

05-1805-CD  
Sherwin-Williams vs J. Spooner al

Sherwin-Williams Co. vs James Spooner al  
05-1805-CD

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, : CIVIL DIVISION - LAW  
Defendant : NO. 05-1805-CD

**N O T I C E**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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.

Pennsylvania Lawyers Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

FILED *PA 885.00 AM*  
*m/2:02 cm* *1CC Shft.*  
*NOV 17 2005* *NoCC.*

*EW*  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
(814) 455-1381

William A. Shaw  
Prothonotary

SHERWIN-WILLIAMS COMPANY,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
	:	OF CLEARFIELD COUNTY, PENNSYLVANIA
v.	:	
JAMES W. SPOONER, Jr. i/d/b/a	:	CIVIL DIVISION - LAW
JWS PAINTING,	:	
Defendant	:	NO.

C O M P L A I N T

AND NOW comes the plaintiff, Sherwin-Williams, Company, by and through its attorneys undersigned, Ely & Smith and set forth their Complaint against the defendant, Brian Pishkur, individually and d/b/a BP Painting, as follows:

1. The plaintiff, Sherwin-Williams Company, is a corporation organized and existing under the laws of the State of Pennsylvania, having its principal place of business at c/o DeHaan & Bach, 11256 Cornell Park Drive, Suite 500, Cincinnati, OH 45242-9321.
2. The defendant, James W. Spooner, Jr., an adult individual, residing at 632 Treasure Lake, DuBois, Pennsylvania 15801. At all times relevant hereto, the defendant, James W. Spooner, Jr., was the sole proprietor and doing business as JWS Painting, having a principal place of business at 632 Treasure Lake, DuBois, Pennsylvania 15801.
3. At the special instance and request of the defendant, plaintiff sold and delivered to defendant certain goods, wares and merchandise, as more fully set forth in the invoices which are incorporated herein by reference and attached hereto as Exhibit "A".
4. Defendant received and accepted said goods, wares and merchandise.
5. Plaintiff regularly sent defendant statements which were received by defendant without exception so as to constitute an account stated.

6. All credits to which defendant may be entitled are set forth in Exhibit "A".
7. Plaintiff is entitled to interest at the rate of 6 per cent per annum from the due date of said obligation.
8. Despite repeated demands for payment, defendant have willfully failed and refused to make payment of the balance of \$1,454.14.
9. Plaintiff has performed all conditions precedent to recovery.
10. In accordance with a credit application, attached hereto as Exhibit B, the defendant is liable for the payment of counsel fees, said counsel fees being 25% of the amount due, or \$363.54.

WHEREFORE, plaintiff demands judgment against defendant in the amount of \$1,817.68 with interest and reasonable attorneys fees and costs of suit

Respectfully submitted,

ELY & SMITH

By   
Edwin W. Smith, Esquire  
Attorney for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814-455-1381

TRIAL BY JURY OF  
TWELVE DEMANDED

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, : CIVIL DIVISION - LAW  
Defendant : NO.

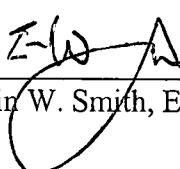
A F F I D A V I T

STATE OF PENNSYLVANIA

ss.

COUNTY OF CLEARFIELD

Edwin W. Smith, Esquire being duly sworn according to law, deposes and says that he is the attorney for the plaintiff, Sherwin Williams Company, that the plaintiff resides/has its principal place of business outside the jurisdiction of the Court of Common Pleas of Erie County, Pennsylvania, and that the facts set forth in the foregoing complaint are true and correct to his information, knowledge and belief, said information, knowledge and belief being based on facts and information being supplied to him by the plaintiff. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

  
Edwin W. Smith, Esquire

Page: 1 Document Name: untitledSARF055  
RSARM055SHERWIN-WILLIAMS STORES GROUP  
COMMERCIAL STATEMENTSDATE: 10/21/05  
PAGE: 1

