

JJ Powell vs Eugene Fenush et al
2007-176-CD

07-176-CD
JJ Powell vs Eugene Fenush et al

Date: 8/7/2008
Time: 10:32 AM
Page 1 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2007-00176-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

J. J. Powell, Inc. vs. Eugene M. Fenush Jr., E. M. Fenush Jr. Trucking

Civil Other-COUNT

Date	Judge
2/5/2007	New Case Filed.
	No Judge
	X Filing: Civil Complaint Paid by: J. J. Powell, Inc. (plaintiff) Receipt number: 1917510 Dated: 02/05/2007 Amount: \$85.00 (Check) 1CC Shff. and 1 CC Atty.
	No Judge
4/19/2007	X Filing: Praeclipe to Reinstate Complaint Paid by: J. J. Powell, Inc. (plaintiff) Receipt number: 1918649 Dated: 04/19/2007 Amount: \$7.00 (Check) Filed by s/ Peter F. Smith, Esquire. 1 Compl. Reinstate to Sheriff
	No Judge
5/21/2007	X Sheriff Return, May 19, 2007 After diligent search I returned the within Complaint "NOT FOUND" as to Eugene M. Fenush Jr. aka E.M. Fenush Jr. d/b/a E.M. Fenush Jr Trucking. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by JJ Powell \$73.47
	No Judge
6/22/2007	X Answer to Complaint, filed by s/ John R. Carfley, Esquire. 2CC to Atty.
	No Judge
8/1/2007	X Certificate of Service, filed. A true and correct copy of Interrogatories and Request for Production of Documents to John R. Carfley Esq on July 31, 2007, filed by s/ Peter F. Smith Esq. No CC.
	No Judge
9/26/2007	X Sheriff Return, May 16, 2007 at 10:00 am Served the within Complaint & Notice on Eugene M. Fenush Jr. aka E. M. Fenush Jr. d/b/a E. M. Fenush Jr. Trucking. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by JJ Powell \$73.71
	No Judge
10/19/2007	X Motion to Compel, filed by s/ Peter F. Smith, Esquire. 2CC Atty. Smith
	No Judge
10/23/2007	X Order, this 22nd day of Oct., 2007, it is Ordered that the Plaintiff's Motion to Fredric Joseph Ammerman Compel is granted. The Def. shall provide answers and documents to Plaintiff pursuant to the Plaintiff's Interrogatories and Request for Production of Documents within no more than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: P. Smith, J. Carfley
	No Judge
10/26/2007	X Certificate of Service, filed. That certified copies of The Motion to Compel and Order entered October 22, 2007 was sent by first class mail to John R. Carfley Esq., filed by s/ Peter F. Smith Esq. No CC.
	No Judge
10/31/2007	X Petition to Withdraw as Counsel, filed by s/ John R. Carfley, Esquire. 1CC Atty. Carfley
	No Judge
11/1/2007	X Rule Returnable, NOW, this 1st day of Nov., 2007, upon Consideration of the Petition to Withdraw, it is Ordered that Rule Returnable is set for the 21st day of Nov., 2007, at 11:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Carfley
	Fredric Joseph Ammerman
11/21/2007	X Order, this 21st day of Nov., 2007, Petitioner, John R. Carfley, Esquire, is permitted to withdraw as counsel for Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC to Atty.
	Fredric Joseph Ammerman
11/29/2007	X Certificate of Service, filed. A true and correct copy of Praeclipe to List for Civil, Non-Jury Trial, Eugene M. Fenush Jr a/k/a E.M. Fenush Jr d/b/a E.M. Fenush Jr. Trucking on November 28, 2007, filed by s/ Peter F. Smith Esq. No CC.
	Fredric Joseph Ammerman
	X Certificate of Readiness for Non-Jury Trial, filed by s/ Peter F. Smith, Esquire. No CC
	Fredric Joseph Ammerman
3/19/2008	X Order, this 19th day of March, 2008, it is Ordered that a pre-trial conference Fredric Joseph Ammerman is scheduled for April 22, 2008, at 3:00 p.m. in Judges Chambers. By The Court, /s/ Fredric J. Ammerman, pres. Judge. 1Cc Attys: P. Smith, Carfley

Date: 8/7/2008
Time: 10:32 AM
Page 2 of 2

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ROA Report
Case: 2007-00176-CD

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Current Judge: Fredric Joseph Ammerman

J. J. Powell, Inc. vs. Eugene M. Fenush Jr., E. M. Fenush Jr. Trucking

Civil Other-COUNT

Date	Judge
3/27/2008	X Praecepice to Withdraw as Counsel, on behalf of Defendant, as per Order of Nov. 21, 2007, withdraw the appearance of John R. Carfley, Esquire. Filed by Atty. Carfley. 2CC Atty. Carfley
4/23/2008	X Order, this 22nd day of April, 2008, it is Ordered that a non-jury trial in this matter is scheduled for August 13, 2008 beginning at 9:00 a.m. in Courtroom 1. Two hours has been reserved for this proceeding. By The Court, /s/Fredric Ammerman, Pres. Judge. 2CC Atty. Smith; 1CC Defs. - 112 Mouse Lane, Munson, PA 16860

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

James H. Gilliland

Vs.

NO.: 2008-00881-CD

Eleanor M. Nixon
Leon C Carberry
Hannah R. Slocum
County National Bank
David McNaul
Jared McNaul
Selma A. Johnson
Anna M. Martinez
Sally M. Goss
Martha L. McNaul
Richard Gattuso
Virgina McNaul
David W. McNaul
Patricia M. Bender
George E. Bender
Michael D. McNaul
Allan A. McNaul
Ann Argo
Ralph Monaco
Ardath Morgan
Sonya Lea McNaul
Sonya Lea Hart
William D. McNaul
Frances A. Gattuso
John M. Derr
Robert A. Derr
Jenine McNaul Campbell
Richard Peluse
Kathryn Collord
Barbara J. McNaul
Martha Jane Spinelli

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

J.J. POWELL, INC.,

Plaintiff

: No. 2007- 176-CD

vs.

EUGENE M. FENUSH, JR.

a/k/a E. M. FENUSH, JR.

d/b/a E. M. FENUSH JR. TRUCKING,

Defendant

: Type of Case:
CIVIL

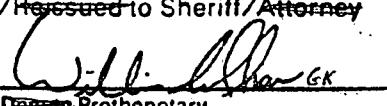
: Type of Pleading:
COMPLAINT

: Filed on Behalf of:
PLAINTIFF

: Counsel for This Party:
Peter F. Smith, Esquire
Supreme Court ID #34291
P. O. Box 130
30 South Second Street
Clearfield, PA 16830
(814) 765-5595

FILED Plaintiff pd
01/11/2007 85.00
FEB 05 2007
(w) ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty

April 19, 2007 Document
Reinstated/Resubstituted to Sheriff/Attorney
for service.


Deputy Prothonotary

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

J. J. POWELL , INC.,	:	
Plaintiff	:	No. 2007-
vs.	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

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 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 other rights important to you.

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

Clearfield County Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

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

J. J. POWELL, INC.,	:	
	:	
Plaintiff	:	No. 2007-
	:	
vs.	:	
	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

COMPLAINT

COMES NOW, J. J. Powell, Inc., by its attorney Peter F. Smith, who states in support of this complaint:

1. The Plaintiff, **J. J. POWELL, INC.**, is a Pennsylvania business corporation with principal office in Philipsburg (Chester Hill), Clearfield County, Pennsylvania and with mailing address of P.O. Box 30, Philipsburg, Pennsylvania 16866.
2. The name of the Defendant is **EUGENE M. FENUSH, JR. a/k/a E. M. FENUSH, JR. d/b/a E. M. FENUSH JR. TRUCKING**, with business address of 112 Mouse Lane, Munson, Clearfield County, Pennsylvania 16860.
3. Plaintiff sells gasoline, diesel fuel and petroleum products at the wholesale and retail levels.
4. Commencing on or before August 13, 2005, Plaintiff permitted the Defendant to charge the purchase of diesel fuel and gasoline. The balance due was to be paid at the end of each month. Unpaid balances accrue interest at the rate of 18% per annum.
5. By agreement dated on or about August 13, 2005, the Defendant obtained a cardlock card. By using this card, the Defendant was able to purchase quantities of diesel fuel and gasoline

at Plaintiff's self-service distribution sites. A true and correct copy of said agreement is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 1.

6. Balances due would be billed by Plaintiff on a monthly basis.
7. Bills were to be paid upon receipt.
8. All payments were to be made to the Plaintiff's office in Philipsburg, Clearfield County, Pennsylvania.

9. The agreement between Plaintiff and Defendant was not valid and enforceable until approved and accepted by Plaintiff at its office in Philipsburg, Clearfield County, Pennsylvania.

10. Amounts unpaid for more than thirty (30) days accrued interest at the rate of 18% per annum.

11. Paragraph 7 of the cardlock agreement permits the Plaintiff to recover reasonable attorney fees and court costs in the event of the customer Defendant's breach.

12. Paragraph 8 of the cardlock agreement permits the Plaintiff to select the venue for legal proceedings. Hence, suit has been brought in Plaintiff's home county.

13. A statement of the Defendant's account with the Plaintiff commencing on August 13, 2005 and continuing until January 15, 2007 is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 2.

14. Written and oral demand have been made on the Defendant to pay the balance due, but he has failed to do so.

15. As of January 15, 2007, the amounts owed to Plaintiff by the Defendant for purchases of diesel fuel and gasoline pursuant to their agreement follows:

A)	Balance	\$13,841.51
B)	Finance Charges to 01/15/07	\$ 3,481.49
C)	Finance Charges accruing at \$6.98 per day from 01/15/07 (to be added)	\$ _____

D)	Attorney fees (to be added)	\$ _____
E)	Court costs (to be added)	\$ _____
PRELIMINARY TOTAL		\$17,323.00
FINAL TOTAL		\$ _____

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant Eugene M. Fenush, Jr. a/k/a E. M. Fenush, Jr. d/b/a E. M. Fenush, Jr. Trucking in the amount of \$17,323.00 together with interest accruing after January 15, 2007, reasonable attorney fees and court costs.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff

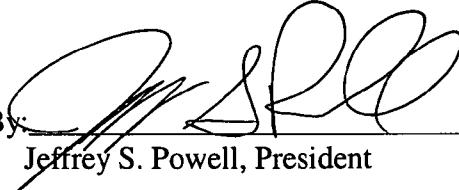
Date: 1/22/07

VERIFICATION

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

J. J. POWELL, INC.

Dated: 1/24/2007

By: 

Jeffrey S. Powell, President

1-800-432-0866
814-342-6483 (fax)
pacificpride@jjpowell.com
www.jjpowell.com

Approved
App Cr

J. J. Powell, Inc.
PO Box 30
Philipsburg, PA 16866

An Independent Franchisee of



THE COMMERCIAL FUELING SYSTEM

Firm Address

Legal Structure

Personal

References

11386

59

Company Name	Telephone Number	Fax Number		
E. M. Fenush Jr. Trucking	814-342-3283			
Mailing Address	City	State	Zip	
934 Wallaceton Rd	Morrisdale	Pa	16858	
Street Address	City	State	Zip	
	Same			
Home Address	City	State	Zip	
	Same			
Are you presently a Pacific Pride or Amerinet Cardholder?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, when did you last use your card?	
CHECK APPROPRIATE BOX AND PROVIDE INFORMATION REQUESTED				
<input checked="" type="checkbox"/> Single Entity - Not a subsidiary		How Long in Business? <u>2 yrs</u>		
<input type="checkbox"/> Corporation State _____		Federl ID #: <u>198-70-1683</u>		
<input type="checkbox"/> Partnership		What Type of Business? <u>Trucking</u>		
<input type="checkbox"/> Other				
List names of partners or corporate officers				
If in business less than 1 year please give name, address & length of time of employment for previous employment				
Owner or Officer	Title	Spouse's Name		
Eugene M Fenush Jr	owner/operator			
Home Address	City	State	Zip	How Long?
934 Wallaceton Rd	Morrisdale	Pa	16858	Own Buying Renting <u>3</u>
Previous Address	City	State	Zip	How Long?
104 S. Hampton St.	Lack Haven	Pa	17745	7
Name of nearest relative not living with you	Relationship	Telephone Number		
Eugene M Fenush sr	Father	(814) 342-2212		
Home Phone	Driver License #	Social Security Number		Date of Birth
814-342-3283	PA-24194 208	198 70 1683		4-18-76
Have you ever filed Bankruptcy?	When?	Where?		
NO				
Bank Name & Branch	City	State	Zip	
First Commonwealth	Clearfield	Pa	16830	
Bank Officer	Account Number	Telephone Number		
Brenda Thornhill	7110 127431	814-765-2666		
Trade Reference	Account Number	Telephone Number		
Sapp Bros	10288	814-765-5321		
Estimated Monthly Usage in Gallons	Person to contact regarding cards	Telephone Number	Home Office / Cell <u>Extension</u>	
2500	Eugene Fenush	342-3283	814-441-1169	

I have made the above statements for the purpose of obtaining credit. I certify they are true and authorize you to make a credit investigation. Billings shall be issued twice each month and payment will be due in full within 10 days of invoice date. I agree to pay a late charge of 1 1/2 % per month (18% annually) or 50 cents minimum on any delinquent balances. THIS AGREEMENT INCLUDES THE TERMS AND CONDITIONS BELOW.

