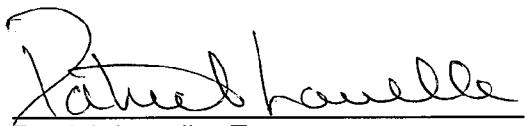
BY THE COURT

A handwritten signature in black ink, appearing to read "Paul E. Cherry". The signature is fluid and cursive, with a large, stylized "E" in the middle.

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 4th day of NOVEMBER, 2005, I served a copy of the foregoing Petition for Relief from Default Judgment, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

VERIFICATION

I, Patricia A. Armstrong-Kalgren, the Petitioner in this action, do hereby verify that all of the foregoing facts set forth in the Petition for Relief from Default Judgment are true and correct to the best of my knowledge, information and belief. Further, I make this verification with knowledge and understanding of the provisions of 18 Pa. C.S.A. § 4904 (*Unsworn Falsification to Authorities*).



Patricia A. Armstrong-Kalgren

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

July 19, 2005

Ms. Patricia Armstrong-Kalgren
474 Treasure Lake
DuBois, PA 15801

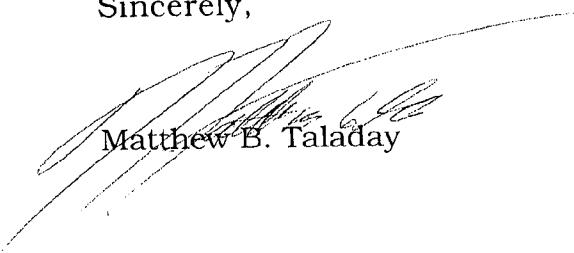
Re: Daniel A. Kalgren vs. Patricia A.
Armstrong-Kalgren

Dear Pat:

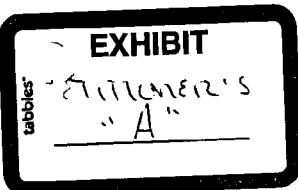
I have received the Complaint filed by Ben Blakley on behalf of Dan. I did talk with Ben and filled him in on some additional facts. For example, Ben did not know that you and Tim assumed the mortgage on the property and paid off the delinquent taxes. This information may cause him to re-evaluate his position.

I advised Ben that I could not represent you in this matter, since I was involved in the transactions which are the subject of the case. I will be glad to give you a referral to another attorney who will provide you with competent representation. If we have not spoken by the time you receive this letter, please give me a call. I look forward to hearing from you.

Sincerely,


Matthew B. Taladay

MBT:kam



Settlement StatementOptional Form for
Transactions without SellersU.S. Department of Housing
and Urban Development

OMB Approval No. 2502-0491

Name & Address of Borrower: TIMOTHY S KALGREN 474 TREASURE LAKE DUBOIS, PA 15801	Name & Address of Lender: FIRST COMMONWEALTH BANK Downtown Dubois Office 2 East Long Avenue P.O. Box 607A Dubois, PA 15801
Property Location: (if different from above) SECTION 1, LOT E4F, TREASURE LAKE, DUBOIS, PA 15801 AND ROUTE	Settlement Agent: FIRST COMMONWEALTH BANK PLACE OF BUSINESS: RD 2, DUBOIS, PA 15801 2 East Long Avenue, Dubois, PA 15801
Loan Number: 9110012978	Settlement Date: February 13, 2004

L. Settlement Charges		M. Disbursement to Others
800. Items Payable in Connection with Loan		
801. Loan Origination Fee	%	
802. Loan Discount	%	
803. Appraisal Fee to Bomar Real Estate and First Commonwealth Bank	250.00	
804. Credit Report to The Credit Bureau Inc.	2.01	
805. Lender's Inspection Fee		
806. Mortgage Insurance Application Fee		
807. Assumption Fee		
808. Mortgage Broker Fee		
809. Flood Certification Fee to Falcon Research and Settlement Inc	32.00	
810. Loan Processing Fee to First Commonwealth Bank	75.00	
811. Census Determination to The Credit Bureau Inc	1.00	
900. Items Required by Lender to be Paid in Advance		
901. Interest from to @ \$ /day		
902. Mortgage Insurance Premium for months to		
903. Hazard Insurance Premium for 12 months to Washington Mutual	\$575.00(POC)	
904. Flood Insurance Premium		
905.		
1000. Reserves Deposited with Lender		
1001. Hazard insurance mos. @ \$ per mo.		
1002. Mortgage insurance mos. @ \$ per mo.		
1003. City property taxes mos. @ \$ per mo.		
1004. County property taxes mos. @ \$ per mo.		
1005. Annual assessments mos. @ \$ per mo.		
1006. mos. @ \$ per mo.		
1007. mos. @ \$ per mo.		
1008. Aggregate Accounting Adjustment	0.00	
1100. Title Charges		
1101. Settlement or closing fee to		
1102. Abstract or title search to Falcon Research and Settlement Inc	101.00	
1103. Title examination to		
1104. Title insurance binder to		
1105. Document preparation to		
1106. Notary fees to Notary Public	5.00	
1107. Attorney's fees to (includes above item numbers)		
1108. Title insurance to (includes above item numbers)		
1109. Lender's coverage \$		
1110. Owner's coverage \$		
1111.		
1112.		
1113.		

EXHIBIT2
Exhibit
"E"

1200. Government Recording and Transfer Charges

1201. Recording fees:	32.50
1202. City/county tax/stamps:	
1203. State tax/stamps:	
1204. Satisfaction Fee	28.50
1205.	
1300. Additional Settlement Charges	
1301. Survey to	
1302. Pest inspection to	
1303. Architectural/Engineering Services to	
1304. Building Permit to	
1305.	
1400. Total Settlement Charges (enter on line 1602)	527.01

N. NET SETTLEMENT

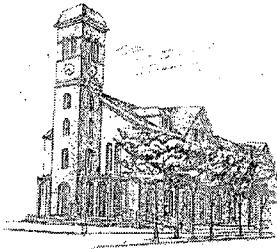
1600. Loan Amount	\$ 70,527.01
1601. Plus Cash/Check from Borrower	\$
1602. Minus Total Settlement Charges (line 1400)	\$ 527.01
1603. Minus Total Disbursement to Others (line 1520)	\$ 61,609.13
1604. Equals Disbursements to Borrower (after expiration of any applicable rescission period required by law)	\$ 8,390.87

BORROWER(S) SIGNATURE(S):

TIMOTHY S KALGREN

Date

form HUD-1A ref. RESPA



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:

**Petition for Stay of Execution
of the Court's Order**

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED *CC*
m 1100 601
NSV 07 2005 *AAH*
610

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

PETITION FOR STAY OF EXECUTION OF THE COURT'S ORDER

AND NOW comes the Petitioner, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Petition for Stay of Execution of the Court's Order, the facts in support of which are set forth as follows:

1. On October 10, 2005, the court entered its order, ordering the Recorder of Deeds to file a deed conveying title of the real property, which is the subject of this case to the Respondent, a copy of which is attached hereto and marked as Petitioner's exhibit "A".
2. The Petitioner has filed her petition seeking relief from the default judgment entered against her in this case.
3. The Petitioner avers that she has a meritorious defense in this case, that she failed to appear in the case because she lacked notice of the proceedings in the case, and upon learning of the judgment she acted promptly in filing her petition seeking relief from the default judgment.

4. The Petitioner further asserts that irreparable harm will be done if the property is re-conveyed to the Respondent.

5. The Petitioner avers that with regards to the property, she was a bona fide purchaser for value, having provided consideration for the purchase in an amount exceeding \$50,000.00.

6. The Petitioner avers that at the time of the purchase she mortgaged both the subject property and her own real property as security for the note extended by 1st Commonwealth Bank.

7. Should the property be re-conveyed to the grantor, the loss of title to the property would undermine the Bank's security and subject the Petitioner to a foreclosure on her own property, leaving her without a home and personal liability on the note.

WHEREFORE the petitioner prays that this Honorable Court will Stay the Execution of it Order of October 10, 2005 until the disposition of the petitioner's Petition Seeking Relief from Default Judgment.

Respectfully Submitted,



Patrick Lavelle, Esq.
Counsel for Petitioner

VERIFICATION

I, Patricia A. Armstrong-Kalgren, the Petitioner in this action, do hereby verify that all of the foregoing facts set forth in the Petition for Stay of Execution of the Court's Order are true and correct to the best of my knowledge, information and belief. Further, I make this verification with knowledge and understanding of the provisions of *18 Pa. C.S.A. § 4904 (Unsworn Falsification to Authorities)*.


Patricia A. Armstrong-Kalgren

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

ORDER

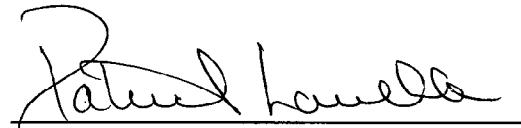
AND NOW this _____ day of _____, 2005, upon
consideration of the foregoing Petition, it is hereby ordered that Execution of the
Court's Order in this matter, issued on October 10, 2005, is stayed pending the
resolution of the Petitioner's Petition Seeking Relief from Default Judgment.

BY THE COURT

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 4th day of November, 2005, I served a copy of the foregoing Petition for Stay of Execution of the Court's Order, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

FILED 2ccatty
013:4201 Blakley
OCT 12 2005 1CC Def.

William A. Shaw 474 Trea
Prothonotary/Clerk of Courts
Sub S.P. 15

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN :

VS. : NO. 05-903-CD

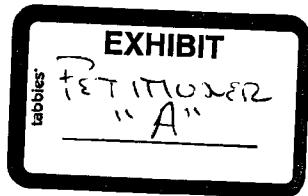
PATRICIA A. ARMSTRONG-KALGREN :

O R D E R

NOW, this 10th day of October, 2005, this being the date set for hearing on motion to hold Defendant/Petitioner Patricia A. Armstrong-Kalgren in contempt for failing to abide by this Court's Order of August 23, 2005; the Defendant having failed to appear despite receiving due and proper notice, it is the ORDER of this Court as follows:

1. Karen L. Stark, Recorder of Deeds of Clearfield County, shall execute a deed on behalf of the Defendant, Patricia A. Armstrong-Kalgren, reconveying the real property of Daniel A. Kalgren to him located in Sandy Township, Clearfield County, Pennsylvania. Benjamin S. Blakley, Esquire, shall provide appropriate deed to Karen L. Stark, Recorder of Deeds of Clearfield County, within no more than fifteen (15) days from today's date. Patricia A. Armstrong-Kalgren shall pay for all recording expenses thereof.

2. That Patricia A. Armstrong-Kalgren shall pay legal fees in the amount of Seven Hundred Fifty (\$750.00) Dollars to the Law Offices of Blakley and Jones within no more than thirty (30) days from today's date or suffer appropriate



sanctions.

It is the further Order of this Court that Bench
Warrant be issued forthwith.

BY THE COURT,

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
Entry of Appearance

Defendant

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED *cc*
m100BAF Amy
NOV 07 2005
W

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff
v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

ENTRY OF APPEARANCE

To The Prothonotary:

Please enter my appearance in the above captioned case on behalf of the defendant, PATRICIA A. ARMSTRONG-KALGREN.



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
Answer and New Matter

Defendant

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED *cc*
m 11/07/05 Atty
NOV 07 2005
WS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

ANSWER AND NEW MATTER

AND NOW comes the defendant, Patricia A. Armstrong-Kalgren, and files the within stated Answer to the Plaintiff's Complaint, New Matter and Counter-Claim, the facts in support of which are as follows:

ANSWER

1. Admitted.
2. As to the identity of the Defendant, it is admitted. By way of further response, the mailing address of the defendant is 503 Treasure Lake, DuBois, PA. 15801. The actual location address of the defendant is Section 1, Lot E4F, Treasure Lake, DuBois, PA. 15801
3. Admitted.
4. Admitted in part, and denied in part. The averments of paragraph four are admitted to the extent that the paragraph indicates that the subject property was conveyed by the plaintiff on December 1, 2003. As to when the plaintiff

succeeded to the property, the defendant is without sufficient knowledge, information or belief to admit or deny , and it is therefore denied.

5. Admitted as to the fact that the defendant is the surviving spouse of Timothy S. Kalgren who died on August 17, 2004. It is denied that he resided at 474 Treasure Lake. At the time of his death Timothy Kalgren and the defendant resided together at Section 1, Lot E4F, Treasure Lake, DuBois, PA. 15801. By way of further response it is averred that Box 474 was the personal mail box of Timothy S. Kalgren both before and during his marriage to the defendant, however general mail was delivered to the couple at 503 Treasure Lake.

6. Admitted.

7. Admitted.

8. Denied. By way of further response, it is averred that the Durable Power of Attorney given by the plaintiff to Timothy S. Kalgren was executed after the plaintiff was incarcerated.

9. Admitted in part and denied in part. It is admitted that the conveyance of the subject property occurred pursuant to the Deed and Corrective Deed as indicated in paragraph nine (9). It is denied that the transaction was contrary to the provisions of the Durable Power of Attorney given by the Plaintiff to his brother Timothy S. Kalgren. By way of further response it is averred that the transaction was pursuant to the power granted to Timothy S. Kalgren by the plaintiff as evidenced in paragraph four (4) of the Durable Power of Attorney.

(See Copy of the Power of Attorney, attached and marked as Defendant's Exhibit

"A", which copy is hereby incorporated in its entirety the same as though set forth fully herein).

10. Denied. By way of further response, defendant avers that the conveyance of the subject property by Timothy S. Kalgren was not an exercise of the power to grant gifts as set forth in paragraph five (5), but was pursuant to the powers granted to Timothy S. Kalgren by the plaintiff and set forth in paragraph four (4) of the Durable Power of Attorney. Further, the transaction was a bona fide purchase for value, consideration passing to the plaintiff in the form of debt relief (Mortgage Payoff) and the payment of delinquent property taxes in an amount approximating \$50,000.00.

11. Denied. Reference to the Durable Power of Attorney attached to the complaint would indicate that nothing that Timothy S. Kalgren did was contrary to the powers granted to him by the plaintiff in the Durable Power of attorney, and all of the actions undertaken by Timothy S. Kalgren can be said to have been done in the best interest of the principal, the plaintiff here, in furtherance of the fiduciary duty owed to the plaintiff by Timothy S. Kalgren.

WHEREFORE the defendant prays that this Honorable Court will deny the Plaintiff's Request for the stated Relief and dismiss the complaint with prejudice.

12. The defendant hereby incorporates her responses contained in paragraphs one (1) through eleven (11) above, the same as though they were set forth fully herein.

13. No Exhibit "E" was attached to the defendant's copy of the complaint, and therefore defendant is without sufficient information to admit or deny the averments of paragraph thirteen (13). They are therefore denied.

14. Denied. Nothing done by Timothy S. Kalgren with regards to the conveyance of the plaintiff's real property on December 1, 2003 was wrongful or illegal, but was pursuant to the powers contained in the Durable Power of Attorney, and was done in the best interest of the plaintiff and with his full knowledge and consent. Further, defendant incorporates her response to the paragraph thirteen (13) the same as though set forth fully herein.

15. This paragraph is vague and ambiguous as it refers to personal and real property interchangeably. Defendant cannot properly fashion a response and the averments of paragraph fifteen (15) are denied.

16. Admitted. By way of further response, having succeeded to the property lawfully, the defendant may lease said property according to law.

WHEREFORE the defendant prays that this Honorable Court will deny the relief requested by the plaintiff, and dismiss his complaint with prejudice.

17. The defendant hereby incorporates her responses contained in paragraphs one (1) through sixteen (16) above, the same as though they were set forth fully herein.

18. Admitted.

19. Defendant denies that her possession of the property was unlawful or otherwise wrongful. With respect to the removal of timber from the property, it is admitted.

20. Defendant denies that her possession of the property was unlawful or otherwise wrongful. With respect to the removal of timber from the property, it is admitted.

21. Denied. The defendant was in lawful possession of the subject property and any actions undertaken with respect to utilizing the property for profit were within her legal rights as landowner, and do not in any sense amount to a conversion of the plaintiff's property.

22. Denied. The amount of money associated with the timbering operation did not exceed \$15,000.00.

WHEREFORE the defendant prays that this Honorable Court will deny the relief requested by the plaintiff, and dismiss his complaint with prejudice.

NEW MATTER

23. The defendant hereby asserts the affirmative defense of Consent, in that the plaintiff had prior knowledge of and gave his consent to the actions of Timothy S. Kalgren both in the Durable Power of Attorney that was signed by the plaintiff and subsequently in conversations and correspondence with Timothy S. Kalgren and/or the defendant.

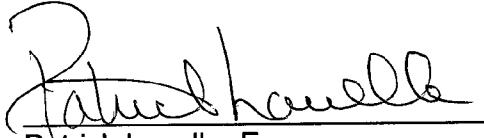
24. The defendant hereby asserts the affirmative defense of Estoppel. Having prior knowledge of, and having consented to the actions of Timothy S. Kalgren regarding the conveyance of his real property, the plaintiff is now estopped from denying the validity and legality of the actions of Timothy S. Kalgren.

25. The defendant hereby asserts the affirmative defense of payment.

Timothy S. Kalgren and his wife, the defendant, acting lawfully pursuant to the powers granted to Timothy S. Kalgren by the plaintiff in the Durable Power of Attorney have made payment to the plaintiff for the purchase of his real property in that they paid approximately \$48,000.00 to 1st Commonwealth Bank at the time of the conveyance, which payment was made on behalf of the plaintiff to satisfy the outstanding balance on his mortgage note held by 1st Commonwealth Bank, and further made simultaneous payments to the tax collector of Sandy Twp. Pennsylvania to satisfy the plaintiff's delinquent property tax bill.

WHEREFORE the defendant prays that this Honorable Court will dismiss the plaintiff's complaint with prejudice.

Respectfully Submitted,



Patrick Lavelle
Patrick Lavelle, Esq.
Counsel for the Defendant

VERIFICATION

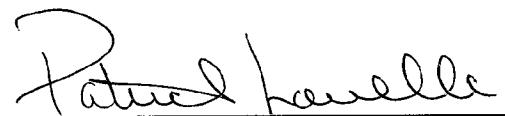
I, Patricia A. Armstrong-Kalgren, the Defendant in this action, do hereby verify that all of the foregoing facts set forth in the Answer, New Matter and Counter-Claim are true and correct to the best of my knowledge, information and belief. Further, I make this verification with knowledge and understanding of the provisions of 18 Pa. C.S.A. § 4904 (*Unsworn Falsification to Authorities*).


Patricia A. Armstrong-Kalgren
Patricia A. Armstrong-Kalgren

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 4th day of NOVEMBER, 2015, I served a copy of the foregoing Answer, New Matter, and Counter-Claim, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801


Patrick Lavelle
Patrick Lavelle, Esq.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

COPY

***RETURN DOCUMENT TO:**

Instrument Number - 200321920

Recorded On 12/3/2003 At 1:52:36 PM

* Instrument Type - POWER OF ATTORNEY

* Total Pages - 8

Invoice Number - 102271

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

*** FEES**

RECORDING FEES -	\$19.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
STATE WRIT TAX	\$0.50
TOTAL	\$24.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

EXHIBIT

tabbed

DIS "A"

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

DURABLE POWER OF ATTORNEY

DANIEL A. KALGREN, Principal

TIMOTHY S. KALGREN, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

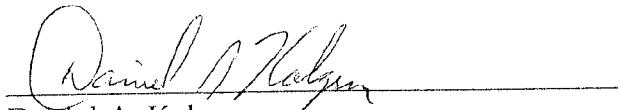
A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: 8-23-02



Daniel A. Kalgren

DURABLE POWER OF ATTORNEY

I, DANIEL A. KALGREN, an individual, of DuBois, Pennsylvania, do hereby appoint my brother, TIMOTHY S. KALGREN, of DuBois, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and

acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and

conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of

my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

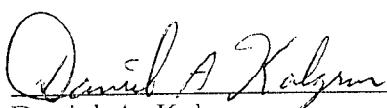
20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this 23 day of August, 2002.



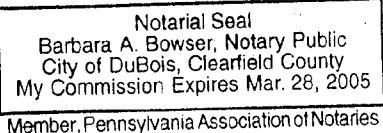
Daniel A. Kalgren (SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ON THIS, the 23rd day of August, 2002, before me
the undersigned officer, personally appeared DANIEL A. KALGREN, known to me
to be the person whose name is subscribed to the within instrument, and
acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal.

Barbara A. Bowser
Notary Public



ACKNOWLEDGMENT

I, TIMOTHY S. KALGREN, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

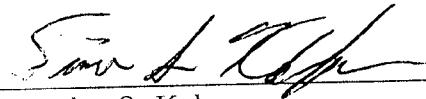
I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: 9/5/02


(SEAL)
Timothy S. Kalgren

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

DANIEL A. KALGREN

NO. 05-903-CD

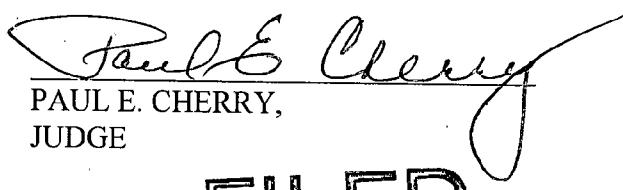
V.

