

07-177-CD  
Barry Fox vs Scott Cowfer

Barry Fox vs Scott Cowfer  
2007-177-CD

Date: 8/7/2008  
Time: 11:05 AM  
Page 1 of 2

**Clearfield County Court of Common Pleas**

User: LMILLER

ROA Report  
Case: 2007-00177-CD  
Current Judge: Paul E. Cherry

Barry A. Fox, Tammy D. Fox vs. Scott B. Cowfer

**Civil Other-COUNT**

Date	Judge
2/5/2007	New Case Filed.
	No Judge
	X Filing: Praeclipe for Writ of Summons. Paid by: Miller, Kistler, Campbell, Miller Receipt number: 1917511 Dated: 02/05/2007 Amount: \$85.00 (Check) 1 writ to Atty.
	No Judge
2/27/2007	Acceptance of Service, filed. I hereby accept service on behalf of the Defendant, Scott B. Cowfer, and certify that I am authorized to do so, filed by s/Amy H. Marshall Esq. No CC.
	No Judge
5/22/2007	X Complaint, filed by s/ David B. Consiglio Esq. No CC.
	No Judge
7/17/2007	X Notice and Answer and New Matter filed. By s/ Erica L. Steele, Esquire. No CC
	No Judge
7/26/2007	X Plaintiffs' Reply to New Matter, filed by s/ David B. Consiglio, Esquire. 3CC Atty. Consiglio
	No Judge
7/30/2007	X Motion For Consolidation, filed by s/ David B. Consiglio, Esquire. No CC, original filed to 03-1300-CD
	No Judge
7/31/2007	X Order, this 30th day of July, 2007, Motion to Consolidate Case No. 03-1300-CD and Case No. 2007-177-CD is Granted. The cases shall be consolidated and a pre-trial conference shall be held at 10:00 a.m. August 27, 2007. By The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Consiglio
	Paul E. Cherry
9/26/2007	X Motion to Continue Trial Date, filed by s/ David B. Consiglio, Esquire. No CC, Original to 03-1300-CD.
	No Judge
	X Order, this 25th day of Sept., 2007, upon the Motion to Continue Trial Date, the Motion is Granted. Non-Jury Trial is scheduled for the 8th day of Feb., 2008 beginning at 9:00 a.m. All other provisions of the Order of August 28, 2007 shall remain in effect. By The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Consiglio, Orig. to 03-1300-CD
	No Judge
	X Order, this 26th day of Sept., 2007, it is Ordered that Pre-Trial Conference in the above captioned matter shall be scheduled for Dec. 13, 2007 at 9:30 a.m. in Judge's Chambers. By The court, /s/Paul E. Cherry, Judge. 1CC Attys: Consiglio, Marshall & Steele, Miller. Orig. to 03-1300-CD.
	No Judge
1/14/2008	X Motion to Withdraw As Counsel, filed by s/ Amy H. Marshall, Esquire 1CC Atty.
	No Judge
1/16/2008	X Rule To Show Cause Why Motion Should Not Be Granted: NOW, this 16th day of Jan., 2008, upon consideration of the Motion of Babst, Calland, Clemens and Zomnir, P.C., a Rule is issued upon the Owners. Rule Returnable the 24th day of Jan., 2008, Courtroom 2 at 2:00 p.m. By The Court, /s/ Paul E. Cherry, Judge. 1CC to C/A to Fax to Atty. Marshall; 4CC Atty. Marshall.
	Paul E. Cherry
1/17/2008	X Response In Opposition to Motion to Withdrawal as Counsel, filed by s/ David B. Consiglio, Esquire. No CC
	No Judge
1/28/2008	X Order, this 24th day of Jan., 2008, Plaintiff's Motion to Withdraw as Counsel is Granted. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Marshall/Steele/Kirk, Consiglio, S. Miller Original to 03-1300-CD
	Paul E. Cherry
1/30/2008	X Praeclipe For Withdrawal of Appearance, withdraw appearance of Alan F. Kirk, Esquire, Amy H. Marshall, Esquire, Erica L. Steele, Esquire and the law firm of Babst, Calland, Clemens and Zomnir, P.C. filed by s/ Alan F. Kirk, Esquire. No CC Orig. filed to 03-1300-CD.
	Paul E. Cherry