EXHIBIT 1

Notwithstanding that this account is established in the name of a company, I personally guarantee payment of the account.

All purchases made on this account will be for commercial use.

Signed

Printed Name

Eugene M. Fenush Jr.

ADDITIONAL TERMS CARDLOCK USE

1. Purchaser will be for vehicles owned and operated by the Purchaser.
2. Purchaser shall be responsible for all purchases by Purchaser or any other person using cardlock cards issued to Purchaser regardless of whether used by any other person is unauthorized or fraudulent.
3. If there is any change in the ownership of Purchaser or if substantially all of the assets of Purchaser are sold, Purchaser shall promptly notify Supplier of such sale and Supplier shall have a lien on all the assets of Purchaser and a lien on the proceeds of such sale to secure payment of all outstanding sums owing to Supplier.
4. Purchaser represents that it and any person using the cardlock cards delivered to Purchaser are and shall be aware of the proper use of the cardlock system and shall use safe practices in compliance with the regulations of the local Fire Code in handling of the fuel dispensed from the cardlock system. Purchaser agrees to indemnify and hold Supplier harmless from any claims and costs including but expressly not limited to, those for bodily injury and property damage which may be occasioned by the negligence or misuse of the cardlock system by Purchaser or any person using the cardlock system with cardlock cards delivered to Purchaser hereunder.
5. Supplier shall use its best efforts to maintain the cardlock system in good working order and condition at its expense provided however, Supplier shall not be responsible for any damage or loss which may result from its failure to provide fuel or the failure of the cardlock system in any manner whatsoever. Purchaser agrees that it and any person using the cardlock cards delivered to Purchaser shall promptly notify Supplier of any malfunctioning of the cardlock system of which Purchaser or such person is aware.
6. Purchaser's right to purchase fuel through the cardlock system may be terminated immediately upon any breach of any of the terms hereof or of any other agreement with Supplier. Upon termination, Purchaser agrees to immediately surrender all cardlock cards issued to Purchaser and to immediately pay all outstanding sums owing to Supplier.
7. In the event of a breach of any of the terms of this agreement, or any other agreement between Purchaser and Supplier, including but expressly not limited to the failure to pay sums owing to Supplier when due, then in addition to any other sums due or payable to Supplier by Purchaser, Purchaser agrees to pay the reasonable attorney fees and costs incurred by Supplier in the enforcement of Supplier's rights even though no suit or action is filed and if suit or action is filed to enforce the rights of Supplier, then such further sum as the court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action in addition to all other sums provided by law.
8. In the event that any legal action is required to collect on this account, venue for such legal matters will be determined by Supplier.
9. All terms and conditions of this agreement and Quanity are intended to cover Purchaser's account as well as all of Purchaser's branch accounts, whether set up now or in the future.
10. A handling fee will be charged for all checks returned from the bank for any reason.

PACIFIC PRIDE FUEL CARD ORDER FORM (FOR MORE CARDS, ATTACH LIST)

CANADA: INTERNATIONAL CARD
PLEASE COMPLETE CARD INFORMATION AND CHECK THE PRODUCTS THE CARD IS AUTHORIZED TO PURCHASE

UNIT DESCRIPTION	DIESEL	UNLEADED	MID-GRADE	PREMIUM	OFF-ROAD

Aging Periods: S9 SPECIAL SM BILLING

Customer # 11386

Aging Date: 01/15/07 Aged by Trans. Date

Comments: No

Original Document				Net	Future &					
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	01/15/07	12/31/06	12/15/06	11/30/06
	11386	FENUSH JR TRUCKING, E M	345-5795	EUGENE M FENUSH		250.00/Last payment		/Credit limit (B S9)	Salesperson 99	
Inv	5227	08/13/05	899.32	361.0		0.00				
Inv	5243	08/31/05	4,080.38	1,516.3		0.00				
F/C	5258	09/15/05	6.74		Finance Charge	0.00				
Inv	5258	09/15/05	3,822.73	1,285.6		0.00				
Pmt	60133	09/21/05	5,000.00-		636	0.00				
Inv	5273	09/30/05	3,059.75	1,064.5		0.00				
F/C	5288	10/15/05	28.52		Finance Charge	0.00				
Inv	5288	10/15/05	2,963.22	997.2		0.00				
Pmt	60993	10/31/05	5,000.00-		665	0.00				
F/C	5304	10/31/05	14.02		Finance Charge	0.00				
Inv	5304	10/31/05	2,901.68	1,007.9		0.00				
F/C	5319	11/15/05	36.24		Finance Charge	0.00				
Inv	5319	11/15/05	2,561.70	963.2		0.00				
F/C	5334	11/30/05	58.00		Finance Charge	0.00				
Inv	5334	11/30/05	2,503.98	993.6		1,186.28				1,186.28
Inv	5349	12/15/05	3,517.74	1,394.4		3,517.74				3,517.74
F/C	5349	12/15/05	77.22		Finance Charge	77.22				77.22
Inv	5365	12/30/05	3,080.79	1,204.8		3,080.79				3,080.79
F/C	5365	12/31/05	96.00		Finance Charge	96.00				96.00
Pmt	62378	01/10/06	2,000.00-		711	0.00				
Inv	6015	01/14/06	3,304.26	1,286.1		3,304.26				3,304.26
F/C	6015	01/15/06	107.38		Finance Charge	107.38				107.38
Inv	6031	01/31/06	2,688.55	1,038.8		2,688.55				2,688.55
F/C	6031	01/31/06	130.49		Finance Charge	130.49				130.49
Inv	6046	02/02/06	63.89	22.9		63.89				63.89
F/C	6046	02/15/06	155.27		Finance Charge	155.27				155.27
F/C	6059	02/28/06	155.27		Finance Charge	155.27				155.27
F/C	6074	03/15/06	175.43		Finance Charge	175.43				175.43
Pmt	64123	03/31/06	1,000.00-		1151	0.00				
F/C	6090	03/31/06	168.62		Finance Charge	168.62				168.62
Pmt	64279	04/10/06	500.00-		1165	0.00				
F/C	6105	04/15/06	164.87		Finance Charge	164.87				164.87
Pmt	64495	04/17/06	500.00-		1186	0.00				
Pmt	64659	04/26/06	500.00-		1001	0.00				
Pmt	64751	04/30/06	500.00-		1017	0.00				
F/C	6120	04/30/06	153.62		Finance Charge	153.62				153.62
Pmt	65152	05/15/06	500.00-		1028	0.00				
F/C	6135	05/15/06	149.98		Finance Charge	149.98				149.98
Pmt	65435	05/31/06	500.00-		1045	0.00				
F/C	6151	05/31/06	146.23		Finance Charge	146.23				146.23
Pmt	65488	06/05/06	500.00-		1054	0.00				
Pmt	65786	06/12/06	500.00-		1057	0.00				
F/C	6166	06/15/06	138.73		Finance Charge	138.73				138.73
Pmt	66166	06/30/06	500.00-		1068	0.00				
F/C	6181	06/30/06	134.98		Finance Charge	134.98				134.98
F/C	6196	07/15/06	134.98		Finance Charge	134.98				134.98
Pmt	66753	07/25/06	500.00-		1098	0.00				
F/C	6212	07/31/06	131.23		Finance Charge	131.23				131.23

Avg. daily flc

\$ 6.98

Aging Periods: S9 SPECIAL SM BILLING

Customer # 11386

Aging Date: 01/15/07 Aged by Trans. Date

Comments: No

Original Document					Net	Future &			
Type	Doc#	Date	Amount	Quantity Reference	Receivable	01/15/07	12/31/06	12/15/06	11/30/06
	11386	FENUSH JR TRUCKING, E M	345-5795	EUGENE M FENUSH	250.00/Last payment		/Credit limit (B S9) Salesperson 99		
Pmt	66998	08/07/06	500.00-	1113	0.00				
F/C	6227	08/15/06	127.75	Finance Charge	127.75				127.75
Pmt	67398	08/21/06	500.00-	1119	0.00				
F/C	6243	08/31/06	124.00	Finance Charge	124.00				124.00
Pmt	67948	09/12/06	500.00-	1143	0.00				
F/C	6258	09/15/06	120.25	Finance Charge	120.25				120.25
F/C	6273	09/30/06	120.25	Finance Charge	120.25				120.25
Pmt	68501	10/09/06	500.00-	1169	0.00				
F/C	6288	10/15/06	116.50	Finance Charge	116.50				116.50
Pmt	69038	10/31/06	500.00-	1191	0.00				
F/C	6304	10/31/06	112.75	Finance Charge	112.75				112.75
Pmt	69455	11/14/06	250.00-	1214	0.00				
F/C	6319	11/15/06	111.31	Finance Charge	111.31				111.31
Pmt	69729	11/30/06	250.00-	1231	0.00				
F/C	6334	11/30/06	109.44	Finance Charge	109.44				109.44
F/C	6349	12/15/06	109.44	Finance Charge	109.44				
Pmt	70200	12/19/06	250.00-	1242	0.00				
Pmt	70395	12/30/06	250.00-	1255	0.00				
F/C	6365	12/31/06	105.69	Finance Charge	105.69				105.69
Pmt	70497	01/08/07	250.00-	1261	0.00				
F/C	7015	01/15/07	103.81	Finance Charge	103.81	103.81			
	11386 Total.....				17,323.00	103.81	105.69	109.44	17,004.06

NOTE: Customer credit codes are printed in this order: Terms, Statement cycle, and Credit flag. Example: (A MO 3)

Active Accounts	17,323.00	105.69	17,004.06
	103.81	109.44	

* Total All Accounts *	17,323.00	105.69	17,004.06
	103.81	109.44	

* Total Uninvoiced *	0.00	0.00	0.00
----------------------	------	------	------

* Total Unpaid F/C *	3,481.49	105.69	3,162.55
	103.81	109.44	

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

J. J. POWELL, INC.,
Plaintiff : No. 2007-176-CD
vs.
EUGENE M. FENUSH, JR.
a/k/a E. M. FENUSH, JR.
d/b/a E. M. FENUSH JR. TRUCKING,
Defendant

PRAECIPE TO REINSTATE

TO: Clearfield County Prothonotary

Please reinstate the Complaint filed in the above-captioned matter and recertify one counterpart of the Complaint.

Date: April 18, 2007



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second St.
Clearfield, PA 16830
(814) 765-5595

FILED
04/19/2007 Atty pd. 7.00
APR 19 2007 (Compl. Reinstate)
William A. Shaw
Prothonotary/Clerk of Courts
to Sheriff
©

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

102412

J.J. POWELL, INC.

Case # 07-176-CD

VS.

EUGENE M. FENUSH, JR. aka E.M. FENUSH, JR., d/b/a E.M. FENUSH JR.
TRUCKING

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO EUGENE M. FENUSH, JR. AKA E.M. FENUSH, JR. D/B/A E.M. FENUSH JR. TRUCKING, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	JJ POWELL	29415	10.00
SHERIFF HAWKINS	JJ POWELL	29415	63.47

Sworn to Before me This

____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

FILED
05/18/2007
MAY 21 2007
15
William A. Shaw
Prothonotary/Clerk of Courts

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

J.J. POWELL, INC.,

Plaintiff

: No. 2007- 176-CD

vs.

