

**The LS Starrett vs J&D Industrial
2006-1021-CD**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 06-1021-CJ
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED Atty pd. 85.00
M/J:29/01
JUN 28 2006 ICC Shff

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

**NO.
IN CIVIL ACTION**

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 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 DONOT 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.

**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

COMPLAINT

1. Plaintiff is a corporation having offices at 121 Crescent Street, Athol, MA 01331.
2. Defendant is a corporation whose address is, 30 Aspen Way, Du Bois Clearfield County, PA, 15801.
3. On or about December 19, 2003 and at various time thereafter, at the request of Defendant, Plaintiff sold and delivered to Defendant certain goods, wares, merchandise and/or services, as is more specifically shown by Plaintiff's Statement of Account true and correct copy of which is attached hereto marked Exhibit(s) "A" and made a part hereof.
4. Defendant received and accepted the aforementioned goods, wares, merchandise and/or services.
5. The prices charged by Plaintiff were the fair, reasonable and market prices that prevailed at the time(s) of the transaction(s).
6. The prices charged by Plaintiff were the prices that Defendant agreed to pay.
7. The agreement of open account between the parties arose from words, course of dealing, and the aforementioned document(s).
8. Plaintiff avers that all conditions precedent to the Defendant's duty of performance under said agreement have occurred.
9. Plaintiff avers that the balance due amounts to \$14,083.63.

10. Plaintiff avers that interest has accrued at the rate of 6% per annum on the balance due from November 2, 2005.
11. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant(s) in the amount of \$14,083.63, with appropriate additional interest from November 2, 2005 and costs.

APPLE AND APPLE, P.C.

By:



Attorney for Plaintiff(s)

The L.S. Starrett Company

P. O. Box 75673
Charlotte, NC 28275
Phone #: 978-249-3551 112
Fax #: 978-249-5440

Wednesday, December 14, 2005

Account Number: 93049
J & D INDUSTRIAL SUPPLY CO
Paul
Accounts Payable
301 ASPEN WAY
P O BOX 403
DUBOIS, PA15801
US

Reference: Past Due Billing with the L.S. Starrett Co.

Subject: Credit Hold

Account Balance: \$14,083.63
Past Due Balance: \$13,848.63

Today we discontinued credit terms with your company. Credit Hold means that any order that are in-house or sent during this time will not be shipped. Please contact me about your past due balance. Your response now will hopefully allow us to reestablish convenient credit terms that have been extended to your company and avoid any delays in shipping your order(s).

The following is a list of all past due invoices on your account.

Invoice	Date	Purchase Order	Due Date	Balance
721762	12-19-03	28538C	01-31-04	45.24
906670	10-25-04	30461C	11-30-04	285.07
961800	02-01-05	30763A	03-31-05	393.61
962608	02-02-05	30739C	03-31-05	345.85
964279	02-04-05	30739CRPL	03-31-05	417.60
964318	02-04-05	30763A	03-31-05	162.82
965527	02-04-05	30544A	03-31-05	121.64
965500	02-07-05	30543C	03-09-05	94.50
965557	02-07-05	30777B	03-31-05	819.63
966330	02-08-05	30781A	03-31-05	178.90
30992	02-09-05	30702B	03-31-05	73.19
967840	02-10-05	30781A-R	03-31-05	146.40
968936	02-10-05	30707B	03-12-05	50.13
971282	02-15-05	30777B	03-31-05	364.78
971573	02-15-05	30663C	03-31-05	409.72
972577	02-18-05	30706C	03-20-05	252.00
973339	02-18-05	30811A	03-31-05	189.00
974007	02-18-05	30811A	03-31-05	679.98
975461	02-22-05	30781A	02-22-05	-146.40
975669	02-23-05	30801C	03-31-05	250.00
976670	02-24-05	30811A	03-31-05	448.62
977481	02-24-05	30826A	03-31-05	439.49
31431	03-03-05	30747A	04-30-05	196.13
982350	03-04-05	30847C	04-30-05	847.87
983246	03-07-05	30847C	04-30-05	80.92
984688	03-09-05	30826A	04-30-05	586.45
985882	03-10-05	30828B	04-09-05	54.00
985894	03-10-05	30746	04-09-05	58.50
986860	03-10-05	30746B	04-09-05	251.83
986985	03-14-05	30868C	04-30-05	340.50
989205	03-16-05	30878A	04-30-05	94.89