PATRICIA A. ARMSTRONG-KALGREN

ORDER

AND NOW, this 8th day of November, 2005, the Court being in receipt of a Petition for Stay of Execution of the Court's Order filed on November 7, 2005; the Court being further aware, through its own investigation, that the deed, conveying title of real property which is the subject of this matter, was recorded on October 17, 2005 and therefore this matter is moot. It is the ORDER of this Court that said Petition for Stay of Execution of the Court's Order be and is hereby DENIED.

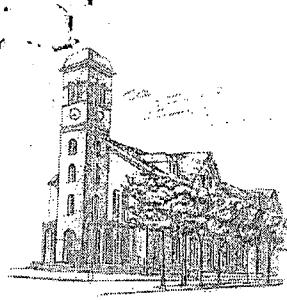
BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
9/24/05 LM
NOV 14 2005
62

cc Atty Blakley
Lavelle

William A. Shaw
Prothonotary



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
Certificate of Service

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED NO
11/17/05
NOV 18 2005
WR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

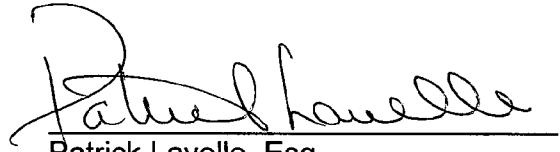
PATRICIA A. ARMSTONG-KALGREN

Petitioner

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 16th day of NOVEMBER, 2005, I served copies of the Orders of Court dated November 8, 2005, (1) issuing a Rule to Show Cause and Setting the Matter for a Hearing, and Setting a Time for Depositions, and (2) Denying the Defendant's Petition to Stay Execution of the Court's Order, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING: **Motion
for Reconsideration of
Petitioner's Petition for Stay of
Execution of the Court's Order**

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED ^{1CC}
mjl:26/01 Atty Lavelle
NOV 21 2005
⑥
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

**MOTION FOR RECONSIDERATION OF THE PETITIONER'S PETITION FOR
STAY OF EXECUTION OF THE COURT'S ORDER**

AND NOW comes the Petitioner, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Motion for Reconsideration of the Petitioner's Petition for Stay of Execution of the Court's Order, the facts in support of which are set forth as follows:

1. Petitioner filed her original Petition to Stay the Court's Order in conjunction with her Petition seeking Relief from Default Judgment on November 7, 2005.
2. On November 8, 2005 the Court issued its order denying the Petition to Stay deeming the matter to be Moot.
3. Pursuant to this order, the petitioner's right to file a Notice of Appeal in this matter will expire on December 8, 2005.

3. On November 8, 2005 the Court also issued a rule to show cause why the Petitioner should not be granted Relief from the Default Judgment, setting a time for depositions, and setting the matter for a hearing on December 28, 2005.

4. The Mootness Doctrine has been determined by the Pennsylvania Supreme Court to be one which involves litigants who clearly had standing with regards to pending litigation at the outset, but because of changes in the facts or in the law occurring after the lawsuit has gotten under way, the litigant has been deprived of a necessary stake in the outcome. *In re Gross*, 476 Pa. 203, 209, 382 A.2d 116, 119 (1978)

5. Petitioner avers that there have been no changes in the facts or the law governing the instant litigation, depriving her of her stake in the outcome the litigation.

6. Petitioner avers that there have been only unintentional procedural oversights which have resulted in a situation of Default Judgment.

7. In light of the pending litigation pursuant to the Petitioner's Petition for Relief from Default Judgment, there still exists the possibility of the original litigation going forward.

8. Because of the foregoing possibility there can be no instant foreclosure on the petitioner's stake in the original litigation, and thus the issue should not be viewed as being Moot.

9. The Court's order forces the Petitioner to simultaneously file this Motion for Reconsideration and her Notice of Appeal to the Superior Court in

order to protect her rights to appellate review. Valley Forge Center v .Rib-It/KP Inc., 693 A.2d 242, 245 (Pa. Super. 1997).

10. An order of the Court, expressly granting reconsideration, issued within the thirty (30) day appeal period, will toll the running of the thirty day period in which Petitioner must file her Notice of Appeal Valley Forge Center v .Rib-It/KP Inc., 693 A.2d at 245.

11. Due to the uncertainty associated with the pending procedures in this case, an order expressly granting reconsideration will forego the necessity of proceeding with an appeal until such time as the court can resolve the matter of the petitioner's Petition for Relief from Default Judgment, and either open the judgment and proceed with the plaintiff's action, or enter a final order disposing of all the issues presently before the court.

WHEREFORE the petitioner prays that this Honorable Court will issue its Order expressly granting the Petitioner's Motion for Reconsideration and set the matter for a hearing at a date certain.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

ORDER

AND NOW this _____ day of _____, 2005, the
Petitioner's foregoing Motion for Reconsideration of the Court's November 8,
2005 Order denying a stay of execution is hereby granted.

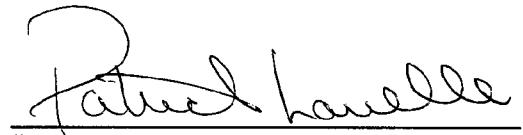
BY THE COURT

J.

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 18th day of November, 2005, I served copies of the foregoing Motion for Reconsideration of Petitioner's Petition to Stay Execution of the Court's Order, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801


Patrick Lavelle
Patrick Lavelle, Esq.

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

-) NO. 05-903 C.D.
-)
-) Type of Case: CIVIL ACTION
-)
-) Type of Pleading:
-) ANSWER TO PETITION FOR RELIEF
-) FROM DEFAULT JUDGMENT
-)
-) Filed on Behalf of:
-) Plaintiff
-)
-) Counsel of Record:
-) BENJAMIN S. BLAKLEY, III, ESQ.
-) Supreme Court no. 26331
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

FILED

NOV 22 2005

11:30 AM 6W
William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Attn:

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

ANSWER TO PETITION FOR RELIEF FROM DEFAULT JUDGMENT

AND NOW comes the Respondent, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and answers Petitioner's Petition for Relief from Default Judgment as follows:

1. Admitted.
2. Admitted.
3. Requires no answer; however, to the extent that such an answer is required, it is denied that Respondent's counsel was advised that the Respondent had received consideration in the form of debt relief totaling \$50,000.00, and on the contrary, it is averred that no monetary amount was mentioned. It is further averred that the allegations contained in Paragraph 3 of Petitioner's Petition, the Petition has alleged that she did, in fact, receive correspondence from her counsel at 474 Treasure Lake, DuBois, Pennsylvania, as the same is set forth in Petitioner's Exhibit A.
4. Requires no answer, as the document speaks for itself.
5. Requires no answer.

6. Admitted.

7. Admitted.

8. Admitted.

9. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 9 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.

10. Admitted, and it is further averred that the address aforescited of 474 Treasure Lake, DuBois, Pennsylvania, was also the personal address of the Petitioner.

11. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 11 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.

12. Requires no answer.

13. Requires no answer.

14. Requires no answer.

15. Requires no answer.

16. Admitted.

17. Admitted.

18. It is denied that Petitioner had no knowledge prior to October 17, 2005, of any actions taken by the Respondent or by the Court in this matter, and on the contrary, it is averred that all documents filed by the Respondent and all Orders entered by the Court were forwarded to the Petitioner at her last known address as set forth on documents filed with the Recorder of

Deeds Office of Clearfield County and as shown in the communications attached as Exhibit A to Petitioner's Petition.

19. Denied, and on the contrary, it is averred that all documents sent by the Petitioner to 474 Treasure Lake, DuBois, Pennsylvania, were never returned to the Respondent as being undeliverable and therefore, the same must be deemed to have been received by the Petitioner.

20. Requires no answer.

21. Requires no answer.

22. It is denied that the Petitioner had a lack of knowledge of any proceedings in this case, as all pleadings filed before this Honorable Court were served upon the Petitioner at her last known address of 474 Treasure Lake, DuBois, Pennsylvania, 15801.

23. Requires no answer.

24. The allegations contained within Paragraph 24 of Petitioner's Petition are denied, and on the contrary, it is averred that the letter forwarded to the Petitioner by her attorney as set forth in Exhibit A of the Petitioner's Petition clearly states that the attorney would give her a referral for another attorney, who would provide her with competent representation and that the Petitioner should call her attorney.

25. Requires no answer.

26. Requires no answer.

27. Denied, and on the contrary, it is averred that the conduct described in Paragraphs 25 and 26 of Petitioner's Petition is not inconsistent with the failure to address other developments in the case, and on the contrary, it is averred that the conduct on the part of the

Petitioner was an attempt by Petitioner to avoid incarceration by the Court as the result of the Court's bench warrant.

28. Requires no answer.
29. Requires no answer, as the documents speak for themselves; however, to the extent that an answer is required, it is denied that the Respondent's brother was acting pursuant to the authority granted to him by the Respondent in his Power of Attorney, and on the contrary, it is averred that the acts of Respondent's brother were improper and exceeded the powers granted to him, in that Respondent's brother created a gift of the Respondent's property to Respondent's brother and the Petitioner, all of which exceeded the powers given to Respondent's brother under the Power of Attorney.
30. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 30 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.
31. Requires no answer.
32. Requires no answer.
33. It is denied that Petitioner has any evidence in the form of correspondence from the Respondent that he was at any time aware of or in agreement with the conduct of his brother in transferring the property and addressing the Respondent's death, and on the contrary, it is averred that, at no time, did the Respondent consent to the actions of his brother in transferring the property to himself and the Petitioner.

34. It is denied that the allegations made by Respondent in his Complaint are in any manner untrue or fraudulent, and on the contrary, it is averred that the Respondent has at all times been truthful in his allegations of misconduct on the part of his brother and the Petitioner in the transfer of his property to the Petitioner and her late husband.

35. Requires no answer, as the allegations in Paragraph 35 contain no allegations of fact.

36. Denied, and on the contrary, it is averred that the actions of Respondent's brother were improper and that the retention of possession of Respondent's property by the Respondent is the only equitable result, given the misconduct of the Petitioner and her late husband.

37. Denied, and on the contrary, it is averred that the entire transaction of the conveyance of Respondent's property was done to benefit the Petitioner and her husband, so as to allow the Petitioner to sell valuable timber upon the property of the Respondent, collect rents on the dwellings located on the subject real property and to otherwise defraud the Respondent and to deprive him of his real and personal property.

WHEREFORE, Respondent respectfully requests that this Honorable Court deny the Petitioner's Petition and allow the default judgment entered by this Honorable Court to stand.

Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **DANIEL A. KALGREN**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Answer to Petition for Relief from Default Judgment are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



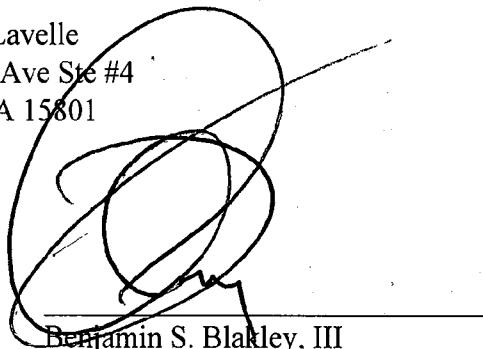
DANIEL A. KALGREN

Dated: 11-21-05

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Answer to Petition for Relief from Default Judgment in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this 21st day of November, 2005:

Patrick Lavelle
25 East Park Ave Ste #4
DuBois PA 15801



Benjamin S. Blakley, III

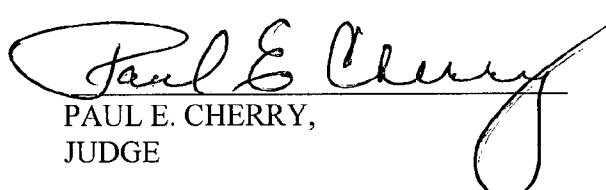
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANEL A. KALGREN : NO. 05-903-CD
:
V. :
:
PATRICIA A. ARMSTRONG-KALGREN :

ORDER

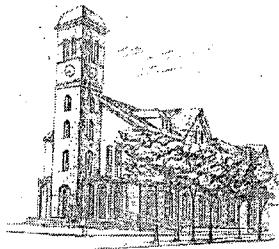
AND NOW, this 22nd day of November, 2005, upon consideration of Motion for Reconsideration of Petitioner's Petition for Stay of Execution of the Court's Order, it is the ORDER of this Court that Argument shall be held on December 1, 2005 beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

NOV 23 2005
0/11/55/0
William A. Shaw
Prothonotary/Clerk of Courts 60
41 CERT TO APP



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

Date: 12/01/2005
Time: 08:41 AM

Clearfield County Court of Common Pleas
Receipt

NO. 1911483
Page 1 of 1

Received of: Armstrong-Kalgren, Patricia A. \$ 100.00

474 Treasure Lake
DuBois, PA
One Hundred and 00/100 Dollars

Defendant: Daniel A. Kalgren vs. Patricia A. Armstrong-Kalgren

Case	Litigant type	Amount
2005-00903-CD	Defendant	
	Constable Fees	100.00
		Total: 100.00
		Balance due: 0.00

Check: RH 951865287

Payment Method: Cashiers Check William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered: 100.00
Change Returned: 0.00
Clerk: LBENDER By: _____
Deputy Clerk

2
CA

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

DANIEL A. KALGREN

:

-vs-

: No. 05-903-CD

PATRICIA A. ARMSTRONG-KALGREN:

O R D E R

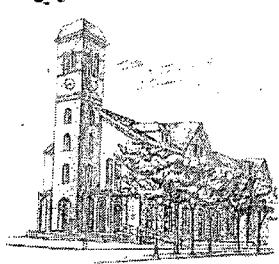
NOW, this 1st day of December, 2005, it is the
ORDER of this Court that hearing scheduled for 11:00 a.m.
on Wednesday, December 28, 2005, be and is hereby
rescheduled for 1:30 p.m. on Wednesday, January 4, 2006,
Courtroom No. 2, Clearfield County Courthouse.

BY THE COURT,

Paul E Cherry

Judge

FILED 2CC
019-56801 Attn: Lavelle
DEC 01 2005 Blakley
⑥
William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

DANIEL A. KALGREN

:

-VS-

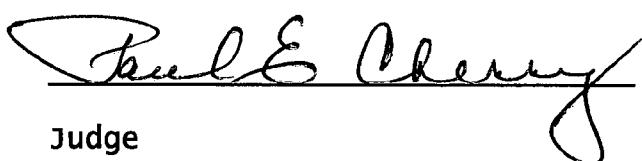
: No. 05-903-CD

PATRICIA A. ARMSTRONG-KALGREN:

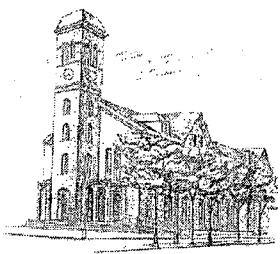
O R D E R

NOW, this 1st day of December, 2005, following argument on Motion for Reconsideration of Petitioner's Petition for Stay of Execution of the Court's Order; upon consideration of the same and agreement of the parties, it is the ORDER of this Court that Daniel A. Kalgren shall not convey nor encumber the property in question, pending decision following hearing set for January 4, 2006.

BY THE COURT,


Judge

FILED 1cc
01956201
DEC 01 2005
William A. Shaw
Prothonotary/Clerk of Courts
Attns: Lawelle
Bakley
GW



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

TYPE OF CASE: **Civil Action**

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
Certificate of Service

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED

DEC 05 2005
m/1/2005
William A. Shaw
Prothonotary
1 CENT TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

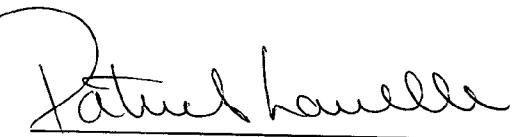
PATRICIA A. ARMSTONG-KALGREN

Petitioner

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 28th day of November, 2005, I served copies of the Orders of Court dated November 23, 2005, setting the a date for a hearing upon the Petitioner's Motion for Reconsideration, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

-) NO. 05-903 C.D.
-)
-) Type of Case: CIVIL ACTION
-)
-) Type of Pleading:
-) ANSWER TO MOTION FOR
-) RECONSIDERATION OF THE
-) PETITIONER'S PETITION FOR STAY OF
-) EXECUTION OF THE COURT'S ORDER
-)
-) Filed on Behalf of:
-) Plaintiff
-)
-) Counsel of Record:
-) BENJAMIN S. BLAKLEY, III, ESQ.
-) Supreme Court no. 26331
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

FILED 1cc
① 12/30/05 Atty
DEC 07 2005 Blakley
William A. Shaw
Prothonotary/Clerk of Courts
GK

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

**ANSWER TO MOTION FOR RECONSIDERATION OF THE
PETITIONER'S PETITION FOR STAY OF EXECUTION OF THE COURT'S ORDER**

AND NOW comes the Respondent, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and answers Petitioner's Motion for Reconsideration of the Petitioner's Petition for Stay of Execution of the Court's Order as follows:

1. Admitted.
2. Admitted.
3. The allegations contained within Paragraph 3 of Petitioner's Motion state a conclusion of law and therefore, no answer is required.
4. Admitted.
5. The allegations contained within Paragraph 5 of Petitioner's Motion contain conclusions of law and therefore, no answer is required.
6. Denied, and on the contrary, it is averred that there have been changes in the facts which deny the Petitioner a stake in the outcome of the litigation. It is further averred that, pursuant to the Court's Order of August 23, 2005, and its subsequent Order of October 10, 2005,

Karen L. Starck, the Recorder of Deeds of Clearfield County, did execute a deed on behalf of the Defendant conveying the real property in dispute to the Respondent, the same being recorded on October 17, 2005, and therefore, the Petitioner no longer has a stake in the outcome of the litigation, as she no longer is a party-in-interest to the subject real property.

7. It is denied that there have been only unintentional procedural oversights which resulted in the situation of default judgment, and on the contrary, it is averred that the Petitioner ignored the advice of her attorney to seek counsel in order to file an answer to Plaintiff's Complaint, as set forth in other pleadings of the Petitioner, and further ignored a ten-day notice of default pursuant to Pennsylvania Rule of Civil Procedure 237.1 which was served on the Defendant by regular mail on August 8, 2005; did ignore notice of the Order of this Court of August 23, 2005, ordering the Petitioner to perform certain acts, the same being served on the Defendant by the Prothonotary of Clearfield County; and did ignore notice of Respondent's petition to hold the Petitioner in contempt for failure to abide by this Honorable Court's August 23, 2005, Order, all notices being properly served on the Petitioner at her last known address and at an address admitted to have been used by the Petitioner for the receipt of mail, at which the Petitioner had received mail pursuant to allegations in Petitioner's other Petitions.

8. It is denied that there exists a possibility of the original litigation going forward, and on the contrary, it is averred that, for the reasons set forth in the preceding paragraph, it would be an error of law for the Court to permit the original litigation to go forward, given the actions of the Petitioner.

9. Denied for the reasons set forth in the previous paragraph:

10. The allegations contained within Paragraph 10 of Petitioner's Motion contain conclusions of law and therefore, no answer is required.

11. The allegations contained within Paragraph 11 of Petitioner's Motion contain conclusions of law and therefore, no answer is required.

12. The allegations contained within Paragraph 12 of Petitioner's Motion contain conclusions of law and therefore, no answer is required.

WHEREFORE, Respondent prays that this Honorable Court deny the Petitioner's Motion for Reconsideration.

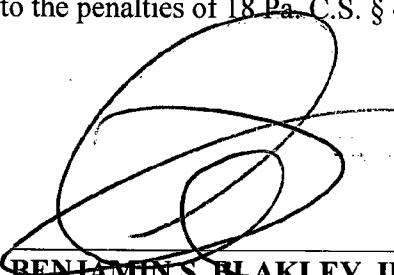
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, BENJAMIN S. BLAKLEY, III, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Answer to Petition for Relief from Default Judgment are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



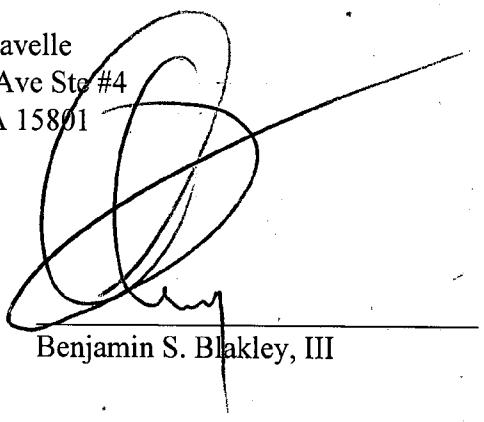
BENJAMIN S. BLAKLEY, III

Dated: 6/30/05

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Answer to Motion for Reconsideration of the Petitioner's Petition for Stay of Execution of the Court's Order in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this 30th day of November, 2005:

Patrick Lavelle
25 East Park Ave Ste #4
DuBois PA 15801


Benjamin S. Blakley, III

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:

**Certificate – Prerequisite to the
Service of Subpoena**

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED

DEC 14 2005

W.A. Shaw
William A. Shaw
Prothonotary
1 CEnt to ATTy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

**CERTIFICATE: PREREQUISITE TO SERVICE OF SUBPOENA PURSUANT
TO RULE 4009.22**

As a prerequisite to the service of a subpoena for documents and things
pursuant to Rule 4009.22, the Defendant hereby Certifies:

1. A notice of intent to serve the subpoena with a copy of the subpoena
attached thereto was mailed or delivered to each party on December 8, 2005.
2. A copy of the Notice of Intent, including the proposed subpoena, is
attached to this Certificate.
3. All parties have waived the twenty day notice of intent to serve the
Subpoena as evidence by the executed waiver, a copy of which is attached
hereto.
4. The subpoena which will be served is identical to the subpoena which
is attached to the notice of intent to serve the subpoena.