EUGENE M. FENUSH, JR.

a/k/a E. M. FENUSH, JR.

d/b/a E. M. FENUSH JR. TRUCKING,

Defendant

: Type of Case:

CIVIL

: Type of Pleading:

COMPLAINT

: Filed on Behalf of:

PLAINTIFF

: Counsel for This Party:

Peter F. Smith, Esquire

Supreme Court ID #34291

P. O. Box 130

30 South Second Street

Clearfield, PA 16830

(814) 765-5595

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 05 2007

Attest.

William A. H.
Prothonotary/
Clerk of Courts

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

J. J. POWELL , INC.,	Plaintiff	No. 2007-
vs.		
EUGENE M. FENUSH, JR.		
a/k/a E. M. FENUSH, JR.		
d/b/a E. M. FENUSH JR. TRUCKING,		
Defendant		

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 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 other rights important to you.

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

Clearfield County Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

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

J. J. POWELL, INC.,
Plaintiff : No. 2007-

vs.

EUGENE M. FENUSH, JR.
a/k/a E. M. FENUSH, JR.
d/b/a E. M. FENUSH JR. TRUCKING,
Defendant

COMPLAINT

COMES NOW, J. J. Powell, Inc., by its attorney Peter F. Smith, who states in support of this complaint:

1. The Plaintiff, **J. J. POWELL, INC.**, is a Pennsylvania business corporation with principal office in Philipsburg (Chester Hill), Clearfield County, Pennsylvania and with mailing address of P.O. Box 30, Philipsburg, Pennsylvania 16866.
2. The name of the Defendant is **EUGENE M. FENUSH, JR. a/k/a E. M. FENUSH, JR. d/b/a E. M. FENUSH JR. TRUCKING**, with business address of 112 Mouse Lane, Munson, Clearfield County, Pennsylvania 16860.
3. Plaintiff sells gasoline, diesel fuel and petroleum products at the wholesale and retail levels.
4. Commencing on or before August 13, 2005, Plaintiff permitted the Defendant to charge the purchase of diesel fuel and gasoline. The balance due was to be paid at the end of each month. Unpaid balances accrue interest at the rate of 18% per annum.
5. By agreement dated on or about August 13, 2005, the Defendant obtained a cardlock card. By using this card, the Defendant was able to purchase quantities of diesel fuel and gasoline

at Plaintiff's self-service distribution sites. A true and correct copy of said agreement is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 1.

6. Balances due would be billed by Plaintiff on a monthly basis.
7. Bills were to be paid upon receipt.
8. All payments were to be made to the Plaintiff's office in Philipsburg, Clearfield County, Pennsylvania.

9. The agreement between Plaintiff and Defendant was not valid and enforceable until approved and accepted by Plaintiff at its office in Philipsburg, Clearfield County, Pennsylvania.

10. Amounts unpaid for more than thirty (30) days accrued interest at the rate of 18% per annum.

11. Paragraph 7 of the cardlock agreement permits the Plaintiff to recover reasonable attorney fees and court costs in the event of the customer Defendant's breach.

12. Paragraph 8 of the cardlock agreement permits the Plaintiff to select the venue for legal proceedings. Hence, suit has been brought in Plaintiff's home county.

13. A statement of the Defendant's account with the Plaintiff commencing on August 13, 2005 and continuing until January 15, 2007 is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 2.

14. Written and oral demand have been made on the Defendant to pay the balance due, but he has failed to do so.

15. As of January 15, 2007, the amounts owed to Plaintiff by the Defendant for purchases of diesel fuel and gasoline pursuant to their agreement follows:

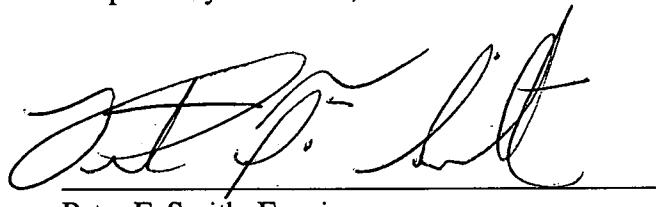
A)	Balance	\$13,841.51
B)	Finance Charges to 01/15/07	\$ 3,481.49
C)	Finance Charges accruing at \$6.98 per day from 01/15/07 (to be added)	\$ _____

D)	Attorney fees (to be added)	\$ _____
E)	Court costs (to be added)	\$ _____
PRELIMINARY TOTAL		\$17,323.00
FINAL TOTAL		\$ _____

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant Eugene M. Fenush, Jr. a/k/a E. M. Fenush, Jr. d/b/a E. M. Fenush, Jr. Trucking in the amount of \$17,323.00 together with interest accruing after January 15, 2007, reasonable attorney fees and court costs.

Respectfully submitted,

Date: 1/22/07



Peter F. Smith, Esquire
Attorney for Plaintiff

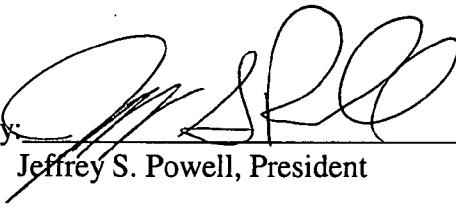
VERIFICATION

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

J. J. POWELL, INC.

Dated: 1/24/2007

By:

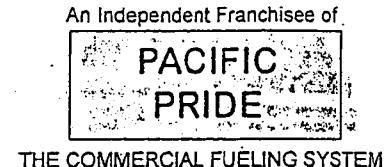

Jeffrey S. Powell, President

1-800-432-0866
814-342-6483 (fax)
pacificpride@jjpowell.com
www.jjpowell.com

Approved
App Cr

J. J. Powell, Inc.
PO Box 30
Philipsburg, PA 16866

11384



Firm Address

Legal Structure

Personal

References

Company Name	Telephone Number	Fax Number	
E. M. Fenush Jr Trucking	814-342-3283		
Mailing Address 934 Wallaceton Rd	City Morrisdale	State Pa	Zip 16858
Street Address	City Same	State	Zip
Home Address	City Same	State	Zip
Are you presently a Pacific Pride or Amerinet Cardholder?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, when did you last use your card?
CHECK APPROPRIATE BOX AND PROVIDE INFORMATION REQUESTED			
<input checked="" type="checkbox"/> Single Entity - Not a subsidiary <input type="checkbox"/> Corporation <input type="checkbox"/> State _____ <input type="checkbox"/> Partnership <input type="checkbox"/> Other		How Long in Business?	2 yrs
<input type="checkbox"/> Federal ID #: 198-70-1683		What Type of Business? Trucking	
List names of partners or corporate officers			
If in business less than 1 year please give name, address & length of time of employment for previous employment			
Owner or Officer	Title	Spouse's Name	
Eugene M Fenush Jr	owner/operator		
Home Address 934 Wallaceton Rd	City Morrisdale	State Pa	Zip 16858
How Long? Own Buying Renting 3			
Previous Address 104 S. Hampton St.	City Lock Haven	State Pa	Zip 17745
How Long? 7			
Name of nearest relative not living with you	Relationship	Telephone Number	
Eugene M Fenush sr	Father	(814) 342-2212	
Home Phone 814-342-3283	Driver License # State PA - 24194 208	Social Security Number 198 70 1683	Date of Birth 4-18-76
Have you ever filed Bankruptcy? No	When?	Where?	
Bank Name & Branch First Commonwealth	City Clearfield	State Pa	Zip 16830
Bank Officer Brenda Thonhill	Account Number 7110 127431	Telephone Number 814-765-2666	
Trade Reference Sapp Bros	Account Number 10288	Telephone Number 814-765-5321	
Estimated Monthly Usage in Gallons 2500	Person to contact regarding cards Eugene Fenush	Telephone Number Home Office 342-3283 / 814-441-1169	Cell 814-441-1169

I have made the above statements for the purpose of obtaining credit. I certify they are true and authorize you to make a credit investigation. Billings shall be issued twice each month and payment will be due in full within 10 days of invoice date. I agree to pay a late charge of 1 1/2 % per month (18% annually) or 50 cents minimum on any delinquent balances. THIS AGREEMENT INCLUDES THE TERMS AND CONDITIONS BELOW.

EXHIBIT 1

Notwithstanding that this account is established in the name of a company, I personally guarantee payment of the account.

Signed

Printed Name

Eugene M Fenush Jr
Eugene M Fenush Jr

ADDITIONAL TERMS CARDLOCK USE

1. Purchaser will be for vehicles owned and operated by the Purchaser.
2. Purchaser shall be responsible for all purchases by Purchaser or any other person using cardlock cards issued to Purchaser regardless of whether use by any other person is unauthorized or fraudulent.
3. If there is any change in the ownership of Purchaser or if substantially all of the assets of Purchaser are sold, Purchaser shall promptly notify Supplier of such sale and Supplier shall have a lien on all the assets of Purchaser and a lien on the proceeds of such sale to secure payment of all outstanding sums owing to Supplier.
4. Purchaser represents that it and any person using the cardlock cards delivered to Purchaser are and shall be aware of the proper use of the cardlock system and shall use safe practices in compliance with the regulations of the local Fire Code in handling of the fuels dispensed from the cardlock system. Purchaser agrees to indemnify and hold Supplier harmless from any claims and costs including but expressly not limited to, those for bodily injury and property damage which may be occasioned by the negligence or misuse of the cardlock system by Purchaser or any person using the cardlock system with cardlock cards delivered to Purchaser heretofore.
5. Supplier shall use its best efforts to maintain the cardlock system in good working order and condition at its expense provided however, Supplier shall not be responsible for any damage or loss which may result from its failure to provide fuel or the failure of the cardlock system in any manner whatsoever. Purchaser agrees that it and any person using the cardlock cards delivered to Purchaser shall promptly notify Supplier of any malfunctioning of the cardlock system of which Purchaser or such person is aware.
6. Purchaser's right to purchase fuel through the cardlock system may be terminated immediately upon any breach of any of the terms hereof or of any other agreement with Supplier. Upon termination, Purchaser agrees to immediately surrender all cardlock cards issued to Purchaser and to immediately pay all outstanding sums owing to Supplier.
7. In the event of a breach of any of the terms of this agreement, or any other agreement between Purchaser and Supplier, including but expressly not limited to the failure to pay sums owing to Supplier when due, then in addition to any other sums due or payable to Supplier by Purchaser, Purchaser agrees to pay the reasonable attorney fees and costs incurred by Supplier in the enforcement of Supplier's rights even though no suit or action is filed and if suit or action is filed to enforce the rights of Supplier, then such further sum as the court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action in addition to all other sums provided by law.
8. In the event that any legal action is required to collect on this account, venue for such legal matters will be determined by Supplier.
9. All terms and conditions of this agreement and Guaranty are intended to cover Purchaser's account as well as all of Purchaser's branch accounts, whether set up now or in the future.
10. A handling fee will be charged for all checks returned from the bank for any reason.

PACIFIC PRIDE FUEL CARD ORDER FORM (FOR MORE CARDS, ATTACH LIST)

CANADA: INTERNATIONAL CARD
PLEASE COMPLETE CARD INFORMATION AND CHECK THE PRODUCTS THE CARD IS AUTHORIZED TO PURCHASE.