ACCT NBR: 6751-3662-6	JOB: 01	NAME/ADDR: SPOONER*JAMES W			
STMT YR/MO: 2005 / 10	OI STORE: 9694	DBA JWS PAINTING			
TERMS: 120	DCM: 09680	PO BOX 953			
PAST DUE AMOUNT	MINIMUM PAYMENT	DU BOIS PA 15801			
1,450.79					
PREVIOUS BALANCE	CURRENT CHARGES	CURRENT CREDITS	ACCOUNT BALANCE		
1,460.79		-10.00	1,450.79		
			TOTAL AMOUNT		
TRAN DATE	REF NO.	TYPE	STORE	TRANS AMOUNT	
UNAPPLIED	03/03/05	66709	PYMT	1174	-100.00
	05/24/05	01474	PYMT	1174	-400.00
	07/17/05	29368	PYMT	1174	-3.35
	10/12/05	69703	PYMT	1174	-10.00
PAST DUE	09/01/04	02761	CHRG	1174	130.39
	09/02/04	03272	CHRG	1174	40.02
	09/03/04	04106	CHRG	1174	28.89
	09/07/04	05954	CHRG	1174	109.26
	09/07/04	05574	CHRG	1174	9.00
	09/10/04	07158	CHRG	1174	42.38

PF21=COMM PF23=RETL PF7=BCK PF8=FWD PF11=MENU PF12=QUIT  
 DC903041 <PF7> = PAGE BACKWARD <PF8> = PAGE FORWARD



Page: 1 Document Name: untitledSHERWIN-WILLIAMS STORES GROUP  
COMMERCIAL STATEMENTSDATE: 10/21/05  
PAGE: 2

ACCT NBR: 6751-3662-6     JOB: 01     NAME/ADDR: SPOONER\*JAMES W  
 STMT YR/MO: 2005 / 10     OI     STORE: 9694     DBA JWS PAINTING  
 TERMS: 120     DCM: 09680     PO BOX 953  
 PAST DUE AMOUNT     MINIMUM PAYMENT     DU BOIS     PA 15801

PREVIOUS BALANCE	CURRENT CHARGES	CURRENT CREDITS	ACCOUNT BALANCE	
1,460.79		-10.00	1,450.79	
			TOTAL AMOUNT	
TRAN DATE	REF NO.	TYPE	STORE	TRANS AMOUNT
09/10/04	07166	CHRG	1174	21.19
09/16/04	10046	CHRG	1174	21.19
09/20/04	11630	CHRG	1174	25.43
09/21/04	12208	CHRG	1174	82.04
09/28/04	49160	CHRG	1174	116.82
09/30/04	15946	CHRG	1174	103.30
09/30/04	15938	CHRG	1174	27.72
10/01/04	16605	CHRG	1174	4.64
10/04/04	49640	CHRG	1174	136.24
10/04/04	49657	CHRG	1174	10.47

PF21=COMM PF23=RETL PF7=BCK PF8=FWD PF11=MENU PF12=QUIT  
 DC903041 <PF7> = PAGE BACKWARD     <PF8> = PAGE FORWARD

Page: 1 Document Name: untitledSARF055  
RSARM055SHERWIN-WILLIAMS STORES GROUP  
COMMERCIAL STATEMENTSDATE: 10/21/05  
PAGE: 3

ACCT NBR: 6751-3662-6     JOB: 01     NAME/ADDR: SPOONER\*JAMES W  
 STMT YR/MO: 2005 / 10     OI     STORE: 9694     DBA JWS PAINTING  
 TERMS: 120     DCM: 09680     PO BOX 953  
 PAST DUE AMOUNT     MINIMUM PAYMENT     DU BOIS     PA     15801

1,450.79

PREVIOUS BALANCE	CURRENT CHARGES	CURRENT CREDITS	ACCOUNT BALANCE
1,460.79		-10.00	1,450.79

TRAN DATE	REF NO.	TYPE	STORE	TRANS	AMOUNT	TOTAL AMOUNT
10/07/04	18692	CHRG	1174		84.06	
10/07/04	18700	CHRG	1174		6.75	
10/08/04	19260	CHRG	1174		84.06	
10/11/04	20128	CHRG	1174		210.65	
10/18/04	22587	CHRG	1174		389.93	
10/20/04	23726	CHRG	1174		28.61	
10/26/04	25689	CHRG	1174		55.02	
10/27/04	26018	CHRG	1174		27.51	
11/08/04	30184	CHRG	1174		168.57	1,964.14

PF21=COMM     PF23=RETL     PF7=BCK     PF8=FWD     PF11=MENU     PF12=QUIT  
 DC903041 <PF7> = PAGE BACKWARD     <PF8> = PAGE FORWARD

FROM : Sherwin-Williams#1174, Dubois. FAX NO. : 814-371-9146

Mar. 10 2005 09:47AM P1



## Commercial Credit Application

Date: 2/10/03

Firms Full Name: SWS Painting  
 Street Address: 632 Treasure Lake  
 Billing Address: 632 Treasure Lake  
 City: Dubois PA

Type of Business Painting  
 Phone 814-375-2458  
 Fax:

E-Mail Addresses (Optional): Purchasing Department:

Accounts Payable:

State: PaZip: 15801

City:

State:

ELY & SMITH  
ATTORNEYS AND COUNSELORS AT LAW

THEODORE B. ELY, II  
EDWIN W. SMITH

23 WEST TENTH STREET  
ERIE, PENNSYLVANIA 16501  
PHONE (814) 455-1381  
FAX (814) 456-0287

November 11, 2005

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

RE: Sherwin-Williams Company v. James W. Spooner, Jr. i/d/b/a JWS Painting

DOCUMENTS ENCLOSED:

Please find enclosed a complaint to be filed in the above set forth matter. Once filed, please forward to the Sheriff's Department for service. We have enclosed our checks to cover the costs of same. Thank you.



File

- Sign and return
- Read and note
- Call us regarding same

Sincerely,

ELY & SMITH

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, : CIVIL DIVISION - LAW  
Defendant : NO. 05-1805 CD

NOTICE

FILED  
MTH 34, 2006  
FEB 06 2006  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

TO: James Spooner i/d/b/a JWS Painting  
Treasure Lake Camp Ground  
11A  
DuBois, PA 15801

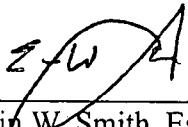
DATE OF NOTICE: February 2, 2006

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL  
SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Lawyers Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-629-7375

  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

NOTICE

FILED NO  
M 11:34 AM  
FEB 06 2006  
JAN

William A. Shaw  
Prothonotary/Clerk of Courts

TO: James Spooner i/d/b/a JWS Painting  
632 Treasure Lake  
DuBois, PA 15801

DATE OF NOTICE: February 2, 2006

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Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-629-7375

*E.W.S.*  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff : OF CLEARFIELD COUNTY, PENNSYLVANIA  
v. : CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

FILED  
mja:08/64  
FEB 13 2006  
SF

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE

TO: James Spooner i/d/b/a JWS Painting  
P.O. Box 953  
Du Bois, PA 15801-5953

DATE OF NOTICE: February 10, 2006

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Pennsylvania Lawyers Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-629-7375

*EWS*  
Edwin W. Smith, Esquire  
Attorneys for Plaintiff  
23 West Tenth Street  
Erie, PA 16501  
814/455-1381

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101013  
NO: 05-1805-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: SHERWIN-WILLIAMS COMPANY  
vs.  
DEFENDANT: JAMES W. SPOONER Jr. i/d/b/a JWS PAINTING

**SHERIFF RETURN**

---

NOW, November 30, 2005 AT 2:35 PM SERVED THE WITHIN COMPLAINT ON JAMES W. SPOONER JR. DEFENDANT AT TREASURE LAKE CAMPGROUND 11 A, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES W. SPOONER, JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED  
01/01/06  
MAR 01 2006  
WS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101013  
NO: 05-1805-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: SHERWIN-WILLIAMS COMPANY  
VS.  
DEFENDANT: JAMES W. SPOONER Jr. i/d/b/a JWS PAINTING

**SHERIFF RETURN**

---

NOW, November 30, 2005 AT 2:35 PM SERVED THE WITHIN COMPLAINT ON JWS PAINTING DEFENDANT AT TREASURE LAKE CAMPGROUND 11 A, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES SPOONER, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101013  
NO: 05-1805-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: SHERWIN-WILLIAMS COMPANY  
vs.  
DEFENDANT: JAMES W. SPOONER Jr. i/d/b/a JWS PAINTING

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ELY	29204	20.00
SHERIFF HAWKINS	ELY	29204	42.80

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006

  
Chester A. Hawkins  
Sheriff

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: CIVIL DIVISION - LAW  
:  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO THE PROTHONOTARY:

1. Enter default judgment against defendant for failure to plead within twenty (20) days of service of the complaint and for failure to plead within ten (10) days of notice of praecipe for entry of default judgment in the amount of \$1,817.68 together with interest and costs of suit.
2. Undersigned counsel hereby certifies that written notice of intention to file this praecipe was mailed to the defendant and to any counsel of record on February 10, 2006, which is after default occurred and at least ten (10) days prior to the date of this praecipe.
3. A copy of the notices of intention of filing this praecipe are attached hereto.