12-12-05
Date



Patrick Lavelle, Esq.
Attorney for Defendant/Petitioner

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

DANIEL A. KALGREN
Respondent

No. 903-2005 CD

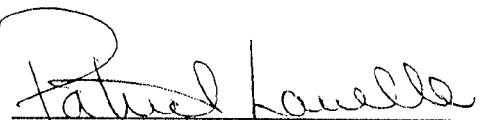
v.

PATRICIA A. ARMSTONG-KALGREN
Petitioner

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

The defendant, Patricia A. Armstrong-Kalgren, intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: 12/8/05



Patrick Lavelle, Esq.
Attorney for the Defendant/Petitioner

I hereby certify that I have been served with the Defendant/Petition's Notice of Intent to Serve a Subpoena to Produce Documents and Things, and by my Signature below hereby waive the twenty day Notice and consent the service of such Subpoena.

Date: _____

Benjamin S. Blakley, III
Counsel for Plaintiff/Respondent

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Daniel A. Kalgren

*

Plaintiff(s)

Vs.

*

No. 2005-00903-CD

Patricia A. Armstrong-Kalgren

*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Mr. Paul Briggs, 1st Commonwealth Bank, Indiana, PA 15701
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Patrick Lavelle, Esq.

ADDRESS: 25 East Park Ave. Suite 4
DuBois, PA 15801

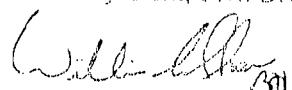
TELEPHONE: (814) 371-2232

SUPREME COURT ID # 85537

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

REQUEST FOR PRODUCTION OF DOCUMENTS

In furtherance of the attached Subpoena, the defendant requests that you produce the following documents and records in your possession that relate to the noted transaction which your Bank conducted on February 13, 2004.

Any and all documents, records, microfiche or other electronic records, or other documents otherwise produced or collected prior to, during, or subsequent to the conveyance and settlement transaction associated with the Real Property previously owned by the plaintiff, Daniel A. Kalgren, which was conveyed to his brother, Timothy Kalgren (deceased) and his wife, the defendant, Patricia A. Armstrong-Kalgren, which transaction was closed on February 13, 2004.

This Request includes copies of documents relating to loans made in association with the transaction, and specifically 1st Commonwealth Bank Loan No. 9110012978, and records of distributions of loan proceeds made in connection with the transaction by 1st Commonwealth Bank as Settlement Agent for the transaction, including both electronic fund transfers and copies of distributions made by issuing paper checks, or otherwise.

In accordance with the attached subpoena you may deliver or mail legible copies of the requested documents, as well as the completed Certificate of Compliance attached to:

Patrick Lavelle, Esq.
25 East Park Ave.
Suite #4
DuBois, PA. 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

NOTICE

To Mr. Paul Briggs,

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS PURSUANT TO RULE 4009.23**

I, Paul Briggs, certify to the best of my knowledge, information and belief that all documents or things requested to be produced pursuant to the subpoena issued on November 28, 2005 have been produced.

Date: _____

Paul Briggs

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

DANIEL A. KALGREN
Respondent

No. 903-2005 CD

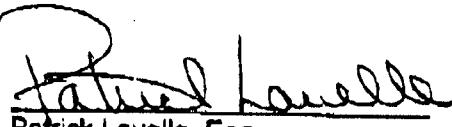
v.

PATRICIA A. ARMSTONG-KALGREN
Petitioner

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

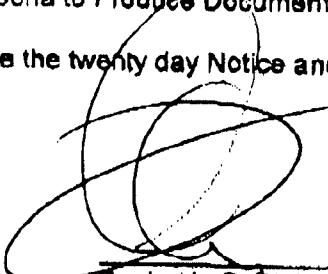
The defendant, Patricia A. Armstrong-Kalgren, intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: 12/8/05


Patrick Lavelle, Esq.
Attorney for the Defendant/Petitioner

I hereby certify that I have been served with the Defendant/Petitioner's Notice of Intent to Serve a Subpoena to Produce Documents and Things, and by my Signature below hereby waive the twenty day Notice and consent the service of such Subpoena.

Date: 12/8/05


Benjamin S. Blakley, III
Counsel for Plaintiff/Respondent

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

) NO. 05-903 C.D.
)
)
) Type of Case: CIVIL ACTION
)
)
) Type of Pleading:
)
) ANSWER TO PETITION FOR RELIEF
)
) FROM DEFAULT JUDGMENT
)
)
) Filed on Behalf of:
)
) Plaintiff
)
)
) Counsel of Record:
)
) BENJAMIN S. BLAKLEY, III, ESQ.
)
) Supreme Court no. 26331
)
)
) BLAKLEY & JONES
)
) 90 Beaver Drive, Box 6
)
) Du Bois, Pa 15801
)
) (814) 371-2730

FILED NOV 13 2005
DEC 30 2005
SFC

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

ANSWER TO PETITION FOR RELIEF FROM DEFAULT JUDGMENT

AND NOW comes the Respondent, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and answers Petitioner's Petition for Relief from Default Judgment as follows:

1. Admitted.
2. Admitted.
3. Requires no answer; however, to the extent that such an answer is required, it is denied that Respondent's counsel was advised that the Respondent had received consideration in the form of debt relief totaling \$50,000.00, and on the contrary, it is averred that no monetary amount was mentioned. It is further averred that the allegations contained in Paragraph 3 of Petitioner's Petition, the Petition has alleged that she did, in fact, receive correspondence from her counsel at 474 Treasure Lake, DuBois, Pennsylvania, as the same is set forth in Petitioner's Exhibit A.
4. Requires no answer, as the document speaks for itself.
5. Requires no answer.

6. Admitted.

7. Admitted.

8. Admitted.

9. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 9 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.

10. Admitted, and it is further averred that the address aforescited of 474 Treasure Lake, DuBois, Pennsylvania, was also the personal address of the Petitioner.

11. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 11 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.

12. Requires no answer.

13. Requires no answer.

14. Requires no answer.

15. Requires no answer.

16. Admitted.

17. Admitted.

18. It is denied that Petitioner had no knowledge prior to October 17, 2005, of any actions taken by the Respondent or by the Court in this matter, and on the contrary, it is averred that all documents filed by the Respondent and all Orders entered by the Court were forwarded to the Petitioner at her last known address as set forth on documents filed with the Recorder of

Deeds Office of Clearfield County and as shown in the communications attached as Exhibit A to Petitioner's Petition.

19. Denied, and on the contrary, it is averred that all documents sent by the Petitioner to 474 Treasure Lake, DuBois, Pennsylvania, were never returned to the Respondent as being undeliverable and therefore, the same must be deemed to have been received by the Petitioner.

20. Requires no answer.

21. Requires no answer.

22. It is denied that the Petitioner had a lack of knowledge of any proceedings in this case, as all pleadings filed before this Honorable Court were served upon the Petitioner at her last known address of 474 Treasure Lake, DuBois, Pennsylvania, 15801.

23. Requires no answer.

24. The allegations contained within Paragraph 24 of Petitioner's Petition are denied, and on the contrary, it is averred that the letter forwarded to the Petitioner by her attorney as set forth in Exhibit A of the Petitioner's Petition clearly states that the attorney would give her a referral for another attorney, who would provide her with competent representation and that the Petitioner should call her attorney.

25. Requires no answer.

26. Requires no answer.

27. Denied, and on the contrary, it is averred that the conduct described in Paragraphs 25 and 26 of Petitioner's Petition is not inconsistent with the failure to address other developments in the case, and on the contrary, it is averred that the conduct on the part of the

Petitioner was an attempt by Petitioner to avoid incarceration by the Court as the result of the Court's bench warrant.

28. Requires no answer.

29. Requires no answer, as the documents speak for themselves; however, to the extent that an answer is required, it is denied that the Respondent's brother was acting pursuant to the authority granted to him by the Respondent in his Power of Attorney, and on the contrary, it is averred that the acts of Respondent's brother were improper and exceeded the powers granted to him, in that Respondent's brother created a gift of the Respondent's property to Respondent's brother and the Petitioner, all of which exceeded the powers given to Respondent's brother under the Power of Attorney.

30. After reasonable investigation, Respondent is unable to determine the truth or falsity of the allegations contained within Paragraph 30 of Petitioner's Petition and, therefore, denies the same and demands strict proof thereof at trial.

31. Requires no answer.

32. Requires no answer.

33. It is denied that Petitioner has any evidence in the form of correspondence from the Respondent that he was at any time aware of or in agreement with the conduct of his brother in transferring the property and addressing the Respondent's death, and on the contrary, it is averred that, at no time, did the Respondent consent to the actions of his brother in transferring the property to himself and the Petitioner.

34. It is denied that the allegations made by Respondent in his Complaint are in any manner untrue or fraudulent, and on the contrary, it is averred that the Respondent has at all times been truthful in his allegations of misconduct on the part of his brother and the Petitioner in the transfer of his property to the Petitioner and her late husband.

35. Requires no answer, as the allegations in Paragraph 35 contain no allegations of fact.

36. Denied, and on the contrary, it is averred that the actions of Respondent's brother were improper and that the retention of possession of Respondent's property by the Respondent is the only equitable result, given the misconduct of the Petitioner and her late husband.

37. Denied, and on the contrary, it is averred that the entire transaction of the conveyance of Respondent's property was done to benefit the Petitioner and her husband, so as to allow the Petitioner to sell valuable timber upon the property of the Respondent, collect rents on the dwellings located on the subject real property and to otherwise defraud the Respondent and to deprive him of his real and personal property.

WHEREFORE, Respondent respectfully requests that this Honorable Court deny the Petitioner's Petition and allow the default judgment entered by this Honorable Court to stand.

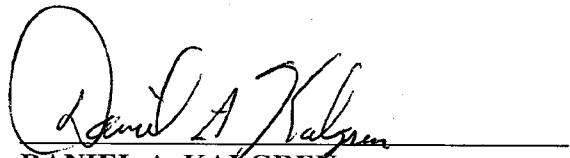
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, DANIEL A. KALGREN, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Answer to Petition for Relief from Default Judgment are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



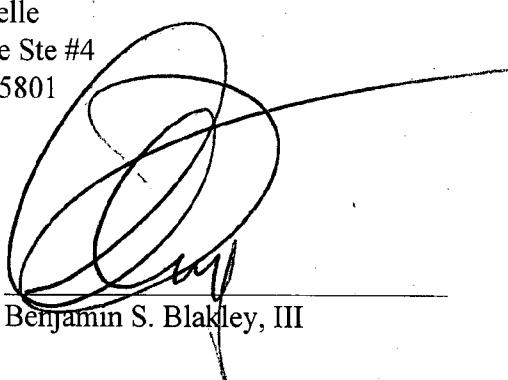
DANIEL A. KALGREN

Dated: 12-28-05

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Answer to Petition for Relief from Default Judgment in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this 29th day of December, 2005:

Patrick Lavelle
25 East Park Ave Ste #4
DuBois PA 15801


Benjamin S. Blakley, III

FILED

DEC 30 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

:

VS.

: NO. 05-903-CD

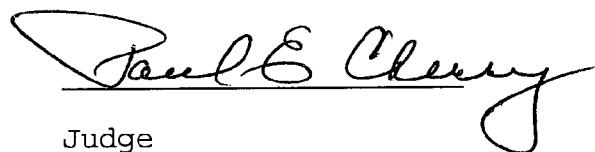
PATRICIA A. ARMSTRONG-KALGREN

:

O R D E R

NOW, this 4th day of January, 2006, following hearing, it is the ORDER of this Court that counsel provide the Court with Findings of Fact, Conclusions of Law and letter brief within no more than thirty (30) days upon receipt of the transcript. Counsel shall thereafter have ten (10) days to file reply brief, if desired.

BY THE COURT,


Paul E. Cheesey

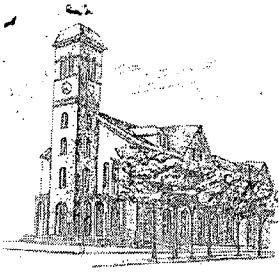
Judge

FILED

01/03/06
JAN 06 2006

William A. Shank
Prothonotary/Clerk of Courts

ICC Atty's:
Blankley
Lavelle



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/6/06

 You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

DANIEL A. KALGREN

NO. 05-903-CD

v.

PATRICIA A. ARMSTRONG-KALGREN

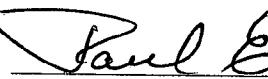
ORDER

AND NOW, this 29th day of June, 2006, it is the ORDER of this Court that this Court's Order dated January 4, 2006, be and is hereby rescinded in its entirety.

It is the further ORDER of this Court that counsel shall provide the Court with Findings of Fact, Conclusions of Law and letter brief on or before July 24, 2006.

No further extensions will be granted.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JUN 29 2006

03:20 PM
William A. Shaw
Prothonotary/Clerk of Courts

2 CMA to ATTY

BURKLEY

+

LAVANCE

DATE: 6-29-06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

JUN 29 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,
Plaintiff,

: No. 2005-903-C.D.

v.

PATRICIA A. ARMSTRONG-KALGREN,
Defendant.

ORDER

NOW, this 24th day of October 2006, following Hearing on the Defendant's Petition to Open Default Judgment held January 4, 2006 and the submission of Briefs by the Parties and consideration of the same, it is the ORDER of this Court that Defendant's Petition to Open Default Judgment be and is hereby DENIED. The Defendant failed to adequately establish lack of proper notice prior to Entry of Default Judgment in the above-captioned matter.

BY THE COURT,


PAUL E. CHERRY
Judge

FILED
OCT 24 2006
cc:Attn: Blakley
Lavelle

William A. Shaw
Prothonotary/Clerk of Courts

60

DATE: 10/24/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

OCT 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN.

) NO. 05-903 C,D.

Plaintiff,

1) Type of Case: CIVIL ACTION

VS.

-) Type of Pleading: PETITION TO HOLD
DEFENDANT IN CONTEMPT

PATRICIA A. ARMSTRONG-KALGREN,

) Filed on Behalf of:

Defendant.

) Counsel of Record:

) BENJAMIN S. BLAKLEY III, ESO

) Supreme Court no. 26331

BLAKLEY & JONES

BERKELEY & JONES
90 Beaver Drive, Box 6

1) 90 Beaver Drive, Box 0
1) DuBois, Pa. 15801

) (814) 371-2730

(814) 371-2730

• 188 •

FILED 3CC
03/20/2001 Atty. Blackley
MAR 20 2001 ER

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

RULE TO SHOW CAUSE

AND NOW, this 20th day of March, 2007 upon consideration of the Plaintiff's Petition to Hold Defendant in Contempt, it is the ORDER of this Court that a Rule be issued upon **PATRICIA A. ARMSTRONG-KALGREN** to show cause why the prayer in said Petition should not be granted.

Rule Returnable and Hearing thereon to be held the 18th day of May, 2007,
at 9:00 o'clock A M. in Courtroom No. 2 of the Clearfield County Courthouse,
Clearfield, Pennsylvania 16830.

BY THE COURT:

Paul E. Cheney

FILED 3cc
01/10/2007 Atty Blakley
MAR 21 2007 (GB)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/21/07

You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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.

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL A. KALGREN,) NO. 05-903.C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)
)

PETITION TO HOLD DEFENDANT IN CONTEMPT

AND NOW comes Petitioner, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and moves this Honorable Court to find the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, in contempt of this Honorable Court's Orders of August 23, 2005, and October 10, 2005, and in support thereof, the following is averred:

1. Petitioner is **DANIEL A. KALGREN**, an adult individual residing at 368 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. Respondent is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. By Order dated August 23, 2005, this Honorable Court ordered the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, to:
 - a. deliver to the Movant all items of personal property, or the proceeds received by Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;

- b. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;
- c. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order; and
- d. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order.

A copy of this Honorable Court's Order of August 23, 2005, is attached hereto and made a part hereof.

4. On September 14, 2005, Petitioner filed a Motion to Hold Defendant in Contempt due to Respondent's failure to comply with the terms of the Order of August 23, 2005, as set forth above.

5. By Order dated October 20, 2005, this Honorable Court entered an Order requiring the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, to pay all expenses relating to the recording of a deed reconveying the real property of Petition to him and to further pay the sum of \$750.00 to the law offices of Blakley & Jones in legal fees for the bringing of said Motion.

6. To date, Respondent has failed to comply with the terms of either the August 23, 2005, or the October 10, 2005, Order.

7. Petitioner believes, and therefore avers, that an additional Order will be necessary in order to compel the Respondent to comply with this Honorable Court's Orders of August 23, 2005, and October 10, 2005.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant his Motion and order:

- a. that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, be given ten (10) days to comply with the Court's Orders of August 23, 2005, and October 10, 2005, or be found in contempt;
- b. that Respondent be made to pay an additional sum of \$750.00 for the bringing of this Petition, the same to be paid within ten (10) days of this Honorable Court's Order; and
- c. award such other relief as this Honorable Court may deem appropriate.

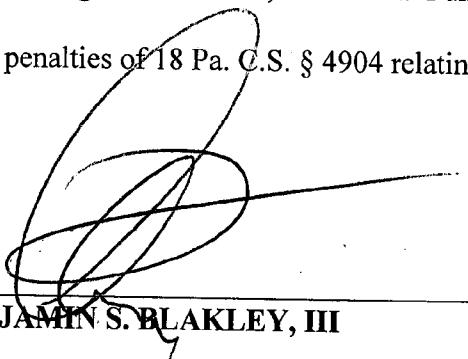
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, BENJAMIN S. BLAKLEY, III, hereby state that I am counsel for the Plaintiff in this action and verify that the statements made in the foregoing Petition to Hold Defendant in Contempt are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



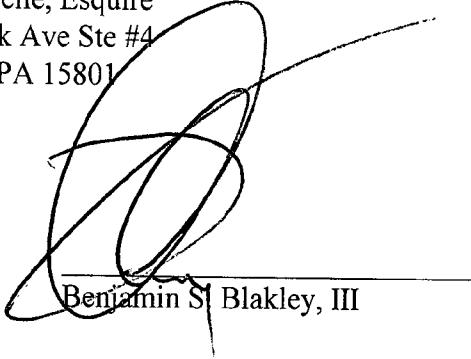
BENJAMIN S. BLAKLEY, III

Dated: 3/19/07

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Motion to Hold Defendant in Contempt for Failure to Abide by Order in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this 19th day of March, 2007:

Patrick Lavelle, Esquire
25 East Park Ave Ste #4
DuBois PA 15801



Benjamin S. Blakley, III

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)
)

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Entry of Default Judgment of Default and for Additional Relief, it is the ORDER of this Court that said Motion is hereby granted, and that an Order of Default Judgment is hereby entered against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**. It is FURTHER ORDERED that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, is hereby ordered to:

- a. execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by

Respondent from the sale of said items of personal property, the

same to take place within ten (10) days of the Court's Order;

- c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;
- d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;
- e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

It is FURTHER ORDERED that this matter shall be scheduled for an evidentiary hearing upon the request of Plaintiff following the receipt of the accountings as ordered above.

By the Court,

/s/ Paul E. Cherry

August 23, 2005

B. Blakley

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

DANIEL A. KALGREN

:

VS.

: NO. 05-903-CD

PATRICIA A. ARMSTRONG-KALGREN

:

O R D E R

NOW, this 10th day of October, 2005, this being the date set for hearing on motion to hold Defendant/Petitioner Patricia A. Armstrong-Kalgren in contempt for failing to abide by this Court's Order of August 23, 2005; the Defendant having failed to appear despite receiving due and proper notice, it is the ORDER of this Court as follows:

1. Karen L. Stark, Recorder of Deeds of Clearfield County, shall execute a deed on behalf of the Defendant, Patricia A. Armstrong-Kalgren, reconveying the real property of Daniel A. Kalgren to him located in Sandy Township, Clearfield County, Pennsylvania. Benjamin S. Blakley, Esquire, shall provide appropriate deed to Karen L. Stark, Recorder of Deeds of Clearfield County, within no more than fifteen (15) days from today's date. Patricia A. Armstrong-Kalgren shall pay for all recording expenses thereof.

2. That Patricia A. Armstrong-Kalgren shall pay legal fees in the amount of Seven Hundred Fifty (\$750.00) Dollars to the Law Offices of Blakley and Jones within no more than thirty (30) days from today's date or suffer appropriate

sanctions.

It is the further Order of this Court that Bench
Warrant be issued forthwith.

BY THE COURT,

/s/ Paul E. Cherry

Judge

01/11/2005

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

DANIEL A. KALGREN

:

-vs-

: No. 05-903-CD William A. Shaw
Prothonotary/Clerk of Courts

PATRICIA A. ARMSTRONG-KALGREN :

FILED

05/03/07
MAY 21 2007

ACC Atty's:
Blakley
Lavelle

O R D E R

AND NOW, this 18th day of May, 2007, this being the date set for hearing on Petition to Hold Defendant in Contempt; the Defendant nor her counsel having appeared despite receiving due and proper notice, it is the ORDER of this Court that the Defendant shall be and is hereby found in contempt for failure to comply with paragraphs 3b and 3d of this Court's Order of August 23, 2005.