UNIT DESCRIPTION	DIESEL	UNLEADED	MID-GRADE	PREMIUM	OFF-ROAD

Aging Periods: S9 SPECIAL SM BILLING

Customer # 11386

Aging Date: 01/15/07 Aged by Trans. Date

Comments: No

Original Document						Net	Future &			
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	01/15/07	12/31/06	12/15/06	11/30/06
11386	FENUSH JR TRUCKING, E M	345-5795	EUGENE M FENUSH	250.00/Last payment						/Credit limit (B S9) Salesperson 99
Inv	5227	08/13/05	899.32	361.0		0.00				
Inv	5243	08/31/05	4,080.38	1,516.3		0.00				
F/C	5258	09/15/05	6.74		Finance Charge	0.00				
Inv	5258	09/15/05	3,822.73	1,285.6		0.00				
Pmt	60133	09/21/05	5,000.00-	636		0.00				
Inv	5273	09/30/05	3,059.75	1,064.5		0.00				
F/C	5288	10/15/05	28.52		Finance Charge	0.00				
Inv	5288	10/15/05	2,963.22	997.2		0.00				
Pmt	60993	10/31/05	5,000.00-	665		0.00				
F/C	5304	10/31/05	14.02		Finance Charge	0.00				
Inv	5304	10/31/05	2,901.68	1,007.9		0.00				
F/C	5319	11/15/05	36.24		Finance Charge	0.00				
Inv	5319	11/15/05	2,561.70	963.2		0.00				
F/C	5334	11/30/05	58.00		Finance Charge	0.00				
Inv	5334	11/30/05	2,503.98	993.6		1,186.28				1,186.28
Inv	5349	12/15/05	3,517.74	1,394.4		3,517.74				3,517.74
F/C	5349	12/15/05	77.22		Finance Charge	77.22				77.22
Inv	5365	12/30/05	3,080.79	1,204.8		3,080.79				3,080.79
F/C	5365	12/31/05	96.00		Finance Charge	96.00				96.00
Pmt	62378	01/10/06	2,000.00-	711		0.00				
Inv	6015	01/14/06	3,304.26	1,286.1		3,304.26				3,304.26
F/C	6015	01/15/06	107.38		Finance Charge	107.38				107.38
Inv	6031	01/31/06	2,688.55	1,038.8		2,688.55				2,688.55
F/C	6031	01/31/06	130.49		Finance Charge	130.49				130.49
Inv	6046	02/02/06	63.89	22.9		63.89				63.89
F/C	6046	02/15/06	155.27		Finance Charge	155.27				155.27
F/C	6059	02/28/06	155.27		Finance Charge	155.27				155.27
F/C	6074	03/15/06	175.43		Finance Charge	175.43				175.43
Pmt	64123	03/31/06	1,000.00-	1151		0.00				
F/C	6090	03/31/06	168.62		Finance Charge	168.62				168.62
Pmt	64279	04/10/06	500.00-	1165		0.00				
F/C	6105	04/15/06	164.87		Finance Charge	164.87				164.87
Pmt	64495	04/17/06	500.00-	1186		0.00				
Pmt	64659	04/26/06	500.00-	1001		0.00				
Pmt	64751	04/30/06	500.00-	1017		0.00				
F/C	6120	04/30/06	153.62		Finance Charge	153.62				153.62
Pmt	65152	05/15/06	500.00-	1028		0.00				
F/C	6135	05/15/06	149.98		Finance Charge	149.98				149.98
Pmt	65435	05/31/06	500.00-	1045		0.00				
F/C	6151	05/31/06	146.23		Finance Charge	146.23				146.23
Pmt	65488	06/05/06	500.00-	1054		0.00				
Pmt	65786	06/12/06	500.00-	1057		0.00				
F/C	6166	06/15/06	138.73		Finance Charge	138.73				138.73
Pmt	66166	06/30/06	500.00-	1068		0.00				
F/C	6181	06/30/06	134.98		Finance Charge	134.98				134.98
F/C	6196	07/15/06	134.98		Finance Charge	134.98				134.98
Pmt	66753	07/25/06	500.00-	1098		0.00				
F/C	6212	07/31/06	131.23		Finance Charge	131.23				131.23

Avg. daily flc

\$ 6.98

Aging Periods: S9 SPECIAL SM BILLING

Customer # 11386

Aging Date: 01/15/07 Aged by Trans. Date

Comments: No

Original Document				Net	Future &					
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	01/15/07	12/31/06	12/15/06	11/30/06
11386	FENUSH JR TRUCKING, E M	345-5795	EUGENE M FENUSH	250.00	/Last payment					
Pmt	66998	08/07/06	500.00-	1113		0.00				
F/C	6227	08/15/06	127.75		Finance Charge	127.75				127.75
Pmt	67398	08/21/06	500.00-	1119		0.00				
F/C	6243	08/31/06	124.00		Finance Charge	124.00				124.00
Pmt	67948	09/12/06	500.00-	1143		0.00				
F/C	6258	09/15/06	120.25		Finance Charge	120.25				120.25
F/C	6273	09/30/06	120.25		Finance Charge	120.25				120.25
Pmt	68501	10/09/06	500.00-	1169		0.00				
F/C	6288	10/15/06	116.50		Finance Charge	116.50				116.50
Pmt	69038	10/31/06	500.00-	1191		0.00				
F/C	6304	10/31/06	112.75		Finance Charge	112.75				112.75
Pmt	69455	11/14/06	250.00-	1214		0.00				
F/C	6319	11/15/06	111.31		Finance Charge	111.31				111.31
Pmt	69729	11/30/06	250.00-	1231		0.00				
F/C	6334	11/30/06	109.44		Finance Charge	109.44				109.44
F/C	6349	12/15/06	109.44		Finance Charge	109.44				109.44
Pmt	70200	12/19/06	250.00-	1242		0.00				
Pmt	70395	12/30/06	250.00-	1255		0.00				
F/C	6365	12/31/06	105.69		Finance Charge	105.69				105.69
Pmt	70497	01/08/07	250.00-	1261		0.00				
F/C	7015	01/15/07	103.81		Finance Charge	103.81	103.81			
11386 Total.....				17,323.00		103.81	105.69	109.44	17,004.06	

OTE: Customer credit codes are printed in this order: Terms, Statement cycle, and Credit flag. Example: (A MO 3)

ctive Accounts	17,323.00	105.69	17,004.06
	103.81	109.44	

Total All Accounts *	17,323.00	105.69	17,004.06
	103.81	109.44	

* Total Uninvoiced *	0.00	0.00	0.00
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* Total Unpaid F/C *	3,481.49	105.69	3,162.55
	103.81	109.44	

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

J. J. POWELL, INC.
Plaintiff

vs.

EUGENE M. FENUSH, JR.,
a/k/a E. M. FENUSH, JR.,
d/b/a E. M. FENUSH JR. TRUCKING,
Defendant

: No. 2007-176-CD
:
: Type of Case: Civil
:
: Type of Pleading: Answer to Complaint
:
: Filed on behalf of: Defendant
:
: Counsel for this Party:
:
: John R. Carfley, Esq.
: Supreme Court ID #17621
: P. O. Box 249
: 222 E. Presqueisle Street
: Philipsburg, PA 16866
: 814-342-5581
:
:

FILED

JUN 22 2007
C/12-4014
William A. Shaw
Prothonotary/Clerk of Courts

2 CERT TO ATR (6)

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

J. J. POWELL, INC.	:	
Plaintiff	:	No. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR.,	:	
a/k/a E. M. FENUSH, JR.,	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

ANSWER TO COMPLAINT

AND NOW comes the Defendants, Eugene M. Fenush, Jr., a/k/a E. M. Fenush, Jr., d/b/a E. M. Fenush Jr. Trucking, who by and through their attorney, John R. Carfley, Esq., answers the allegations contained in the Complaint filed by Plaintiff as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at time of trial.
5. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at time of trial.

6. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at time of trial. By way of further answer, it is averred that the statements asserted by the Plaintiff in this paragraph are unverifiable with the only means of proof of these facts being within the sole and exclusive control of the Plaintiff.

7. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at time of trial. By way of further answer, it is averred that the statements asserted by the Plaintiff in this paragraph are unverifiable with the only means of proof of these facts being within the sole and exclusive control of the Plaintiff.

8. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at time of trial. By way of further answer, it is averred that the statements asserted by the Plaintiff in this paragraph are unverifiable with the only means of proof of these facts being within the sole and exclusive control of the Plaintiff.

9. Denied. On the contrary, it is averred that Paragraph 9 of Plaintiff's Complaint states a conclusion of law as to which no response is required.

10. Denied. On the contrary, it is averred that after reasonable investigation, Defendants are without knowledge sufficient to form a belief as to the truth of the averments set forth in that paragraph and insofar as relevant, proof thereof is demanded at

time of trial. By way of further answer, it is averred that the statements asserted by the Plaintiff in this paragraph are unverifiable with the only means of proof of these facts being within the sole and exclusive control of the Plaintiff.

11. Denied. On the contrary, it is averred that Paragraph 9 of Plaintiff's Complaint states a conclusion of law as to which no response is required.

12. Denied. On the contrary, it is averred that Paragraph 9 of Plaintiff's Complaint states a conclusion of law as to which no response is required. By way of further answer, it is averred that Plaintiff has no right to select venue for legal proceedings, that being within the exclusive purview of the Courts of this Commonwealth. Moreover, venue is determined by considerations outlined in the Pennsylvania Rules of Civil Procedure and may not be waived by a document such as the Plaintiff asserts in his pleading. By way of further answer, it is averred that venue is unique to these Rules and may not be waived by a party through the execution of an alleged contract or other written document.

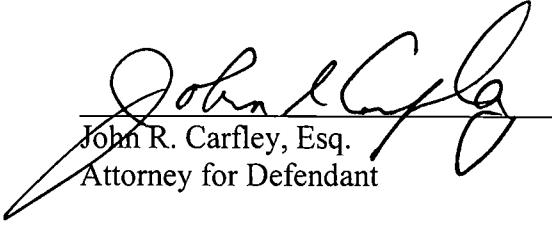
13. It is denied that the statement of account attached to the Complaint is a fair and accurate depiction of the activity, if any, which the Defendant engaged in at the Plaintiff's facility and insofar as relevant, proof of the accuracy of this book account is demanded at time of trial.

14. Denied. On the contrary, it is averred that after reasonable investigation Defendants are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

15. Denied. On the contrary, it is averred that after reasonable investigation Defendants are without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

WHEREFORE, Defendants ask that judgment be entered in favor of the Defendants and against the Plaintiff on all counts and that the said matter be dismissed and that said judgment be entered in favor of Defendants on the issue of liability and damages and for attorney's fees and costs incurred by the Defendants in the defense of this action.

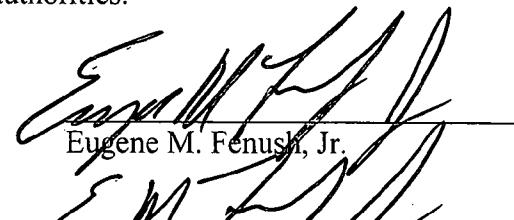
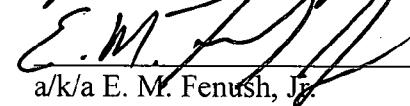
Respectfully submitted,


John R. Carfley, Esq.
Attorney for Defendant

Dated: 6-21-07

VERIFICATION

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


Eugene M. Fenush, Jr.

a/k/a E. M. Fenush, Jr.
d/b/a E. M. Fenush Jr. Trucking

Dated: 6-21-07

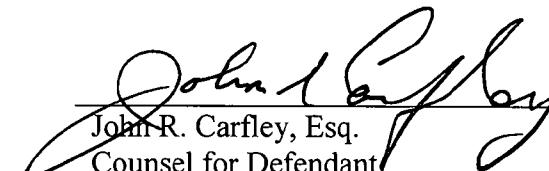
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
vs. :
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

CERTIFICATE OF SERVICE

I do certify that I made service of the foregoing Answer to Complaint upon the following counsel of record for Plaintiff, by depositing a copy of the same at the office of the counsel for the Plaintiff at the address listed below on the 22nd day of June, 2007:

Peter F. Smith, Esq.
Attorney for Plaintiff
P. O. Box 130
30 South Second Street
Clearfield, PA 16830


John R. Carfley, Esq.
Counsel for Defendant
P. O. Box 249
Philipsburg, PA 16866
(814) 342-5581

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

J. J. POWELL, INC., : NO. 2007-176-CD
Plaintiff :
:
vs. :
:
EUGENE M. FENUSH, JR. :
a/k/a E. M. FENUSH, JR. :
d/b/a E.M. FENUSH, JR, TRUCKING :
Defendant :
:

FILED No CC.

0/11/55 cm

AUG 01 2007

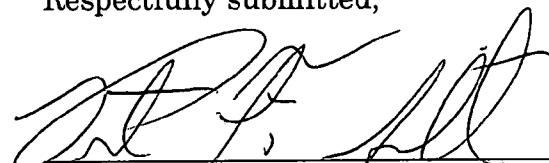
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant, certify that I delivered a true and correct copy of INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS, by U.S. First Class Mail to the attorney for the Defendant at the following address on July 31, 2007:

John R. Carfley, Esquire
222 E. Presqueisle Street
P.O. Box 249
Philipsburg, PA 16866

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Defendants
30 South Second Street
P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Date: July 31, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102712
NO: 07-176-CD
SERVICE # 1 OF 1
COMPLAINT & NOTICE

PLAINTIFF: J.J. POWELL, INC.

vs.

