

06-823-CD

Pro-Formance Fuel vs Larry Kitchen  
2006-823-CD

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC., :  
Plaintiff : No. 06-823-CD  
vs. : Type of Pleading:  
LARRY KITCHEN, :  
Defendant : **COMPLAINT**  
: Filed on behalf of:  
: PLAINTIFF  
: Counsel of record for this  
: Party:  
: Robert M. Hanak, Esq.  
: Supreme Court No. 05911  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

FILED *for \$85.00 Atty*  
*m/10:45am 1cc Sh ff*  
MAY 25 2006 *WM*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
: :  
vs. : No.  
: :  
LARRY KITCHEN, :  
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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ext. 1303

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
: :  
vs. : No.  
: :  
LARRY KITCHEN, :  
Defendant :  
:

**COMPLAINT**

AND NOW, comes the Plaintiff, and by its Attorneys, Hanak, Guido and Taladay, avers a cause of action as follows:

1. Plaintiff is Pro-Formance Fuel Injection Service, Inc., a Pennsylvania business corporation, with a principal place of business at 102 Hotel Heights, I-80 Exit 120, Clearfield, Pennsylvania 16830.
2. The Defendant is Larry Kitchen, an individual, who resides at Box 97, 491 East Bridge Street, Westover, Clearfield County, Pennsylvania 16692.
3. Plaintiff is in the business of rebuilding, repair and overhaul of diesel truck motors, primarily for over the road long distance hauling trucks.
4. The Defendant is the owner and operator of over the road semi-tractor trailers.
5. On or about December 2, 2004, the Defendant requested the Plaintiff to repair and overhaul a Cummins diesel motor, which was performed and completed by the Plaintiff on or about December 15, 2004.

6. Plaintiff installed parts, service and labors into the rebuilding and overhaul of such motor resulting in invoices by Plaintiff to Defendant in the amount of \$11,909.71 and \$239.39. Copies of the invoices are attached hereto as Exhibits A and B.

7. The prices charged by Plaintiff to Defendant are fair and reasonable and the price agreed to be paid by the Defendant.

8. Defendant has refused and continues to refuse to pay the amount of the invoices.

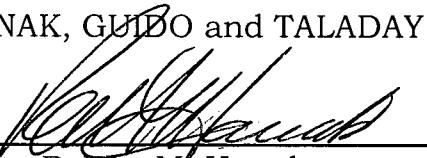
9. The invoices have grown by carrying charges at the rate of 1-1/2% percent per month, and there is currently due and owing at this time, with carrying charges, the amount of \$14,693.88.

20. Defendant continues to refuse to pay the invoice, and Plaintiff now has possession and control of the tractor truck on which the services were performed.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in its favor in the amount of \$14,693.88, together with court costs and such other relief as the Court may deem appropriate.

HANAK, GUIDO and TALADAY

By

  
Robert M. Hanak  
Attorney for Plaintiff

**VERIFICATION**

I, MARTIN BELELLA, President of Pro-formance Fuel Injection Service, Inc., do hereby verify that I have read the foregoing COMPLAINT. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 5-18-06

Martin Belella  
Martin Belella

**Pro-Formance Fuel Injection Service, Inc.****Invoice**

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

Date	Invoice #
12/2/2004	7027

Bill To
---------

Larry Kitchen Box 97 Westover, Pa. 16692
--

	P.O. No.	Terms	Due Date	Account #	Project
			12/2/2004		

Item	Description	Qty	Rate	Amount
TUR 3804502	turbo	1	771.46	771.46
G1M FG-AF25033M	air filter	1	47.70	47.70
CUM 3066211	seal	1	5.57	5.57
G1M M-715	BRAKLEEN	5	1.42	7.10
G1M N14	rods	1	78.98	78.98
PAI 045100	crossover	2	12.74	25.48
PAI 040026	screw	5	0.21	1.05
CUM 4024880	overhaul kit	1	3,164.93	3,164.93
CUM 3406742	head	3	464.50	1,393.50
CUM 3070136	seal	5	2.53	12.65
CUM 3070137	seal	5	2.53	12.65
CUM 3070138	seal	5	2.53	12.65
CUM 3020183	seal	1	41.36	41.36
CUM 4058949	gear cover GSKT	1	15.18	15.18
CUM 3076225	gasket	1	19.83	19.83
G1M WAE-33225	lap joint	3	7.26	21.78

