

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

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

SHERWIN-WILLIAMS COMPANY,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: CIVIL DIVISION - LAW  
:  
: NO. 05-1805-CD

**NOTICE**

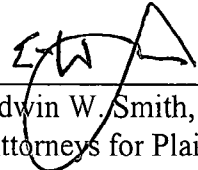
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses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

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

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

**FILED** *PD 85.00 AH*  
*m/p:02 cm* *ICC shff*  
NOV 17 2005 *No CC.*

  
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.	:	
	:	CIVIL DIVISION - LAW
JAMES W. SPOONER, Jr. i/d/b/a	:	
JWS PAINTING,	:	
Defendant	:	NO.

### COMPLAINT

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,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

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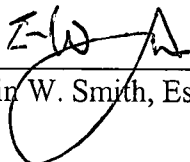
A F F I D A V I T

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

SARF055 SHERWIN-WILLIAMS STORES GROUP DATE: 10/21/05  
RSARM055 COMMERCIAL STATEMENTS 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

PREVIOUS BALANCE		CURRENT CHARGES		CURRENT CREDITS		ACCOUNT BALANCE
1,450.79				-10.00		1,450.79
1,460.79						
UNAPPLIED	TRAN DATE	REF NO.	TYPE	STORE	TRANS AMOUNT	TOTAL AMOUNT
	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	-513.35
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  
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SARF055  
RSARM055SHERWIN-WILLIAMS STORES GROUP  
COMMERCIAL STATEMENTS

DATE: 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	TOTAL AMOUNT
1,450.79		-10.00	1,450.79	
1,460.79				
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

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DC903041 <PF7> = PAGE BACKWARD      <PF8> = PAGE FORWARD

Page: 1 Document Name: untitled

SARF055  
RSARM055

SHERWIN-WILLIAMS STORES GROUP  
COMMERCIAL STATEMENTS

DATE: 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

PREVIOUS BALANCE	CURRENT CHARGES	CURRENT CREDITS	ACCOUNT BALANCE		
1,450.79					
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



SHERWIN-Williams		Commercial Credit Application		Date: 2/10/03	
Firm's Full Name: JWS Painting		Type of Business: Painting			
Street Address: 632 Treasure Lake		Phone: 814-375-2458			
Billing Address: 632 Treasure Lake		Fax:			
City: DuBois Pa		State: Pa		Zip: 15801	
E-Mail Addresses (Optional): Purchasing Department:		Accounts Payable:			
Parent Company Name:		City:		State:	
Date Business Started: 1/01/92		Number Employed:		Contractor License No:	
PO Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Tax Exempt: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If YES, Certificate must be attached to (or faxed with) application to qualify.	
Federal I.D. #:					
Please Check One: <input type="checkbox"/> PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION		STATE INCORPORATED IN:		<input type="checkbox"/> LLC	
For Proprietorship, Partnership or Corporation if Applicable					
1. Name of Owner(s): James W. Spooner Jr.		Home Address: 632 Treasure Lake			
City: DuBois		State: Pa		Zip Code: 15801	
Social Security Number: 186-62-7360					
2. Name of Owner(s):		Home Address:			
City:		State:		Zip Code:	
Social Security Number:					
THE INFORMATION IN THIS SECTION MAY BE USED TO OBTAIN A PERSONAL CREDIT REPORT FROM A CONSUMER REPORTING AGENCY					
CREDIT REFERENCES (If more space is needed, please use back of page.)					
NAME		ADDRESS		PHONE NUMBER	
ACCOUNT NUMBER					
Timberland Federal Credit Union		Beaver Drive		0422341078	
Bank Name		Address		Phone #	
Account #					
If credit is granted, I/We understand that the terms of the sale are net 20th of the month following purchase. The Sherwin-Williams Company ("Sherwin-Williams") may charge interest on any past due balance at the maximum rate allowed by law with said interest being calculated from the date of default.					
In consideration of Sherwin-Williams extending credit to the above business, I/We do hereby agree jointly and individually, to pay for all goods, wares and merchandise supplied to me or to any of us or the above business. In the event that the account is placed with a third party for collection, I/We agree to pay all costs including reasonable attorney fees, court costs and finance charges.					
I/We authorize Sherwin-Williams to investigate our credit history (both business and personal), bank references and any information deemed necessary to extend credit. I/We agree to: (i) immediately notify Sherwin-Williams in writing, delivered in person or by certified mail return receipt requested, of any change in ownership, form of business, or address, or the termination of a person's authority to incur charges under the account on behalf of the applicant; and (ii) indemnify Sherwin-Williams for any loss incurred thereby as a result of our failure to provide said written notice. This agreement shall remain in full force and effect until written notice of revocation is received by Sherwin-Williams.					
Authorized Signature: [Signature]		Date: 2/10/03		Authorized Signature: _____	
Print Name Here: James W. Spooner Jr.		Date:		Print Name Here: _____	
INTERNAL USE ONLY					
Store #: 1174		Territory #: 100		CAC Code: 1722	
DCP: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		P.S. Volume:			
Anticipated Credit Limit: 300		Approved Credit Limit:			
Account Number: 6751-3662-6		Date:		Approved By:	
Creditor Name		Selling Since		Date Last Chg. Sale	
Ter					
Post-It Fax Note		7671		Date	
To: Donielle		From: Pat		# of pages	
Co/Dept:		Co:			
Phone #: D.C.O		Phone #: DuBois, Pa			
Fax #		Fax #			