DEFENDANT: EUGENE M. FENUSH, JR. aka E.M. FENUSH, JR., d/b/a E.M. FENUSH JR. TRUCKING

SHERIFF RETURN

NOW, May 16, 2007 AT 10:00 AM SERVED THE WITHIN COMPLAINT & NOTICE ON EUGENE M. FENUSH, JR. aka E.M. FENUSH, JR., d/b/a E.M. FENUSH JR. TRUCKING DEFENDANT AT 112 MOUSE LANE, MUNSON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LISA FENUSH, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT & NOTICE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	J.J.POWELL	29462	10.00
SHERIFF HAWKINS	J.J.POWELL	29462	63.71

FILED No cc-
0/3:13 cm
SEP 26 2007 

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

William A. Shaw
Prothonotary/Clerk of Courts


Chester A. Hawkins
Sheriff

UA

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

J.J. POWELL, INC.,

Plaintiff

: No. 2007-176-CD

vs.

EUGENE M. FENUSH, JR.

a/k/a E. M. FENUSH, JR.

d/b/a E. M. FENUSH JR. TRUCKING,

Defendant

: Type of Case:

CIVIL

: Type of Pleading:

MOTION TO COMPEL

: Filed on Behalf of:

PLAINTIFF

: Counsel for Plaintiff:

Peter F. Smith, Esquire

Supreme Court ID #34291

P. O. Box 130

30 South Second Street

Clearfield, PA 16830

(814) 765-5595

: Counsel for *Defendant* Plaintiff:

John R. Carfley, Esquire

Supreme Court ID #17621

222 E. Presqueisle Street

P.O. Box 249

Philipsburg, PA 16866

(814) 342-5581

FILED *cc*
01/23/07 Atty Smith
OCT 19 2007
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

J. J. POWELL, INC.,	:	
Plaintiff	:	No. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

RULE - ANSWER & HEARING

AND NOW, this _____ day of October, 2007, upon consideration of the foregoing Petition to Compel, it is hereby ordered that:

1. A Rule is issued upon the Respondent EUGENE M. FENUSH, JR. also known as E.M. FENUSH, JR. d/b/a E.M. FENUSH JR. TRUCKING to show cause why the Petitioner is not entitled to the relief requested;
2. The Petitioner J.J. POWELL has requested that _____;
3. The Respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent;
4. The Petition shall be decided under Pa.R.C.P No. 206.7;
5. depositions shall be completed within days of this date;
5. An evidentiary hearing on disputed issues of material fact shall be held on _____, 2007 in Courtroom _____ of the Clearfield County Courthouse;
6. Notice of the entry of this Order shall be provided to all parties by the Petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

By the Court:

Judge

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA CIVIL DIVISION

J. J. POWELL, INC.,	:	
Plaintiff	:	No. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

MOTION TO COMPEL

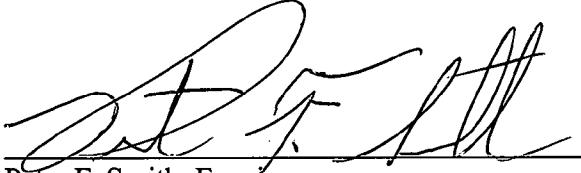
COMES NOW, J. J. Powell, Inc., the Plaintiff, by its attorney Peter F. Smith, who moves this Court to enter an Order compelling the Defendant to answer Discovery and in support thereof states:

1. This case was instituted by Complaint on February 5, 2007.
2. The Defendant answered on June 22, 2007.
3. Plaintiff instituted this case to recover the balance owed by Defendant for the purchase of diesel fuel and other petroleum products in the amount of \$13,841.51 together with interest accruing thereon and costs.
4. Plaintiff served Interrogatories and a Request for Production of Documents on Defendant's counsel July 31, 2007.
5. More than thirty days have elapsed since service of this Discovery, but Defendant has failed to answer it.
6. Plaintiff reminded Defendant of this omission by letter dated September 25, 2007.
7. Defendant still has not answered this Discovery.

WHEREFORE, Plaintiff prays this Honorable Court to enter an Order compelling Defendant to answer this Discovery within fourteen days.

Respectfully submitted,

Date: 10/19/07



Peter F. Smith, Esquire
Attorney for Plaintiff

(CA)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

J.J. POWELL, INC.,
Plaintiff

*

*

*

NO. 07-176-CD

vs.
EUGENE M. FENUSH, JR.
a/k/a E.M. FENUSH, JR.
d/b/a E.M. FENUSH JR. TRUCKING,
Defendant

*

*

*

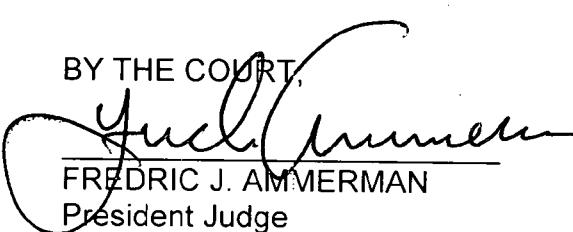
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*

ORDER

NOW, this 22nd day of October, 2007, it is the ORDER of this Court that the Plaintiff's Motion to Compel be and is hereby granted. The Defendant shall provide answers and documents to Plaintiff pursuant to the Plaintiff's Interrogatories and Request for Production of Documents within no more than 20 days from this date.

BY THE COURT,


FREDRIC J. AMMERMAN

President Judge

FILED 10/23/2007
01:21 PM P. Smith
OCT 23 2007 J. Carley
10/23/2007
J. Carley

William A. Shaw
Prothonotary/Clerk of Courts

(614)

FILED

OCT 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/23/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

J. J. POWELL, INC.,	:	NO. 2007-176-CD
Plaintiff	:	
	:	
vs.	:	
	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E.M. FENUSH, JR, TRUCKING	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Plaintiff, certify that certified copies of THE MOTION TO COMPEL and ORDER entered October 22, 2007, was sent by U.S. First Class Mail to the attorney for the Defendant at the following address on October 25, 2007:

John R. Carfley, Esquire
222 E. Presqueisle Street
P.O. Box 249
Philipsburg, PA 16866

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Defendants
30 South Second Street
P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Date: October 25, 2007

FILED
OCT 26 2007
W.A. Shaw
Prothonotary/Clerk of Courts



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

J. J. POWELL, INC.
Plaintiff

vs.

EUGENE M. FENUSH, JR.,
a/k/a E. M. FENUSH, JR.,
d/b/a E. M. FENUSH JR. TRUCKING,
Defendant

: No. 2007-176-CD
:
: Type of Case: Civil
:
: Type of Pleading: Petition to Withdraw
: as Counsel
:
: Filed on behalf of: Defendant
:
: Counsel for this Party:
:
: John R. Carfley, Esq.
: Supreme Court ID #17621
: P. O. Box 249
: 222 E. Presqueisle Street
: Philipsburg, PA 16866
: 814-342-5581
:

FILED 1CC
OCT 31 2007 Atty Carfley
GW
William A. Shaw
Prothonotary/Clerk of Courts

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

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
:
vs.
:
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

PETITION TO WITHDRAW AS COUNSEL

AND NOW comes your Petitioner, John R. Carfley, Esquire, who moves this court for leave to withdraw as counsel on behalf of the above Defendant and in support thereof, avers as follows:

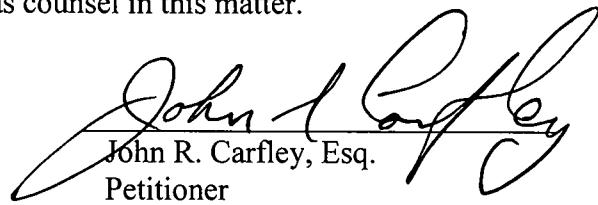
1. In June, 2007, the Petitioner undertook the representation of the above named Defendant. At that time, the Petitioner requested a retainer be paid for future legal services to be rendered in this matter.
2. The Petitioner received a portion of the retainer requested, however, the balance of the retainer has not been paid to date.
3. Petitioner prepared an Answer to the Complaint filed by the Plaintiff and timely filed said Answer on behalf of Defendants on June 22, 2007.
4. Under date of July 31, 2007, the Petitioner was served with Interrogatories and Request for Production of Documents by Plaintiff's counsel, which Interrogatories and Request for Production were sent to the Defendant on August 6, 2007.
5. This discovery is of a type which can only be answered by the Defendant in that it requires the submission of personal financial information to which counsel is not privy.
6. Under date of September 25, 1007, Plaintiff's counsel requested that the response to the discovery be filed by counsel within two (2) weeks. The Petitioner again corresponded with the Defendant under date of September 28, 2007 asking that the answers to the discovery be provided to this office for preparation and filing.

7. While the Defendant has not responded to any of the requests for information, they have advised counsel on October 25, 2007, that they do not wish counsel to undertake any further legal efforts on their behalf and intend to personally negotiate a settlement of the outstanding claim filed by the Plaintiff.

8. Petitioner feels that, under the circumstances, any additional legal efforts without the concurrence of the Defendant would be inappropriate and therefore requests leave of Court to withdraw and permit the Defendants to negotiate a settlement with the Plaintiffs as they shall see fit.

9. Petitioner was willing to assist the Defendants, had he been requested to do so, however, given the uncertainty of the Defendant's instructions, Petitioner does not intend to proceed and because of the significant amount of money owed the Petitioner, Petitioner is not willing to undertake any additional efforts at this time.

WHEREFORE, Petitioner requests this Honorable Court to issue a rule permitting the Petitioner to withdraw as counsel in this matter.



John R. Carfley, Esq.
Petitioner
P. O. Box 249
Philipsburg, PA 16866
ID# 17621
(814) 342-5581

Dated: October 29, 2007

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

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
vs. :
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

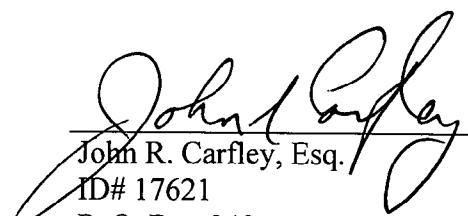
CERTIFICATE OF SERVICE

I hereby certify that I forwarded a copy of the foregoing Petition to Withdraw as Counsel, by regular mail, postage prepaid to the following individuals and/or parties of record, on this 30th day of October, 2007:

Eugene M. Fenush, Jr.
112 Mouse Lane
Munson, PA 16860

E. M. Fenush Jr. Trucking
c/o Eugene M. Fenush, Jr.
112 Mouse Lane
Munson, PA 16860

Peter F. Smith, Esq.
P. O. Box 130
30 South Second Street
Clearfield, PA 16830


John R. Carfley, Esq.
ID# 17621
P. O. Box 249
Philipsburg, PA 16866
(814) 342-5581

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

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
:
vs.
:
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :
:

RULE RETURNABLE

AND NOW, this 1st day of November, 2007, upon

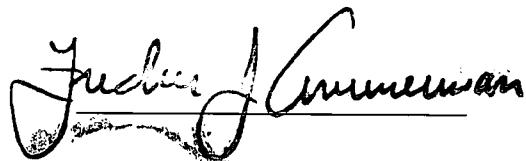
Consideration of the Petition to Withdraw, IT IS HEREBY ORDERED that a

Rule Returnable is set for the 21st day of November, 2007, at

11:00 o'clock A m. in Courtroom No. 1, of the Clearfield County

Courthouse.

BY THE COURT:



FILED
NOV 01 2007
Atty Casley
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

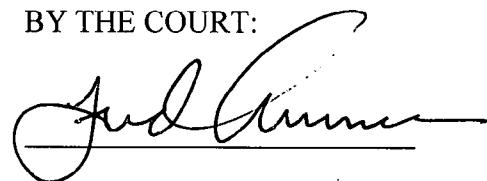
J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
vs. :
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

ORDER

AND NOW, this 21st day of November, 2007, upon

Consideration of the Petition to Withdraw filed by Petitioner, IT IS HEREBY
ORDERED that Petitioner, John R. Carfley, Esq., shall be and is hereby permitted to
withdraw as counsel for Defendant in the above matter.