The Defendant shall comply with said paragraphs within no more than ten (10) days from today's date; failure of which shall result in imposition of a period of incarceration of sixty (60) days in the Clearfield County Jail.

It is the further ORDER of this Court that the Defendant shall pay attorney fees in the amount of Seven Hundred Fifty (\$750.00) Dollars to the Law Offices of Blakley & Jones within no more than thirty (30) days from today's date; failure of which shall result in imposition of a period of incarceration of thirty (30) days in the

Clearfield County Jail, to be served consecutive to that period of incarceration entered above.

If incarcerated, she shall be able to purge herself of contempt and be released from incarceration by compliance with the above conditions.

BY THE COURT,

Paul E. Cleary
Judge

FILED

MAY 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: *5/21/07*

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
Affidavit of Petitioner

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED
MAY 26 2007 NO
JUN 29 2007 CC
S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

AFFIDAVIT

I, Patricia A. Armstrong-Kalgren, do hereby attest to the truth of the following:

In response to the Court's order dated May 18, 2007, I delivered to the office of my attorney, Patrick Lavelle, all of the personal property belonging to the Respondent, Daniel Kalgren as set forth in the attached inventory (Attachment #1). Said personal property was subsequently transferred to the Respondent through his counsel, Mr. Benjamin E. Blakley III, who acknowledged receipt thereof on June 4, 2007 (Attachment #2).

The property listed on the attached inventory is a complete list of all of the personal property belonging to the respondent that I had in my possession, save for one wooden gun cabinet. Said cabinet remains in my possession due to my inability to move same without assistance. Said property is available for pick up at my residence upon prior notification, and information regarding same has been forwarded to counsel for the respondent.

With regards to any further claims of the respondent regarding any personal property, excepting only the gun cabinet listed above, I hereby aver that I do not now, nor did I ever possess any personal property other than that which is listed on the attached inventory.

In witness whereof, I hereunto set my hand and seal this 28th day of June, 2007.

Patricia A. Armstrong-Kalgren
Patricia Armstrong-Kalgren

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF CLEARFIELD:

Sworn to and Subscribed before me this 28th day of
June, 2007.

Laura A. Collins
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Laura A. Collins, Notary Public
City of DuBois, Clearfield County
My Commission Expires June 23, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

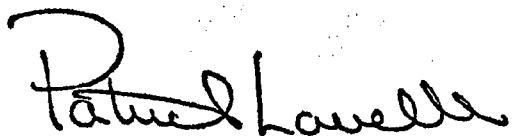
PATRICIA A. ARMSTONG-KALGREN

Petitioner

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify
that on the 28th day of June, 2007, I served a copy of the foregoing
Affidavit, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

✓ 1. S5006/2
S&S .22 cal Revolver, BLK w/ Pearl Handle Grips

✓ 2. Daisy Powerline BB Gun, No Serial No.

✓ 3. American Classic BB Pistol, Ser. No. 429023509

✗ 4. Mikite Hand Drill, Electric, TEAL in Colon. w/ Chuck

✓ 5. Somatic Scissors, IN Gold SCABBARD, Gold Rotating Handle

✓ 6. 440 Stainless Steel Bread Scissors, Metal Handle w/
Gangytes & Red Stone.

✓ 7. Umbrella, Pirates, Inc Punk BLK & wht.

✗ 8. Reg. Wall Hanging

✓ 9. 2 Motorcycle Helmets, BLACK in Colon.

✓ 10. 10" Polisher/Buffer, IN Box

✓ 11. Wagner Power Painter Kit, IN Box

✓ 12. Black Plastic Tool Box Containing
Assorted Hand Tools.

✓ 13. Silver Metal Pot

✓4. Brass Colored Metal Tray, Circular w/Fish

✓5. Wood Handled Metal Shears / Garden type

✓6. Wood Framed Photo, Woman in white blouse, Blue Cat

✓7. Metal Framed Photo Collage w/ Assorted Photos

✓8. Unframed Canvas Painting, Eagle over a River

✓9. Unframed Canvas Painting, Castle & Doge P/U Truck

✓10. Unframed Canvas Painting, Dodge P/U Truck on Mt. Top

21. One Plastic Box Container
Containing

✓2 Beads w/ Handle Glasses.

✓ Glass Cockie Dish w/ Handle

✓ Black Handle Switch Blade KNIFE

✓ Plastic Coffee Cup - (earlier greatest ^{one} value)

✓ Ceramic Cup & Saucer, I love you Grandma

✓ BLK Piece of Plastic

✓ Two Coffees - My Dan's Best

✓ Wht " " I love you man

✓ Gray/wht " " "Put the Grans w/ Grandpa

✓ Glass Candy Dish

✓ Red Book w/ News Paper Cutout -
"In Memory of May Mahney"

22

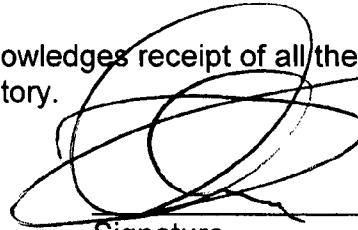
- ✓ 2 Envelopes Containing Photo Negatives
- ✓ 1 Photo, Ruth Ann Kalgren
- ✓ 24 Card Board Folders Containing Unidentified Photos
- ✓ 2 Metal Framed Children's Photos
- ✓ 4 Copies of the "Corner Express" From "Long Ago".
- ✓ 1 Newspaper Clipping - Sparrow Kalgren
- ✓ 1 Concrete Gargoyle, & Concrete Pedestal

Receipt

The below named signatory hereby acknowledges receipt of all the property listed on the attached hand printed inventory.

6/4/07

Date



Signature

Ben S. Benicley Jr.

Printed Name

Attachment # 2

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
vs. Plaintiff,)
vs.) Type of Case: CIVIL ACTION
PATRICIA A. ARMSTRONG-)
KALGREN,) Type of Pleading: PETITION TO HOLD
Defendant.) DEFENDANT PATRICIA A. ARMSTRONG-
) KALGREN IN CONTEMPT
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III, ESQ.
) Supreme Court no. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) Du Bois, Pa 15801
) (814) 371-2730

5
FILED
OCT 23 2009
William A. Shaw
Prothonotary/Clerk of Courts
Blakley

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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.

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about the accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date: _____

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

DANIEL A. KALGREN,)	NO. 05-903 C.D.
)	
Plaintiff,)	
)	
vs.)	
)	
PATRICIA A. ARMSTRONG-)	
KALGREN,)	
)	
Defendant.)	

PETITION TO HOLD DEFENDANT PATRICIA A.
ARMSTRONG-KALGREN IN CONTEMPT

AND NOW comes Petitioner, **DANIEL A. KALGREN**, by and through his attorney, **BLAKLEY & JONES**, who petitions this Honorable Court to hold Defendant, **PATRICIA A. ARMSTRONG-KALGREN** in contempt of this Court's Order of August 25, 2005, and in support thereof the following is averred:

1. Petitioner and Respondent are parties to the above-captioned action begun by Petitioner's Complaint against the Respondent for damages allegedly caused by the Respondent for her removal and disposing of personal property, timber and the improper conveyance of real property to herself and her late husband.
2. By Order dated August 23, 2005, this Honorable Court ordered Respondent, Patricia A. Armstrong-Kalgren, *inter alia*, to provide an accounting of all items of personal property removed from the Petitioner's real property and disposed of by the Respondent, and further to provide a full

and complete accounting for all timber cut, removed and sold from the lands of the Petitioner in possession of the Respondent, all to take place within ten (10) days of the Order.

3. That the Respondent did return some items of personal property to the Petitioner, but has failed to provide a written accounting of all of the total items of personal property she removed or provide a full and complete accounting for all timber cut, removed or sold from the Petitioner's real property.

4. That many items of personal property, including lumber, furnishings, expensive lawn decorations and timber remain unaccounted for by the Respondent.

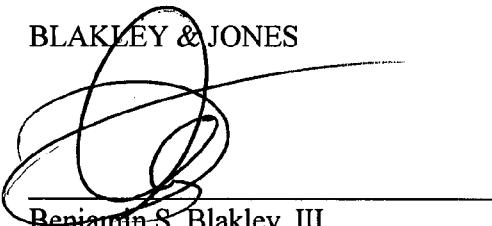
5. That in the August 23, 2005, Order, a default judgment was entered against Patricia A. Armstrong-Kalgren, however, no monetary value was entered because of the lack of accounting by the Respondent.

6. That the actions of the Respondent are in contempt of this Honorable Court's Order of August 23, 2005, and Petitioner believes and therefore avers that an Order will need to be entered finding the respondent in contempt and entering monetary penalties against the Respondent until such time as the Respondent obeys this Honorable Court's Order.

WHEREFORE, Petitioner respectfully requests this Honorable Court grant this Petition, and find and order:

(a) that Respondent, Patricia A. Armstrong-Kalgren is in contempt of this Honorable Court's Order of August 23, 2005;

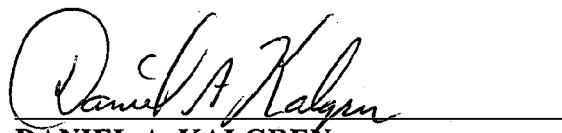
- (b) that said Respondent, Patricia A. Armstrong-Kalgren fully comply this Honorable Court's Order and provide an accounting of all items of personal property removed from Respondent's real property and disposed of by the Respondent, and provide a full and complete accounting for all timber cut, removed or sold by the Respondent from the lands of the Petitioner within ten (10) days of this Court's Order;
- (c) that the Respondent be assessed a penalty of Fifty (\$50.00) per day for each day that she fails to provide an accounting as set forth above;
- (d) award attorney's fees to the Petitioner for the bringing of this Petition in the amount of Seven Hundred Fifty (\$750.00) Dollars;
- (e) enter judgment against the Respondent in a monetary amount equal to the personal property and timber removed from the lands of the Petitioner or in the alternative, conduct a hearing to establish the value of those items of personal property and timber removed from the lands of the Petitioner and entering monetary judgment thereafter; and
- (f) such other relief as this Court deems appropriate.

BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **DANIEL A. KALGREN**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Petition to Hold Defendant Patricia A. Armstrong-Kalgren in Contempt are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



DANIEL A. KALGREN

Dated: 10-22-09

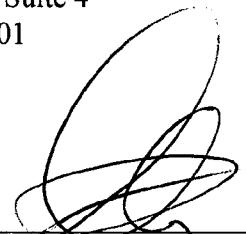
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)

CERTIFICATE OF SERVICE

This will certify that on the 22nd day of October, 2009, the undersigned served a copy of Plaintiff's Petition to Hold Defendant Patricia A. Armstrong-Kalgren in Contempt in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite 4
DuBois, PA 15801



Benjamin S. Blakley, III

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)
)

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Entry of Default Judgment of Default and for Additional Relief, it is the ORDER of this Court that said Motion is hereby granted, and that an Order of Default Judgment is hereby entered against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**. It is FURTHER ORDERED that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, is hereby ordered to:

- a. execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by

Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;

- c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;
- d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;
- e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

It is FURTHER ORDERED that this matter shall be scheduled for an evidentiary hearing upon the request of Plaintiff following the receipt of the accountings as ordered above.

By the Court,

/s/ Paul E. Cherry

August 23, 2005

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)

FILED

OCT 26 2009
S 4:00 PM (6W)
William A. Shaw
Prothonotary/Clerk of Courts
4 copies to
Attn:

RULE TO SHOW CAUSE

AND NOW, this 26th day of October, 2009, upon consideration of the Plaintiff's Petition to Hold Defendant Patricia A. Armstrong-Kalgren in Contempt, it is the ORDER of this Court that a Rule be issued upon **PATRICIA A. ARMSTRONG-KALGREN** to show cause why the prayer in said Petition should not be granted.

Rule Returnable and hearing thereon to be held the 9th day of November, 2009, at 2:30 o'clock P M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, 16830.

BY THE COURT:

Paul E Cherry

DATE: 10-26-09

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
Defendant(s) Defendant(s) Attorney Other

Special Instructions:

FILED
OCT 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

TYPE OF CASE: Civil Action

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING: Response
to Petition for Contempt, and
Motion for Sanctions

Defendant

FILED ON BEHALF OF:

Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

10/12/2009
B62 NOV 02 2009
FILED
Atty Lavelle
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

NOTICE

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

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA. 16830
(814) 765-2641, Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

RESPONSE TO PETITION FOR CONTEMPT

AND NOW comes the Defendant, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Response to Plaintiff's Petition for Contempt, averments in support of which are set forth as follows:

1. Admitted.
2. Admitted.
3. Denied. By way of further response the defendant avers that she has complied with the Order of the Court to the fullest extent possible, and has made all of the required disclosures as set forth in the Court Order of August 23, 2005.
4. Denied. By way of further response the defendant avers that she has complied with the Order of the Court to the fullest extent possible, and has made all of the required disclosures as set forth in the Court Order of August 23, 2005.
5. Admitted in part and Denied in part. It is admitted that the Court

entered a default judgment in this case. It is denied however, that the reason for the lack of a monetary judgment rests solely with the Plaintiff. The defendant further avers that she has complied with the Order of the Court to the fullest extent possible, and has made all of the required disclosures as set forth in the Court Order of August 23, 2005.

6. Denied. By way of further response the defendant avers that she is not in contempt, having fully complied with the Courts Order and that no penalties or other sanctions should be imposed upon the defendant based upon the present petition of the Plaintiff.

WHEREFORE, the defendant prays that this Honorable court with dismiss the Petition of the Plaintiff with prejudice.

MOTION FOR SANCTIONS

AND NOW comes the Defendant, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Motion for Sanctions against the Plaintiff, averments in support of which are set forth as follows:

7. Plaintiff has filed his Petition for Contempt of the Court's Order in this case dated October 22, 2009.

8. Plaintiff avers in his Petition that the Defendant has failed to comply with the Order of this Court in this case dated August 23, 2005.

9. Plaintiff has verified the facts of the Petition by his signature dated October 22, 2009, and Counsel for Plaintiff has signed the Petition thereby making the certifications as set forth in the *Pa. R. C. P., Rule 1023.1*.

10. Plaintiff alleges in his petition that the Defendant has failed to comply with the Court's Order dated August 23, 2005.

11. Plaintiff had previously filed a Petition for Contempt in this case dated March 20, 2007.

12. Pursuant to that Petition for Contempt the Court issued its Order dated May 18, 2007, mandating that the defendant comply with paragraphs 3b and 3d of the Order of August 23, 2005.

13. The Defendant had previously complied with paragraphs 3a and 3c of the Order of August 23, 2005 by providing an accounting of rent and timber cutting information via correspondence to counsel for the Plaintiff dated March 15, 2007.

14. The defendant complied with paragraphs 3b and 3d upon delivery of the all of the plaintiff's personal property that was in her possession as evidenced by a receipt for same executed by Plaintiff's Counsel dated June 4, 2007.

15. Defendant has also filed of record in this case her affidavit stating that the property returned to the Plaintiff constituted all of the property of the Plaintiff in her possession, and that she was unaware of the location of any property not returned and set forth in the inventory attached thereto, save for one item that the plaintiff was to collect from Defendant's home. (Gun cabinet that was too large for plaintiff to move).

16. Plaintiff and Plaintiff's counsel have been in receipt of the total of the information required by the Court's Order of August 23, 2005, for a period of approximately 2½ years without acting upon same.

17. Defendant therefore avers that the Plaintiff's present Petition has been presented for an improper purpose, to harass and annoy the defendant, and to needlessly increase the costs of this litigation in violation of the *Rule 1023.1.*

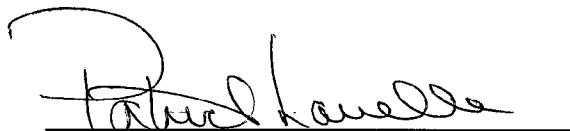
18. The defendant further avers that the claims and allegations set forth in Plaintiff's present Petition are frivolous and lack evidentiary support.

WHEREFORE the Petitioner prays that this Honorable Court grant the Defendant's Motion, and impose Sanctions upon the Plaintiff to the following extent:

a. Enjoining the Plaintiff from proceeding on this Petition and refraining from filing of any Pleadings, Petitions and/or Motions seeking enforcement of Orders in this case which have been previously complied with;

b. Order the Plaintiff to pay the defendant's legal costs, amounting to \$750.00, incurred in preparing and filing her required response to Plaintiff's Petition and the filing of this Motion seeking sanctions and a protective order of the Court.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for the Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

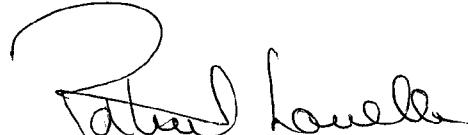
PATRICIA A. ARMSTONG-KALGREN

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 21st day of October, 2009, I served a copy of the foregoing Petition for Relief from Default Judgment, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent
v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

ORDER

Mot

AND NOW this 3rd day of November, 2009, upon

consideration of the foregoing Motion for Sanctions, it is hereby ordered that a
hearing on the Motion will be held on the _____ day of _____, 2009 at
_____ o'clock __. M. in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT

Paul E. Cherry J.

LA

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
vs.)
Plaintiffs,) Type of Case: CIVIL ACTION
vs.)
PATRICIA A. ARMSTRONG-) Type of Pleading:
KALGREN,) PRAECIPE TO WITHDRAW PLAINTIFF'S
Defendants.) PETITION TO HOLD DEFENDANT PATRICIA A.
) ARMSTRONG-KALGREN IN CONTEMPT
)
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, Pa 15801
) (814) 371-2730

FILED

NOV 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

cc
MTH:OSB/Atty
Blakley

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

DANIEL A. KALGREN,) NO. 05-903-C.D.
Plaintiffs,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendants.)

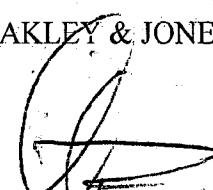
**PRAECIPE TO WITHDRAW PLAINTIFF'S PETITION
TO HOLD DEFENDANT PATRICIA A. ARMSTRONG-KALGREN IN CONTEMPT**

TO: WILLIAM A. SHAW, PROTHONOTARY

Please withdraw the Petition to Hold Defendant Patricia A. Armstrong-Kalgren in
Contempt filed by the Plaintiff in the above captioned matter.

Respectfully submitted,

BLAKLEY & JONES

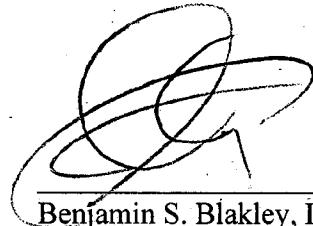


Benjamin S. Blakley, III
Attorney for Plaintiff

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of the foregoing Praeclipe to Withdraw Plaintiffs' Petition to Hold Defendant Patricia A. Armstrong-Kalgren in Contempt in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail on the 2nd day of November, 2009:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite 4
DuBois, PA 15801



Benjamin S. Blakley, III

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING: **Praecipe
to Withdraw Response to
Petition for Contempt, and
Motion for Sanctions**

Defendant

FILED ON BEHALF OF:

Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED 10C
M 11/14/2009 Atty
NOV 09 2009
Lavelle
S
William A. Shaw
Prothonotary/Clerk of Courts
60

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff
v.

PATRICIA A. ARMSTONG-KALGREN

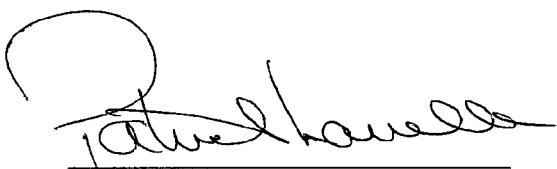
Defendant

PRAECIPE TO WITHDRAW RESPONSE TO PETITION FOR CONTEMPT AND
MOTION FOR SANCTIONS

TO THE PROTHONOTARY:

Please withdraw the Response to Petition for Contempt and Motion for Sanction which was filed on behalf of the defendant in the above referenced case.

Respectfully Submitted,



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

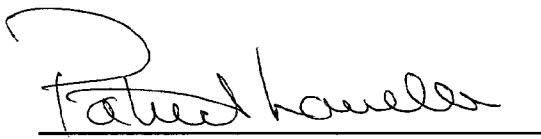
PATRICIA A. ARMSTONG-KALGREN

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 6th day of November, 2001, I served a copy of the foregoing Petition for Relief from Default Judgment, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

FILED ⁽²⁾

NOV 17 2009

M 111051

William A. Shaw
Prothonotary/Clerk of Courts
No. CENT COPI

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

DANIEL A. KALGREN,

) NO. 05-903 C.D.

Plaintiff,

)
)

vs.

) Type of Case: CIVIL ACTION

PATRICIA A. ARMSTRONG-
KALGREN,

)
)
)

Defendant.

) Type of Pleading: PETITION TO

) DETERMINE MONETARY DAMAGES

) AND TO ENTER JUDGMENT FOR SUCH

) MONETARY DAMAGES

)
)

) Filed on Behalf of:

) PLAINTIFF

)
)

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court no. 26331

)
)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) Du Bois, Pa 15801

) (814) 371-2730

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR Petitioner. YOU MAY LOSE 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.