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**

Date: 8/7/2008

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 11:05 AM

**ROA Report**

Page 2 of 2

Case: 2007-00177-CD

Current Judge: Paul E. Cherry

Barry A. Fox, Tammy D. Fox vs. Scott B. Cowfer

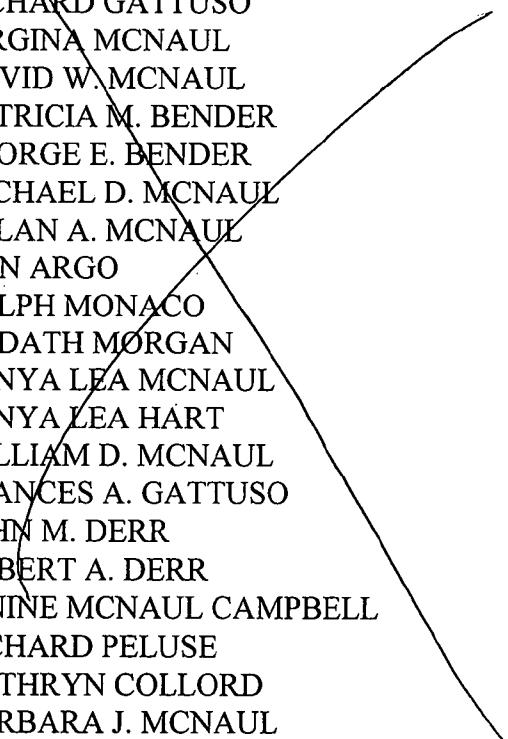
**Civil Other-COUNT**

Date	Judge	
2/11/2008	<input checked="" type="checkbox"/> Order, this 8th day of Feb., 2008, it is Ordered that on the Mechanic's Lien filed by Scott B. Cowfer to Docket No. 03-1300-CD, judgment is entered in favor of Barry A Fox and Tammy D. Fox and against Scott B. Cowfer. It is further ordered that the Mechanic's Lien filed on Sept. 3, 2003 by Scott B. Cowfer, as well as any amended Mechanic's Liens filed by Claimant thereafter shall be stricken and shall be of no further force or effect. It is further Ordered that on the civil matter filed to Docket No. 2007-177-CD, judgment shall be entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195,000.00 plus interest from July 3, 2003, plus costs of suit. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty; Consiglio, Miller; 1CC Scott Cowfer, 1359 Bell Hollow Road, Port Matilda, PA 16870 Orig. to 03-1300-CD	Paul E. Cherry
4/23/2008	<input checked="" type="checkbox"/> Filing: Praecipe for Entry of Judgment per Court Order Paid by: Consiglio, Paul E. Cherry David B. (attorney for Fox, Barry A.) Receipt number: 1923715 Dated: 4/23/2008 Amount: \$20.00 (Check) No CC Notice to S. Cowfer Judgment is entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195,000.00 plus interest from July 3, 2003, plus costs of suit. <input checked="" type="checkbox"/> Certificate of Mailing Copy of Praecipe For entry of Judgment, on April 16, 2008, a copy of Praecipe for entry of Judgment was mailed by first class mail to Scott B. Cowfer. Filed by s/ David B. Consiglio, Esquire. No CC	Paul E. Cherry
5/22/2008	<input checked="" type="checkbox"/> Filing: Exemplified Record of Docket Entries and Judgment Paid by: Miller, Paul E. Cherry Kistler, Campbell, Miller Receipt number: 1924163 Dated: 5/22/2008 Amount: \$15.00 (Check) <input checked="" type="checkbox"/> Filing: Exemplified Record of Docket entries and Judgment Paid by: Miller, Paul E. Cherry Kistler, Campbell, Miller Receipt number: 1924164 Dated: 5/22/2008 Amount: \$15.00 (Check) <input checked="" type="checkbox"/> Filing: Exemplified Record of Docket Entries and Judgment Paid by: Miller, Paul E. Cherry Kistler, Campbell, Miller Receipt number: 1924165 Dated: 5/22/2008 Amount: \$15.00 (Check) <input checked="" type="checkbox"/> Filing: Exemplified Record of Docket Entries and Judgment Paid by: Miller, Paul E. Cherry Kistler, Campbell, Miller Receipt number: 1924166 Dated: 5/22/2008 Amount: \$15.00 (Check)	Paul E. Cherry
6/30/2008	<input checked="" type="checkbox"/> Answers to Interrogatories of Garnishee, Citizens Bank, filed by s/ Teria Pitts. No CC	Paul E. Cherry
7/2/2008	<input checked="" type="checkbox"/> Plaintiffs' Notice of Service of Discovery. Plaintiffs' Interrogatories in Aid of Execution served upon Scott B. Cowfer by U.S. First Class Mail on June 30, 2008. filed by s/ David B. Consiglio, Esquire. No CC	Paul E. Cherry
7/7/2008	<input checked="" type="checkbox"/> Plaintiffs' Petition to Enjoin Defendant from Transferring Property, filed by s/ Paul E. Cherry David B. Consiglio, Esquire. No CC <input checked="" type="checkbox"/> Order, this 7th day of July, 2008, Defendant is hereby enjoined from transferring, removing, conveying, assigning, or otherwise disposing of or encumbering any real or personal property owned by him. By the Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Consiglio	Paul E. Cherry
7/22/2008	<input checked="" type="checkbox"/> Plaintiffs' Petition to Enforce Subpoena for Deposition in Aid in Execution, filed by s/ David B. Consiglio, Esquire. no CC	Paul E. Cherry
7/24/2008	<input checked="" type="checkbox"/> Rule to Show Cause Why Writ of Attachment of Witness Should Not Issue, Paul E. Cherry this 24th day of July, 2008, a Rule is granted upon Defendant. Rule Returnable this 13th day of August, 2008, at 9:30 a.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Consiglio	Paul E. Cherry

8-11-08 Order, dated 8-11-08

**Michael R. McNaul**  
**Robert G. McNaul**

TO: 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  
VIRGINIA 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  
MICHAEL R. MCNAUL  
ROBERT G. MCNAUL



To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 5/13/2008

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

BARRY A. and TAMMY D. FOX,  
husband and wife,

Docket No. *07-177-CD*

Plaintiffs,

Type of Case:

vs.

Civil Action

SCOTT B. COWFER,

Defendant.

Type of Pleading:

Praecipe for Writ of Summons

Filed on Behalf of Plaintiffs

Counsel of Record for This Party

David B. Consiglio, Esquire  
Miller Kistler Campbell  
Miller Williams & Benson  
720 S. Atherton Street  
State College, PA 16801  
(814) 234-1500

**FILED** *Atty pd.  
m 111 01/01/07 85.00*  
FEB 05 2007 *1 Writ  
(u) to Atty*  
William A. Shaw  
Prothonotary/Clerk of Courts  
No CC

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

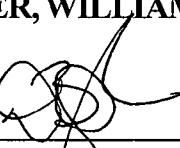
BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No.  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Plaintiffs, Barry A. and Tammy D. Fox,  
and issue a Writ of Summons in the above-captioned matter against Scott B. Cowfer.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire

I.D.# 72772

720 South Atherton Street

State College, PA 16801

(814) 234-1500

Date: February 2, 2007

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

CC  
J

**SUMMONS**

**Barry A. Fox and  
Tammy D. Fox,  
husband and wife**

**Vs.**

**NO.: 2007-00177-CD**

**Scott B. Cowfer**

TO: SCOTT B. COWFER

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 02/05/2007

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

Issuing Attorney:

David B. Consiglio, Esq.  
720 S. Atherton Street  
State College, PA 16801  
(814) 234-1500

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

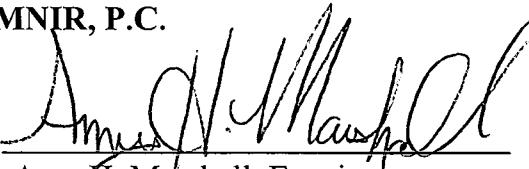
BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

ACCEPTANCE OF SERVICE

I hereby accept service on behalf of the Defendant, Scott B. Cowfer, and certify that  
I am authorized to do so.