	<b>Subtotal</b>
Visit our website @ <a href="http://www.proformancefuel.com">http://www.proformancefuel.com</a>	<b>Sales Tax (6.0%)</b>
	<b>Total</b>
	<b>Payments/Credits</b>
	<b>Balance Due</b>

# Pro-Formance Fuel Injection Service, Inc.

# Invoice

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

Date	Invoice #
12/2/2004	7027

Bill To

Larry Kitchen  
Box 97  
Westover, Pa. 16692

	P.O. No.	Terms	Due Date	Account #	Project
			12/2/2004		

Item	Description	Qty	Rate	Amount
FIL LBF-LFP3000	FILTER	1	19.34	19.34
FIL LBF-LFW4071	FILTER	1	6.35	6.35
FIL LBF-LFF5	FILTER	1	3.34	3.34
AF1	antifreeze	6	8.31	49.86
GUT oil	15w40	84	1.65	138.60
CUM 3006737	oil seal	1	31.43	31.43
CUM 3068466	hand hole gasket	1	10.49	10.49
CUM 3067616	rear cover gasket	1	2.20	2.20
CUM 3068135	gasket	3	12.80	38.40
CUM 3800616	kit	1	22.18	22.18
CUM 3076226	gsk, cpr	1	10.88	10.88
CUM 3078307RX	drive	1	628.23	628.23
CUM 3065151	gear	1	226.80	226.80
CUM 3411335	thm	1	58.43	58.43
CUM 147100		1	18.28	18.28
CUM 70772	screw	2	1.15	2.30

Visit our website @ <a href="http://www.proformancefuel.com">http://www.proformancefuel.com</a>	<b>Subtotal</b>
	<b>Sales Tax (6.0%)</b>
	<b>Total</b>
	<b>Payments/Credits</b>
	<b>Balance Due</b>

# Pro-Formance Fuel Injection Service, Inc.

# Invoice

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

Date	Invoice #
12/2/2004	7027

Bill To
---------

Larry Kitchen Box 97 Westover, Pa. 16692
--

	P.O. No.	Terms	Due Date	Account #	Project
			12/2/2004		

Item	Description	Qty	Rate	Amount
CUM 135308	plate	2	3.68	7.36
CUM 4058947	belt	6	4.68	28.08
CUM 3411389	bushing	1	5.83	5.83
CUM 3095880	belt	1	14.05	14.05
G1M 479237C1	Insulater	2	33.45	66.90
G1M 503579C1	insulator	2	27.05	54.10
G1M GYR-17446	belt	2	10.26	20.52
G1M WAE-49162	tube	2	5.69	11.38
G1M WAE-42339	tubing	2	28.15	56.30
G1M UA-77306	DISC	9	0.87	7.83
Starter		1	225.00	225.00
G1M 127760	brake	1	15.72	15.72
Hose	hose	1	16.28	16.28
G1M CHO-210456P	gear lube	1	126.28	126.28
G1M SP-10839174	15'2" clutch	1	667.07	667.07
G1M BCA-306SS	bearing	1	19.82	19.82

	<b>Subtotal</b>
Visit our website @ <a href="http://www.proformancefuel.com">http://www.proformancefuel.com</a>	<b>Sales Tax (6.0%)</b>
	<b>Total</b>
	<b>Payments/Credits</b>
	<b>Balance Due</b>