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 east Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)

PETITION TO DETERMINE MONETARY DAMAGES AND TO
ENTER JUDGMENT FOR SUCH MONETARY DAMAGES

AND NOW comes Petitioner, **DANIEL A. KALGREN**, by and through his attorney, **BLAKLEY & JONES**, who petitions this Honorable Court to determine monetary damages and enter monetary judgment for such damages, and in support thereof the following is averred:

1. Petitioner is DANIEL A. KALGREN, an adult individual residing at 368 Kalgren Road, DuBois, Clearfield County, Pennsylvania;
2. Respondent is PATRICIA A. ARMSTRONG-KALGREN, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. By Complaint filed June 23, 2005, with this Honorable Court, the Petitioner did allege that the Respondent did improperly convey real property owned by Petitioner to herself and her late husband under a durable Power of Attorney, dated August 23, 2002, did collect rents from the property after improperly conveying the property to herself, did sell timber from the aforesaid real property and did retain the proceeds of said timber sales and did retain personal property of the

Petitioner which was located on the real property of the Petitioner. A copy of said Complaint is attached hereto and marked Exhibit A.

4. In his said Complaint, the Petitioner did request the following relief:
 - a. that the alleged deed dated December 1, 2003, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, conveying the real property of the Petitioner to the Respondent and her husband be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to the Petitioner for the subject property described therein;
 - b. that Respondent be enjoined from executing any transfer or conveyance of the subject real property to third parties;
 - c. that the Respondent account to the Petitioner for any rents and other income derived from the real property and to pay over the amounts received by her to him;
 - d. that the Respondent deliver possession of the personal property of the Petitioner as set forth in said Complaint for the value of any such personal property received by the Respondent;
 - e. that the Respondent account to the Petitioner for all timber cut, removed and sold from the lands of the Petitioner and pay over to the Petitioner all monies received from the cutting of said timber.

5. No responsive pleading was filed by the Respondent and upon Motion of the Petitioner, an Order was entered dated August 23, 2005, granting the relief requested in the Petitioner's Complaint. A copy of said Order is attached hereto and marked as Exhibit "B".

6. As the Respondent failed to convey the real property to the Petitioner under this Court's Order, the Court entered a subsequent Order ordering the Recorder of Deeds of Clearfield County to convey the real property, which was the subject of the Petitioner's Petition to the Respondent, the same being accomplished by Deed dated October 17, 2005.

7. That the Respondent, after being further ordered to do so by the Court, did provide to the Petitioner, an accounting for rents received by the Respondent during her possession of the subject property, did provide some items of personal property to the Petitioner, and did provide a purported inventory consisting of receipts for timber sold by the Respondent while in possession of the Petitioner's real property.

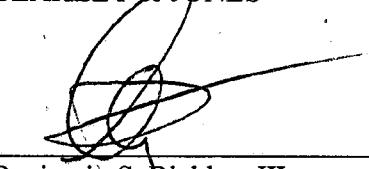
8. That pursuant to this Court's Order of August 23, 2005, the said accountings took place in March, 2007.

9. That Petitioner believes and therefore avers that it will be necessary for Petitioner to be given the opportunity to present additional evidence as to items missing from the Petitioner's residence during the period of time that Respondent was in possession of said premises and place a value on said items and thereafter to have the Court determine the total amounts of damages due the Petitioner by the Respondent and enter judgment for the same against the Respondent in favor of the Petitioner.

WHEREFORE, Petitioner respectfully requests this Honorable Court grant this Petition, and schedule a hearing to determine damages due the Petitioner for rents received by the Respondent, the value of personal property missing from Plaintiff's residence, and for the value of timber removed by the Respondent while the real property of the Petitioner was in the possession of the Respondent and to enter judgment on the same pursuant to this Court's Order of August 23, 2005.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **DANIEL A. KALGREN**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Petition to Determine Monetary Damages and to Enter Judgment for such Monetary Damages are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 11-03-09



Daniel A. Kalgren
DANIEL A. KALGREN

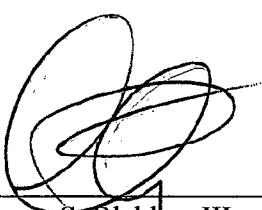
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)

CERTIFICATE OF SERVICE

This will certify that on the 13th day of November, 2009, the undersigned served a copy
of Petition to Determine Monetary Damages and to Enter Judgment for such Monetary Damages
in the above-captioned matter on the following parties at the addresses shown below by first-class
U.S. Mail:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite 4
DuBois, PA 15801



Benjamin S. Blakley, III

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

DANIEL A. KALGREN,

) NO. 05-903 -C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading: COMPLAINT

PATRICIA A. ARMSTRONG-
KALGREN,

) Filed on Behalf of:

) Plaintiff

Defendant.

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court no. 26331

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

Du Bois, Pa 15801

) (814) 371-2730

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 23 2005

Attest.

William B. Hause
Prothonotary/
Clerk of Courts



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

DANIEL A. KALGREN,)	NO. 05-	-C.D.
)		
Plaintiff,)		
)		
vs.)		
)		
PATRICIA A. ARMSTRONG-)		
KALGREN,)		
)		
Defendant.)		
)		

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 IS 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 AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT REQUESTED BY 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.

David S. Meholick,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

DANIEL A. KALGREN,)	NO. 05-	-C.D.
)		
Plaintiff,)		
)		
vs.)		
)		
PATRICIA A. ARMSTRONG-)		
KALGREN,)		
)		
Defendant.)		
)		

COMPLAINT

AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and files the following Complaint against the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, of which the following is a statement:

COMPLAINT TO SET ASIDE FRAUDULENT DEED

1. Plaintiff is **DANIEL A. KALGREN**, an adult individual residing at 200 Kalgren Road, DuBois, Clearfield County, Pennsylvania.
2. Defendant is **PATRICIA A. ARMSTRONG-KALGREN**, an adult individual residing at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. The real property which is the subject of this Complaint is that piece or parcel of land situate and lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as set forth in Exhibit A attached hereto.

4. By Deed dated June 22, 1998, and recorded in Clearfield County Deed and Record Book Vol. 945, Page 156, the Plaintiff became seized of the subject real property and did continuously possess the real property until December 1, 2003.

5. Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, is the surviving spouse of Timothy S. Kalgren, an adult individual who resided at 474 Treasure Lake, DuBois, Clearfield County, Pennsylvania, and who died on August 17, 2004, leaving to survive him his spouse, the Defendant.

6. By Durable Power of Attorney executed by the Plaintiff on August 23, 2002, the Plaintiff did appoint his brother, the said Timothy S. Kalgren, as his agent under the terms and conditions of the said Durable Power of Attorney, said Durable Power of Attorney being recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, to Instrument No. 200321920. A copy of said Durable Power of Attorney is attached hereto as Exhibit B.

7. Under the terms of the Durable Power of Attorney, the said Timothy S. Kalgren, as agent for **DANIEL A. KALGREN**, was granted the power, *inter alia*, to make limited gifts on behalf of the Plaintiff as principal to the Plaintiff's spouse, issue and spouse of an issue, as set forth in Paragraph 5 of the said Durable Power of Attorney.

8. The Plaintiff was subsequently incarcerated under sentence of the Court of Common Pleas of Clearfield County.

9. Subsequent to the Plaintiff's incarceration, the said Timothy S. Kalgren, in contravention of the powers set forth in the Durable Power of Attorney dated August 23, 2002, did convey the subject real property to himself and to the Defendant as his wife by deed dated

December 1, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, a copy of which is attached to this Complaint as Exhibit C, and by corrective deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, a copy of which is attached hereto as Exhibit D.

10. Plaintiff received no consideration for the transfer of his real property by Timothy S. Kalgren to Timothy S. Kalgren and the Defendant, the same being a gift of the real property by the agent to himself and the Defendant.

11. The Plaintiff believes, and therefore avers, that the actions of the Defendant and Timothy S. Kalgren in conveying the subject property to themselves under the Durable Power of Attorney dated August 23, 2002, was a fraudulent use of the said Durable Power of Attorney and did exceed the powers granted to Timothy S. Kalgren by the Plaintiff by the said Durable Power of Attorney.

WHEREFORE, Plaintiff requests that:

- a. the alleged deed dated December 1, 2003, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921 be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;
- b. the alleged deed dated January 27, 2004, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200401401, be decreed fraudulent, void and of no effect, and that the Defendant be directed to execute a reconveyance to Plaintiff for the property described therein;

- c. Defendant be enjoined from executing any transfer or conveyance of the subject real property to third parties;
- d. if the Defendant has already made any transfer for value of the Plaintiff's interest in any portion of the property, she be ordered to pay to the Plaintiff the amount of such consideration received or to be received;
- e. the Defendant account to the Plaintiff of the rents and income derived from the real estate and pay over to him the amount determined to be due;
- f. such other relief as this Honorable Court may deem proper and necessary.

COUNT II - REPLEVIN

12. Plaintiff incorporates his allegations contained within Paragraphs 1 through 11 of his Complaint as if the same were fully set forth herein.

13. During the period of time that the Plaintiff resided in the premises described in Exhibit A attached hereto, the Plaintiff acquired numerous items of personal property, such items of personal property being more specifically described on Exhibit E attached hereto and made a part hereof.

14. On or after December 1, 2003, the Defendant and her late husband, Timothy S. Kalgren, did wrongfully take possession and dominion over the Plaintiff's real property and the personal property contained therein as set forth in Exhibit E attached hereto and made a part hereof.

15. Despite repeated requests for the return of the items of personal property, the Defendant has failed and refused to return the said real property, and Plaintiff believes, and therefore

avers, that the Defendant may have sold, conveyed or otherwise disposed of some, if not all, of the personal property of the Plaintiff after her wrongful taking of dominion over the same.

16. Plaintiff believes, and therefore avers, that Defendant has leased the subject real property to unknown third parties and has received rents and other consideration from the tenants who are leasing the aforesaid real property.

WHEREFORE, Plaintiff demands judgment in replevin in his favor and against the Defendant for:

- a. the possession and delivery of all of the itemized property set forth in Exhibit E attached hereto; and/or
- b. the value of the property, with interest to the date of trial, in case possession and delivery cannot be had, being a sum in excess of \$5,000.00; and
- c. any and all other relief which this Honorable Court may deem appropriate.

COUNT III - CONVERSION

17. Plaintiff incorporates his allegations contained within Paragraphs 1 through 15 of his Complaint as if the same were fully set forth herein.

18. Located upon the subject real property, there existed stands of trees of different variety, including but not limited to various veneer woods and other hardwoods.

19. After wrongfully taking possession of the Plaintiff's real property, the Defendant did direct the removal of various hardwood and other trees of unknown types and unknown quantities.

20. Further, Plaintiff believes, and therefore avers, that the Defendant, while in wrongful possession of Plaintiff's real property, did sell or have sold the various trees removed from the subject real property.

21. The actions of the Defendant in cutting and removing the timber of the Plaintiff and selling the same was a willful and deliberate conversion of said timber.

22. The value of the timber cut and removed from the lands of the Plaintiff by the Defendant is unknown, but it is believed by the Plaintiff to be in excess of \$25,000.00.

WHEREFORE, Defendant requests that:

- a. Defendant account to the Plaintiff for all timber cut, removed and sold from the lands of the Plaintiff while in the wrongful possession of the Defendant;
- b. Defendant pay over unto the Plaintiff all monies received from the cutting and sale of timber upon the lands of the Plaintiff in such an amount as this Honorable Court finds due and owing the Plaintiff, along with interest upon any aforesaid amounts;
- c. such other relief as this Honorable Court may deem proper and necessary.

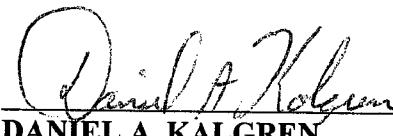
Respectfully Submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **DANIEL A. KALGREN**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Daniel A. Kalgren
DANIEL A. KALGREN

Dated: 6-22-05

ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.

EXHIBIT

tabbed

A

THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING all that certain piece of parcel on land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, and being more fully bounded and described in Deed dated February 18, 1999 between Daniel A. Kalgren, as Grantor, and Wesley J. Kalgren and Tamara E. Kalgren, as Grantees, containing 12 acres, more or less. Said deed being recorded in the Office of Recorder of Deeds for Clearfield County, Pennsylvania, as Instrument No. 199903038.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

Instrument Number - 200321921
Recorded On 12/3/2003 At 1:52:37 PM
* Instrument Type - DEED
* Total Pages - 6
Invoice Number - 102271
* Grantor - KALGREN, DANIEL A
* Grantee - KALGREN, TIMOTHY S
* Customer - HANAK, GUIDO, AND TALADAY

HANAK, GUIDO, AND TALADAY
P.O. BOX 487
DUBOIS, PA 15801

*** FEES**

RECORDING FEES -	\$15.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO JUSTICE	\$10.00
STATE WRIT TAX	\$0.50
TOTAL	\$30.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT

tables:

C

Warranty Deed
County Parcel No. _____

THIS DEED

MADE the 1st day of December in the year two thousand three (2003).

BETWEEN **DANIEL A. KALGREN**, a single person, of Sandy Township, Clearfield County, Pennsylvania, by his attorney-in-fact, Timothy S. Kalgren, Party of the First Part and GRANTOR,

and

TIMOTHY S. KALGREN and **PATRICIA A. ARMSTRONG-KALGREN**, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as GRANTEEES;

WITNESSETH, That in consideration of the sum of One (\$1.00) Dollar, the said Grantor does hereby grant and convey to the said Grantees,

ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of

DuBois, formerly Subdivision No. 6, 94 perches to the place of beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.

THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

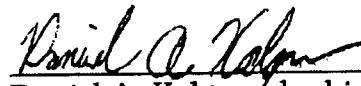
Timothy S. Kalgren, Attorney-in-Fact for Daniel Kalgren, makes this conveyance under authority granted by Power of Attorney dated August 23, 2002 and attached hereto as Exhibit "A".

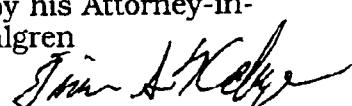
It is hereby affirmed for purposes of the Commonwealth of Pennsylvania Realty Transfer Tax Act that this is a transaction between brother and brother and brother-in-law and sister-in-law, and therefore no transfer taxes are due or owing.

AND the said Grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal, the day and year first above-written.

Sealed and delivered in the presence of:

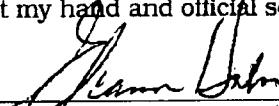
 (SEAL)
Daniel A. Kalgren, by his Attorney-in-Fact, Timothy S. Kalgren



Commonwealth of Pennsylvania :
SS.
County of Clearfield :

On this, the 1st day of December, 2003, before me the undersigned officer, a notary public, personally appeared TIMOTHY S. KALGREN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

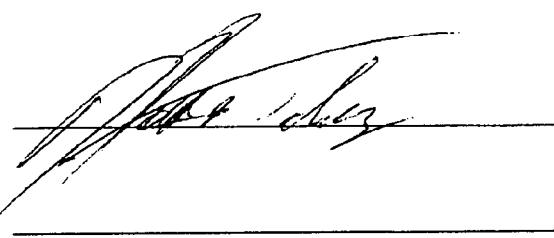


Eleanor Haky
Notary Public
Notarial Seal
Eleanor Haky, Notary Public
DuBois, Clearfield County
My Commission Expires Mar. 24, 2004
Member, Pennsylvania Association of Notaries

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:



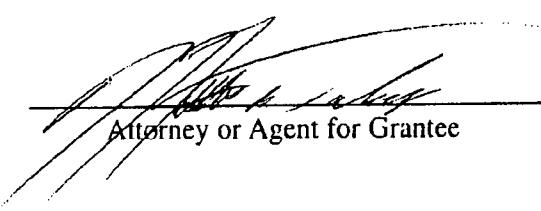
This 1st day of December, 2003.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

474 Treasure Lake
DuBois, PA 15801


Attorney or Agent for Grantee

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

Instrument Number - 200321920

Recorded On 12/3/2003 At 1:52:36 PM

* Instrument Type - POWER OF ATTORNEY

* Total Pages - 8

Invoice Number - 102271

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

*** FEES**

RECORDING FEES -	\$19.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
STATE WRIT TAX	\$0.50
TOTAL	\$24.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT

B

tabbies®

DURABLE POWER OF ATTORNEY

DANIEL A. KALGREN, Principal

TIMOTHY S. KALGREN, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: 8-23-02



Daniel A. Kalgren

DURABLE POWER OF ATTORNEY

I, DANIEL A. KALGREN, an individual, of DuBois, Pennsylvania, do hereby appoint my brother, TIMOTHY S. KALGREN, of DuBois, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and

acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and

conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of

my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

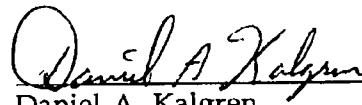
20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this 23 day of August, 2002.



Daniel A. Kalgren

(SEAL)

ACKNOWLEDGMENT

I, TIMOTHY S. KALGREN, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE:

9/5/02


Timothy S. Kalgren (SEAL)

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

AFIDAVIT NO. 37212

*RETURN DOCUMENT TO:

Instrument Number - 200401401

HANAK, GUIDO, AND TALADAY

Recorded On 1/29/2004 At 1:02:57 PM

P.O. BOX 487

* Instrument Type - DEED

DUBOIS, PA 15801

* Total Pages - 6

Invoice Number - 104977

* Grantor - KALGREN, DANIEL A

* Grantee - KALGREN, TIMOTHY S

* Customer - HANAK, GUIDO, AND TALADAY

* FEES

RECORDING FEES -	\$15.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$2.00
RECORDER IMPROVEMENT	\$3.00
FUND	
JCS/ACCESS TO JUSTICE	\$10.00
STATE WRIT TAX	\$0.50
TOTAL	\$30.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT

tables:

D

Warranty Deed
County Parcel No. _____

CORRECTIVE DEED

MADE the 27th day of January in the year two thousand four (2004).

BETWEEN DANIEL A. KALGREN, a single person, of Sandy Township, Clearfield County, Pennsylvania, by his attorney-in-fact, Timothy S. Kalgren, Party of the First Part and GRANTOR,

and

TIMOTHY S. KALGREN and PATRICIA A. ARMSTRONG-KALGREN, husband and wife, of Sandy Township, Clearfield County, Pennsylvania, hereinafter referred to as GRANTEES;

WITNESSETH, That in consideration of the sum of One (\$1.00) Dollar, the said Grantor does hereby grant and convey to the said Grantees.

ALL that certain pieces or parcels of land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post at the South corner of Subdivision No. 8 of Warrant No. 3597; thence East 40 perches to a post; thence North 12 perches to a post; thence South 88° East 71.9 perches to a post; thence North 3 perches to a post; thence East 25 perches bounded partly on the North by lands now or formerly of John DuBois; thence South 33.7 perches to a post; thence West along lands now or formerly of Judson Bundy 25 perches to a post; thence South 15° West along lands now or formerly of Judson Bundy 43 perches to a post; thence North 77-1/2° West 102 perches along lands deeded from William Long to Jeremiah Clinton to the place of beginning. Containing 44 acres and 58 perches, more or less. Being part of Subdivision 7 of Warrant No. 3597.

THE SECOND THEREOF: BEGINNING at a beech tree at the Southwest corner of Subdivision No. 8 of Warrant No. 3597; thence North 49 perches and 5-1/2 feet to a post; thence South 16° East along lands now or formerly of William Long 123 perches and 1-1/2 feet to a post; thence South 16° West 27 perches along lands now or formerly of Judson Bundy to a post; thence West along lands now or formerly of John DuBois, formerly Subdivision No. 6, 94 perches to the place of

beginning. Containing 22 acres and 59 perches, be the same more or less.

EXCEPTING AND RESERVING from the above-described premises the following parcels of land:

1. 3.2 acres conveyed to Joseph Uren by deed of William Long dated June 3, 1898, and recorded in Deed Book No. 105, Page 287.
2. 21 acres 146 perches conveyed to Edward F. Duttry by deed of William Long, et ux., dated August 19, 1902, and recorded in Deed Book No. 142, Page 41.
3. 2.11 acres conveyed to Almos S. Bundy by deed of William Long, et ux., dated December 26, 1895, and recorded in Deed Book No. 154, Page 39.
4. 6 acres conveyed to A.S. Bundy by deed of Susanna Long, Administratrix of the Estate of William Long, deceased, dated June 15, 1907, and recorded in Deed Book No. 161, Page 359.
5. Premises conveyed to Rodney L. Kalgren and Gloria Kalgren by deed of Franklin Kalgren and Grace Kalgren dated July 12, 1978, and recorded in Clearfield County Deed Book Vol. 764, Page 352, on July 18, 1978.

THE THIRD THEREOF: BEGINNING at a point at the intersection of an alley and lands now or formerly of Jane McLaughlin; thence along lands now or formerly of Jane McLaughlin in a Southern direction a distance of 450 feet, more or less, to an iron pin at the lands now or formerly of Jane McLaughlin and Bundy; thence in a Northeastern direction along said land now or formerly of Bundy a distance of 470 feet, more or less, to an iron pin at the intersection of lands now or formerly of Bundy and an alley; thence along said alley in a Western direction a distance of 200 feet, more or less, to a point at the land now or formerly of McLaughlin and place of beginning. Containing 3/4 acre, more or less, of land.