EXHIBIT

A

989763	03-17-05	30878A	04-30-05	254.86
990906	03-17-05	30878A	04-30-05	423.24
32057	03-18-05	30814B	04-30-05	90.54
993432	03-23-05	30878B	04-30-05	45.16
994557	03-23-05	30777A	04-22-05	77.61
994512	03-24-05	30902C	04-30-05	112.80
994968	03-24-05	30902C	04-30-05	353.64
995836	03-28-05	30902C	04-30-05	367.20
995967	03-28-05	30865B	04-27-05	81.00
997506	03-30-05	30913B	04-30-05	155.13
998277	03-31-05	30902C	04-30-05	120.00
999934	04-01-05	30923B	05-31-05	1,402.84
1000830	04-05-05	30902C	05-31-05	447.60
1002912	04-08-05	30923B-REPL	05-31-05	144.08
1004494	04-11-05	30942B	05-31-05	495.52
1004198	04-12-05	30943A	05-31-05	85.50
1005181	04-12-05	30942B	05-31-05	16.91
33090	04-14-05	30929B	05-31-05	198.78
1006842	04-15-05	30763A	04-15-05	-156.75
1009233	04-20-05	30923B	04-20-05	-175.80
1018497	05-05-05	30912B	06-04-05	58.50
34116	05-27-05	31043B	06-30-05	26.96
35403	07-21-05	31187B	08-31-05	20.87
35405	07-27-05	31187C	08-31-05	29.33
34171	08-19-05	31053B	09-30-05	1,125.60
36339	09-01-05	31286B	10-31-05	20.92
36526	09-13-05	29212C	10-31-05	88.50
1103736	10-19-05	31290A CREDIT	11-18-05	148.50
1112779	11-02-05	31053	11-02-05	-743.27

Sincerely,

Bruce K Fowler
 Credit Manager
 bfowler@starrett.com

105575

AFFIDAVIT

I BRUCE K. FOWLER JR, of
L.S. STARRETT CO., Plaintiff

herein, verify that the statements of fact contained in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

4/7/06
Date

Bruce K. Fowler Jr

Affiant

CREDIT MANAGER

Title

121 CRESCENT ST.

Address

ATHOL, MA 01331

City, State and Zip

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101674
NO: 06-1021-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: THE L.S. STARRETT COMPANY
vs.
DEFENDANT: J & D INDUSTRIAL SUPPLY, INC.

SHERIFF RETURN

NOW, July 14, 2006 AT 11:45 AM SERVED THE WITHIN COMPLAINT ON J & D INDUSTRIAL SUPPLY, INC. DEFENDANT AT 30 ASPEN WAY, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JASON HORCHEN, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APPLE	11440	10.00
SHERIFF HAWKINS	APPLE	11440	34.91

FILED
92:30 am
JUL 21 2006
SHERIFF

Sworn to Before Me This

____ Day of _____ 2006

William A. Shaw
Prothonotary/Clerk of Courts
So Answers,

Chester A. Hawkins
by Marly A. Harry
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

PRAECLICE FOR DEFAULT
JUDGMENT
CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No 37942

Charles F. Bennett, Esq.
PA I.D. No 30541

Joel E. Hausman, Esq.
PA I.D. No 42096

Apple and Apple, P.C.
Firm No. 719

4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

Atty pd 20.00
m/12/4/03/03
CLP 1/2000
ICCA Notice
to Def.
William A. Shaw
Prothonotary/Clerk of Court
Statement to
Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the above- named Defendant(s) in Default of an Answer, in the amount of \$15,111.54, computed as follows:

Amount named in Complaint	\$14,083.63
Interest from November 2, 2005 to August 15, 2006 on \$14,083.63	\$1,027.91
Less payment of:	-\$
Attorney fees	\$
TOTAL	\$15,111.54

I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on August 8, 2006 by certified mail, postage prepaid and, addressed as follows:

Defendant: J & D Industrial Supply, Inc.
301 Aspen Way, PO Box 403
Du Bois PA 15801

APPLE AND APPLE, P.C.