BABST, CALLAND, CLEMENTS,  
ZOMNIR, P.C.

By:

  
Amy H. Marshall, Esquire  
328 Innovation Boulevard, Suite 200  
State College, PA 16803  
867-8055 (p)

Date: 2/23/07

FILED NO CC  
M 05/03/2007  
FEB 27 2007  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,  
Plaintiffs,  
vs.  
SCOTT B. COWFER,  
Defendant.

Docket No. 2007-00177-CD  
Type of Case:  
**Civil Action**

Type of Pleading:  
**Complaint**

Filed on Behalf of Plaintiffs  
Counsel of Record for This Party  
David B. Consiglio, Esquire  
Miller Kistler Campbell  
Miller Williams & Benson  
720 S. Atherton Street  
State College, PA 16801  
(814) 234-1500

FILED  
MAY 10 2007  
MAY 22 2007  
NOCC

William A. Shaw  
Prothonotary/Clerk of Courts

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**NOTICE**

To: Scott B. Cowfer c/o Amy H. Marshall, Esquire

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 and objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, Pa 16830  
Telephone: (814) 765-2641 Ext. 5982

**MILLER, KISTLER, CAMPBELL,  
MILLER WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**COMPLAINT**

AND NOW come Plaintiffs, by and through their undersigned counsel, and file this Complaint and state in support thereof as follows:

**PARTIES**

1. Plaintiffs, Barry A. & Tammy D. Fox, are adult individuals residing at P.O. Box 132, Beccaria, Clearfield County, Pennsylvania 16616.
2. Defendant, Scott B. Cowfer, is an adult individual with an address at 1359 Belle Hollow Road, Port Matilda, Centre County, Pennsylvania 16870.

**FACTS**

3. In or about April of 2003, Plaintiffs and Defendant entered into an agreement for Defendant to construct and make certain improvements to the Plaintiffs' real property and residence.

4. A copy of the proposal executed by Scott B. Cowfer is attached hereto as Exhibit "A."
5. Defendant promised, warranted, and guaranteed that the work to be done to Plaintiffs' residence would be in a substantial workman like manner.
6. Plaintiffs have fulfilled all of the provisions of their agreement with Defendant.
7. Defendant has failed to fulfill the provisions of his agreement on his part to be performed.

**COUNT I - BREACH OF CONTRACT**

8. Paragraph 1 through 7 hereof are incorporated herein by reference as if set forth fully.
9. Defendant has wholly neglected to do and perform certain things which were expressly or be necessary implication required to be done and performed by him, including the failures, omissions, and unworkmanlike performance as set forth in the report of Walter G.M. Schneider, III, Ph.D., P.E. attached hereto as Exhibit "B."
10. Defendant has failed and refused, and still refuses, to cure the aforesaid breaches, despite Plaintiffs' repeated demands.
11. The reasonable cost of remedying the aforesaid breaches is in excess of the applicable arbitration limit in the Clearfield County Court of Common Pleas.

12. As a natural and consequential result of Defendant's breach, Plaintiffs have suffered or will suffer ascertainable damages in the form of repair costs, increased mortgage, tax expenses, and other damages.

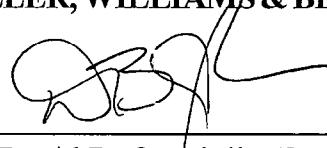
WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant in an amount in excess of the applicable arbitration threshold, with costs and interest.

#### **COUNT II - DEFECTIVE CONSTRUCTION**

13. Paragraph 1 through 12 hereof are incorporated herein by reference as if set forth fully.
14. Defendant owed a duty to perform in a workmanlike and non-defective manner.
15. Defendant has failed in his duty and has provided defective construction to Plaintiffs.
16. Defendant has failed and refused, and still refuses, to cure the aforesaid defective construction as is set forth on attached Exhibit "B."
17. The reasonable costs of remedying the aforesaid defects is in excessive of the applicable arbitration limit in the Clearfield County Court of Common Pleas.
18. Defendant's defective construction is the actual and proximate cause of substantial damages suffered and to be suffered by Plaintiffs in the form of repair costs, increased mortgage expenses, tax expenses, and other damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant in an amount in excess of the applicable arbitration threshold, with costs and interest.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: May 21, 2007

**VERIFICATION**

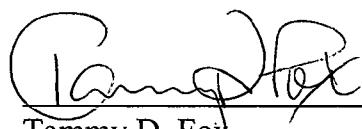
I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Barry A. Fox

Dated: 5/15/07

**VERIFICATION**

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



---

Tammy D. Fox

Dated: 5-15-07

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 21<sup>st</sup> day of May, 2007, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Amy Marshall, Esquire  
Babst, Calland, Clements, Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
David B. Consiglio, Esquire

EXHIBIT  
**A**

# PROPOSAL

No.

Date

3-28-03

Sheet No.

Proposal Submitted To:

Name Barry Fox  
Street Po Bx 132  
City Beccaria 1616 State Pa.  
Phone 378-8917

Work To Be Performed At:

SCOTT B. COWFER  
1359 EAST BELL HOLLOW LANE  
Street PORT MATILDA, PA 16870

City \_\_\_\_\_ State \_\_\_\_\_

Date of Plans 1-800-684-7003  
Architect \_\_\_\_\_

We hereby propose to furnish the materials and perform the labor necessary for the completion of

① \$2000.00 Down on START of Job. Rest will  
be made in payments

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars [\$ 24,700.00], with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted

*Scott B. Cowfer*

Per

Note-This proposal may be withdrawn by us if not accepted within 30 days.

## ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

*P. H. R. B.*

Date 3-28-03



PRINCIPALS    WALTER G.M. SCHNEIDER III.....PhD PE  
MICHAEL J. SIGGINS .....AIA  
DALLAS L. MILLER .....AIA  
JOHN C. HAAS .....AIA

April 20, 2007

Mr. & Mrs. Barry A. Fox  
Post Office Box 132  
Beccaria, Pennsylvania 16616

Reference: Dispute Resolution  
Fox Residence  
635 Walnut Street  
Beccaria, Pennsylvania  
Commission No. 07001

Dear Mr. & Mrs. Fox:

At your request, Walter G. M. Schneider III, Ph.D., P.E. of our office visited the referenced single family home on 1 March 2007 to make visual observations regarding the quality and completeness of the construction and to formulate an opinion of probable construction cost associated with the needed repairs and corrections. The referenced residence is a (2) two story Victorian style single family residential dwelling with attached (2) two car garage and full basement. The foundation system is a concrete masonry unit (CMU) foundation system with cast-in-place interior slab. The house and garage is a conventional wood frame structure utilizing 2x6 wall framing, engineered wood I-Joist floors, and pre-manufactured metal plate connected wood trusses.

Our review was based on a combination of direct observation during our site visit, and photographs that have been furnished to us, that were taken during the construction process.

We will review and comment on all problems observed in the structure and indicate the opinion of probable construction cost associated with the repair. The opinion of probable construction cost was developed in conjunction with Brian E. Bortz, of Bortz Woodworks, located in Boalsburg, Pennsylvania.

1301 NORTH ATHERTON STREET  
STATE COLLEGE, PENNSYLVANIA 16803  
814-238-1551 / Fax: 814-238-8046

PERSONALIZATION. INTEGRATION.

[WWW.HAASBUILDINGSOLUTIONS.COM](http://WWW.HAASBUILDINGSOLUTIONS.COM)

EXHIBIT

B

### **Garage:**

Improper wall construction: The exterior walls of the garage were constructed using (8) eight foot long studs and a joint was constructed approximately two-thirds up the wall. This allows the wall to move and creates an unstable condition. This will be fixed by adding new studs across the joint to correct the condition.

The installation of the man-door and trim were done incorrectly the door and trim need to be reinstalled.

The garage floor is cracked due to the lack of control joints and improper installation. The floor will need to be removed and a new concrete slab installed.

The steps from the garage into the main house are not constructed properly and no handrail is installed. These will need to be removed and a new set of steps properly constructed in their place.

There has been water damage to the rear wall of the garage due to the improper flashing at the intersection of the garage roof and the main house wall. This water penetration has damaged the sheathing in this location and corrective action will need to be taken.

Currently the garage walls are only attached to the foundation using a series of tap-con type screws. This is not an accepted practice and the sill plate will need to be anchored to the foundation with the use of an anchor bolt in accordance with accepted construction practice.

### **Main House Exterior:**

It is our professional opinion that the siding, soffit and fascia installation was not completed in a professional manner. Throughout the façade there are a large number of locations where the installation was both inconsistent and sloppy. There is bent and damaged material used, the trim details are poor around openings, and there are areas where the siding buckles. To properly repair these areas the siding will need to be removed from the building and proper installation completed.

Due to performance issues we feel that either the ridge vent is improperly installed or there is a lack of proper ventilation in the attic space.

Lack of shimming and proper installation has resulted in poor door and window operation and will eventually result in permanent damage to these items.

Exterior trim was installed with a plain steel nail or fastener, resulting in fastener corrosion and unsightly rust staining.

The front porch is experiencing a number of significant issues that need to be addressed. The roof sheathing appears to have a ridge in it, possibly due to a miss-installed rafter. The porch floor framing is both inadequately sized and configured resulting in a weak floor. The brick piers are bending and failing due to the eccentric loading caused by the poor connection details to the porch framing. The porch steps were framed with un-treated lumber and were installed bearing directly on earth which is unacceptable. The flooring will not accept paint/stain properly. The lattice work below the porch was to be installed such that it was able to be moved to allow access below the porch. However, the material was installed in a permanent fashion. The shingles were not installed properly resulting in a wave in the shingle lines. The railing was also installed without intermediate support resulting in poor performance.

The rear stacked porch has a number of problems also. The first is the improper framing of the structural support system resulting in damage to the masonry support column and framing at the intermediate floors. The second floor was not constructed to be water tight or to properly channel water off the floor system. This has resulted in the infiltration of water through the floor and has damaged the ceiling below and results in constant dripping. We also feel that these were improperly framed.

The chimney appears to be out of plumb from the spring line of the roof trusses up. The chimney will need to be checked and this corrected if found to be true.

#### **Main House Interior:**

The installation of the interior gypsum board is unacceptable. There are nails popping in numerous locations throughout the house. These are not just isolated nail pops, but are a series of popped nails typically in a row. The seams are also visible in numerous locations.

The soaking tub was installed improperly. First there is no access panel to allow access to the pump and drain systems. Second the platform was improperly constructed allowing movement in the top and cracking the surface treatment.

The French doors were not installed properly allowing for movement and eventual damage of the door.

The exterior door in the kitchen was also not installed properly allowing for movement and eventual damage of the door.

There is insulation missing in a section of exterior wall in the kitchen, allowing for a break in the exterior thermal barrier, loss of energy, and cold cabinets.

The soffit above the cabinets in the kitchen was not constructed properly and thus the proper cabinets could not be installed.

The main stairs to the second floor were not properly installed. Due to this there is less than adequate headroom to properly use the stairs. These need to be reframed and properly installed.

The basement stairs are too long for the structure. They are bouncy and need to be stiffened.

The attic pull down stair was not properly installed. It is recessed and needs to be removed, reinstalled, and trimmed properly.

In addition to the list developed above of sub-standard construction items. There are also a number of items that were to be included that were not. These include the interior trim, garage door installation, siding completion around the front door, rear porch railing system, exterior porch ceiling, exterior porch trim, installation of interior doors and front door, and finish the kitchen.