FURTHER EXCEPTING AND RESERVING all that certain piece of parcel on land situate, lying and being in the Township of Sandy, Clearfield County, Pennsylvania, and being more fully bounded and described in Deed dated February 18, 1999 between Daniel A. Kalgren, as Grantor, and Wesley J. Kalgren and Tamara E. Kalgren, as Grantees, containing 12 acres, more or less. Said deed being recorded in the Office of Recorder of Deeds for Clearfield County, Pennsylvania, as Instrument No. 199903038.

FURTHER EXCEPTING AND RESERVING from the above-described parcels of land all parcels previously conveyed which may not be specifically set forth above.

Together with all the right, title and interest of the Grantors in and to any gas and oil lease in which Grantors may have an interest.

EXCEPTING AND RESERVING the coal underlying the above premises with the right of egress and regress to recover and operate and carry away the same only as the same may have been excepted and reserved in prior deeds of conveyance.

Together with all of the right, title and interest of the Grantors in and to a certain lease with J.E. Rainard, et ux., dated April 16, 1947, and recorded in Clearfield County Miscellaneous Book Vol. 69, Page 443.

BEING the same premises which were conveyed to Daniel A. Kalgren by Deed of Daniel A. Kalgren and Shiela M. Kalgren dated June 22, 1998 and recorded in Clearfield County Deeds and Records Book Vol. 1945, Page 156 on June 26, 1998.

Timothy S. Kalgren, Attorney-in-Fact for Daniel Kalgren, makes this conveyance under authority granted by Power of Attorney dated August 23, 2002, which is recorded as Instrument No. 200321920.

It is hereby affirmed for purposes of the Commonwealth of Pennsylvania Realty Transfer Tax Act that this is a transaction between brother and brother and brother-in-law and sister-in-law, and therefore no transfer taxes are due or owing.

AND the said Grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal, the day and year first above-written.

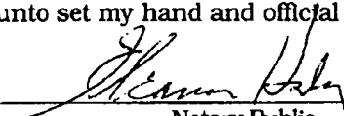
Sealed and delivered in the presence of:


(S E A L)
Daniel A. Kalgren, by his Attorney-in-Fact, Timothy S. Kalgren

Commonwealth of Pennsylvania :
SS.
County of Clearfield :

On this, the 27th day of January, 2004, before me the undersigned officer, a notary public, personally appeared TIMOTHY S. KALGREN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public

Eleanor B. DuBois, Notary Public
DuBois, Clearfield County
My Commission Expires March 24, 2005

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Timothy S. Kalgren

This 27th day of January, 2004.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE OF THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

CERTIFICATE OF RESIDENCE

I/we hereby certify, that the precise residence for the Grantee herein is as follows:

474 Treasure Lake
DuBois, PA 15801

Attorney or Agent for Grantee

Inside

Sewing machine
2 stoves
2 Refrigerators
1 MICROWAVE
3 sets Barbells
60 JARS Canned Food
2 gun cabinets
Antique nick nack stand and all on it.
1 Big man's Lazy boy
2 couches
1 enterainment center
Kitchen Table and 4 Leather chairs
3 sweepers 1 shop vac
world book encyclopedias
2 VCR's
3 bed room suits
2 Portrait Paintings
1 Portrait in granite
2 sets antique dishes (Jackson China) sets of 8 each
Pots - Pans
dish washer
SAFE
coin collection
Pewter dragon collection
6 other Pewter sets
original Star Trek Millennium Falcon still in Box
1 washer 2 cloths
1 dryer 5 cloths
1 deep Freezer

EXHIBIT

tabbies

E

outside

cordless drill

electric makita drill

MIG welder

2 ARC welders

Digital Electric Tester

Ford - computer Tester
GM - computer Tester

Garden Tractor - Roto Tiller - plow - grass cutter

BBQ grill

2 Studebaker Trucks (54) (6c)

1,600' oak veneer in garage 54 x 16" x 10"

3,000' cherry, oak, hard maple outside garage

89 Dodge Spirit

1 Lg set SK Tools, 1 small set and 1 set 1/4 drive

1 Craftsman Tool Box

Banke Tools

Wheel hub sockets Ford + GM

Drill Press

Grinder

Anvil

Paint guns

Air compressor and gauges and Filters

Sand blaster

Wood burner

Fuel oil Furnace (extra)

Log splitter

Stereo system

2 Picnic Tables

6 lawn chairs

Small Roto Tiller

12" Utility Tiller

6 Shaded Arches

Outside

Mom and Dads shrine

2 - 1' thick x 6' around cement pads

~~10' 11"~~ 11' wide x 14' high cement heart standing in yard 1' thick
1 - 1' thick 11' wide x 11' long & flat in yard

My dog 1 - miniature dachshund named (Arfington dogbreath Kolyean)
6' Pillars

3' high Gargoyle

2 compound bows

1 sword

1 Pellet Pistol

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Entry of Default Judgment of Default and for Additional Relief, it is the ORDER of this Court that said Motion is hereby granted, and that an Order of Default Judgment is hereby entered against the Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, and in favor of the Movant, **DANIEL A. KALGREN**. It is FURTHER ORDERED that Respondent, **PATRICIA A. ARMSTRONG-KALGREN**, is hereby ordered to:

- a. execute a Deed reconveying the real property of the Movant located in Sandy Township, Clearfield County, Pennsylvania, and recorded in the office of the Recorder of Deeds of Clearfield County to Instrument No. 200321921, by Deed to be prepared by attorney for the Movant, and that the same be executed within ten (10) days of the date of the Court's Order;
- b. deliver to the Movant all items of personal property as set forth in Exhibit E of the Movant's Complaint, or the proceeds received by

PLAINTIFF'S
EXHIBIT

"B"

Respondent from the sale of said items of personal property, the same to take place within ten (10) days of the Court's Order;

c. provide an accounting of all rents and income received by the Respondent from the subject real property, the same to take place within ten (10) days of the Court's Order;

d. provide an accounting of all items of personal property removed from the Movant's real property and disposed of by the Respondent, the same to take place within ten (10) days of the Court's Order;

e. provide a full and complete accounting for all timber cut, removed or sold from the timber cut, removed or sold from the lands of the Movant while in the possession of the Respondent, the same to take place within ten (10) days of the Court's Order;

It is FURTHER ORDERED that this matter shall be scheduled for an evidentiary hearing upon the request of Plaintiff following the receipt of the accountings as ordered above.

By the Court,

/s/ Paul E. Cherry

August 23, 2005

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

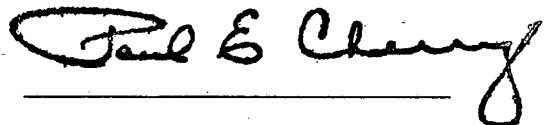
DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

RULE TO SHOW CAUSE

AND NOW, this 18th day of November, 2009, upon consideration of the Petition to Determine Monetary Damages and to Enter Judgment for such Monetary Damages, it is the ORDER of this Court that a Rule be issued upon **PATRICIA A. ARMSTRONG-KALGREN** to show cause why the prayer in said Petition should not be granted.

Rule Returnable and hearing thereon to be held the 6th day of January, 2010,
at 10:00 o'clock A M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield,
Pennsylvania, 16830.

BY THE COURT:



FILED

NOV 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

4cc
Atty Blakley
GAC

FILED

NOV 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/19/09

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

) NO. 05-903 C.D.
)
)
) Type of Case: CIVIL ACTION
)
)
) Type of Pleading:
)
) MOTION FOR CONTINUANCE
)
)
) Filed on Behalf of:
)
) Plaintiff
)
)
) Counsel of Record:
)
) BENJAMIN S. BLAKLEY, III, ESQ.
)
) Supreme Court no. 26331
)
)
)
) BLAKLEY & JONES
)
) 90 Beaver Drive, Box 6
)
) Du Bois, Pa 15801
)
) (814) 371-2730

S **FILED** *1cc*
01/30/2009 *Atty*
DEC 11 2009 *Blakley*
William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

MOTION FOR CONTINUANCE

AND NOW comes Movant, **BENJAMIN S. BLAKLEY, III**, attorney for Plaintiff, **DANIEL A. KALGREN**, and moves this Honorable Court for a continuance of the hearing scheduled for January 6, 2010, in the above captioned matter. In support thereof the following is averred:

1. Plaintiff, **DANIEL A. KALGREN**, has filed a Petition to Determine Monetary Damages and to Enter Judgment for Such Monetary Damages upon which a hearing has been scheduled for Wednesday, January 6, 2010, at 10:00 p.m.
2. Movant, Benjamin S. Blakley, III, is presently recovering from a medical condition and will be unable present at the hearing.
3. Furthermore, Plaintiff's witness, Don Miller, will be unable to be present at the hearing on January 6, 2010, due to the fact that it is a religious holiday for him.

WHEREFORE, Movant respectfully requests this Honorable Court grant his Motion and continue the hearing on Plaintiff's Petition to Determine Monetary Damages and to Enter Judgment for such Monetary Damages scheduled for a later date and time.

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Plaintiff in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



BENJAMIN S. BLAKLEY, III

Dated: 12-10-09

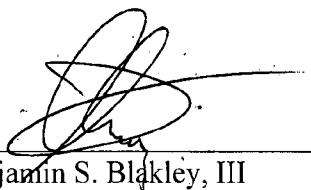
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

CERTIFICATE OF SERVICE

This will certify that on the 10 day of December, 2009, the undersigned served a copy
of the foregoing Motion for Continuance in the above-captioned matter on the following parties
at the addresses shown below by first-class U.S. Mail:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite 4
DuBois, PA 15801



Benjamin S. Blakley, III

Dated: 12-10-09

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

FILED

DEC 16 2009
0/9/2010
William A. Shaw
Prothonotary/Clerk of Courts

4 cent to Mtn

ORDER OF COURT

AND NOW this 15th day of December, 2009, it is hereby ORDERED that a hearing on Plaintiff's Petition to Determine Monetary Damages and to Enter Judgment for Such Monetary Damages presently scheduled for January 6, 2010, is hereby rescheduled to the 4th day of March, 2010, at 9:30 o'clock A M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:

Paul E. Cleary

FILED

DEC 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

12-16-09

DATE: _____ for serving all appropriate parties.

You are responsible for providing service to the following parties:

The Prothonotary's Office has provided service to Other _____

Plaintiff(s) _____ Plaintiff(s) Attorney _____

Defendant(s) _____ Defendant(s) Attorney _____

Defendant(s) _____

Special Instructions: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

TYPE OF PLEADING: **Response
to Petition to Determine
Monetary Damages
and to Enter Judgment for
such Monetary Damages**

FILED ON BEHALF OF:

Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED

TO: 213041 CC
DEC 21 2009

Atty
Lavelle

S
William A. Shaw
Prothonotary/Clerk of Courts

60

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

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff
v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

**RESPONSE TO PETITION TO DETERMINE MONETARY DAMAGES AND TO
ENTER JUDGMENT ON SUCH MONETARY DAMAGES**

AND NOW comes the Defendant, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Response to Plaintiff's Petition to Determine Monetary Damages and to Enter Judgment on such Monetary Damages, averments in support of which are set forth as follows:

1. Admitted.
2. Admitted.
3. Admitted in part and denied in part. It is admitted that the Petitioner did

ALLEGE the improper conveyance of his property (*paragraph nine (9) of the complaint*), the wrongful taking of personal property (*paragraph fourteen (14) of the complaint*), the receipt of rents (*paragraph sixteen (16) of the complaint*), and the harvesting of timber (*paragraph nineteen (19) of the complaint*). It is Denied that the allegations of improper conveyance or wrongful taking of personal property were made against Patricia Armstrong-Kalgren, but said allegations of improper conduct were lodged against Timothy Kalgren, Petitioner's deceased brother.

Paragraph Four (4):

4a. Admitted.

4b. Admitted.

4c. Admitted.

4d. Admitted.

4e. Admitted.

5. Admitted to the extent of the contents of the Court's Order.

6. Admitted.

7. Admitted in part and denied in part. It is admitted that the respondent did provide an accounting for rents received and did supply an inventory consisting of receipts for timber sold. It is denied that the respondent has failed to provide a total inventory of personal property to the petitioner. By way of further response, respondent has provided and returned all personal property belonging to the petitioner that the respondent had in her possession and has filed her affidavit with the Court stating that she does not have possession of nor does she have any knowledge as to the whereabouts of any additional personal property listed on the petitioner's inventory which was not returned to the petitioner by the respondent. It is further denied that the account of timber sales is a purported account, but is all of the paperwork in her possession relating to any such transactions.

8. With regards to the averments of paragraph eight the record will indicate the date and time of any such accountings.

9. Denied. By way of further response, a period of time of over two and a half (2 1/2) years has expired since the return of the Plaintiff's personal property and the filing of the Defendant's affidavit, during which time the petitioner filed or otherwise lodged any objection to the inventory of property returned or the affidavit of the defendant asserting that she had no other property. Further, during the intervening period the plaintiff failed to engage in any discovery or to request any additional information related to the issue of damages. At this point in time the Plaintiff should be precluded from presenting additional evidence yet to be adduced in this case as evidence in support of damages.

WHEREFORE, the respondent respectfully requests this Honorable Court to dismiss this petition and Order that this case proceed in accordance with the Rules of Civil Procedure.

NEW MATTER

10. The instant petition of the Plaintiff, Daniel Kalgren is not a Pleading as that term is defined in the *Pa. R.C.P., Rule 1017*.

11. The defendant, Patricia Armstrong-Kalgren objects to the present Petition as it is contrary to the *Pa. Rules of Civil Procedure*, and the Clearfield County Local Rules governing the proceedings in civil cases under these circumstances.

12. Based upon the Plaintiff's averments contained in his Petition, it is fair to assert, and defendant should be able to rely on the assertion that discovery is closed in this case.

13. The defendant avers that due to the Plaintiff's dilatory approach to this case that the defendant has been and will be prejudiced in her ability to meet any evidence that the Plaintiff may offer, and/or to develop and present a reasoned response or defense to such evidence.

14. The Defendant avers that due to the Plaintiff's dilatory approach to this case, the defendant may rely on the equitable principle of Laches.

RESPECTFULLY SUBMITTED



Patrick Lavelle
Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

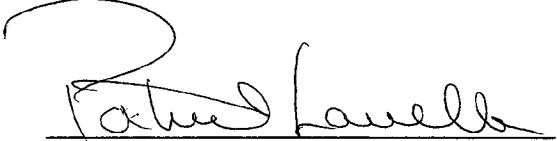
PATRICIA A. ARMSTONG-KALGREN

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 8th day of December, 2009, I served a copy of the foregoing Response to Plaintiff's Petition, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801


Patrick Lavelle, Esq.

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

DANIEL A. KALGREN,

) NO. 05-903 C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading:

PATRICIA A. ARMSTRONG-
KALGREN,

) REPLY TO NEW MATTER

Defendant.

) Filed on Behalf of:

) PLAINTIFF

)

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court no. 26331

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) Du Bois, Pa 15801

) (814) 371-2730

FILED
JAN 06 2010
Atty Blakley
S
William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)

ANSWER TO NEW MATTER

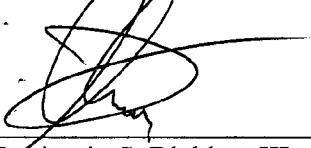
AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, and files the following reply to Defendant's new matter in the above-captioned matter:

10. Requires no answer as Paragraph 10 of Defendant's new matter is a conclusion of law. However, to the extent that an answer is required, the Petition of the Plaintiff is in furtherance of this Honorable Court's previous Orders and is not an initial pleading as set forth in Pa R.C.P. Rule 1017.
11. Denied, and on the contrary, it is averred that the present Petition is in furtherance of previous Orders of this Honorable Court.
12. Requires no answer as Paragraph 12 is a conclusion of law.
13. Denied, and on the contrary, it is averred that Plaintiff has not been dilatory in his actions and Defendant is fully aware of the allegations of the Plaintiff as the same has been set forth in previously filed pleadings and Orders of this Honorable Court.

14. Denied, as the allegations in Paragraph 14, 2009, of Defendant's new matter are conclusions of law.

Respectfully Submitted,

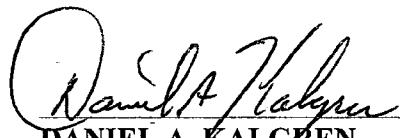
BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, DANIEL A. KALGREN, hereby state that I am the Respondent in this action and verify that the statements made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



DANIEL A. KALGREN

Dated: 1-5-10

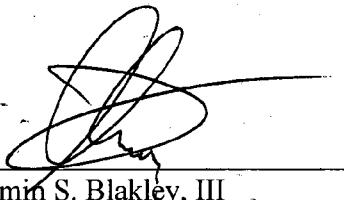
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Reply to
New Matter in the above-captioned matter on the following parties at the addresses shown below
by first-class U.S. Mail this 5th day of January, 2010.

Patrick Lavelle
25 East Park Avenue, Suite 4
DuBois PA 15801



Benjamin S. Blakley, III

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

DANIEL A. KALGREN	}
VS	}
	NO. 05-903-CD
PATRICIA A.	}
ARMSTRONG-KALGREN	}

ORDER

NOW, this 4th day of March, 2010, the Court noting additional testimony is needed for completion of said hearing, it is the ORDER of this Court that this matter shall be and is hereby CONTINUED until 9:00 a.m. on Thursday, March 18, 2010, Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. One and one-half hours have been allotted for the remainder of hearing.

BY THE COURT.

Judge

FILED 2CC
01/4/08
MAR 08 2010 Atty's: Lavelle
Blackley

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 08 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/8/10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

TYPE OF CASE: **Civil Action**

v.

PATRICIA A. ARMSTONG-KALGREN

TYPE OF PLEADING:
**Motion in Limine Re: Evidence
of Equitable Set Off Against
Damages**

Petitioner

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED
MAR 09 2010
110-45701 Amy Lavelle
S William A. Shaw
Prothonotary/Clerk of Courts
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Respondent

v.

PATRICIA A. ARMSTONG-KALGREN

Petitioner

MOTION IN LIMINE RE: EQUITABLE SET OFF AGAINST DAMAGES

AND NOW comes the Petitioner, Patricia A. Armstrong-Kalgren, by and through her attorney, Patrick Lavelle, Esq., and files the within stated Petition for Set Off Against Damages, the facts in support of which are set forth as follows:

1. Plaintiff, Daniel A. Kalgren, filed his complaint in this case claiming a breach of fiduciary duty, and a fraudulent deed against the defendant and her deceased husband, the plaintiff's brother.
2. Plaintiff has succeeded to a Default Judgment on Liability, and Defendant was therefore precluded from filing an answer, New Matter, or counter-claim.
3. Plaintiff has now moved forward in this litigation in an attempt to establish monetary damages on his claims.

4. Evidence in this case would establish that at the time of the conveyance which plaintiff alleges to be fraudulent, there passed to the plaintiff consideration in the amount of \$48,000.00 in the form of debt relief.

5. Said debt relief was the result of the defendant satisfying the mortgage of the plaintiff which remained at the time of the conveyance.

6. Having recovered the possession of his property as result of his default judgment, it would be inequitable and unconscionable to allow the plaintiff to enjoy the benefit of this debt relief without paying restitution for same.

7. There is also evidence that the plaintiff has made restitution in the amount of \$35,000.00 as a result of his payment made to satisfy an action in an *in rem* mortgage foreclosure instituted against the property by 1st Commonwealth Bank.

8. Plaintiff has and continues to enjoy the benefit of the debt relief in the amount of \$13,000.00 which was paid on his behalf, and his retention of same in this case without restitution would be inequitable.

9. The issue of damages in this case arises from facts related to the defendant's use of the subject property after the conveyance.

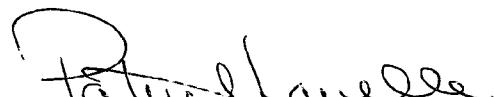
10. All of the damages claimed by the plaintiff related to matters occurring as a result of the use and possession of the subject property by the Defendant.

11. No such damages could be assessed against the defendant if she had not come into possession of the property through the actions of the conveyance, for which defendant received the aforementioned consideration.

12. The defendant should be entitled to submit her evidence of unjust enrichment in an effort to establish her right to a credit of \$13,000.00 against any damages which may be awarded to the plaintiff in this case.

WHEREFORE the defendant prays that this Honorable Court will enter its Order admitting her evidence of a benefit conferred on the plaintiff by the defendant as it relates to the issue of damages in this case.

Respectfully Submitted,



Patrick Lavelle
Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff
v.

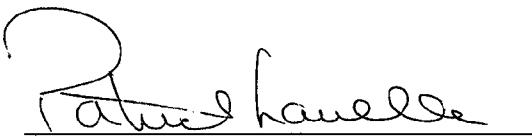
PATRICIA A. ARMSTONG-KALGREN

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 8th day of March, 2010, I served a copy of the foregoing Motion in Limine, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff
v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

ORDER

AND NOW this _____ day of _____, 2010, upon consideration
of the defendant's Motion in Limine, it is hereby Ordered that the defendant shall
be permitted to present her evidence of unjust enrichment as it relates to the
issue of damages at the hearing scheduled in this matter for March 18, 2010.

BY THE COURT

J.