Dated: 9/6/06

By: 

Attorneys for the Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

J & D Industrial Supply, Inc.
301 Aspen Way, PO Box 403
Du Bois, PA 15801

Date of Notice: August 8, 2006

IMPORTANT NOTICE

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

Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646



By: _____

James R. Apple, Esq.
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-VS-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff Defendant Garnishee

You are hereby notified that the following Order or Judgment was entered against you on September 11, 2006.

(X) Assumpsit Judgment in the amount of \$15,111.54, plus costs.

() Trespass Judgment in the amount of \$ _____

() If not satisfied within sixty (60) days, your motor vehicle operator's license and/or

() Registration will be suspended by the Dept. of Transportation, Bureau of Traffic Safety, Harrisburg, PA.

(X) Entry of Judgment

Court Order

() Non-Pros

() Confession

(X) Default

() Verdict

() Arbitration Award

() Other

J & D Industrial Supply Co.
301 Aspen Way, PO Box 403
Du Bois, PA 15801

By: PROTHONOTARY
William H. Gray, Jr.

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

The L.S. Starrett Company
Plaintiff(s)

No.: 2006-01021-CD

Real Debt: \$15,111.54

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

J & D Industrial Supply, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 11, 2006

Expires: September 11, 2011

Certified from the record this 11th day of September, 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

FILED

AUG 06 2007

W/ 1:30 PM

William A. Shaw

Prothonotary/Clerk of Courts

1 copy to Sheriff

W/ 6 units

PRAECIPE FOR WRIT
OF EXECUTION

CODE-
FILED OF BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213

Telephone: 412-682-1466

Fax: 412-682-3138

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

**NO. 2006-1021 CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue the Writ of Execution in the above-captioned matter...

- (1) directed to the Sheriff of **Clearfield** County;
- (2) against Defendant(s) **J & D Industrial Supply Co.**
- (3) against Garnishee(s) **First Commonwealth Bank**
- (4) Judgment: **\$15,111.54**

Interest from August 16, 2006 to May 16, 2007
On \$15,111.54
Amount of Interest **\$670.70**
Payments **\$**
SUBTOTAL **\$15,782.24**

Costs (to be added by Prothonotary) \$

APPLE AND APPLE, P.C.

Dated: 5/24/07

By: 

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

The L.S. Starrett Company,

Vs.

NO.: 2006-01021-CD

J & D Industrial Supply, Inc.,

First Commonwealth Bank
Garnishee

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against THE L.S. STARRETT COMPANY, Plaintiff(s) from J & D INDUSTRIAL SUPPLY, INC., , Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
First Commonwealth Bank
as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), 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; (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(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 such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental 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 Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL: \$15,111.54

INTEREST FROM: \$670.00

ATTY'S COMM: \$

DATE: 8/6/2007

PROTH. COSTS PAID: \$125.00

SHERIFF: \$

OTHER COSTS: \$

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

William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: James R. Apple, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15219
412-682-1466

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

**NO. 2006-1021 CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

**INTERROGATORIES IN
ATTACHMENT**

**CODE-
FILED ON BEHALF OF
PLAINTIFF**

**COUSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213

Telephone: 412-682-1466

Fax: 412-682-3138

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

**NO. 2006-1021 CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

**ALL ACCOUNTS IN DEFENDANT'S
NAME INCLUDING, BUT NOT LIMITED
TO, ABOVE-REFERENCED ACCOUNT
SUGGESTED REFERENCE NO:0417521511**

**To: First Commonwealth Bank
5 North Main St.
DuBois PA 15801**

INTERROGATORIES IN ATTACHMENT

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. Herein, the word "Defendant" means any one or more of the Defendants named above.

1. At the time you were served, or at any subsequent time did you owe the Defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

ANSWER:

2. If the answer to Question 1 is in the affirmative, state the following: (a) the amount of money you owe or owed to Defendant, and, if such money is in the form of a fund; (b) the present location thereof; (c) the terms; (d) face amount and amount you owe or owed to Defendant on each of such negotiable or other written instruments and the present location of each of such instruments; (e) the amount of amounts that Defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities:

ANSWER:

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

ANSWER:

4. If the answer to Question 3 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

5. At the time you were served, 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?

ANSWER:

6. If the answer to Question 5 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

7. At the time you were served, or at any subsequent time, did you hold, as fiduciary, any property in which the Defendant had an interest?