**Pro-Formance Fuel Injection Service, Inc.****Invoice**

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

Date	Invoice #
12/2/2004	7027

Bill To

Larry Kitchen  
Box 97  
Westover, Pa. 16692

	P.O. No.	Terms	Due Date	Account #	Project
			12/2/2004		

Item	Description	Qty	Rate	Amount
filter labor	BWN-P-528 labor	1	7.46 3,740.00	7.46 3,740.00

Visit our website @ <a href="http://www.proformancefuel.com">http://www.proformancefuel.com</a>	<b>Subtotal</b> \$11,988.96
	<b>Sales Tax (6.0%)</b> \$0.00
	<b>Total</b> \$11,988.96
	<b>Payments/Credits</b> -\$79.25
	<b>Balance Due</b> \$11,909.71

**Pro-Formance Fuel Injection Service, Inc.****Invoice**

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

Date	Invoice #
12/15/2004	7144

Bill To
---------

Larry Kitchen Box 97 Westover, Pa. 16692
--

	P.O. No.	Terms	Due Date	Account #	Project
			12/15/2004		

Item	Description	Qty	Rate	Amount
CAT 1S4295 labor	gasket labor	1	5.64 233.75	5.64 233.75

Visit our website @ <a href="http://www.proformancefuel.com">http://www.proformancefuel.com</a>	<b>Subtotal</b> \$239.39
	<b>Sales Tax (6.0%)</b> \$0.00
	<b>Total</b> \$239.39
	<b>Payments/Credits</b> \$0.00
	<b>Balance Due</b> \$239.39

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
5/31/2005	FC 1535

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

Description	Amount	Terms
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004	1,076.91	

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
7/31/2005	FC 1602

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
8/31/2005	FC 1631

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004		185.73
	<b>Total</b>	\$185.73
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.73

## Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
9/30/2005	FC 1653

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004		179.74
	<b>Total</b>	\$179.74
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$179.74

## Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
11/30/2005	FC 1700

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
12/31/2005	FC 1731

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004	185.73	
	<b>Total</b>	\$185.73
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.73

## Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
1/31/2006	FC 1746

Bill To

Larry Kitchen  
Box 97  
Westover, Pa. 16692

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004		185.73
	<b>Total</b>	\$185.73
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.73

## Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights  
I 80 Exit 120  
Clearfield, PA 16830  
814-768-1007

## Finance Charge

Date	Invoice #
3/31/2006	FC 1799

Bill To

---

Larry Kitchen  
Box 97  
Westover, Pa. 16692

		Terms
Description	Amount	
Finance Charges on Overdue Balance Invoice #7027 for 11,909.71 on 12/02/2004 Invoice #7144 for 239.39 on 12/15/2004	353.49	
	<b>Total</b>	\$353.49
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$353.49

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101576  
NO: 06-823-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: PRO-FORMANCE FUEL INJECTION SERVICE, INC.  
vs.  
DEFENDANT: LARRY KITCHEN

SHERIFF RETURN

NOW, June 15, 2006 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON LARRY KITCHEN DEFENDANT AT BOX 97, 491 EAST BRIDGE ST., WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LARRY KITCHEN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED  
0/10:20 cm  
JUL 27 2006  
S

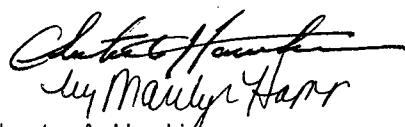
William A. Shaw  
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	HANAK	14822	10.00
SHERIFF HAWKINS	HANAK	14822	90.00
SHERIFF HAWKINS	"	18478	75.24

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC. :  
Plaintiff : No. 2006-823-CD

vs. : Type of Pleading:

LARRY KITCHEN, : **PRAECIPE FOR DEFAULT  
JUDGMENT**

Defendant : Filed on behalf of:  
PLAINTIFF

Party: Counsel of record for this  
Party:  
Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
3 S. Brady St., Suite 300  
P. O. Box 487  
DuBois, PA 15801  
814-371-7768