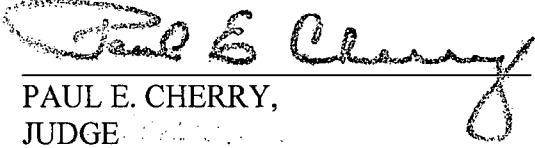
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN : NO. 05-903-CD
:
:
:
V. :
:
:
PATRICIA A. ARMSTRONG-KALGREN :
:

ORDER

AND NOW, this 10th day of March, 2010, upon consideration of Defendant's Motion in Limine, it is the ORDER of this Court that Hearing shall be and is hereby scheduled for the 21 day of April, 2010, beginning at 1:30 P.M., in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
03/23/2010
MAR 10 2010

William A. Shaw
Prothonotary/Clerk of Courts
200 Atty: Lavelle
Blakley

FILED

MAR 10 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 3/10/10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) Plaintiff(s) Attorney _____ Other
____ Defendant(s) Defendant(s) Attorney _____
____ Special Instructions:

*by
Henry
D. May*

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

DANIEL A. KALGREN,

) NO. 05-903 C.D..

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

) Type of Pleading: PLAINTIFF'S ANSWER
TO DEFENDANT'S MOTION IN LIMINE
REGARDING EVIDENCE OF EQUITABLE
SET OFF AGAINST DAMAGES

Defendant.

) Filed on Behalf of:

) PLAINTIFF

)

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court No. 26331

)

) LEANNE NEDZA

) Supreme Court No. 89383

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) Du Bois, Pa 15801

) (814) 371-2730

FILED
M 10:14 AM
MAR 16 2010
NO. 05-903 C.D.

William A. Shaw
Prothonotary/Clerk of Courts

(61)

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)

PLAINTIFF'S ANSWER TO DEFENDANT'S MOTION IN LIMINE
REGARDING EVIDENCE OF EQUITABLE SET OFF AGAINST DAMAGES

AND NOW comes the Plaintiff, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, who answers Defendant's Motion in Limine Re: Evidence of Equitable Set Off Against Damages as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied, and on the contrary, it is averred that there is no evidence that Plaintiff received any form of consideration for the fraudulent transfer of his property.
5. Denied, and on the contrary, it is averred that the Defendant through her own fraudulent actions took possession of the Plaintiff's property and paid off the Plaintiff's mortgage and her own mortgage with a new mortgage encumbering both Plaintiff's Property and Defendant's property located at Treasure Lake, Sandy Township, Clearfield County, Pennsylvania.
6. Denied, and on the contrary, it is averred that as the Defendant comes before this Court with unclean hands for having transferred Plaintiff's property to herself by the fraudulent use

of a Power of Attorney and as such, Defendant cannot now seek an equitable remedy in the form of a set off for alleged restitution owed to the Defendant. Further, the Defendant failed to file an answer claiming such a set off or restitution for debt relief with the same now being barred by applicable statute of limitations.

7. It is admitted that the Plaintiff and Defendant entered into an agreement with First Commonwealth Bank as to payment of the amounts owed First Commonwealth Bank as a result of its mortgage foreclosure on the mortgage taken out by the Defendant and her late husband after their fraudulent conveyance of Plaintiff's property.

8. Denied, and on the contrary, it is averred that \$13,000.00 additional dollars that were paid were not paid for Plaintiff's benefit, but were paid for the benefit of the Defendant and her late husband and their mortgage obligation encumbering their property and the property which they attempted to transfer into their own names, thereby causing the Defendant to have unclean hands and foreclosing the Defendant from seeking an equitable set off.

9. Admitted.

10. Admitted.

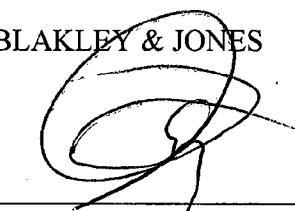
11. Admitted.

12. Denied, and on the contrary, it is averred that as a result of applicable statute of limitations, Defendant must be foreclosed from bringing any claim for any set off against any damages which may be awarded to Plaintiff in this case. Further, Defendant should be foreclosed from seeking an equitable set off in this matter due to her fraudulent behavior in the conveyance of Plaintiff's property to herself.

WHEREFORE, Plaintiff prays that this Honorable Court deny the Defendant's Petition.

Respectfully Submitted,

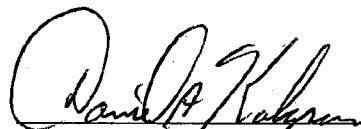
BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, DANIEL A. KALGREN, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Answer to Defendant's Motion in Limine Regarding Evidence of Equitable Set off Against Damages are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



DANIEL A. KALGREN

Dated: 3-12-10

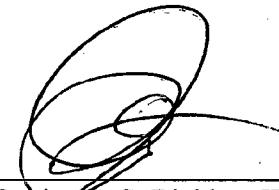
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Answer to Defendant's Motion in Limine Regarding Evidence of Equitable Set off Against Damages in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this 15 day of March, 2010:

Patrick Lavelle, Esquire
25 East Park Ave, Suite #4
DuBois PA 15801



Benjamin S. Blakley, III

FILED

MAR 16 2010

William A. Shaw
Prothonotary/Glck of Courts

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

DANIEL A. KALGREN	}
VS	}
	NO. 05-903-CD
PATRICIA A.	}
ARMSTRONG-KALGREN	}

ORDER

NOW, this 18th day of March, 2010, the Court
noting that additional testimony is need for completion of
said Hearing, it is the ORDER of this Court that this
matter shall be and is hereby CONTINUED until 11:00 a.m.
on Wednesday, May 5, 2010, Courtroom No. 2, Clearfield
County Courthouse, Clearfield, PA.

It is the further ORDER of this Court that Argument on Defendant's Motion in Limine regarding evidence of equitable setoff against damages scheduled for April 21, 2010 shall be CONTINUED to 11:00 a.m. on May 5, 2010.

BY THE COURT,

FILED
08/5/2010
MAR 23 2010

Paul E. Cheaney
Judge

Judge

William A. Shaw
Prothonotary/Clerk of Courts
Court of Appeals
Court of Common Pleas

2 CC Attns: Blakley
Lavelle

60

FILED

MAR 23 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/23/10

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

____ Defendant(s) X Defendant(s) Attorney ____ Other

____ Special Instructions:

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

DANIEL A. KALGREN	}	
VS	}	NO. 05-903-CD
PATRICIA A.	}	
ARMSTRONG-KALGREN	}	

0 R D E R

NOW, this 5th day of May, 2010, following conclusion on Hearing for Petition to Determine Monetary Damage and Enter Judgment for Monetary Damages as well as argument on Motion in Limine, it is the ORDER of this Court that counsel provide the Court with letter brief by no later than June 7, 2010. In particular, counsel should address the Motion in Limine issue of whether setoff is appropriate at this time as well as the Statute of Limitations issue.

BY THE COURT,

Paul E Cherry

Judge

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MAY 2010

William A. Shaw
Notary/Clerk of Courts

S.
Blakley
Lawelle

Col

FILED

MAY 07 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/7/10

— You are responsible for serving all appropriate parties.

✓ The Prothonotary's office has provided service to the following parties:

— Plaintiff(s) ✓ Plaintiff(s) Attorney — Other

— Defendant(s) ✓ Defendant(s) Attorney

— Special Instructions:

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

DANIEL A. KALGREN,
Plaintiff

vs.

PATRICIA A. ARMSTRONG-
KALGREN,
Defendant

NO. 2005-903-CD

FILED

01/03/2010

JUL 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

CC: Law Library
D: M: Kresc
(without memo)

OPINION

On November 17, 2009, Daniel A. Kalgren, (hereinafter "Plaintiff"), filed a Petition to Determine Monetary Damages and to Enter Judgment for Such Damages, after default judgment was entered against Patricia A. Armstrong-Kalgren, (hereinafter "Defendant") in this matter. Hearings in regards to said Petition were held on March 4, 2010, March 18, 2010 and May 5, 2010, with each party presenting evidence and testimony. Also, Defendant filed a Motion In Limine Re: Evidence of Equitable Set Off Against Damages on March 9, 2010, with argument taking place on May 5, 2010. Thereafter, the Court ordered that that each party submit briefs, which were timely received, and the matter is now ripe for review.

Plaintiff has three (3) separate areas for which he seeks compensation from the Defendant- timber, rental payments, and personal property.

1. Timber

First, Plaintiff seeks compensation for timber which was removed from Plaintiff's real property. The parties stipulated to the entry of the accounting provided by James Passmore, Defendant's logger, which showed several numbers that either represented the price paid to Mr. Passmore for the timber by the saw mill or the board feet of the timber delivered.

Transcript of Proceedings, March 4, 2010, Petitioner's Exhibit 1. Defendant avers the value of

the timber was approximately \$17,500.00, whereas Plaintiff believes the value of the timber sold was \$25,238.00. *Id.* at 3-4.

Plaintiff presented further testimony from John Miller, an experienced logger and sawmill owner, who testified that the fair price for the timber sold would be the \$25,000.00 figure. *Transcript of Proceedings*, March 18, 2010, pp. 54-55. It was established that Mr. Miller's opinion was based on his visit to the Kalgren property, where he viewed and measured the stumps on the property, and also reviewed the Passmore receipts. *Id.* at 55. The Court found the testimony of Mr. Miller to be credible, as a result of his extensive experience (27 years) in purchasing and selling timber for his sawmill. *See id.* at 48-49. The Court finds that, based on the evidence presented by the Plaintiff, the amount of damages relating to the timber is \$25,208.00.

2. Rental Payments

The next area of damages relates to rental payments received by Defendant while she was in possession of Plaintiff's home. The damage amount was stipulated by the parties as being \$350.00 a month for eleven (11) months or \$3,850.00. *Transcript of Proceedings*, March 4, 2010, p. 6. Accordingly, the Court finds the amount of damages relating to rental payments to be \$3,850.00.

3. Personal Property

The last area in which the Plaintiff seeks compensation is for the personal property which had been at or in his home prior to his incarceration in 2001, and were missing upon his return in 2005. Plaintiff testified as to the total value of the missing items, excepting the veneer, lumber, and statuary, as \$7,904.61, basing said values upon his opinion and other values received from trade magazines and catalogs. Plaintiff also presented the testimony of

John Miller as to the value of veneer lumber missing from Plaintiff's property, with Mr. Miller setting said value at \$1,800.00. *Transcript of Proceedings*, March 18, 2010, p. 51. Mr. Miller also testified to the value of board lumber which was on the property, as having a value between \$4,000.00 to \$5,000.00. *Id.* at 53. Additionally, Plaintiff presented the testimony of Kenneth Caliari, regarding a statuary that had been constructed by Mr. Caliari on Plaintiff's property, which is presently destroyed. *Transcript of Proceedings*, March 4, 2010, p. 32-35. Mr. Caliari testified that the replacement cost of the statuary would be \$4,800.00. *Id.* at Petitioner's Exhibit 7. No additional evidence regarding said items was presented by either party. The Court finds that the amount of damages relating to loss of personal property as \$14,557.30.

4. Motion in Limine

On March 9, 2010, Defendant filed a Motion in Limine seeking a set-off in favor of Defendant. The Court notes that said motion was filed after default judgment was taken by Plaintiff against the Defendant, after the underlying Petition to determine monetary damages was filed, and after the first day the hearings took place.

At the time of the improper transfer, Plaintiff's real property was encumbered by a First Commonwealth Bank, (hereinafter "First Commonwealth"), mortgage having a pay-off of approximately \$48,180.24. Subsequent to the improper transfer, the Defendant and her late husband obtained a new mortgage with First Commonwealth, encumbering their residential property at Section 1, Lot E4F, Treasure Lake, and the Plaintiff's real property, for the amount of \$61,609.13. This new mortgage amount was used to satisfy the existing mortgage on Plaintiff's property along with amount other amounts owed by Defendant and her late husband.

After the Plaintiff successfully obtained possession of his real property, the Defendant ceased paying the First Commonwealth mortgage causing said mortgage to become delinquent. Accordingly, First Commonwealth commenced a mortgage foreclosure action against the Defendant and the Plaintiff. The parties settled the mortgage foreclosure action with First Commonwealth with Plaintiff paying \$36,500.00 of the amount claimed by First Commonwealth and Defendant paying the remaining \$26,500.00. The settlement was by agreement of the parties, including the Defendant. The Defendant now seeks a set-off of \$13,000, representing the approximate difference between the amount paid by the Plaintiff (\$36,500.00) and the original amount owed on the original mortgage with First Commonwealth (\$48,000.00).

Defendant urges this Court to apply the doctrine of equitable set-off and/or the doctrine of recoupment. The Court finds that in applying either doctrine, the Court would be exercising its equity jurisdiction. *See Hibert v. Lang*, 165 Pa. 439, 442, 30 A. 1004, 1005 (1895)(stating that “in order to support a set-off, there must be cross demands between the same parties and in the same rights, such as would sustain mutual actions against each other, yet wherever there is the practicability of avoiding circuity of action and needless costs, with safety and convenience to all parties or where there is a special equity to be subserved, and no equity of third parties to be injured, ***a set-off will be allowed upon equitable principles.***”)(internal citation omitted)(emphasis added); *Household Consumer Disc. Co. v. Vespaiziani*, 490 Pa. 209, 219, 415 A.2d 689, 694 (1980)(holding “[t]he defense of recoupment, which arises out of the same transaction as plaintiff's claim, survives as long as the cause of action upon the claim exists. It is a doctrine of an intrinsically defensive nature ***founded upon an equitable reason,*** inhering in the same transaction, why the plaintiff's claim in equity and good conscience

should be reduced."')(emphasis added). However, the doctrine of unclean hands provides that he or she who seeks equity must do equity, *Armstrong School Dist. v. Armstrong Educ. Ass'n*, 528 Pa. 170, 595 A.2d 1139 (1991), and that he or she who comes into a court of equity must enter with clean hands. *In re Estate of Pedrick*, 505 Pa. 530, 482 A.2d 215 (1984).

In the present matter, Defendant does not come to this Court with clean hands. She seeks an equitable set-off/recoupment, however, her claim is based upon a mortgage obtained after the Defendant and her late husband improperly transferred Plaintiff's property to themselves using the Plaintiff's power of attorney. The Defendant did not deny that this improper act took place allowing this Court to reconvey the property to the Plaintiff. As a result of the Defendant's default in payment of the mortgage taken after the Defendant and her late husband improperly conveyed Plaintiff's property to themselves, the Plaintiff's real property was placed in risk of foreclosure thereby requiring the Plaintiff to help cure the Defendant's default by having to pay to the bank \$36,500.00. The Court will not apply either the doctrine of equitable set-off or the doctrine of recoupment, as either would allow the Defendant to benefit from her improprieties.

Based on the foregoing, the Court enters the following Order:

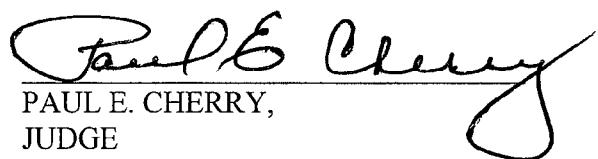
ORDER

AND NOW, this 30th day of June, 2010, following hearings before this Court, argument, the timely receipt of briefs, and upon consideration of the same, it is the ORDER of this Court as follows:

1. Defendant's Motion in Limine Re: Evidence of Equitable Set Off Against Damages shall be and is hereby DENIED.

2. Defendant is hereby ORDERED to pay Plaintiff damages in the amount of
\$43,615.30.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JUL 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/1/10

 You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

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

DANIEL A. KALGREN,

Plaintiffs,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendants.

-) NO. 05-903 C.D.
-)
-) Type of Case: CIVIL ACTION
-)
-) Type of Pleading:
-) PRAECIPE TO ENTER JUDGMENT
-)
-) Filed on Behalf of:
-) PLAINTIFF
-)
-) Counsel of Record:
-) BENJAMIN S. BLAKLEY, III, ESQ.
-) Supreme Court No. 26331
-)
-) LEANNE NEDZA
-) Supreme Court No.
-)
-) BLAKLEY & JONES
-) 90 Beaver Drive, Box 6
-) Du Bois, Pa 15801
-) (814) 371-2730

5 FILED

AUG 02 2010

20112205
William A. Shaw
Prothonotary/Clerk of Courts

LEA 20112205
NOTICE TO
DEPT.

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

DANIEL A. KALGREN,) NO. 05-903-C.D.
Plaintiffs,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendants.)

PRAECIPE TO ENTER JUDGMENT

TO: WILLIAM A. SHAW, PROTHONOTARY

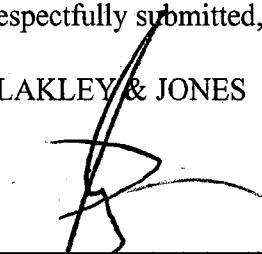
Please enter judgment against Defendant, Patricia A. Armstrong-Kalgren and for Plaintiff,

Daniel A. Kalgren, in the amount of \$43,615.30, pursuant to the Court's award of June 30, 2010.

Amount of Judgment	\$ 43,615.30
Costs	\$ _____
Interest from 6/30/2010	\$ _____
Total	\$ _____

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

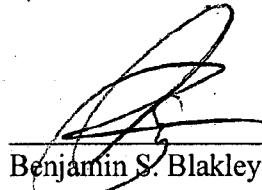
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL A. KALGREN,) NO. 05-903-C.D.
Plaintiffs,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendants)

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's
Praecipe to Enter Judgment in the above-captioned matter on the following parties at the addresses
shown below by first-class U.S. Mail:

Patrick Lavelle, Esquire
25 East Park Ave Ste #4
DuBois PA 15801



Benjamin S. Blakley, III

Dated: 7-30-10

FILED

AUG 02 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903-C.D.
)
 Plaintiffs,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendants)

NOTICE OF JUDGMENT

Notice is given that a JUDGMENT in the above captioned matter has been entered against
you in the amount of \$43,615.30 on ^{Aug. 2, 2010}~~June 30, 2010~~


WILLIAM SHAW, PROTHONOTARY

BY: 

Deputy

CA
FILED

SEP 21 2010

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William A. Shaw
Prothonotary/Clerk of Courts

3 Cents to Return

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

DANIEL A. KALGREN,

) NO. 05-903 C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading: MOTION TO COMPEL
ANSWERS TO INTERROGATORIES

PATRICIA A. ARMSTRONG-
KALGREN,

) Filed on Behalf of:

Defendant.

) Plaintiff

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III
Supreme Court No. 26331

) LEANNE NEDZA

) Supreme Court No. 89383

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) DuBois PA 15801

) (814) 371-2730

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5982

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

AND NOW comes, Petitioner, **DANIEL A. KALGREN**, by and through his attorneys, **BLAKLEY & JONES**, who moves this Honorable Court to compel the Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, to answer Interrogatories propounded by the Plaintiff. In support thereof the following is averred:

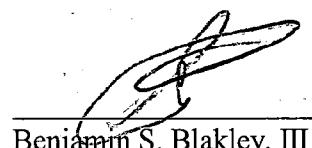
1. Movant and Respondent are parties to the above captioned action.
2. On August 17, 2010, the Plaintiff served Interrogatories upon the Defendant through his counsel of record, Patrick Lavelle, Esquire.
3. To date, the Defendant has failed and refused to complete and return the Interrogatories to the Plaintiff.
4. Pennsylvania Rule of Civil Procedure 4006(a)(2) requires the answering party to respond to the Interrogatories within thirty (30) days after service of the same.

WHEREFORE, Movant respectfully request this Honorable Court to order Defendant, **PATRICIA A. ARMSTRONG-KALGREN**, to answer the Interrogatories propounded by the

Plaintiff and served upon the Defendant within ten (10) days of the Order to this Honorable Court and to impose attorney's fees upon the Defendant in the amount of Seven Hundred Fifty Dollars (\$750.00) for the bringing of this petition.

Respectfully Submitted,

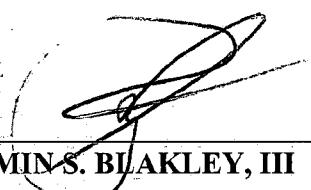
BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Plaintiff in this action and verify that the statements made in the foregoing Motion to Compel Answers to Interrogatories are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


BENJAMIN S. BLAKLEY, III

Dated: September 20, 2010

CERTIFICATE OF SERVICE

This will certify that on the date shown below, the undersigned served a copy of Plaintiff's Motion to Compel Answers to Interrogatories in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail this ^{20th} day of September, 2010:

Patrick Lavelle, Esquire
25 East Park Ave Ste #4
DuBois PA 15801



Benjamin S. Blakley, III

FILED

SEP 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

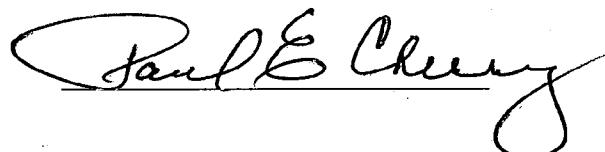
DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

RULE TO SHOW CAUSE

AND NOW, this 28th day of September, 2010 upon consideration of the Plaintiff's Motion to Compel Answers to Interrogatories, it is the ORDER of this Court that a Rule be issued upon **PATRICIA A. ARMSTRONG-KALGREN** to show cause why the prayer in said Petition should not be granted.