BY THE COURT:



FILED

NOV 21 2007

0141001W

William A. Shaw

Prothonotary/Clerk of Courts

6K

1 cent to Amt

DATE: 11-21-07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

NOV 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

J. J. POWELL, INC., : NO. 2007-176-CD
Plaintiff :
vs. :
EUGENE M. FENUSH, JR. :
a/k/a E. M. FENUSH, JR. :
d/b/a E.M. FENUSH, JR. TRUCKING :
Defendant :
:

FILED NOCC
m/10/28/07
NOV 29 2007
US

William A. Shaw
Prothonotary/Clerk of Courts

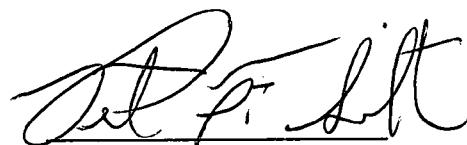
CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Plaintiff, certify that I delivered a true and correct copy of PRAECIPE to List for Civil, Non-Jury Trial, to the Eugene M. Fenush, Jr. a/k/a E.M. Fenush, Jr., d/b/a E.M. Fenush, Jr. Trucking, *Pro se* the Defendant on November 28, 2007 to the following address:

Eugene M. Fenush, Jr. a/k/a
E.M. Fenush, Jr. d/b/a
E.M. Fenush, Jr. Trucking
112 Mouse Lane
Munson, PA 16860
Pro se

Respectfully submitted,

Date: November 28, 2007



Peter F. Smith, Esquire
Attorney for Defendants
30 South Second Street
P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

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

J. J. POWELL, INC.,
Plaintiff

NO. 2007-176-CD

vs.

EUGENE M. FENUSH, JR.
a/k/a E. M. FENUSH, JR.
d/b/a E.M. FENUSH, JR. TRUCKING
Defendant

FILED NO
M 10-28/07
NOV 29 2007

William A. Shaw
Prothonotary/Clerk of Courts
GR

PREACIPE

To: William A. Shaw, Sr., Prothonotary

Dear Sir:

Please place this case on the next list for a Civil, Non-Jury Trial for the next term of Court.

Discovery is complete, and there are no outstanding motions.

I estimate that 3 hours will be required to try this case.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff

Date: November 28, 2007

Cc: J.J Powell, Inc.

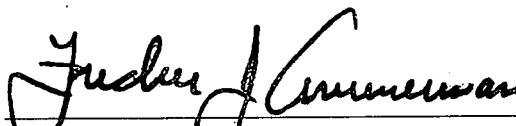
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

J.J. POWELL, INC. :
vs. : No. 07-176-CD
EUGENE M. FENUSH, JR. :
a/k/a E.M. FENUSH, JR. :
d/b/a E.M. FENUSH, JR., TRUCKING :

ORDER

AND NOW, this 19th day of March, 2008, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for **Tuesday, April 22, 2008 at 3:00 P.M.** in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDERIC J. AMMERMAN
President Judge

FILED
04/09/2008
MAR 19 2008
P. Smith
Castley
William A. Shaw
Prothonotary/Clerk of Courts
G.W.

FILED

MAR 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/19/08

 You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

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

J. J. POWELL, INC.
Plaintiff

vs.

EUGENE M. FENUSH, JR.,
a/k/a E. M. FENUSH, JR.,
d/b/a E. M. FENUSH JR. TRUCKING,
Defendant

: No. 2007-176-CD
:
: Type of Case: Civil
:
: Type of Pleading: Praeclipe to Withdraw
: as Counsel
:
: Filed on behalf of: Defendant
:
: Counsel for this Party:
:
: John R. Carfley, Esq.
: Supreme Court ID #17621
: P. O. Box 249
: 222 E. Presqueisle Street
: Philipsburg, PA 16866
: 814-342-5581
:

FILED *2ce*
012:45 6/1 Atty Carfley
MAR 27 2008

William A. Shaw
Prothonotary/Clerk of Courts
Copy to CIA
GR

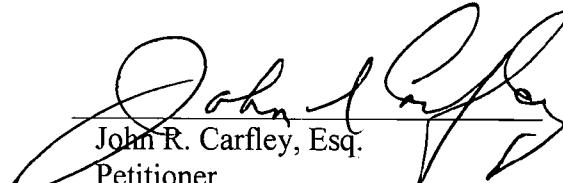
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
vs. :
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

PRAECIPE TO WITHDRAW AS COUNSEL

To the Prothonotary:

Please withdraw my appearance as counsel of record for the Defendant in the above captioned matter, as per the Order dated November 21, 2007, attached hereto.


John R. Carfley, Esq.
Petitioner
P. O. Box 249
Philipsburg, PA 16866
ID# 17621
(814) 342-5581

Dated: March 26, 2008

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

J. J. POWELL, INC.	:	
Plaintiff	:	No. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR.,	:	
a/k/a E. M. FENUSH, JR.,	:	
d/b/a E. M. FENUSH JR. TRUCKING,	:	
Defendant	:	

ORDER

AND NOW, this 21st day of November, 2007, upon

Consideration of the Petition to Withdraw filed by Petitioner, IT IS HEREBY ORDERED that Petitioner, John R. Carfley, Esq., shall be and is hereby permitted to withdraw as counsel for Defendant in the above matter.

BY THE COURT:

Jeff Ammer

FILED

NOV 21 2007
0/4:00 (✓)
William A. Shaw
therapist/Clerk of Court

William A. Clark
Prothonotary/Clerk of Courts

NOV 21 2007

Attest,

William L. Brown
Prothonotary/
Clerk of Courts

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

J. J. POWELL, INC. :
Plaintiff : No. 2007-176-CD
vs. :
EUGENE M. FENUSH, JR., :
a/k/a E. M. FENUSH, JR., :
d/b/a E. M. FENUSH JR. TRUCKING, :
Defendant :

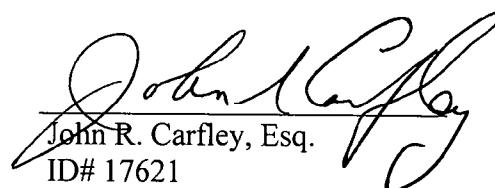
CERTIFICATE OF SERVICE

I hereby certify that I forwarded a copy of the foregoing Praeclipe to Withdraw as Counsel, by regular mail, postage prepaid to the following individuals and/or parties of record, on this 27th day of March, 2008:

Eugene M. Fenush, Jr.
112 Mouse Lane
Munson, PA 16860

E. M. Fenush Jr. Trucking
c/o Eugene M. Fenush, Jr.
112 Mouse Lane
Munson, PA 16860

Peter F. Smith, Esq.
P. O. Box 130
30 South Second Street
Clearfield, PA 16830


John R. Carfley, Esq.
ID# 17621
P. O. Box 249
Philipsburg, PA 16866
(814) 342-5581

1A

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

J. J. POWELL, INC.,
Plaintiff

vs.

EUGENE M. FENUSH, JR. a/k/a,
E.M. FENUSH, JR., d/b/a E.M. FENUSH
TRUCKING,
Defendant

*
*
*
*
*
*

NO. 07-176-CD

ORDER

NOW, this 22nd day of April, 2008, the Court notes that a pre-trial conference was scheduled this date and that only counsel for the Plaintiff was present for said conference. It is the ORDER of this Court that a non-jury trial in this matter is scheduled for August 13, 2008 beginning at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. Two hours has been reserved for this proceeding.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 2cc Atty. Smith
04/10/39/2008
APR 23 2008 ICC Defs.-

112 Mouse Lane
William A. Shaw
Prothonotary/Clerk of Courts Munson, PA
108600

(60)

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

J.J. POWELL, INC. }
VS } NO. 07-176-CD
EUGENE M. FENUSH, JR., a/k/a }
E.M. FENUSH, JR., d/b/a }
E.M. FENUSH, JR. TRUCKING }

ORDER

NOW, this 13th day of August, 2008, following nonjury trial, the Court believing that the Plaintiff has established its claim, it is the ORDER of this Court that judgment be entered in favor of Plaintiff and against Defendant in the amount of Nineteen Thousand Five Hundred Thirty-three Dollars (\$19,533.00) plus Eight Hundred Twenty-five Dollars (\$825.00) in reasonable attorney's fees and court costs. Interest shall accrue at the contractual agreed upon rate of 18 percent.

BY THE COURT

President Judge

FILED 2CC Atty
01/10/2008 P. Smith
AUG 15 2008

William A. Shaw
Prothonotary/Clerk of Courts
112 Mouselane
Munson, PA
162800

68

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

J. J. POWELL, INC.,	:	NO. 2007-176-CD
Plaintiff	:	
vs.	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E.M. FENUSH, JR, TRUCKING	:	
Defendant	:	

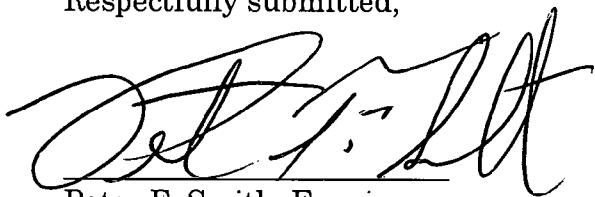
PREACIPE

To: William A. Shaw, Sr., Prothonotary

Dear Sir:

Please enter judgment in favor of the Plaintiff and against the Defendant for \$19,533.00, interest at 18% per annum, court costs and attorney fees of \$825.00 pursuant the Court's Verdict and Order entered in this matter on the 13th day of August, 2008.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff

Date: August 18, 2008

Cc: J.J Powell, Inc.

FILED Atty pd. 20.00
01/02/09
AUG 19 2008 Notice to Def.
William A. Shaw Statement to Atty Smith
Prothonotary/Clerk of Courts
©

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

J.J. POWELL, INC. }
VS } NO. 07-176-CD
EUGENE M. FENUSH, JR., a/k/a }
E.M. FENUSH, JR., d/b/a }
E.M. FENUSH, JR. TRUCKING }

ORDER

NOW, this 13th day of August, 2008, following nonjury trial, the Court believing that the Plaintiff has established its claim, it is the ORDER of this Court that judgment be entered in favor of Plaintiff and against Defendant in the amount of Nineteen Thousand Five Hundred Thirty-three Dollars (\$19,533.00) plus Eight Hundred Twenty-five Dollars (\$825.00) in reasonable attorney's fees and court costs. Interest shall accrue at the contractual agreed upon rate of 18 percent.

BY THE COURT,
/S/ Fredric J Ammerman

President Judge

I hereby certify this to be a true and accurate copy of the original statement filed in this case.

AUG 15 2003

Affect

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

COPY

J. J. POWELL, INC. : NO. 2007-176-CD
Plaintiff :
vs. :
EUGENE M. FENUSH, JR. :
a/k/a E. M. FENUSH, JR. :
d/b/a E.M. FENUSH, JR, TRUCKING :
Defendant :
:

Notice is given that a judgment has been entered of record in Clearfield County against EUGENE M. FENUSH, JR. a/k/a E. M. FENUSH, JR. d/b/a E.M. FENUSH, JR, TRUCKING Defendant, and in favor of the Plaintiff in the amount of \$19,533.00, plus interest and costs.

Prothonotary

By W. L. L. B., Deputy

Rule of Civil Procedure No. 236

COPY

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

J. J. Powell, Inc.
Plaintiff(s)

No.: 2007-00176-CD

Real Debt: \$19,533.00

Atty's Comm: \$

Vs.

Costs: \$

Eugene M. Fenush Jr.
E. M. Fenush Jr. Trucking
Defendant(s)

Entry: \$20.00

Instrument: Court-Ordered Judgment

Date of Entry: August 19, 2008

Expires: August 19, 2013

Certified from the record this 19th day of August, 2008.



