

06-863-CD  
Open Flow Gas vs Tracewell Elec. Inc. et al

OPEN FLOW GAS SUPPLY : IN THE COURT OF COMMON PLEAS  
CORPORATION, : OF CLEARFIELD COUNTY,  
Plaintiff : PENNSYLVANIA  
v. :  
: :  
TRACEWELL ELECTRONICS, INC., A : NO. 06-863-CD  
SUBSIDIARY OF TRACEWELL SYSTEMS, :  
INC., :  
Defendant

**NOTICE TO DEFEND**

TO: Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc.  
9962 Route 446  
Cuba, NY 14727-9797

You are being 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 CAN NOT 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  
100 South Street  
Harrisburg, PA 17101  
Phone (800) 692-7375

Michael S. Jan Janin  
Attorney for Plaintiff

**FILED** 2cc Atty  
m 12/31/06 Atty pd.  
MAY 30 2006 Atty pd.  
85.00  
i.m.

William A. Shaw  
Prothonotary/Clerk of Courts

OPEN FLOW GAS SUPPLY : IN THE COURT OF COMMON PLEAS  
CORPORATION, : OF CLEARFIELD COUNTY,  
Plaintiff : PENNSYLVANIA  
:  
v. :  
:  
TRACEWELL ELECTRONICS, INC., A : NO.  
SUBSIDIARY OF TRACEWELL :  
SYSTEMS, INC.,  
Defendant

**PURSUANT TO PROVISIONS OF THE FEDERAL FAIR DEBT COLLECTION  
PRACTICE ACT, YOU ARE ADVISED AND WARNED THAT THIS IS AN  
ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
WILL BE USED FOR THAT PURPOSE. SEE 15 U.S.C. §1692(e)(11).**

OPEN FLOW GAS SUPPLY	:	IN THE COURT OF COMMON PLEAS
CORPORATION,	:	OF CLEARFIELD COUNTY,
Plaintiff	:	PENNSYLVANIA
	:	
v.	:	
	:	
TRACEWELL ELECTRONICS, INC., A	:	NO.
SUBSIDIARY OF TRACEWELL	:	
SYSTEMS, INC.,	:	
Defendant		

**CIVIL ACTION**

AND NOW, comes the Plaintiff, Open Flow Gas Supply Corporation, by and through its attorneys, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., and files this Civil Action of which the following is a statement:

1. The Plaintiff, Open Flow Gas Supply Corporation (hereinafter "Plaintiff"), is a Pennsylvania corporation with a principal place of business located at P.O. Drawer J, 90 Beaver Drive, Suite 110B, DuBois, PA 15801.

2. The Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc. (hereinafter "Defendant"), is believed to be a corporation with a place of business located at 9962 Route 446, Cuba, NY 14727-9797.

3. Pursuant to the provisions of the Federal Fair Debt Collection Practice Act [15 U.S.C. Section 1692(g)] attached hereto as Exhibit "A" is a **DEBT VALIDATION STATEMENT.**

**COUNT I – OPEN FLOW GAS SUPPLIES CORPORATION V. TRACEWELL ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC.**

4. Pursuant to purchase orders between the Plaintiff and the Defendant, the Plaintiff supplied the Defendant with gas services as set forth and described in a statement of said account

attached hereto, made a part hereof and marked as Exhibit "B."

5. The Defendant agreed to pay for said gas services as set forth in Exhibit "B" herein by requesting and accepting the same.

6. The Defendant is in default of its obligation to pay said account to the Plaintiff.

7. As of the date of this Complaint, the balance due and owing by the Defendant to the Plaintiff, which is in default, is \$31,522.47.

8. The Plaintiff regularly sent statements to the Defendant which was received by the Defendant without exception so as to constitute an account stated.

9. The charges for said gas services were the normal, usual, and customary charges and the Plaintiff has performed any and all conditions precedent to recovery.

10. The Defendant has never disputed the reasonableness of the charges or the Plaintiff's accounting of the charges.

11. The Plaintiff has demanded and continues to demand payment of the outstanding balance but the Defendant has refused and continues to refuse to pay the same.