Based on the list of substandard construction items and missing items identified above we have developed an opinion of probable construction cost to repair or replace the defective construction depending on the most cost effective method of correction, and to install those items that were not installed. Based on this, our opinion of probable construction cost is **One Hundred and Ninety-five Thousand Dollars (\$195,000)**. This is assuming that all new construction would be in accordance with the requirements of the Uniform Construction Code of Pennsylvania and the International Residential Code 2006 edition. However, this in no way implies that the entire structure would be in conformance with the Uniform Construction Code of Pennsylvania and the International Residential Code 2006 edition.

Should you have any questions regarding this matter, please contact us.

Respectfully submitted,  
Haas Building Solutions Inc.

  
Walter G. M. Schneider III, Ph.D., P.E.  
Principal

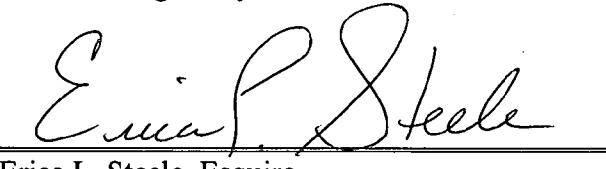
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

BARRY AND TAMMY FOX, : No. 2007-00177-CD  
husband and wife, :  
Plaintiff :  
: Type of Case:  
: Civil Action  
v. :  
: Type of Pleading: Answer and  
: New Matter  
SCOTT B. COWFER, : Filed on behalf of: Defendant  
Defendant : Counsel of Record For This Party:  
: Amy H. Marshall, Esquire  
: PA ID 74852  
: Kevin L. Barley, Esquire  
: PA ID 85976  
: Erica L. Steele, Esquire  
: PA ID 94546  
: Babst, Calland, Clements and  
: Zomnir, PC.  
: 328 Innovation Boulevard, Suite 200  
: State College PA 16803  
: Phone: 814.867.8055/Fax: 814.867.8051

**NOTICE**

**TO: DAVID B. CONSIGLIO, ATTORNEY FOR PLAINTIFF**

You are hereby notified to plead to the enclosed New Matter within twenty (20) days  
from service hereof or default judgment may be entered against you.

  
\_\_\_\_\_  
Erica L. Steele, Esquire  
Attorney for Defendant

FILED  
MILLION NO CC  
JUL 13 2007  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts

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

BARRY AND TAMMY FOX, :  
Husband and Wife, :  
vs. : No. 2007-00177-CD  
SCOTT B. COWFER, :  
Defendant : Type of Case:  
 : Civil Action  
 :  
 : Type of Pleading:  
 : Answer and New Matter  
 :  
 : Filed on Behalf of Defendant  
 :  
 : Counsel of Record for This Party:  
 :  
 : Amy H. Marshall, Esquire  
 : PA ID 74852  
 : Kevin L. Barley, Esquire  
 : PA ID 85976  
 : Erica L. Steele, Esquire  
 : PA ID 94546  
 : Babst Calland Clements and Zomnir, P.C.  
 : 328 Innovation Blvd, Suite 200  
 : State College, PA 16803  
 : (814)867-8055

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

BARRY AND TAMMY FOX, :  
Husband and Wife, :  
: :  
vs. : : No. 2007-00177-CD  
: :  
SCOTT B. COWFER, :  
Defendant : :  
:

ANSWER

AND NOW, comes the Defendant Scott B. Cowfer, by and through his attorneys, Babst, Calland, Clements & Zomnir, P.C. and files the within Answer to Plaintiff's Complaint:

1. Admitted.
2. It is denied that Cowfer has a home address of 1359 Belle Hollow Road, Port Matilda, Centre County, Pennsylvania 16870. To the contrary, Cowfer's home address is 1359 Bell Hollow Lane, Port Matilda, Centre County, Pennsylvania 16870.
3. Denied in part. The parties entered into an agreement for Cowfer to provide "labor only" for certain improvements and construction of Plaintiffs' home.
4. The averments of fact contained in paragraph 4 refer to the contents of a written document, a proposal, which speaks for itself and must be construed as a whole. Any attempt on the part of Plaintiffs to alter, amend or add meaning thereto is specifically denied.
5. Denied. Pursuant to the Proposal dated March 28, 2003, Defendant agreed "[a]ll material is guaranteed to be as specified, and the above work to be performed in

accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner."

6. Denied. To the contrary, Plaintiffs have failed to pay Defendant all sums due for the work performed in accordance with the Proposal, and Defendant has pursued a mechanics lien against Plaintiffs' property because of Plaintiff's failure to pay Defendant. By way of further response, the averments contained in paragraph 6 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

7. Denied. To the contrary, Defendant has fulfilled all obligations under the Proposal and Plaintiffs have failed to pay Defendant all sums due for the work performed in accordance with the Proposal. By way of further response, the averments contained in paragraph 7 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

#### **COUNT I -BREACH OF CONTRACT**

8. Defendant incorporates by reference paragraphs 1 through and including 7 of Defendants' Answer as if each had been set forth herein at length.

9. Denied. Defendant has fulfilled all obligations under the Proposal and Plaintiffs have failed to pay Defendant all sums due for the work performed in accordance with the Proposal. Defendant further denies that the allegations contained in the document attached to the Complaint as Exhibit B identify or relate to items that were within the scope of Defendant's work or within Defendant's control. By way of further response, the averments contained in paragraph 9 constitute conclusions of law to which

no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

10. Denied. Defendant denies that Plaintiffs' have identified specific alleged breaches or provided Defendant an opportunity to investigate and cure such alleged breaches. To the contrary, Plaintiffs have failed to provide Defendant an opportunity to inspect the property, despite Defendant's reasonable requests for an inspection. By way of further response, the averments contained in paragraph 10 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

11. Defendant denies the allegation that he has breached any alleged agreement with Plaintiffs or caused Plaintiffs any damages. By way of further response, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of fact contained in paragraph 11, and therefore, the averments are denied.