Rule Returnable and Hearing thereon to be held the 22nd day of October, 2010, at 11:30 o'clock A M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:



FILED

09/00 BY
SEP 23 2010

3CC

Atty Blakley

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 23 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/23/10

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

CA

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

DANIEL A. KALGREN)
VS.) NO. 2005-903-CD
PATRICIA A. ARMSTRONG-KALGREN)

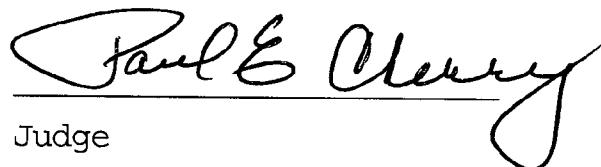
O R D E R

NOW this 22nd day of October, 2010, following argument on Plaintiff's Motion to Compel; upon presentation of issues before this Court, it is the ORDER of this Court that said Motion to Compel be and is hereby granted, and it is ORDERED as follows:

1. The Defendant shall have no more than fifteen (15) days in which to file answers to the interrogatories propounded to her on August 17, 2010.

2. The Defendant shall pay to the Law Offices of Blakley and Jones the sum of Three Hundred Fifty (\$350) Dollars within no more than sixty (60) days from today's date.

BY THE COURT,


Paul E. Cleary
Judge

FILED
03:37 PM
OCT 26 2010
Attns:
Blakley
Lavelle
WV William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 26 2010

William A. Straw
Prothonotary/Clerk of Courts

DATE: 10/26/10
You are responsible for serving all appropriate parties.

The Prothonotary's Office was provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
Defendant(s) Defendant(s) Attorney
Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

PATRICIA A. ARMSTONG-KALGREN

Defendant

TYPE OF CASE: Civil Action

TYPE OF PLEADING:
**Certificate of Service – Answers to
Interrogatories in Aid of Execution**

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD

Patrick Lavelle, Esq.
PA. ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED
NOV 16 2010
NO 5631
S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

DANIEL A. KALGREN

No. 903-2005 CD

Plaintiff

v.

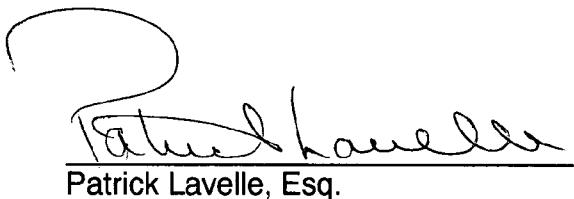
PATRICIA A. ARMSTONG-KALGREN

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 15th day of November, 2010, I served the original and a copy of the Answers to Interrogatories in Aid of Execution, by mailing same via first class mail, postage prepaid to the following:

Benjamin S. Blakley III, Esq.
BLAKLEY & JONES
90 Beaver Dr.
DuBois, PA. 15801



Patrick Lavelle
Patrick Lavelle, Esq.

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-
KALGREN,

Defendant.

) NO. 05-903 C.D.

)

) Type of Case: CIVIL ACTION

)

) Type of Pleading:

) PRAECIPE FOR WRIT OF EXECUTION

)

) Filed on Behalf of:

) Plaintiff

)

) Counsel of Record:

)

) BENJAMIN S. BLAKLEY, III

) Supreme Court No. 26331

)

) LEANNE NEDZA

) Supreme Court No. 89383

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) DuBois PA 15801

) (814) 371-2730

FILED

NOV 19 2010

0111-5062

William A. Shaw
Prothonotary/Clerk of Courts

2 cases -

Susanna

w/6 cases

1 case to file

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

PRAECIPE FOR WRIT OF EXECUTION

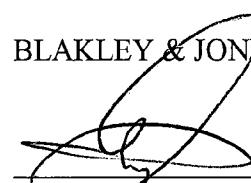
TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Please issue Writ of Execution in the above matter:

1. Directed to the Sheriff of Clearfield County;
2. Against **PATRICIA A. ARMSTRONG-KALGREN**, Defendant in the above-captioned matter; and
3. Index this Writ against the Defendant and as a Lis Pendens against real property of the Defendant described on Schedule A attached hereto;
4. Amount due: \$ 43,615.30
5. Costs: \$ _____ **Prothonotary costs \$ 145.00**

Total: \$ _____

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiff

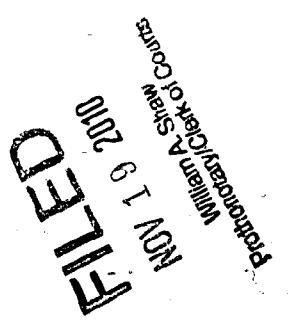
ALL that certain piece, parcel or lot of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at an iron pin on the northeast corner of Lot No. E-4-E in the Lot Plan of the East and South sections of Clear Run Farms' Lake Rene, thence South 17° 20' East 200 feet more or less to an iron pin; thence North 72° 40' East 200 feet more or less to an iron pin; thence North 17° 20' West 200 feet more or less to an iron pin; thence South 72° 40' West 200 feet more or less to an iron pin and the place of beginning, all bearings being magnetic, and containing 0.92 acres, more or less. Being all of Lot No. E-4-F in the aforesaid Lot Plan.

EXCEPTING AND RESERVING all of the coal, oil, gas and minerals of every kind or nature whatsoever, in, under and upon the above-described premises, together with the free and uninterrupted right of ingress, egress and regress to enter upon or under the said premises for the purposes of mining therein and drilling thereon.

UNDER AND SUBJECT TO the following restrictions so that such restrictions shall remain as conditions in full force and effect whether recited and referred to or not in subsequent conveyances and shall attach to the land as conditions precedent to the sale of the same, viz:

1. That the land conveyed hereby is restricted to private use and occupancy for residential and recreational purposes.
2. Only one residence building shall be constructed on each lot hereby conveyed. Approval for the erection of any buildings other than those for residential purposes shall be secured from former Grantors, their heirs, executors, administrators or assigns. The plans for the construction of the single residence building or any other building than that used for residential purposes to be erected upon the premises hereby conveyed shall be approved in writing by former Grantors, their heirs, executors, administrators or assigns before construction is commenced. Such approval shall not be unreasonably withheld.
3. The residence building to be erected upon the premises hereby conveyed shall be located as near the center of the lot as may be practicable.
4. Once construction of the residence building upon the premises hereby conveyed is commenced, the erection of the residence building shall be carried to completion without unreasonable delay.
5. Former Grantors, their heirs, executors, administrators or assigns, and any Grantee whose lot is a part of the premises conveyed to former Grantors, shall have the free and uninterrupted right of ingress and egress to enter upon, over and through the roadways and/or designated lot lines for the recreational purposes of using Lake Rene.



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

DANIEL A. KALGREN,

) NO. 05-903 C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading:

PATRICIA A. ARMSTRONG-
KALGREN,

) WRIT OF EXECUTION

Defendant.

) Filed on Behalf of:

) Plaintiff

)

) Counsel of Record:

)

) BENJAMIN S. BLAKLEY, III

) Supreme Court No. 26331

)

) LEANNE NEDZA

) Supreme Court No. 89383

)

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) DuBois PA 15801

) (814) 371-2730

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
)
 Defendant.)
)

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

YOU SHOULD COME TO COURT READY TO EXPLAIN YOUR EXEMPTION. IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.

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.

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

WRIT OF EXECUTION

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **PATRICIA A. ARMSTRONG-KALGREN**, defendant,

1. you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;
2. you are also directed to attach the property of the defendant not levied upon in the possession of _____ (Name of Garnishee) as garnishee, _____ (Specify describe property) and to notify the garnishee that
a. an attachment has been issued;
b. except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
c. the attachment shall not include
 - (a) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law;
 - (b) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law;
 - (c) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are

attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

3. if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due: \$ 43,615.30
Interest from 6/30/2010: \$ _____
Costs: \$ _____

Prothonotary costs *140.00*

William A. Shaw, Sr., Prothonotary

By _____

W.A. Shaw
Deputy

(Seal)

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 STATUTORY EXEMPTION
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemption as may be provided by law

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

1. From my personal property in my possession which has been levied upon,
a. I desire that my \$300 statutory exemption be
_____ (i) set aside in kind (specify property to be set aside in
kind): _____

_____ (ii) paid in cash following the sale of the property levied
upon; or

b. I claim the following exemption (specify property and basis of
exemption): _____

2. From my property which is in the possession of a third party, I claim the
following exemption:

a. my \$300 statutory exemption: _____ in cash; _____ in kind (specify
property): _____

b. other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption. Notice of the
hearing should be given to me at _____ (address),
(____)-____-_____ (telephone number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

PATRICIA A. ARMSTRONG-KALGREN

THIS CLAIM TO BE FILED WITH THE
OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY:

Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5986

FILED

JAN 11 2011
1/11/00
William A. Shaw
Prothonotary/Clerk of Courts

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.) Type of Case: CIVIL ACTION
PATRICIA A. ARMSTRONG-)
KALGREN,) Type of Pleading:
Defendant.) AFFIDAVIT PURSUANT TO RULE 3129.1
) Filed on Behalf of:
) Plaintiff
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III
) Supreme Court No. 26331
) LEANNE NEDZA
) Supreme Court No. 89383
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois PA 15801
) (814) 371-2730

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
Plaintiff,)
)
vs.)
)
PATRICIA A. ARMSTRONG-)
KALGREN,)
)
Defendant.)

AFFIDAVIT PURSUANT TO RULE 3129.1

DANIEL A. KALGREN, Plaintiff in the above action, sets forth as of the date the Praeclipe for Writ of Execution was filed the following information concerning the real property located at Section 1, Lot E-4-F, Treasure Lake, DuBois, Pennsylvania, as described in Schedule A attached hereto:

1. Name and address of owner(s) or reputed owner(s):

Name _____ Address _____

(if address cannot be reasonably ascertained, please so indicate)

Patricia A. Armstrong-Kalgren 474 Treasure Lake, DuBois, PA

2. Name and address of defendant(s) in the judgment:

Name _____ Address _____

(if address cannot be reasonably ascertained, please so indicate)

Patricia A. Armstrong-Kalgren 474 Treasure Lake, DuBois, PA

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name

Address

(if address cannot be reasonably ascertained, please so indicate)

Daniel A. Kalgren

368 Kalgren Road, DuBois, PA

4. Name and address of the last recorded holder of every mortgage of record:

Name

Address

(if address cannot be reasonably ascertained, please so indicate)

None

5. Name and address of every other person who has any record lien on the property:

Name

Address

(if address cannot be reasonably ascertained, please so indicate)

None

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Name

Address

(if address cannot be reasonably ascertained, please so indicate)

None

7. Name and address of every other person of whom the Plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name

Address

(if address cannot be reasonably ascertained, please so indicate)

None

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1-7-11


DANIEL A. KALGREN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21281
NO: 05-903-CD

PLAINTIFF: DANIEL A. KALGREN
VS.
DEFENDANT: PATRICIA A. ARMSTRONG-KALGREN

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 11/19/2010

LEVY TAKEN 2/16/2011 @ 10:50 AM

POSTED 2/16/2011 @ 10:50 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 6/30/2011

DATE DEED FILED **NOT SOLD**

FILED
07/09/2011
JUN 30 2011
S William A. Shaw
Prothonotary/Clerk of Courts
64

DETAILS

2/16/2011 @ 10:50 AM SERVED PATRICIA A. ARMSTRONG-KALGREN

SERVED PATRICIA A. ARMSTRONG-KALGREN, DEFENDANT, AT HER RESIDENCE SEC1, LOT E4F, P. O. BOX 474, DAVEY COURT, TREASUE LAKE, DUBOIS, PA BY HANDING TO PATRICIA A. ARMSTRONG-KALGREN

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, FEBRUARY 25, 2011 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR MARCH 4, 2011 TO JUNE 3, 2011.

@ SERVED

NOW, FEBRUARY 25, 2011 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JUNE 3, 2011, DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21281
NO: 05-903-CD

PLAINTIFF: DANIEL A. KALGREN

vs.

DEFENDANT: PATRICIA A. ARMSTRONG-KALGREN

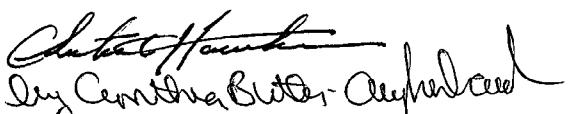
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$204.04

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


by Cynthia Butler, Deputy Sheriff
Chester A. Hawkins
Sheriff

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.) Type of Case: CIVIL ACTION
PATRICIA A. ARMSTRONG-)
KALGREN,) Type of Pleading:
Defendant.) WRIT OF EXECUTION
) Filed on Behalf of:
) Plaintiff
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III
) Supreme Court No. 26331
) LEANNE NEDZA
) Supreme Court No. 89383
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois PA 15801
) (814) 371-2730

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant,)
)

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The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
)
 Plaintiff,)
)
 vs.)
)
)
 PATRICIA A. ARMSTRONG-)
 KALGREN,)
)
 Defendant.)
)

WRIT OF EXECUTION

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **PATRICIA A. ARMSTRONG-KALGREN**, defendant,

1. you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;
2. you are also directed to attach the property of the defendant not levied upon in the possession of _____ (Name of Garnishee) as garnishee,

(Specify
describe property) and to notify the garnishee that
an attachment has been issued;
b. except as provided in paragraph (c), the garnishee is enjoined from paying
any debt to or for the account of the defendant and from delivering any
property of the defendant or otherwise disposing thereof;
c. the attachment shall not include

(a) the first \$10,000 of each account of the defendant with a bank or
other financial institution containing any funds which are deposited
electronically on a recurring basis and are identified as being funds
that upon deposit are exempt from execution, levy or attachment
under Pennsylvania or federal law;

(b) each account of the defendant with a bank or other financial
institution in which funds on deposit exceed \$10,000 at any time if
all funds are deposited electronically on a recurring basis and are
identified as being funds that upon deposit are exempt from
execution, levy or attachment under Pennsylvania or federal law;

(c) any funds in an account of the defendant with a bank or other
financial institution that total \$300 or less. If multiple accounts are

attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

3. if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due: \$ 43,615.30
Interest from 6/30/2010: \$ _____
Costs: \$ _____

Prothonotary costs \$ 145.00

William A. Shaw, Sr., Prothonotary

(Seal)

By WA
Deputy

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 STATUTORY EXEMPTION
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemption as may be provided by law

Received this writ this 19th day
of November A.D. 2010
At 3:00 A.M./P.M.

Charles A. Hawley
Sheriff by Cynthia Butler Aufderhake

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

DANIEL A. KALGREN,) NO. 05-903 C.D.
Plaintiff,)
vs.)
PATRICIA A. ARMSTRONG-)
KALGREN,)
Defendant.)

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

1. From my personal property in my possession which has been levied upon,

a. I desire that my \$300 statutory exemption be

(i) set aside in kind (specify property to be set aside in kind): _____

(ii) paid in cash following the sale of the property levied upon; or

b. I claim the following exemption (specify property and basis of exemption): _____

2. From my property which is in the possession of a third party, I claim the following exemption:

a. my \$300 statutory exemption: _____ in cash; _____ in kind (specify property): _____

b. other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at _____ (address), (____)-____-_____ (telephone number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

PATRICIA A. ARMSTRONG-KALGREN

THIS CLAIM TO BE FILED WITH THE
OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY:

Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830
(814) 765-2641, Ext. 5986

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME PATRICIA A. ARMSTRONG-KALGREN NO. 05-903-CD

NOW, June 30, 2011, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Patricia A. Armstrong-Kalgren to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	19.38
LEVY	15.00
MILEAGE	19.38
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.28
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	15.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$204.04

DEED COSTS:

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$0.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	43,615.30
INTEREST @	0.00
FROM TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$43,635.30

COSTS:

ADVERTISING	1,474.29
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	204.04
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	145.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$2,039.33

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

5570
LAW OFFICES OF
BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, Pennsylvania 15801

Telephone (814) 371-2730
Fax (814) 375-1082

February 17, 2011

Benjamin S. Blakley, III

Leanne Nedza, Associate

ATTN: CINDY
Clearfield County Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 168300

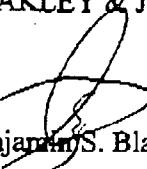
Re: Daniel A. Kalgren v. Patricia A. Armstrong-Kalgren
No. 05-903-C.D.

Dear Cindy:

Pursuant to your telephone conversation with Gretchen this afternoon, please continue the Sheriff's Sale in the above matter to the June 3, 2011, sale date. Thank you for your assistance.

Very truly yours,

BLAKLEY & JONES


Benjamin S. Blakley, III

BSB/glb

cc: Patrick Lavelle, Esquire
Daniel A. Kalgren



LAW OFFICES OF
BLAKLEY & JONES
90 Beaver Drive, Box 6
DuBois, Pennsylvania 15801

Telephone (814) 371-2730
Fax (814) 375-1082

February 25, 2011

Benjamin S. Blakley, III

Leanne Nedza, Associate

ATTN: CINDY
Clearfield County Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 168300

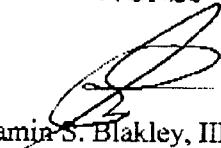
Re: Daniel A. Kalgren v. Patricia A. Armstrong-Kalgren
No. 05-903-C.D.

Dear Cindy:

Please cancel the Sheriff's Sale scheduled for June 3, 2011, in the above matter. Thank you for your assistance.

Very truly yours,

BLAKLEY & JONES


Benjamin S. Blakley, III

BSB/glb

cc: Patrick Lavelle, Esquire
Daniel A. Kalgren



(KK)

FILED
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No CS
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-KALGREN,

Defendant.

CIVIL ACTION - Law

No.: 903 C.D. 2005

Type of Pleading: **NOTICE OF
SERVICE OF INTERROGATORIES
IN AID OF EXECUTION**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

Joseph H. Ellermeyer, Esquire
Achille, Ellermeyer & Wallisch,
Attorneys at Law
379 Main Street
Brookville, PA 15825
814 849-6701
814 849-2889 FAX
I.D. No. 28431

DANIEL A. KALGREN, : IN THE COURT OF COMMON
Plaintiff, : PLEAS OF CLEARFIELD COUNTY,
vs. : PENNSYLVANIA,
PATRICIA A. ARMSTRONG-KALGREN, : CIVIL ACTION - Law
Defendant. : No.: 903 C.D. 2005

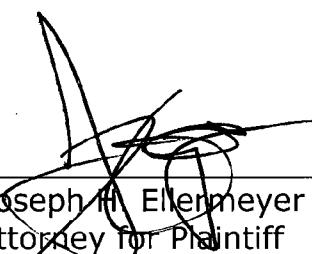
**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS IN AID OF EXECUTION**

TO THE PROTHONOTARY:

You are hereby notified that on the 10th day of November, 2015, Plaintiff, by and through his attorney, Joseph H. Ellermeyer, Esquire, served Interrogatories and Request for Production of Documents in Aid of Execution on Defendant, by serving the original via first class mail, postage prepaid to the following address:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

By


Joseph H. Ellermeyer
Attorney for Plaintiff

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

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-KALGREN,

Defendant.

: CIVIL ACTION - Law

: No.: 903 C.D. 2005

: Type of Pleading:

**PRAECIPE FOR
WRIT OF REVIVAL**

: Filed on behalf of:
Plaintiff

: Counsel of Record for this
Party:

: Joseph H. Ellermeyer, Esquire
: Achille, Ellermeyer & Wallisch,
: Attorneys at Law
: 379 Main Street
: Brookville, PA 15825
: 814 849-6701
: 814 849-2889 FAX
: I.D. No. 28431

FILED

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BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
20pd NOCC 3writs
A+y Ellermeyer

DANIEL A. KALGREN,

Plaintiff,

vs.

PATRICIA A. ARMSTRONG-KALGREN,

Defendant.

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

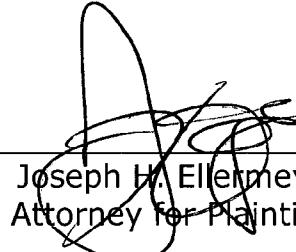
: CIVIL ACTION - Law

: No.: 903 C.D. 2005

PRAECIPE FOR WRIT OF REVIVAL

TO THE PROTHONOTARY:

Issue writ of revival of judgment entered in the Court of Common Pleas of Clearfield County, Pennsylvania, No. 903 CD 2005, and index it in the judgment index against Patricia A. Armstrong-Kalgren in the amount of \$10,445.39 which is the balance due as of November 10, 2015, as the Defendant made payments on the account. Interest on the amount of \$10,445.39 shall begin to accrue as of November 11, 2015, at the statutory interest rate of 6%.


Joseph H. Elletmeyer
Attorney for Plaintiff

DANIEL A. KALGREN,
Plaintiff,

vs.

PATRICIA A.
ARMSTRONG-KALGREN,
Defendant.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - Law
:
: No.: 903 C.D. 2005
:

WRIT OF REVIVAL

TO PATRICIA A. ARMSTRONG-KALGREN:

1. You are notified that the Plaintiff has commenced a proceeding to revive and continue the lien of the judgment entered to the Court of Common Pleas of Clearfield County, Pennsylvania, No. 903 CD 2005.
2. Plaintiff claims that the amount due and unpaid is \$10,445.39 with interest to begin accruing on November 11, 2015, at the statutory interest rate of 6%.
3. You are required within twenty (20) days after service of this writ to file an answer or otherwise plead to this writ. If you fail to do so judgment of revival in the amount claimed by the Plaintiff may be entered without a Hearing and you may lose your property or other important rights.

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.

Court Administrator's Office
Clearfield County Courthouse
230 E Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

MidPenn Legal Services, Inc.
211 E Locust Street
Clearfield, PA 16830
(814) 765-9646

Date: 12/12/2015

Barb K. Spaulding, BNT
Prothonotary

BY: _____
Deputy Prothonotary