Commercial Credit rev. 8.16.02a VERSION EN ES

161168



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,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: CIVIL DIVISION - LAW  
:  
: NO. 05-1805 CD

NOTICE

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

**FILED** *MR CC*  
*3/11/06*  
**FEB 06 2006** *JS*

William A. Shaw  
Prothonotary/Clerk of Courts

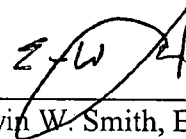
DATE OF NOTICE: February 2, 2006

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

A handwritten signature in black ink, appearing to read 'E. W. Smith', is written over a horizontal line.

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

SHERWIN-WILLIAMS COMPANY,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: CIVIL DIVISION - LAW  
:  
: NO. 05-1805 CD

NOTICE

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

**FILED** *nc*  
*m 11:34 AM*  
**FEB 06 2006** *LM*  
William A. Shaw  
Prothonotary/Clerk of Courts

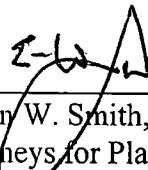
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Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-629-7375

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

SHERWIN-WILLIAMS COMPANY,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

NO. 05-1805 CD

**FILED** *no cc*  
*mja:os*  
FEB 13 2006 *SM*

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



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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

0101430  
MAR 01 2006

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

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

So Answers,

  
  
Chester A. Hawkins  
Sheriff

SHERWIN-WILLIAMS COMPANY,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
:  
: CIVIL DIVISION - LAW  
:  
: NO. 05-1805 CD

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

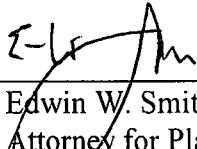
TO THE PROTHONOTARY:

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

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

DATE: March 14, 2006

**FILED** No cc  
m 12:07 PM  
MAR 16 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd. 20.00  
Notice to Def.  
Statement to Atty  
670

 COPY

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

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

- ( x ) Notice is hereby given that a judgment in the above-captioned matter has been entered against you in the amount of \$ 1,817.68 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

COPY

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

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,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
:  
: CIVIL DIVISION - LAW  
:  
:  
: NO. 05-1805 CD

**FILED** 2006  
M 3:05 PM  
JUN 29 2006  
to Shff

William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd.  
2006  
WR

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  
Spooners, 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:

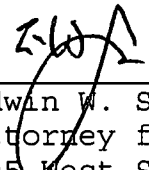
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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**

  
\_\_\_\_\_  
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.

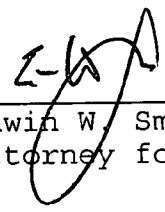
SHERWIN-WILLIAMS COMPANY, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:   
v. :   
: CIVIL DIVISION - LAW  
JAMES W. SPOONER, Jr. i/d/b/a :  
JWS PAINTING, :  
Defendant : NO. 05-1805 CD

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,  
Plaintiff

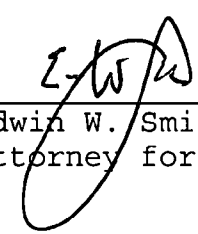
v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

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

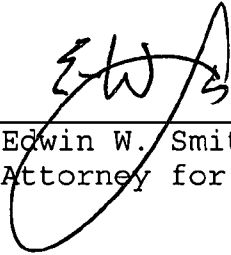
DATE: 6-26-06

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 the 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,  
Plaintiff

v.

JAMES W. SPOONER, Jr. i/d/b/a  
JWS PAINTING,  
Defendant

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

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  
INTEREST from 3/16/06: \$30.78  
ATTY'S COMM: \$  
DATE: 06/29/2006

PROTHONOTARY'S COSTS PAID: \$125.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

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

\_\_\_\_\_  
Sheriff

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

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

5  
**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, FEBRUARY 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
MILEAGE LEVY	16.91
MILEAGE POSTING	
HANDBILLS	
COMMISSION	0.00
POSTAGE HANDBILLS	0.59
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE COPIES	10.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$41.50</b>

DEBT-AMOUNT DUE	1,817.68
INTEREST @ %	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	30.78
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$2,054.96</b>

**COSTS:**

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
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