FILED Atty pd. 20.00  
M 10:46x64 JAN 17 2007 No CC  
Notice to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts Statement  
to Atty  
(GR)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
: :  
LARRY KITCHEN, :  
Defendant :  
:

**PRAECIPE FOR DEFAULT JUDGMENT**  
**PER PA. R.C.P. RULE NO. 1037**

AND NOW, comes the Plaintiff, by it's Attorney, Robert M. Hanak, and hereby praecipes the Prothonotary to enter default judgment in accordance with Pa. R.C.P. Rule No. 1037(d):

(1) Notice of the filing of this Praecipe was duly given to the Defendant by first class mail notice in the form prescribed by Pa. R.C.P. No. 237.5 on the 3rd day of January, 2007.

(2) It is certified as to the form of notice and to the date of mailing by the undersigned Attorney. The form of the Notice pursuant to Pa. R.C. P. 237.5 is attached hereto.

(3) Ten days have expired since the mailing of such Notice, and Defendant has not responded by either filing a pleading or by entry of appearance.

(4) It is hereby requested of the Prothonotary of Clearfield County to enter judgment against the named Defendant and in favor of the Plaintiff in the amount of \$14,693.88, together with costs of suit as may be logged in this case.



\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC., :  
Plaintiff : No. 2006-823-CD  
vs. : Type of Pleading:  
LARRY KITCHEN, : **IMPORTANT NOTICE**  
Defendant : Filed on behalf of:  
: PLAINTIFF  
: Counsel of record for this  
: Party:  
: Robert M. Hanak, Esq.  
: Supreme Court No. 05911  
: Hanak, Guido and Taladay  
: 3 S. Brady St., Suite 300  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
LARRY KITCHEN, :  
Defendant :  
.

**IMPORTANT NOTICE**

To: Larry Kitchen  
Box 97, 491 East Bridge Street  
Westover, PA 16692

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 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.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
(814) 765-2641 Ext. 1303

Date: January 3, 2007

  
Robert M. Hanak  
Attorney for Plaintiff

NOTICE OF JUDGMENT

copy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Pro-Formance Fuel Injection Service, Inc.

Vs.

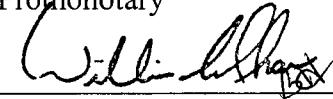
No. 2006-00823-CD

Larry Kitchen

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$14,693.88 on January 17, 2007.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

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

CC  
Y

Pro-Formance Fuel Injection Service, Inc.  
Plaintiff(s)

No.: 2006-00823-CD

Real Debt: \$14,693.88

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Larry Kitchen  
Defendant(s)

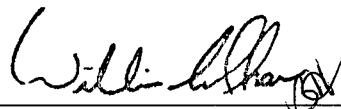
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: January 17, 2007

Expires: January 17, 2012

Certified from the record this 17th day of January, 2007.



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

FILED

DEC 27 2007

0/3:50/

William A. Shaw  
Prothonotary/Clerk of Courts  
No Court Copy  
Issues 6 copies  
Two Sides

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC., :  
Plaintiff : No. 2006-823-CD  
vs. : Type of Pleading:  
LARRY KITCHEN, :  
Defendant : **PRAECIPE FOR WRIT OF  
EXECUTION**  
: Filed on behalf of:  
: PLAINTIFF  
: Counsel of record for this  
Party:  
: Robert M. Hanak, Esq.  
: Supreme Court No. 05911  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
: :  
LARRY KITCHEN, :  
Defendant :  
:

**PRAECIPE FOR WRIT OF EXECUTION**

TO THE PROTHONOTARY:

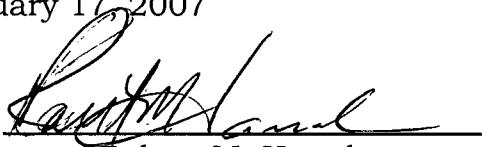
Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Clearfield County;
- (2) against Larry Kitchen of Box 97, 491 East Bridge Street, Westover, Pennsylvania 16692; and
- (3) against First Commonwealth Bank, 100 Daisy Street, Clearfield, Pennsylvania, with a home office on Philadelphia Street, Indiana, Pennsylvania, Garnishee;
- (4) and index this writ
  - (a) against Larry Kitchen, Defendant, and
  - (b) against First Commonwealth Bank, as Garnishee, and against any and all accounts in the name of Larry Kitchen, Box 97, 491 East Bridge Street, Westover, Pennsylvania.