12. Defendant denies the allegation that he has breached any alleged agreement with Plaintiffs or caused Plaintiffs any damages. Defendant specifically denies any liability for alleged mortgage or tax expenses. By way of further response, the averments contained in paragraph 12 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

#### **COUNT II – DEFECTIVE CONSTRUCTION**

13. Defendant incorporates by reference paragraphs 1 through and including 12 of Defendants' Answer as if each had been set forth herein at length.

14. The averments contained in paragraph 14 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

15. Defendant specifically denies the existence of any duty owed to Plaintiffs other than the duty allegedly imposed by way of Defendant's Proposal, and further denies that he has breached any duty allegedly owed to Plaintiffs or provided defective construction. By way of further response, the averments contained in paragraph 15 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

16. Denied. Defendant denies that Plaintiffs' have identified specific alleged breaches or provided Defendant an opportunity to investigate and cure such alleged breaches. To the contrary, Plaintiffs have failed to provide Defendant an opportunity to inspect the property, despite Defendant's reasonable requests for an inspection. By way of further response, the averments contained in paragraph 16 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

17. Defendant denies the allegation that he has breached any alleged agreement with Plaintiffs or caused Plaintiffs any damages. By way of further response, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of fact contained in paragraph 17, and therefore, the averments are denied.

18. Defendant denies the allegation that he has breached any alleged agreement with Plaintiffs or caused Plaintiffs any damages. Defendant specifically

denies any liability for alleged mortgage or tax expenses. By way of further response, the averments contained in paragraph 18 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, the averments of fact are denied.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Complaint and enter judgment in favor of Defendant.

**NEW MATTER**

1. On or about March 28, 2003, Plaintiffs and Defendant prepared a proposal for a labor only agreement in the amount of \$24,700.00, to construct and make improvements on certain portions of Plaintiffs' residence.

2. The parties entered into an oral agreement ("Agreement") for labor only, wherein Defendant was not responsible for the installation or completion of electrical, plumbing, heating, painting, staining, insulation or flooring for the home. Plaintiffs were responsible to provide the materials for the project.

3. Plaintiffs made an initial down payment of \$2,000.00 and one additional payment of \$4,000.00.

4. Defendant began construction on Plaintiffs' home on March 26, 2003, with the last of the work being performed on July 3, 2003.

5. Defendant was delayed during the construction project. The delay was caused by Plaintiff Barry Fox's failure to complete the wiring and insulation projects on the home.

6. Defendant stopped working on the home on July 3, 2003, because the correct materials were not on site for Defendant to complete the final two projects.

7. The final two projects to be completed were the installation of the porch railing and the installation of interior doors.

8. Plaintiffs never contacted Defendant when the correct materials arrived for the completion of the final two projects.

9. The work performed by Defendant was done so in a workmanlike manner.

10. Plaintiffs failed to pay Defendant the full amount under the Agreement.

11. The amount due and owing to Defendant is \$19,350.00.

12. Defendant filed a Mechanic's Lien Claim against Plaintiffs that is currently before this Court.

13. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

14. Plaintiffs' claims are barred by the doctrine of laches.

15. Defendant pleads the affirmative defenses of waiver or consent as a complete bar to the claims set forth in Plaintiffs' Complaint.

16. Defendant pleads the applicable statute of limitation as a complete bar to the entirety of Plaintiffs' Complaint.

17. With respect to all circumstances relevant hereto, Defendant performed all work in a workmanlike manner.

18. Defendant breached not duty owed to Plaintiffs.

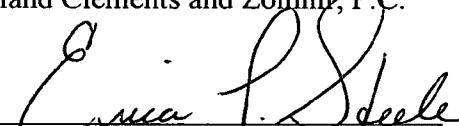
19. Any damaged allegedly sustained by Plaintiffs are caused solely by acts or omissions of other parties outside of the control of Defendant.

20. Plaintiffs failed to mitigate any alleged damages.

WHEREFORE, Defendant respectfully requests this Honorable Court dismiss Plaintiffs' Complaint and enter judgment in favor of Defendants.

Respectfully submitted,

Babst Calland Clements and Zomnir, P.C.

By: 

Amy H. Marshall, Esquire

PA I.D. 74852

Kevin L. Barley, Esquire

PA I.D. # 85976

Erica L. Steele, Esquire

PA I.D. # 94546

328 Innovation Blvd, Suite 200

State College, PA 16803

(814) 867-8055

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

BARRY AND TAMMY FOX,  
Husband and Wife,

vs. : No. 2007-00177-CD

SCOTT B. COWFER,  
Defendant

VERIFICATION

I verify that the statements made in the foregoing Pleading are true and correct to the best of my information, knowledge and belief. 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.

  
\_\_\_\_\_  
Scott B. Cowfer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION-LAW

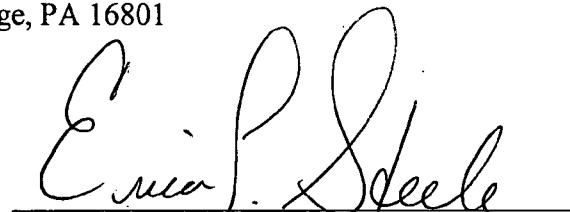
BARRY AND TAMMY FOX, :  
Husband and Wife, :  
: :  
vs. : : No. 2007-00177-CD  
: :  
SCOTT B. COWFER, :  
Defendant :  
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter was mailed, by regular mail, postage prepaid, on July 12, 2007 to the following:

David B. Consiglio, Esquire  
Miller Kistler Campbell  
Miller Williams & Benson  
720 S. Atherton Street  
State College, PA 16801

Date: 7-12-07



Erica L. Steele, Esquire  
Attorney for Defendant  
Attorney ID #94546  
Babst, Calland, Clements & Zomnir, P.C.  
101 Innovation Blvd., Suite 206  
State College, PA 16803  
Telephone: (814) 867-8055  
Facsimile: (814) 867-8051