12. Under the terms and conditions of the Plaintiff's sale of gas services products to the Defendant, the Defendant is liable for interest on the unpaid balance at the rate of 1½% per month.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

COUNT II – OPEN FLOW GAS SUPPLIES CORPORATION V. TRACEWELL ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC. - UNJUST ENRICHMENT

13. The averments contained in paragraphs 1 through 12 are incorporated herein by reference as if fully set forth.

14. It would be inequitable and unconscionable and the Defendant would be thereby unjustly enriched if the Defendant is permitted to retain the benefits.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

COUNT III – OPEN FLOW GAS SUPPLY CORPORATION v. TRACEWELL ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC. - (QUANTUM MERUIT)

15. The averments in paragraphs 1 through 14 of this Complaint are incorporated herein by reference as if fully set forth.

16. The Plaintiff, at the request of the Defendant, and with the Defendant's knowledge and acquiescence, supplied gas services to the Defendant.

17. In the course of supplying gas services, the Plaintiff was required to and did furnish gas services as set forth on Exhibit "B."

18. The fair market value of said gas service at the time it was received was \$31,522.47.

19. The Defendant has refused to pay the Plaintiff the fair market value of the gas

services furnished although the same is due.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &  
KROTO, INC.

By 

Michael S. Jan Janin  
Pa. I.D. No. 38880  
2222 West Grandview Boulevard  
Erie, PA 16506-4508  
(814) 833-2222  
Attorneys for Plaintiff, Open Flow Gas Supply  
Corporation

Document #32152, v1

OPEN FLOW GAS SUPPLY  
CORPORATION,  
Plaintiff

v.  
TRACEWELL ELECTRONICS, INC.,  
Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.

VERIFICATION

I, William R. Deter, a representative of the Plaintiff, Open Flow Gas Supply Corporation, in the above matter, depose and say that the facts set forth in the foregoing Civil Action are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

OPEN FLOW GAS SUPPLY CORPORATION

BY

  
William R. Deter  
P.O. Drawer J  
90 Beaver Drive, Suite 110B  
DuBois, PA 15801

Dated: 5-23-06

TOTAL P.11

TOTAL P.02

**EXHIBIT "A"**

OPEN FLOW GAS SUPPLY	:	IN THE COURT OF COMMON PLEAS
CORPORATION,	:	OF CLEARFIELD COUNTY,
Plaintiff	:	PENNSYLVANIA
	:	
	:	
v.	:	
	:	
TRACEWELL ELECTRONICS, INC., A	:	NO.
SUBSIDIARY OF TRACEWELL	:	
SYSTEMS, INC.,	:	
Defendant		

**DEBT VALIDATION STATEMENT**

1. The amount of the debt is \$31,522.47.
2. The name of the creditor to whom the debt is owed is Open Flow Gas Supply Corporation
3. Unless Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., within thirty (30) days after receipt of this Notice, disputes the debt validity, or any portion thereof, the attorney signing this Complaint will assume the debt to be valid.
4. If Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., notifies the attorney signing this Complaint in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, the attorney will obtain verification of the debt or a copy of a judgment against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., and the attorney will mail a copy of such verification or judgment to the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., if appropriate.
5. Upon the Defendant's, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., written request within the thirty (30) day period, the attorney will provide the

Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., with the original creditor's name and address if different from the current creditor.

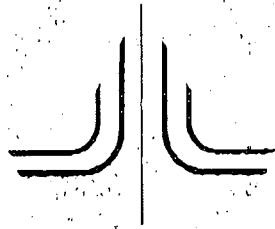
Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &  
KROTO, INC.

By 

Michael S. Jan Janin  
Pa. I.D. No. 38880  
2222 West Grandview Boulevard  
Erie, PA 16506-4508  
(814) 833-2222  
Attorneys for Plaintiff, Open Flow Gas Supply Corporation

Document #294313, v1

**Open Flow Gas Supply****INVOICE**

Tracewell Electronics  
9962 Route 446  
Cuba, NY 14727-9797

**INVOICE DATE:** 05/09/2006

**INVOICE #:** 22704

**PAYMENT TERMS:** Net 10 Days

**DELIVERY PERIOD:** 4/30/2006

**NAT. GAS DELIVERIES APRIL, 2006**

Delivered Through: NFGD

	<b>VOLUME(DTH)</b>	<b>\$/DTH</b>	<b>AMOUNT</b>
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145	7.927	1,149.42T
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SUBTOTAL	\$1,149.42
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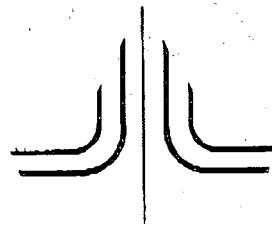
SALES TAX (0.0%)	\$0.00
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<b>TOTAL</b>	<b>\$1,149.42</b>
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**DUE DATE:** 5/19/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