(5) Amount due: \$14,693.88

Costs to be added 20.00

Interest from January 17, 2007

  
\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
:  
LARRY KITCHEN, :  
Defendant :  
:

**WRIT OF EXECUTION**

**Commonwealth of Pennsylvania  
County of Clearfield**

**To the Sheriff of Clearfield County:**

To satisfy the judgment, interest and costs against Larry Kitchen, 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 First Commonwealth Bank, as garnishee, against any and all accounts in the name of Larry Kitchen, 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 any funds in an account of the defendant with a bank or other financial institution

(i) in which 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, or

(ii) 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	\$ 14,693.88
Interest from January 17, 2007	\$
[Costs to be added]	\$

Prothonotary costs  
\$125.00

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

[Prothonotary [Clerk] ]

Seal of the Court By:  Deputy

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD-  
: :  
LARRY KITCHEN, :  
Defendant :  
:

**WRIT OF EXECUTION 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.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830  
(814) 765-2641 Ext. 1303

## 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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

FEB 01 2008

W/10:30

William A. Shaw  
Prothonotary/Clerk of Courts  
No. C/C

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC.,

Plaintiff : No. 2006-823-CD

vs.

Type of Pleading:

LARRY KITCHEN,

Defendant

INTERROGATORIES TO  
GARNISHEE

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
Party:

Robert M. Hanak, Esq.  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
:  
LARRY KITCHEN, :  
Defendant :  
:

**INTERROGATORIES TO GARNISHEE**

**To First Commonwealth Bank (Garnishee):**

**IMPORTANT NOTICE TO GARNISHEE**

**(a) You are required to file answers to the following Interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you.**

**(b) The term "Defendant" means Larry Kitchen, the individual against whom the Writ of Execution issued.**

**(c) "You" means the main office and all branch offices of First Commonwealth Bank.**

**(d) By service of the Writ of Execution upon you, all property of the Defendant subject to attachment which was then in your possession, custody or control was attached, including all property of the Defendant which comes into your possession thereafter.**

1. At the time you were served with these Interrogatories or at any subsequent time, did you owe the Defendant any money, were you liable to her on any negotiable or other written instrument, or did she claim that you owe her any money or were liable to her for any reason?

For all answers to this and the foregoing Interrogatories, see Exhibit "A" attached hereto and made part of hereof.

2. At the time you were served with these Interrogatories or at any subsequent time, was there in your possession, custody or control or in the joint possession, custody or control of you and one or more other persons any property of any nature owned solely or in part by the Defendant?

3. At the time you were served with these Interrogatories or at any subsequent time, did you hold legal title to any property of any nature owned solely or in part by the Defendant or in which Defendant held or claimed any interest?

4. At the time you were served with these Interrogatories or at any subsequent time, did you hold as fiduciary any property in which the Defendant has any interest?

5. At any time after you were served with these Interrogatories, did you pay, transfer, or deliver any money or property to the Defendant, to any person or place pursuant to Defendant's direction, or otherwise discharge any claim of the Defendant against you?

6. At any time before or after you were served did the defendant, Larry Kitchen, transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefore?

7. At the time you were served with these Interrogatories or at any subsequent time, did you have any safe deposit boxes, pledges, documents of title, securities, notes, coupons, receivables, collateral, checking, savings, tax, or other accounts or deposits in which Defendant has an interest?

8. At the time you were served with these Interrogatories or at any subsequent time, did you hold any treasury bill, repurchase agreement or any other type of investment or commercial paper in which the Defendant has any interest?