**ORIGINAL**

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
: Plaintiffs, : Type of Case:  
: vs. : Civil Action  
: :  
SCOTT B. COWFER, :  
: Defendant. : Type of Pleading:  
: : Plaintiffs' Reply to New Matter  
: :  
: : Filed on Behalf of Plaintiffs  
: :  
: : Counsel of Record for This Party  
: :  
: : David B. Consiglio, Esquire  
: : Miller Kistler Campbell  
: : Miller Williams & Benson  
: : 720 S. Atherton Street  
: : State College, PA 16801  
: : (814) 234-1500

**FILED** 3cc  
07/26/2007 Atty Consiglio  
JUL 26 2007  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**PLAINTIFFS' REPLY TO NEW MATTER**

AND NOW comes Plaintiffs, by and through their undersigned counsel, and file this  
Reply to New Matter and state in support thereof as follows:

1. Denied as stated. To the contrary, Defendant prepared the Proposal which  
speaks for itself. Allegations to the contrary are specifically denied and denied  
generally pursuant to Pa.R.C.P. 1029(e).
2. Denied as stated. To the contrary, Defendant prepared the Proposal which  
speaks for itself. Allegations to the contrary are specifically denied and denied  
generally pursuant to Pa.R.C.P. 1029(e).
3. Admitted.
4. After reasonable investigation, Plaintiffs are unable to form a belief as to the  
truth or falsity of the allegations set forth in Paragraph 4 of Defendant's New  
Matter and as such, each and every allegation thereof is specifically denied and  
denied generally pursuant to Pa.R.C.P. 1029(e).

5. Each and every allegation set forth in Paragraph 5 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
6. Each and every allegation set forth in Paragraph 6 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
7. Each and every allegation set forth in Paragraph 7 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e). By way of further response, Defendant failed to complete any construction in a workmanlike manner.
8. Each and every allegation set forth in Paragraph 8 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
9. Each and every allegation set forth in Paragraph 9 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
10. Admitted.
11. Each and every allegation set forth in Paragraph 11 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
12. Admitted in part; denied in part. It is admitted only that Defendant has filed a Mechanic's Lien claim which is currently pending before this Honorable Court. To the extent that the allegation alleges or avers that the Mechanic's Lien claim is legitimate, same is specifically denied.

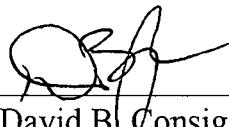
13. Each and every allegation set forth in Paragraph 13 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
14. Each and every allegation set forth in Paragraph 14 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
15. Each and every allegation set forth in Paragraph 15 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
16. Each and every allegation set forth in Paragraph 16 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
17. Each and every allegation set forth in Paragraph 17 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
18. Each and every allegation set forth in Paragraph 18 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).
19. Each and every allegation set forth in Paragraph 19 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).

20. Each and every allegation set forth in Paragraph 20 of Defendant's New Matter is specifically denied and denied generally pursuant to Pa.R.C.P. 1029(e).

WHEREFORE, Plaintiffs respectfully request judgment in their favor and against Defendant and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

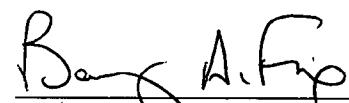
By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: 7/26/07

## VERIFICATION

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



---

Barry A. Fox

Dated: 7/23/07

**VERIFICATION**

I verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



Tammy D. Fox

Dated: 7/23/07

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

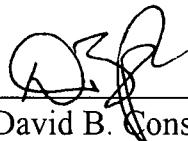
BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 20<sup>th</sup> day of July, 2007, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Amy Marshall, Esquire  
Babst, Calland, Clements, Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

SCOTT B. COWFER, :  
Contractor/Claimant, : Docket No. 03-1300-CD  
vs. :  
BARRY and TAMMY FOX, :  
Husband and Wife, Owners. :

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, : Docket No. 2007-00177-CD  
Plaintiffs, :  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**MOTION FOR CONSOLIDATION**

AND NOW come Barry and Tammy Fox, husband and wife, by and through their undersigned counsel, and file this Motion for Consolidation of Case No. 03-1300-CD and Case No. 2007-00177-CD and state in support thereof as follows:

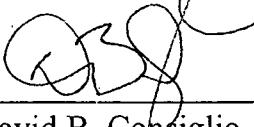
**COPY FILED** (GK)  
M 10/05/07  
JUL 30 2007  
Orig. filed  
to 03-1300-CD  
William A. Shaw  
Prothonotary/Clerk of Courts

1. Case No. 03-1300-CD was instituted by Scott Cowfer in the nature of a Mechanic's Lien.
2. Case No. 2007-00177-CD was instituted by the Fox's against Cowfer due to defective and deficient construction.
3. Most, if not all, of the operative facts in both cases are identical and arise out of construction services which were provided, or not provided, to the Fox's by Cowfer.
4. Cowfer contends that he performed in a workmanlike manner for which he is entitled to payment; Fox's contend that the job was not completed and that none of the work that was done was done in workmanlike fashion and indeed, resulted in damages to them in the amount of \$195,000.00. .
5. The parties in the two cases are identical.
6. A pre-trial conference is scheduled for the Mechanic's Lien action on August 27, 2007 before the Honorable Paul Cherry.
7. The deposition of both parties have already been taken and discovery has been exchanged under the caption of the Mechanic's Lien action. The only issue known to the Fox's which remains outstanding is that counsel for Cowfer has generally alluded to an inspection of the property which, if permitted by the Court, can and should take place well prior to trial.
8. For the conservation of judicial resources, as well as those of the parties, these two cases should be consolidated and both pre-tried on August 27, 2007.

WHEREFORE, Barry and Tammy Fox respectfully request an Order consolidating Case No. 03-1300-CD and Case No. 2007-00177-CD for all purposes.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Copsiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: July 27, 2007

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant,

Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

Defendant.

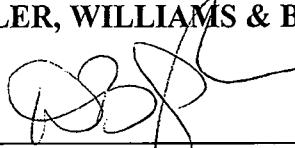
**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 27<sup>th</sup> day of July, 2007, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Amy Marshall, Esquire  
Babst, Calland, Clements, Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:

  
David B. Consiglio, Esquire

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant, : Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Docket No. 2007-00177-CD

Plaintiffs,

vs.