**Open Flow Gas Supply****INVOICE**

Tracewell Electronics  
9962 Route 446  
Cuba, NY 14727-9797

**INVOICE DATE:** 04/06/2006

**INVOICE #:** 22359

**PAYMENT TERMS:** Net 10 Days

**DELIVERY PERIOD:** 3/31/2006

**NAT. GAS DELIVERIES MARCH, 2006**

Delivered Through: NFGD

	<b>VOLUME(DTH)</b>	<b>\$/DTH</b>	<b>AMOUNT</b>
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610

8.087

4,933.07

SUBTOTAL	\$4,933.07
SALES TAX (0.0%)	\$0.00
<b>TOTAL</b>	<b>\$4,933.07</b>

**DUE DATE:** 4/16/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

# Open Flow Gas Supply

## INVOICE

Tracewell Electronics  
9962 Route 446  
Cuba, NY 14727-9797

INVOICE DATE: 03/08/2006

INVOICE #: 21931

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 2/28/2006

### NAT. GAS DELIVERIES FEBRUARY, 2006

Delivered Through: NFGD

<u>VOLUME(DTH)</u>	<u>\$/DTH</u>	<u>AMOUNT</u>
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830	9.454	7,846.82T
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SUBTOTAL	\$7,846.82
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SALES TAX (0.0%)	\$0.00
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<u><b>TOTAL</b></u>	<u><b>\$7,846.82</b></u>
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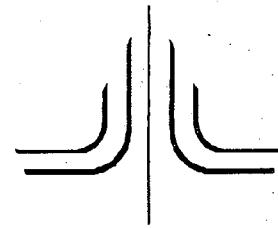
**DUE DATE:** 3/18/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

# Open Flow Gas Supply corp.

## INVOICE



Tracewell Electronics  
9962 Route 446  
Cuba, NY 14727-9797

INVOICE DATE: 02/07/2006

INVOICE #: 21584

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 1/31/2006

### NAT. GAS DELIVERIES JANUARY, 2006

Delivered Through: NFGD

	<u>VOLUME(DTH)</u>	<u>\$/DTH</u>	<u>AMOUNT</u>
	685	12.485	8,552.23T

SUBTOTAL	\$8,552.23
SALES TAX (0.0%)	\$0.00
<b><u>TOTAL</u></b>	<b>\$8,552.23</b>

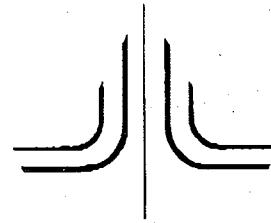
DUE DATE: 2/17/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

# Open Flow Gas Supply

## INVOICE



Tracewell Electronics  
9962 Route 446  
Cuba, NY 14727-9797

INVOICE DATE: 01/09/2006

INVOICE #: 21315

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 12/31/2005

### NAT. GAS DELIVERIES DECEMBER, 2005

Delivered Through: NGD

### VOLUME(DTH)

### \$/DTH

### AMOUNT

739	12.234	9,040.93T
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SUBTOTAL	\$9,040.93
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SALES TAX (0.0%)	\$0.00
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<b><u>TOTAL</u></b>	<b>\$9,040.93</b>
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DUE DATE: 1/19/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

OPEN FLOW GAS SUPPLY  
CORPORATION,

Plaintiff,

v.

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

NO. 06-863-CD

TRACEWELL ELECTRONICS, INC., A  
SUBSIDIARY OF TRACEWELL SYSTEMS,  
INC.,

Defendant.