Respectfully Submitted,

SHAPIRA, HUTZELMAN, BERLIN, ELY, SMITH AND  
WALSH

By

*E-W. Smith*

Edwin W. Smith, Esquire  
Attorney for Plaintiff  
305 West Sixth Street  
Erie, PA 16507

814/452-6800

DATE: March 14, 2006

FILED <sup>No cc</sup>  
m 12:07 PM Atty pd. 20.00  
MAR 16 2006 Notice to Def.  
Statement to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
610

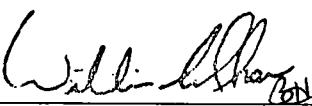
COPY

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF CLEARFIELD COUNTY, PENNSYLVANIA  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

TO: James Spooner i/d/b/a JWS Painting  
P.O. Box 953  
Du Bois, PA 15801-5953

(  ) Notice is hereby given that a judgment in the above-captioned matter has been entered against you in the amount of \$ 1,817.408 on March 16, 2006.

(  ) A copy of all documents filed with the Prothonotary in support of the within judgment is/are enclosed.

  
\_\_\_\_\_  
Prothonotary Division

Clerk of Records

By \_\_\_\_\_

If you have any questions regarding this Notice, please contact the filing party:

Edwin W. Smith, Esquire  
305 West Sixth Street  
Erie, PA 16507  
814/452-6800

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

CCOPY

Sherwin-Williams Company  
Plaintiff(s)

No.: 2005-01805-CD

Real Debt: \$1,817.68

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

James W. Spooner Jr.  
JWS Painting  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 16, 2006

Expires: March 16, 2011

Certified from the record this 16th day of March, 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
:  
v.  
:  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

FILED *2000*  
*M 13:05 AM 160751*  
*JUN 29 2006 to Shff*

*William A. Shaw* *Atty pd.*  
Prothonotary/Clerk of Courts *2000*  
*on*

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Clearfield County:
- (2) against, James W. Spooner, Jr., i/d/b/a JWS Spooner, and
- (3) against \_\_\_\_\_ garnishee;
- (4) and index this writ
  - (a) against \_\_\_\_\_, defendant and
  - (b) against \_\_\_\_\_, garnishee,  
as a lis pendens against real property of the  
defendant(s) in name of garnishee as follows:

---

---

---

(Specifically describe property)  
(If space insufficient attach extra sheet)

(5) Amount due \$1,817.68  
Interest from 3/16/06 \$ 30.78  
[Costs to be added] \_\_\_\_\_

125.00

**Prothonotary costs**

*E.W.S.*  
Edwin W. Smith, Esquire  
Attorney for Plaintiff  
305 West Sixth Street  
Erie, PA 16507  
814-452-6800

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

NOTICE OF WRIT OF EXECUTION

N O T I C E

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 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

Pennsylvania Lawyer's Referral Service

Pennsylvania Bar Association

P.O. Box 186

Harrisburg, PA 17108

800-692-7375

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA )  
ss:  
COUNTY OF Clearfield )

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against  
James W. Spooner, Jr. i/d/b/a JWS Painting, defendants,

- (1) You are directed to levy upon the property of the defendant and to sell its interest therein;
- (2) You also are directed to attach the property of the defendant not levied upon in the possession of \_\_\_\_\_, as garnishee, Account Number \_\_\_\_\_ in name of \_\_\_\_\_ and to notify the garnishee that:
  - (a) An attachment has been issued.
  - (b) 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;

(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 him that he has been added as a garnishee and is enjoined as above stated.

Amount Due \$1,817.68

Interest From 3/16/06 \$ 30.78

[Costs to be added]

Seal of the Court

WILLIAM A. SHAW, CLERK OF RECORDS  
PROTHONOTARY (CIVIL) DIVISION

Dated: \_\_\_\_\_

By \_\_\_\_\_  
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 exemptions as may be provided by law.

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
:  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

V E R I F I C A T I O N

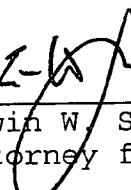
STATE OF PENNSYLVANIA

ss.

COUNTY OF Clearfield

Edwin W. Smith, Esquire, verifies and states that the last known residence of the above-named defendants is: 632 Treasure Lake, Dubois, PA 15801.