9. At the time you were served or at any subsequent time did the have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.

10. At the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

11. At the time you were served with these Interrogatories or at any subsequent time, did you have property of the Defendant or property in which he has any interest on deposit or otherwise in your possession, custody, or control other than that property indicated in your answers to the previous Interrogatories?

12. Have you ever owed money to the Defendant or held any property belonging to Defendant? If so, state when you either satisfied the debt or disposed of the property and in what manner, for what consideration, and to whom?

13. To the extent that you have given an affirmative answer to any of the previous Interrogatories, include in you're answer, so far as relevant, the names and addresses of the persons taking part in any transaction, the specific amount of any debt, the value and location of any property and the nature and amount of consideration given for any transfer of property.



---

Robert M. Hanak  
Attorney for Plaintiff

**EXHIBIT "A"**  
**ANSWERS TO INTERROGATORIES**

1. Yes, Certificate of Deposit account number 01008900011488 into Bertha D. Kitchen or Leta B. Brink or Larry Kitchen with a current balance of \$23,492.24; Certificate of Deposit account number 01008900011489 into Bertha D. Kitchen or Leta B. Brink or Larry Kitchen with a current balance of \$41,005.99; Certificate of Deposit account number 01008900011490 into Bertha D. Kitchen or Leta B. Brink or Larry Kitchen with a current balance of \$53,524.70; Certificate of Deposit account number 01008900011491 into Bertha D. Kitchen or Leta B. Brink or Larry Kitchen with a current balance of \$6,553.07.
2. No
3. Yes, Commercial Loan secured by title to vehicles owned by Larry Kitchen.
4. No
5. No
6. No
7. See answers to previous questions.
8. No
9. No
10. No
11. See answers to previous questions.
12. See answers to previous questions.
13. See answers to previous questions.

## VERIFICATION

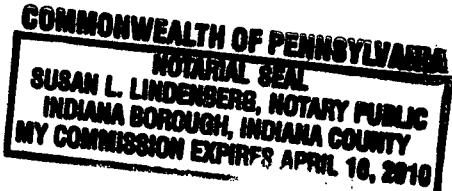
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF INDIANA )  
)

On this 29<sup>th</sup> day of January, 2008 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared JAMES BOYLE, who being duly sworn according to law, acknowledged that he is Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of his knowledge and belief.

James Boyle, Vice President  
First Commonwealth Bank

Sworn and subscribed to before me  
This 29<sup>th</sup> day of January 2008

Susan Lendenberg  
Notary Public



FILED  
FEB 01 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20711  
NO: 06-823-CD

PLAINTIFF: PRO-FORMANCE FUEL INJECTION SERVICE, INC.  
vs.  
DEFENDANT: LARRY KITCHEN

Execution INTERROGATORIES TO GARNISHEE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 12/28/2007

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/28/2008

**DETAILS**

@ SERVED LARRY KITHCEN

1/25/2008 @ 1:15 PM SERVED FIRST COMMONWEALTH

SERVED FIRST COMMONWEALTH, GARNISHEE, BY HANDING TO MIKE SCHEPIS, SUPERVISOR OF FIRST COMMONWEALTH AT HIS PLACE OF EMPLOYMENT FIRST COMMONWEALTH 14303 CLEARFIELD -SHAWVILLE HIGHWAY, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVAINA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE.

FILED  
02/28/2008  
FEB 28 2008  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20711  
NO: 06-823-CD

PLAINTIFF: PRO-FORMANCE FUEL INJECTION SERVICE, INC.

vs.