ANSWER:

8. If the answer to Question 7 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

9. At any time before or after you were served, did the Defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent, and if so, what was the consideration therefore?

ANSWER:

10. If the answer to Question 9 is in the affirmative, describe the nature , fair market value, and present location of each such properties.

ANSWER:

11. At any time after you were served, did you pay, transfer or deliver any money or property to the Defendant or to any person or place pursuant to his direction or otherwise discharge any claim or the Defendant against you?

ANSWER:

APPLE AND APPLE, P.C.

By: 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

Answers
INTERROGATORIES IN
ATTACHMENT

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

FILED No CC
9/11/17 cm
SEP 10 2007 JS

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

THE L.S. STARRETT COMPANY

**NO. 2006-1021 CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

**ALL ACCOUNTS IN DEFENDANT'S
NAME INCLUDING, BUT NOT LIMITED
TO, ABOVE-REFERENCED ACCOUNT
SUGGESTED REFERENCE NO:0417521511**

**To: First Commonwealth Bank
5 North Main St.
DuBois PA 15801**

INTERROGATORIES IN ATTACHMENT

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. Herein, the word "Defendant" means any one or more of the Defendants named above.

1. At the time you were served, or at any subsequent time did you owe the Defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

ANSWER:

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

2. If the answer to Question 1 is in the affirmative, state the following: (a) the amount of money you owe or owed to Defendant, and, if such money is in the form of a fund; (b) the present location thereof; (c) the terms; (d) face amount and amount you owe or owed to Defendant on each of such negotiable or other written instruments and the present location of each of such instruments; (e) the amount of amounts that Defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities:

ANSWER:

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

ANSWER:

4. If the answer to Question 3 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

5. At the time you were served, 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?

ANSWER:

6. If the answer to Question 5 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

7. At the time you were served, or at any subsequent time, did you hold, as fiduciary, any property in which the Defendant had an interest?

ANSWER:

8. If the answer to Question 7 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

ANSWER:

9. At any time before or after you were served, did the Defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent, and if so, what was the consideration therefore?

ANSWER:

10. If the answer to Question 9 is in the affirmative, describe the nature, fair market value, and present location of each such properties.

ANSWER:

11. At any time after you were served, did you pay, transfer or deliver any money or property to the Defendant or to any person or place pursuant to his direction or otherwise discharge any claim or the Defendant against you?

ANSWER:

APPLE AND APPLE, P.C.

By:

A handwritten signature in black ink, appearing to read "Apple and Apple, P.C.", is written over a horizontal line. The signature is fluid and cursive.

EXHIBIT "A"
ANSWERS TO INTERROGATORIES

1. No

2. N/A

3. No

4. N/A

5. No

6. N/A

7. No

8. N/A

9. No

10. N/A

11. No

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)
)

On this 6th day of September 2007 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 6th day of September 2007

Jitch D. Clark
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JUDITH A. CLARK, NOTARY PUBLIC
INDIANA, INDIANA COUNTY
MY COMMISSION EXPIRES OCT 18, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

PRAECIPE TO SETTLE
AND DISCONTINUE
AS TO GARNISHEE ONLY

CODE –
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone (412) 682-1466
Fax (412) 682-3138

FILED *2007 Oct 03* Atty *GK*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

THE L.S. STARRETT COMPANY

NO. 2006-1021 CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

J & D INDUSTRIAL SUPPLY, INC.

Defendant(s)

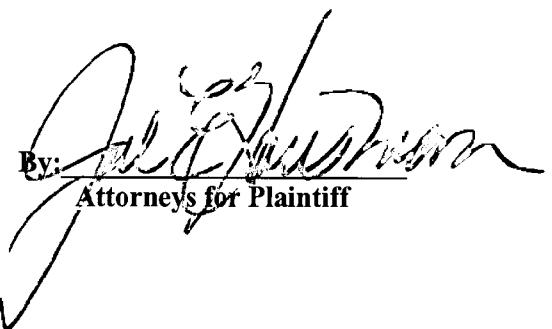
PRAECIPE TO SETTLE AND DISCONTINUE
AS TO GARNISHEE ONLY

TO THE PROTHONOTARY:

Kindly Settle and Discontinue as to Garnishee, First Commonwealth Bank, in the above-captioned matter upon the records of the Court.