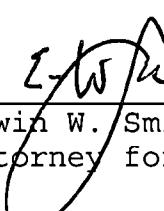
I verify that the statements made in this verification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Edwin W. Smith, Esquire  
Attorney for Plaintiff

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

VERIFICATION OF NON-MILITARY SERVICE

I, Edwin W. Smith, Esquire, verify and state that the defendant(s) in the above entitled case is not engaged in the military services of the United States of America. I verify that the statements made in this verification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
Edwin W. Smith, Esquire  
Attorney for Plaintiff

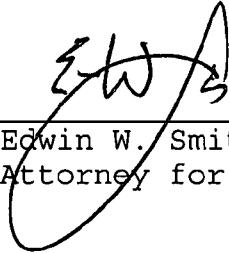
DATE: 6-26-08

SHERWIN-WILLIAMS COMPANY,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL DIVISION - LAW
JAMES W. SPOONER, Jr. i/d/b/a	:	
JWS PAINTING,	:	
Defendant	:	NO. 05-1805 CD

V E R I F I C A T I O N

The undersigned, counsel for the judgment creditor herein, verifies and states that he/she having praeciped for a Writ of Execution in the above captioned proceeding does hereby verify and affirm that a levy, execution or garnishment is not being made on any judgment by confession entered pursuant to a transaction governed by the Goods and Services Installment Sales Act, 69 P.S. 1101 et seq; nor the Loan Interest and Protection Law of 1974, 41 P.S. 101 et seq; nor any confessed judgment governed by Pennsylvania Rules of Civil Procedure 2981-2986.

I verify that the statements made in this verification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Edwin W. Smith, Esquire  
Attorney for Plaintiff

SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
v. :  
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

CLAIM FOR EXEMPTION

To the Sheriff of Clearfield County:

I, the above-name 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 \$300.00 statutory exemption be

(i) exemption be set aside in kind (specify property to be set aside in kind): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(ii) paid in cash following the sale of 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 exemptions:

**FILED**

**JUN 29 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION – LAW**

Sherwin-Williams Company

CC. ✓

Vs.

NO.: 2005-01805-CD

James W. Spooner Jr. i/d/b/a JWS Painting

**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the debt, interest and costs due SHERWIN-WILLIAMS COMPANY, Plaintiff(s) from JAMES W. SPOONER JR. i/d/b/a JWS PAINTING, Defendant(s):

(1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:  
Personal Property

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

**(4) If Social Security funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL: \$1,817.68

PROTHONOTARY'S COSTS PAID: \$125.00

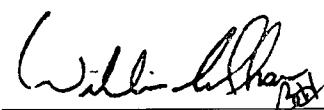
INTEREST from 3/16/06: \$30.78

SHERIFF: \$

ATTY'S COMM: \$

OTHER COSTS: \$

DATE: 06/29/2006



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ A.M./P.M.

Requesting Party: Edwin W. Smith, Esq.  
305 W. Sixth Street  
Erie, PA 16507  
(814) 452-6800

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20401  
NO: 05-1805-CD

PLAINTIFF: SHERWIN-WILLIAMS COMPANY  
vs.  
DEFENDANT: JAMES W. SPOONER, JR. I/D/B/A JWS PAINTING  
Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 6/30/2006

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/9/2009

DATE DEED FILED NOT SOLD

S  
FILED  
0/9/10 LM  
FEB 09 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

@ SERVED JAMES W. SPOONER, JR I/D/B/A JWS PAINTING

DEPUTIES CHECKED WITH TREASURE LAKE SECURITY AND WERE INFORMED JAMES W. SPOONER, JR., I/D/B/A JWS PAINTING WAS EVICTED FROM TREASURE LAKE AND THEY HAVE NO FORWARDING ADDRESS.

@ SERVED JAMES W. SPOONER, JR.

DEPUTIES CHECKED WITH TREASURE LAKE SECURITY AND WERE INFORMED JAMES W. SPOONER, JR. WAS EVICTED FROM TREASURE LAKE AND THEY HAVE NO FORWARDING ADDRESS.

@ SERVED

NOW, FEBRURY 9, 2009 RETURN WRIT AS TIME EXPIRED.

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

NAME JAMES W. SPOONER, JR I/D/B/A JWS PAINTING

NO. 05-1805-CD

NOW, February 07, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of James W. Spooner, Jr. I/D/B/A Jws Painting 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:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR SERVICE	9.00	DEBT-AMOUNT DUE	1,817.68
MILEAGE	16.91	INTEREST @ %	0.00
LEVY		FROM TO	
MILEAGE		PROTH SATISFACTION	
POSTING		LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	0.59	ATTORNEY COMMISSION	
HANDBILLS		REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	40.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	30.78
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID/ SETTLEMENT AMOUNT		<b>TOTAL DEBT AND INTEREST</b>	<b>\$2,054.96</b>
RETURNS/DEPUTIZE			
COPIES	10.00	<b>COSTS:</b>	
		ADVERTISING	0.00
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$41.50</b>	LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	41.50
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	125.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$166.50</b>
		<b>TOTAL COSTS</b>	<b>\$2,054.96</b>

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. 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