DEFENDANT: LARRY KITCHEN

Execution INTERROGATORIES TO GARINISHEE

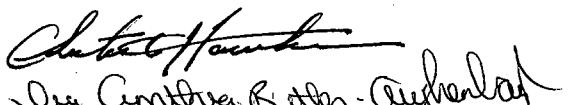
**SHERIFF RETURN**

---

SHERIFF HAWKINS \$29.64

SURCHARGE \$10.00 PAID BY ATTORNEY

So Answers,

  
My Affidavit  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW  
SERVICE, INC., :  
Plaintiff : No. 2006-823-CD  
vs. : Type of Pleading:  
LARRY KITCHEN, : WRIT OF EXECUTION  
Defendant :  
: Filed on behalf of:  
: PLAINTIFF  
: Counsel of record for this  
: Party:  
: Robert M. Hanak, Esq.  
: Supreme Court No. 05911  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: :  
: 814-371-7768

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
: :  
LARRY KITCHEN, :  
Defendant :  
:

**WRIT OF EXECUTION**

**Commonwealth of Pennsylvania  
County of Clearfield**

**To the Sheriff of Clearfield County:**

To satisfy the judgment, interest and costs against Larry Kitchen, Defendant,

- (1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;
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  - (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 any funds in an account of the defendant with a bank or other financial institution

(i) in which 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, or

(ii) 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	\$ 14,693.88
Interest from January 17, 2007	\$
[Costs to be added]	\$

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

Prothonotary costs \$125.00 [Prothonotary [Clerk]]

Seal of the Court

By: W.A. Shaw [Deputy]

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

Received this writ this 28th day  
of December A.D. 2007  
At 2:30 A.M./P.M.

Chester A. Hawley  
Sheriff by Cynthia Butler-Chefchaud

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

NAME LARRY KITHCEN

NO. 06-823-CD

NOW, February 28, 2008, 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 Larry Kitchen 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	9.00	DEBT-AMOUNT DUE	14,693.88
SERVICE	9.00	INTEREST @ %	0.00
MILEAGE	2.00	FROM 01/17/2007 TO	
LEVY			
MILEAGE		PROTH SATISFACTION	
POSTING		LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	1.64	ATTORNEY COMMISSION	
HANDBILLS		REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	10.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE		INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID/ SETTLEMENT AMOUNT		<b>TOTAL DEBT AND INTEREST</b>	<b>\$14,858.52</b>
RETURNS/DEPUTIZE			
COPIES	5.00	<b>COSTS:</b>	
	3.00	ADVERTISING	0.00
BILLING/PHONE/FAX		TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$29.64</b>	LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	29.64
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	125.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$154.64</b>
		<b>TOTAL COSTS</b>	<b>\$14,858.52</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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : SERVICE, INC.,	CIVIL ACTION - AT LAW
Plaintiff	No. 2006-823-CD
vs.	Type of Pleading:
LARRY KITCHEN, Defendant	<b>PRAECIPE TO SATISFY JUDGMENT</b>
	Filed on behalf of:
	PLAINTIFF
	Counsel of record for this Party:
	Robert M. Hanak, Esq. Supreme Court No. 05911 Hanak, Guido and Taladay 528 Liberty Boulevard P. O. Box 487 DuBois, PA 15801
	814-371-7768

**FILED** pd \$7.00 Atty  
m/q:40cm 1cc & 1Cmt of  
MAR 24 2008 Sct issued to  
Atty Hanak.  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

PRO-FORMANCE FUEL INJECTION :  
SERVICE, INC., :  
Plaintiff :  
vs. : No. 2006-823-CD  
LARRY KITCHEN, :  
Defendant :  
:

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

TO THE PROTHONOTARY:

Kindly mark the judgment in the above-referenced case satisfied  
upon payment of your costs only.



\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

*COPY*

**CERTIFICATE OF SATISFACTION OF JUDGMENT**

No.: 2006-00823-CD

Pro-Formance Fuel Injection Service, Inc.

Debt: \$14,693.88

Vs.

Atty's Comm.:

Larry Kitchen

Interest From:

First Commonwealth Bank

Cost: \$7.00

NOW, Monday, March 24, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 24th day of March, A.D. 2008.

*Willie L. Har* cm  
Prothonotary