APPLE AND APPLE, P.C.

Dated 26/1/07

By: 
Attorneys for Plaintiff

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
STATEMENT OF THE ABOVE CASE.

THIS STATEMENT IS MADE SUBJECT TO THE PENALTIES OF 18 PA.C.S. §4904
RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20646
NO: 06-1021-CD

PLAINTIFF: THE L. S. STARRETT COMPANY
VS.
DEFENDANT: J & D SUPPLY INC.

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 8/6/2007

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/24/2008

FILED
01/24/2008
JAN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED J & D SUPPLY, INC.

DEPUTIES UNABLE TO LEVY EMPTY LOCATION, NO PROPERTY, NO BUSINESS PRESENT.

8/30/2007 @ 11:48 AM SERVED FIRST COMMONWEALTH BANK

SERVED FIRST COMMONWEALTH BANK, GARNISHEE, BY HANDING TO VALERIE KORB, TSS FOR FIRST COMMONWEALTH BANK AT HER PLACE OF EMPLOYMENT FIRST COMMONWEALTH BANK, 5 NORTH MAIN STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, AND INTERROGATORIES TO GARNISH AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

@ SERVED

NOW, JANUARY 24, 2008 RETURN WRIT AS UNABLE TO LEVY, TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20646
NO: 06-1021-CD

PLAINTIFF: THE L. S. STARRETT COMPANY
vs.
DEFENDANT: J & D SUPPLY INC.

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$73.86

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
by Cynthia Butch-Augmented
Chester A. Hawkins
Sheriff

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

The L.S. Starrett Company,

Vs.

NO.: 2006-01021-CD

J & D Industrial Supply, Inc.,

First Commonwealth Bank
Garnishee

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against THE L.S. STARRETT COMPANY, Plaintiff(s) from J & D INDUSTRIAL SUPPLY, INC., , Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
First Commonwealth Bank
as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), 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; (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(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 such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental 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 Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL: \$15,111.54
INTEREST FROM: \$670.00
ATTY'S COMM: \$
DATE: 8/6/2007

PROTH. COSTS PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 6 day
of Aug A.D. 2007
At 3:00 A.M./P.M.

Chetra A. Hawley, Clerk
by Mary H. Henn

Requesting Party: James R. Apple, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15219
412-682-1466

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME J & D SUPPLY, INC. NO. 06-1021-CD

NOW, January 23, 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 J & D Supply Inc. to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	9.00	DEBT-AMOUNT DUE	15,111.54
MILEAGE LEVY	18.43	INTEREST @ %	0.00
MILEAGE POSTING		FROM TO	
HANDBILLS			
COMMISSION	0.00	PROTH SATISFACTION	
POSTAGE		LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
DISTRIBUTION		FORECLOSURE FEES	
ADVERTISING		ATTORNEY COMMISSION	
ADD'L SERVICE	9.00	REFUND OF ADVANCE	
		REFUND OF SURCHARGE	30.00
		SATISFACTION FEE	
ADD'L POSTING		ESCROW DEFICIENCY	
ADD'L MILEAGE	18.43	PROPERTY INSPECTIONS	
ADD'L LEVY		INTEREST	670.00
BID/ SETTLEMENT AMOUNT		MISCELLANEOUS	
RETURNS/DEPUTIZE			
COPIES	5.00	TOTAL DEBT AND INTEREST	\$16,010.40
BILLING/PHONE/FAX	5.00		
CONTINUED SALES		COSTS:	
MISCELLANEOUS	9.00	ADVERTISING	0.00
TOTAL SHERIFF COSTS	\$73.86	TAXES - COLLECTOR	
		TAXES - TAX CLAIM	
		DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	73.86
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	125.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$198.86
		TOTAL COSTS	\$16,010.40

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