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 CIVIL DIVISION

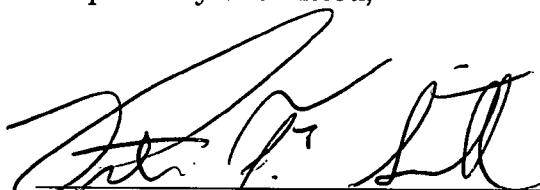
J. J. POWELL, INC.,	:	NO. 2007-176-CD
Plaintiff	:	
vs.	:	
EUGENE M. FENUSH, JR.	:	
a/k/a E. M. FENUSH, JR.	:	
d/b/a E.M. FENUSH, JR. TRUCKING	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Plaintiff, certify that I sent a true and correct copy of the STATEMENT OF JUDGMENT and PRAECIPE ENTERING JUDGMENT to the Eugene M. Fenush, Jr. a/k/a M. Fenuch, Jr. d/b/a E. M. Fenush, Trucking, Pro se the Defendant on August 18, 2008 to the following address:

Eugene M. Fenush, Jr. a/k/a
M. Fenuch, Jr. d/b/a
E. M. Fenush, Trucking
112 Mouse Lane
Munson, PA 16860
Pro se

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Defendants
30 South Second Street
P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Date: August 18, 2007

FILED ^{NO CC}
01/02/2008
AUG 19 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

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

J.J. POWELL, INC, :
Plaintiff : NO: 2007-176-CD
:
vs. :
:
EUGENE M. FENUSH, JR. a/k/a :
E. M. FENUSH, JR., and d/b/a :
E. M. FENUSH, JR. TRUCKING :
Defendant :
:
and :
:
CNB BANK and :
FIRST COMMONWEALTH BANK, :
Garnishees :
:

FILED

010:3567
NOV 14 2008

William A. Shaw
Prothonotary/Clerk of Courts
Pitt. pd. 20.00
S 1CC & 9 Writs to
Sheriff

PRAECIPE FOR WRIT OF EXECUTION

TO: William A. Shaw, Sr., Prothonotary

Dear Sir:

1. Kindly issue writ of execution in the above matter directed to the Sheriff of CLEARFIELD COUNTY against EUGENE M. FENUSH, JR. a/k/a E.M. FENUSH, JR., and d/b/a E. M. FENUSH, JR. TRUCKING, Defendant, and FIRST COMMONWEALTH BANK and NORTHWEST SAVINGS BANK, as Garnishees.

2. This Writ should be indexed against:

- a. EUGENE M. FENUSH, JR. a/k/a E. M. FENUSH, JR., and d/b/a E. M. FENUSH, JR. TRUCKING, Defendant; and,
- b. CNB BANK and FIRST COMMONWEALTH BANK, Garnishees

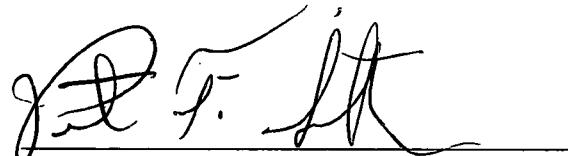
and the following property:

All cash, chattel, vehicles, including 3 trucks, tools, equipment, miscellaneous or personal property (tangible or intangible) or choses in action owned by, owing to or held on behalf of the Defendant, EUGENE M. FENUSH, JR. a/k/a E. M. FENUSH, JR., and d/b/a E. M. FENUSH, JR. TRUCKING.

3. The amounts due are as follows:

a)	Amount of Judgment	\$19,533.00
b)	Costs of Suit (to be added)	\$_____
c)	Interest from 01/15/076 at the statutory rate of 18.00% per annum	\$_____
d)	Attorney fees (reasonable and actually incurred)	\$ 825.00
Preliminary Total		\$20,358.00
Date:	Prothonotary's costs	\$ <u>132.00</u>
FINAL TOTAL		\$ _____

Date: 11/12/08



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

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

J. J. POWELL, INC.,	:	
	:	Plaintiff
vs.	:	
EUGENE M. FENUSH, JR. a/k/a	:	
E. M. FENUSH, JR., d/b/a	:	
E. M. FENUSH, JR. TRUCKING	:	
Defendant	:	
and	:	
CNB Bank		First Commonwealth Bank
P.O. Box 42		14303 Clearfield-Shawville Hwy
One South Second Street		Clearfield, PA 16830
Clearfield, PA 16830		
Garnishee		Garnishee

**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 also 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 \$300.00. 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; and, (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 to prove your exemptions, you may lose some of your property.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

COPY

J. J. POWELL, INC., :
Plaintiff : NO. 2007-176-CD

vs. :

EUGENE M. FENUSH, JR. a/k/a :
E. M. FENUSH, JR., d/b/a :
E. M. FENUSH, JR. TRUCKING :
Defendant :
:

and :

CNB Bank First Commonwealth Bank
P.O. Box 42 14303 Clearfield-Shawville Hwy
One South Second Street Clearfield, PA 16830
Clearfield, PA 16830
Garnishee Garnishee

WRIT OF EXECUTION

Commonwealth of Pennsylvania/County of Clearfield
To the Sheriff of Clearfield County

To satisfy the judgment, interest, costs and attorney's commission against the Defendant above:

1. You are directed to levy upon the property owned by the Defendant as follows:

All cash, chattel, vehicles, including 3 trucks, tools, equipment, miscellaneous or personal property tangible, intangible personal property or choses in action owned by, owing to or held on behalf of the Defendant, EUGENE M. FENUSH, JR., a/k/a E. M. FENUSH, JR., d/b/a E. M. FENUSH, JR. TRUCKING.

2. You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK and FIRST COMMONWEALTH BANK, GARNISHEES, as follows:

All cash, chattel, vehicles, including 3 trucks, tools, equipment, miscellaneous or personal property (tangible or intangible) choses in action owned by, owing to or held on behalf of the Defendant, EUGENE M. FENUSH, JR., a/k/a E. M. FENUSH, JR., d/b/a E. M. FENUSH, JR. TRUCKING.

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

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

4. Amounts due:

a)	Amount of Judgment	\$19,533.00
b)	Costs of Suit (to be added)	\$_____
c)	Interest accrued to 01/15/07 at 18.00% per annum	\$_____
d)	Attorney fees (reasonably and actually incurred)	\$ 825.00

Preliminary Total \$20,358.00

Date: Prothonotary's costs \$ 132.00

FINAL TOTAL \$_____

5. 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 Defendant.

Prothonotary

By: Willie L. Shan 11/14/08
Deputy

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

J. J. POWELL, INC.,	:	
Plaintiff	:	NO. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR. a/k/a	:	
E. M. FENUSH, JR., d/b/a	:	
E. M. FENUSH, JR. TRUCKING	:	
Defendant	:	
and	:	
CNB Bank		First Commonwealth Bank
P.O. Box 42		14303 Clearfield-Shawville Hwy
One South Second Street		Clearfield, PA 16830
Clearfield, PA 16830		
Garnishee		Garnishee

CLAIM FOR EXEMPTION

To the Sheriff of Clearfield County:

I, the above-named Defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which had been levied upon,

(a) I desire that my \$300.00 statutory exemption be

(i) Set aside in kind (specify property to be set aside in kind):

(ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of
exemption): _____

(2) From my property which is in the possession of a third party, I claim the
following exemptions:

(a) my \$300.00 statutory exemption: _____ in cash _____ in kind (specify
property): _____

(b) Social Security benefits on deposit in the amount of \$_____.

(c) Other (specify amount and basis of exemption):

I request a prompt court hearing to determine the exemption. Notice of hearing should be given to me at:

Address

Phone Number

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

Date: _____

Defendant

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY

Clearfield County Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms, and equipment
3. Most wages and unemployment compensation
4. Social security benefits
5. Certain retirements 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
CIVIL DIVISION

J.J. POWELL, INC.,
Plaintiff
vs.
EUGENE M. FENUSH, JR., a/k/a
E. M. FENUSH, JR. d/b/a
E. M. FENUSH, JR. TRUCKING
Defendant
and
CNB BANK and
FIRST COMMONWEALTH BANK,
Garnishees

NO. 2007-176-CD

INTERROGATORIES IN AID OF
EXECUTION BY GARNISHEE

Filed on Behalf of:
PLAINTIFF

Counsel of Record for Plaintiff:
Peter F. Smith, Esquire
PA Supreme Court ID #34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED
01/10/2008
NOV 14 2008
S
cc
NOV 14 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

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

J.J. POWELL, INC.,	:	
Plaintiff	:	NO. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR., a/k/a	:	
E. M. FENUSH, JR. d/b/a	:	
E. M. FENUSH, JR. TRUCKING	:	
Defendant	:	
and	:	
CNB BANK and	:	
FIRST COMMONWEALTH BANK,	:	
Garnishees	:	

INTERROGATORIES IN AID OF EXECUTION

To: CNB Bank
First Commonwealth Bank

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

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

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself 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, 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 or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. 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 direction or consent and if so what was the consideration therefore?

6. 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 the defendant's direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant 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.

8. If you are a bank or other financial institution, 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.

9. At any time before or after you were served, did the Defendant have an account, loan, assignment of contract or funds with you, whether individually or with one or more persons other than that already set forth above? If so, state fully the type, kind, date and amount of the same.

10. At any time before or after you were served, did you have a security interest in any property of the Defendant or were you holding any document of title or other collateral of any kind as security for any loan or time purchase transaction between yourself and the Defendant?

11. If the answer to the foregoing interrogatory is in the affirmative, describe the nature, fair market value and present location of each such item of property.

Date: 11/12/08



Peter F. Smith, Esquire
Attorney for Plaintiff
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Date:

Attorney for Garnishee

AFFIDAVIT

STATE OF PENNSYLVANIA

:

: SS

COUNTY OF _____

:

_____, being duly sworn, acknowledges and says that the answers to the foregoing Interrogatories in Aid of Execution, are true and correct to the best of his/her knowledge, information and belief.

Name and Title

Sworn to and subscribed before me this _____ day of _____, 2008.

Notary Public

RECEIVED

DEC 15 2008

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

FILED

J.J. POWELL, INC.,
Plaintiff

vs.

EUGENE M. FENUSH, JR., a/k/a
E. M. FENUSH, JR. d/b/a
E. M. FENUSH, JR. TRUCKING
Defendant

and.

CNB BANK and
FIRST COMMONWEALTH BANK,
Garnishees

NO. 2007-176-CD

DEC 19 2008

William A. Shaw
Prothonotary/P Clerk of Courts

INTERROGATORIES IN AID OF
EXECUTION BY GARNISHEE

Filed on Behalf of:
PLAINTIFF

Counsel of Record for Plaintiff:
Peter F. Smith, Esquire
PA Supreme Court ID #34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

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

J.J. POWELL, INC.,	:	
Plaintiff	:	NO. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR., a/k/a	:	
E. M. FENUSH, JR. d/b/a	:	
E. M. FENUSH, JR. TRUCKING	:	
Defendant	:	
and	:	
CNB BANK and	:	
FIRST COMMONWEALTH BANK,	:	
Garnishees	:	

INTERROGATORIES IN AID OF EXECUTION

To: CNB Bank
First Commonwealth Bank

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

1. At the time you were served, or at any subsequent time, did you owe the defendant any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant 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 or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself 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, 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 or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. 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 direction or consent and if so what was the consideration therefore?

6. 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 the defendant's direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant 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.

8. If you are a bank or other financial institution, 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.

9. At any time before or after you were served, did the Defendant have an account, loan, assignment of contract or funds with you, whether individually or with one or more persons other than that already set forth above? If so, state fully the type, kind, date and amount of the same.

10. At any time before or after you were served, did you have a security interest in any property of the Defendant or were you holding any document of title or other collateral of any kind as security for any loan or time purchase transaction between yourself and the Defendant?

11. If the answer to the foregoing interrogatory is in the affirmative, describe the nature, fair market value and present location of each such item of property.

Date: 11/12/08



Peter F. Smith, Esquire
Attorney for Plaintiff
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

Date:

Attorney for Garnishee

EXHIBIT "A"
ANSWERS TO INTERROGATORIES

1. No
2. Yes, checking account number 7110127431 into Eugene M. Fenush, Jr. dba E. M. Fenush, Jr. Trucking with a current balance of zero.
3. Yes, installment loan secured by title to vehicle owned by Eugene M. Fenush and Lisa M. Vroman; installment loan secured by title to vehicle owned by Eugene M. Fenush.
4. No
5. No
6. No
7. No
8. See #2 above
9. No
10. See #3 above
11. See #3 above

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)

On this 15th day of December 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 15th day of December 2008

Susan E. Lindenberger
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
SUSAN L LINDBERG, NOTARY PUBLIC
INDIANA BOROUGH, INDIANA COUNTY
MY COMMISSION EXPIRES APRIL 10, 2010

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

J.J. POWELL, INC.,	:	
	Plaintiff	: No. 2007-176-CD
	:	
vs.	:	
	:	
EUGENE M. FENUSH, JR., a/k/a	:	
E.M. FENUSH, JR. d/b/a	:	
E.M. FENUSH, JR. TRUCKING	:	
	Defendant	:
and	:	
	:	
CNB Bank, formerly	:	
County National Bank and	:	
FIRST COMMONWEALTH BANK,	:	
Garnishees	:	

GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, CNB Bank, formerly County National Bank, by its attorney, Peter F. Smith, who answers the Interrogatories as follows:

1. Yes. Checking Account #2250918 owned by Eugene M. Fenush Jr., d/b/a EM Fenush Trucking. The current balance in this account at the date and time the Writ was served on CNB, after the deduction of CNB's \$150 fee for responding to this garnishment was \$3,795.03.