---

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I served, or caused to be served, a copy of the  
Complaint upon each of the following persons and parties in interest at the address  
shown below:

Via Certified Mail, Return Receipt Requested:

Tracewell Electronics, Inc.  
9962 Route 46  
Cuba, NY 14727-9797

FILED NOCC  
M 11:45 AM  
JUN 12 2006  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

Attached hereto is the Domestic Return Receipt showing that the mailing was received on June 6, 2006.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

BY: 

Michael S. Jan Janin  
PA Id. No. 38880  
2222 West Grandview Boulevard  
Erie, Pennsylvania 16506-4508  
Telephone: 814-833-2222  
Facsimile: 814-833-6753  
Counsel for Plaintiff

**SENDER: COMPLETE THIS SECTION**

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

**1. Article Addressed to:**

TRACCELL Electronics  
9962 ROUTE 46  
Cuba NY 14727-9777

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

Terry A Engel

Agent

Addressee

**B. Received by (Printed Name)**

Terry A Engel

**C. Date of Delivery**

6/6/00

**D. Is delivery address different from item 1?**

Yes

If YES, enter delivery address below:

No

**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number**

(Transfer from service label)

7004 2890 0002 3884 0274

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• **Sender:** Please print your name, address, and ZIP+4 in this box •

**Michael S. Jan Janin, Esquire  
The Quinn Law Firm  
2222 West Grandview Blvd.  
Erie, PA 16506**

## OpenFlow

OPEN FLOW GAS SUPPLY  
CORPORATION,  
Plaintiff

v.  
TRACEWELL ELECTRONICS, INC., A  
SUBSIDIARY OF TRACEWELL  
SYSTEMS, INC.,  
Defendant

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 06-863-CD

FILED  
m/2:08 am 1CC + 1Cea of  
JUN 23 2006 ISSUED to  
Atty Janin  
WJ

PRAECIPE AND POWER OF ATTORNEY William A. Shaw  
FOR SATISFACTION AND/OR TERMINATION Prothonotary

TO: THE PROTHONOTARY/CLERK OF SAID COURT:

You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records thereof:

- A. 1.  The within suit is settled, discontinued, ended and costs paid.
- 2.  The within suit is settled, discontinued, ended with prejudice and costs paid.
- 3.  The within suit is settled, discontinued, ended without prejudice and costs paid.

- B. 1.  Satisfaction of the Award in the within suit is acknowledged.
- 2.  Satisfaction of Judgment, with interest and costs, in the within matter is acknowledged.

- C. 1.  Other:

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

Date: 6-21-06 BY Michael S. Jan Janin

COST PAYMENT VERIFICATION

I UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED UNTIL ALL COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS; AND HEREBY VERIFY THAT ALL COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S. §4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

BY Michael S. Jan Janin Document #305201, v1

**FILED**

**JUN 23 2006**

**William A. Shaw  
Prothonotary**

# QUINN·BUSECK·LEEMHUIS·TOOHEY & KROTO·INC.

Attorneys At Law

2222 West Grandview Boulevard, Erie, PA 16506-4508 Phone: 814-833-2222 FAX: (814) 835-2076

Michael S. Jan Janin  
mjanjanin@quinnfirm.com

June 21, 2006

Prothonotary  
Clearfield County Court House  
Clearfield, PA 16830

**RE: Our File No. 43237.0007  
Open Flow Gas Supply Corporation v. Tracewell Electronics, Inc., a subsidiary of  
Tracewell Systems, Inc.  
No. 06-863 CD Clearfield County, Pennsylvania**

Dear Sir or Madam:

Please be advised that our office represents the Plaintiff, Open Flow Gas Supply Corporation, with reference to the above-captioned matter.

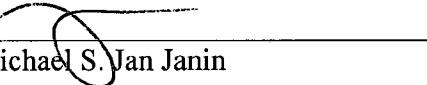
Enclosed please find the original and one (1) copy of the Praeclipe and Power of Attorney for Satisfaction and/or Termination which we are filing. I would greatly appreciate it if you would provide me with a time-stamped copy and return it to me in the stamped, self-addressed envelope which I am enclosing.

I am also enclosing our Firm's check in the amount of \$7.00 made payable to the Clearfield County Prothonotary to satisfy the judgment.

If you have any questions or if you need anything further, please do not hesitate to contact me.

Very truly yours,

QUINN, BUSECK, LEEMHUIS, TOOHEY &  
KROTO, INC.

By   
Michael S. Jan Janin

MSJ:my

Enclosures

C: Tracewell Electronics, Inc  
Open Flow Gas Supply Corporation



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Open Flow Gas Supply Corporation**

Vs.  
**Tracewell Electronics, Inc.**  
**Tracewell Systems, Inc.**

**No. 2006-00863-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 23, 2006, marked:

Settled, discontinued and ended with prejudice

Record costs in the sum of \$85.00 have been paid in full by Quinn Buseck Leemhuis Toohey & Kroto Inc..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of June A.D. 2006.



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