Checking Account #2419257 owned by Eugene M. Fenush Jr., d/b/a EM Fenush Trucking. The current balance in this account at the date and time the Writ was served on CNB was \$8.67.

2. No.

3. No.

4. No.

5. No.

6. No.

S
FILED No CC.
O/10/10am
DEC 29 2008
William A. Shaw
Prothonotary/Clerk of Courts

7. No.
8. Yes. Account identified in 1 above.
9. No.
10. No.
11. N.A.

Date: 12/24/05



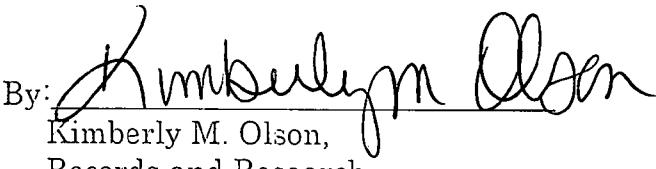
Mark A. Falvo, Esquire
Attorney for the Garnishee
Attorney I.D. # 34291
Supreme Court ID #58135
38 West Scribner Avenue
DuBois, PA 151801
(814) 375-2259

VERIFICATION

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

CNB Bank

Dated: 12-22-08

By: 
Kimberly M. Olson,
Records and Research

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

J.J. POWELL, INC.,	:	
	Plaintiff	: No. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR.,a/k/a	:	
E.M. FENUSH, JR. d/b/a	:	
E.M. FENUSH, JR. TRUCKING	:	
	Defendant	:
and	:	
CNB Bank, formerly	:	
County National Bank and	:	
FIRST COMMONWEALTH BANK,	:	
Garnishees	:	

GARNISHEE CNB BANK' S CERTIFICATE OF SERVICE

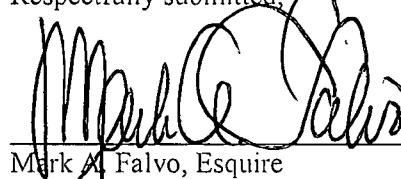
I, Peter F. Smith, attorney for CNB Bank, formerly County National Bank, in the above-captioned matter, hereby certify that I served the Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U. S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendants by U.S. Certified Mail as follows:

U. S. FIRST CLASS MAIL
Peter F. Smith, Esquire
Attorney for Plaintiff
P.O. Box 130
30 South Second Street
Clearfield, PA 16830

U.S. FIRST CLASS MAIL &
CERTIFIED MAIL
Eugene M. Fenush Jr., d/b/a
EM Fenush Trucking
P.O. Box 252
Kylertown, PA 16847-0252

Date: 12/24/02

Respectfully submitted,



Mark A. Falvo, Esquire
Attorney for the Garnishee
38 West Scribner Avenue
Dubois, PA 15801
(814)375-2259

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

J.J. POWELL, INC. : No. 2007-176-CD
Plaintiff :
vs. :
EUGENE M. FENUSH, JR., a/k/a :
E.M. FENUSH, JR. d/b/a :
E.M. FENUSH, JR TRUCKING, :
Defendant :
and :
CNB Bank, formerly :
County National Bank and :
First Commonwealth Bank, :
Garnishees :
:

S **FILED** NO CC.
01/10/2009 10:27 AM 1 CC to ATTY
JAN 20 2009 Smith
William A. Shaw Copy to Sheriff
Prothonotary/Clerk of Courts

PRAECIPE TO DISCONTINUE

TO: Clearfield County Prothonotary and Clearfield County Sheriff

Dear Prothonotary and Sheriff:

I appear as counsel for the Plaintiff in the above-captioned matter and request that you DISCONTINUE the Execution in this matter against the Defendant and Garnishees. I request the Sheriff to return the Writ of Execution to the Prothonotary. The Judgment is not to be satisfied.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

Date: January 16, 2009

cc: J.J. Powell
Eugene M. Fenush, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20889
NO: 07-176-CD

PLAINTIFF: J. J. POWELL, INC.

vs.

DEFENDANT: EUGENE M. FENUSH, JR. A/K/A E. M. FENUSH, JR. AND D/B/A E. M. FENUSH, JR., TRUCKING

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 11/14/2008

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 3/18/2009

S FILED
MAR 18 2009
0/4:00
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED EUGENE M. FENUSH, JR. A/K/A E. M. FENUSH, JR.

DEPUTIES UNABLE TO SERVE EUGENE M. FENUSH, JR. A/K/A E.M. FENUSH, JR. D/B/A E. M. FENUSH JR. TRUCKING AT 112 MOUSE LANE, MUNSON, CLEARFIELD COUNTY, PENNSYLVANIA DEFENDANT DOES NOT LIVE AT THAT ADDRESS.

12/12/2008 @ 11:30 AM SERVED FIRST COMMONWEALTH BANK

SERVED FIRST COMMONWEALTH BANK, GARNISHEE BY HANDING TO DIANE LITZINGER, MANAGER OF FIRST COMMONWEALTH BANK, AT HER PLACE OF EMPLOYMENT 14303 CLEARFIELD SHAWVILLE HIGHWAY, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA

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

12/12/2008 @ 11:00 AM SERVED CNB BANK

SERVED CNB BANK, GARNISHEE, BY HANDING TO CINDY PIERCE, SECRETARY AT CNB BANK, AT HER PLACE OF EMPLOYMENT CNB BANK P. O. BOX 42, ONE S. SECOND STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA

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

@ SERVED

NOW, JANUARY 16, 2009 RECEIVED A PRAECIPE TO DISCONTINUE FROM THE PLAINTIFF'S ATTORNEY; REQUESTING WE DISCONTINUE THE EXECUTION AND RETURN THE WIRT TO THE PROTHONOTARY AS UNSATISFIED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20889
NO: 07-176-CD

PLAINTIFF: J. J. POWELL, INC.

vs.

DEFENDANT: EUGENE M. FENUSH, JR. A/K/A E. M. FENUSH, JR, AND D/B/A E. M. FENUSH, JR., TRUCKING

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$67.70

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
by *Another Person - Aug 16 2000*
Chester A. Hawkins
Sheriff

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

J. J. POWELL, INC.,	Plaintiff	vs.	NO. 2007-176-CD
EUGENE M. FENUSH, JR. a/k/a			
E. M. FENUSH, JR., d/b/a			
E. M. FENUSH, JR. TRUCKING			
Defendant			
and			
CNB Bank		First Commonwealth Bank	
P.O. Box 42		14303 Clearfield-Shawville Hwy	
One South Second Street		Clearfield, PA 16830	
Clearfield, PA 16830			
Garnishee		Garnishee	

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 also 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 \$300.00. 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; and, (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 to prove your exemptions, you may lose some of your property.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

J. J. POWELL, INC.,	:	
Plaintiff	:	NO. 2007-176-CD
vs.	:	
EUGENE M. FENUSH, JR. a/k/a	:	
E. M. FENUSH, JR., d/b/a	:	
E. M. FENUSH, JR. TRUCKING	:	
Defendant	:	
and	:	
CNB Bank	:	First Commonwealth Bank
P.O. Box 42	:	14303 Clearfield-Shawville Hwy
One South Second Street	:	Clearfield, PA 16830
Clearfield, PA 16830	:	
Garnishee	:	Garnishee

WRIT OF EXECUTION

Commonwealth of Pennsylvania/County of Clearfield
To the Sheriff of Clearfield County

To satisfy the judgment, interest, costs and attorney's commission against the Defendant above:

1. You are directed to levy upon the property owned by the Defendant as follows:

All cash, chattel, vehicles, including 3 trucks, tools, equipment, miscellaneous or personal property tangible, intangible personal property or choses in action owned by, owing to or held on behalf of the Defendant, EUGENE M. FENUSH, JR., a/k/a E. M. FENUSH, JR., d/b/a E. M. FENUSH, JR. TRUCKING.

2. You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK and FIRST COMMONWEALTH BANK, GARNISHEES, as follows:

All cash, chattel, vehicles, including 3 trucks, tools, equipment, miscellaneous or personal property (tangible or intangible) choses in action owned by, owing to or held on behalf of the Defendant, EUGENE M. FENUSH, JR., a/k/a E. M. FENUSH, JR., d/b/a E. M. FENUSH, JR. TRUCKING.

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

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

4. Amounts due:

a)	Amount of Judgment	\$19,533.00
b)	Costs of Suit (to be added)	\$_____
c)	Interest accrued to 01/15/07 at 18.00% per annum	\$_____
d)	Attorney fees (reasonably and actually incurred)	\$ 825.00

Preliminary Total \$20,358.00

Date: Prothonotary's costs \$ 132.00

FINAL TOTAL \$ _____

5. 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 Defendant.

Prothonotary

By: William H. B. 11/14/08
Deputy

Received this writ this 14th day
of November A.D. 2008
At 3:00 A.M. P.M.

Chas. A. Hendrie
Sheriff Jefferson County, Alabama

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

J. J. POWELL, INC., : Plaintiff : NO. 2007-176-CD
vs. : :
EUGENE M. FENUSH, JR. a/k/a : :
E. M. FENUSH, JR., d/b/a : :
E. M. FENUSH, JR. TRUCKING : :
Defendant : :
and : :
CNB Bank First Commonwealth Bank
P.O. Box 42 14303 Clearfield-Shawville Hwy
One South Second Street Clearfield, PA 16830
Clearfield, PA 16830
Garnishee Garnishee

CLAIM FOR EXEMPTION

To the Sheriff of Clearfield County:

I, the above-named Defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which had been levied upon,

(a) I desire that my \$300.00 statutory exemption be

 (i) Set aside in kind (specify property to be set aside in kind):

 (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of
exemption): _____

(2) From my property which is in the possession of a third party, I claim the
following exemptions:

(a) my \$300.00 statutory exemption: _____ in cash _____ in kind (specify
property): _____

(b) Social Security benefits on deposit in the amount of \$ _____.

(c) Other (specify amount and basis of exemption):

I request a prompt court hearing to determine the exemption. Notice of hearing should be given to me at:

Address

Phone Number

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

Date: _____

Defendant

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY

Clearfield County Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms, and equipment
3. Most wages and unemployment compensation
4. Social security benefits
5. Certain retirements funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME EUGENE M. FENUSH, JR. A/K/A E. M. FENUSH, JR.

NO. 07-176-CD

NOW, March 18, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Eugene M. Fenush, Jr. A/K/A E. M. Fenush, Jr, And D/B/A/ E. M. Fenush, Jr., Trucking 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	19,533.00
MILEAGE	18.70	INTEREST @ 9.6300 %	0.00
LEVY		FROM TO	
MILEAGE		PROTH SATISFACTION	
POSTING		LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE		ATTORNEY COMMISSION	
HANDBILLS		REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	40.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE	18.00	ESCROW DEFICIENCY	
		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	2.00	MISCELLANEOUS	
ADD'L LEVY			
BID/ SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$20,597.70
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
BILLING/PHONE/FAX	5.00	ADVERTISING	0.00
CONTINUED SALES		TAXES - COLLECTOR	
MISCELLANEOUS		TAXES - TAX CLAIM	
TOTAL SHERIFF COSTS	\$67.70	DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	67.70
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	132.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$199.70
		TOTAL COSTS	\$20,597.70

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 CIVIL DIVISION

J.J. POWELL, INC. : No. 2007-176-CD
Plaintiff :
vs. :
EUGENE M. FENUSH, JR., a/k/a :
E.M. FENUSH, JR., d/b/a :
E.M. FENUSH, JR TRUCKING. :
Defendant :
and :
CNB Bank, formerly :
County National Bank and :
First Commonwealth Bank, :
Garnishees :
:

PRAECIPE TO DISCONTINUE

TO: Clearfield County Prothonotary and Clearfield County Sheriff

Dear Prothonotary and Sheriff:

I appear as counsel for the Plaintiff in the above captioned matter and request that you DISCONTINUE the Execution in this matter against the Defendant and Garnishees. I request the Sheriff to return the Writ of Execution to the Prothonotary. The Judgment is not to be satisfied.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

Date: January 16, 2009

cc: J.J. Powell
Eugene M. Fenush, Jr.