SCOTT B. COWFER,

Defendant.

**RULE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of Fox's Motion for Consolidation, a Rule is entered to show cause why Fox's Motion in the above-captioned matter should not be GRANTED.

RULE RETURNABLE this \_\_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_\_ .m. in Courtroom No. \_\_\_\_, in Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

---

Honorable Paul Cherry  
Clearfield County Court of Common Pleas

UA

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant, : Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

: Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

Defendant.

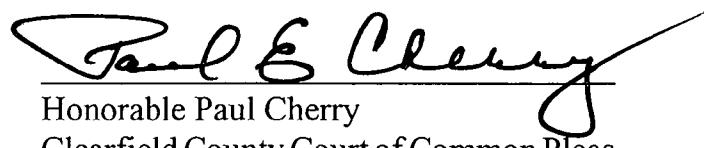
**FILED**  
01/4/07  
JUL 31 2007

William A. Shaw  
Prothonotary/Clerk of Courts  
4cc Atty Consiglio

**ORDER**

AND NOW, this 30<sup>th</sup> day of July, 2007, upon  
consideration of the Motion to Consolidate Case No. 03-1300-CD and Case No. 2007-00177-  
CD, the Motion is GRANTED. The cases shall be consolidated and a pre-trial conference  
shall be held at 10:00 a.m., Monday, August 27, 2007.

BY THE COURT,

  
Honorable Paul Cherry  
Clearfield County Court of Common Pleas

**FILED**

JUL 31 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/31/07

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 FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

SCOTT B. COWFER, :  
Contractor/Claimant, : Docket No. 03-1300-CD  
vs. :  
BARRY and TAMMY FOX, :  
Husband and Wife, Owners. :

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

6K  
FILED  
014:00061  
SEP 26 2007  
cc

William A. Shaw *Onq.*  
Prothonotary/Clerk of Courts *to*  
0373000

MOTION TO CONTINUE TRIAL DATE

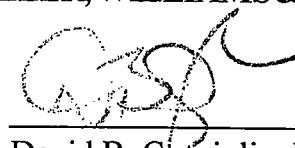
AND NOW comes Counsel for Barry and Tammy Fox, husband and wife, and files  
this Motion to Continue Trial Date Case No. 03-1300-CD and Case No. 2007-00177-CD and  
states in support thereof as follows:

1. This Motion is UNOPPOSED as evidenced by the attached e-mail from opposing counsel for Scott B. Cowfer. (See attached e-mail, Exhibit "A").
2. The above-captioned cases were consolidated for all purposes including trial by Order of this Court dated July 30<sup>th</sup> 2007.
3. By Order dated August 28, 2007, Non-jury Trial has been scheduled for November 19, 2007 to begin at 9:00 a.m.
4. Counsel for Movants will be out-of-state due to a planned family trip beginning November 16, 2007 and through the date of trial.
5. Counsel for Movants believed that the trial could and would be covered by another attorney in his office, Stacy Parks Miller, Esquire, but subsequently learned that Attorney Parks Miller would be unable to appear for trial on November 19 due to the fact that she is scheduled for trial in a criminal case in Centre County.
6. It is believed that re-scheduling the trial date will do no violence to judicial economy and will not prejudice either party.

WHEREFORE, it is respectfully requested that the Trial Date be continued and re-scheduled for a date prior to November 19, 2007 or subsequent to November 26, 2007 regarding the above-captioned consolidated cases.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: 25 September 2007

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant, : Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs, : Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

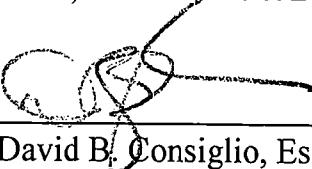
Defendant.

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire do hereby certify that on this 25<sup>th</sup> day of September, 2007, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Alan F. Kirk, Esquire  
Babst, Calland, Clements, Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire

**David B. Consiglio**

---

**From:** Kirk, Alan F. [akirk@bccz.com]  
**Sent:** Monday, September 24, 2007 12:01 PM  
**To:** David B. Consiglio  
**Subject:** RE: Cowfer

Dave,

Just got your letter in the morning mail. I have no objection to a continuance. Let me know if Judge Cherry needs anything from me to confirm it. Thanks,

Alan F. Kirk, Esquire  
Babst, Calland, Clements and Zomnir, PC  
328 Innovation Blvd. Suite 200  
State College, PA 16803  
Phone: 814.867.8055  
Fax: 814.867.8051  
Email: akirk@bccz.com  
Web Site: <http://www.bccz.com>

**EXHIBIT**

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

SCOTT B. COWFER,

Contractor/Claimant,

Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

Defendant.

FILED 4CC A/H  
01400561 Consiglio  
SEP 26 2007

William A. Shaw Orig. to  
Prothonotary/Clerk of Courts  
03-1300-CD

ORDER

AND NOW this 25<sup>th</sup> day of September, 2007, upon the Motion to Continue Trial

Date filed by Counsel for Barry A. And Tammy D. Fox, the Motion is GRANTED. Non-Jury Trial  
is scheduled for the 8<sup>th</sup> day of February, 2008 beginning at 9:00 o'clock am. All other  
provisions of the ORDER of August 28, 2007 shall remain in effect.

BY THE COURT

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

/s/ Paul E. Cherry

PAUL E. CHERRY, JUDGE

SEP 26 2007

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

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

SCOTT B. COWFER :  
:  
vs. : No. 03-1300-CD  
:  
BARRY and TAMMY FOX, :  
Husband and Wife, Owners :  
:  
BARRY A. and TAMMY D. FOX, : No. 07-177-CD  
Husband and Wife, Owners :  
:  
vs. :  
:  
SCOTT B. COWFER :  
:

FILED <sup>cc: Atlys:  
Consiglio  
01/4/2007  
SEP 26 2007  
Miller</sup>  
Marshall  
Stevie

William A. Shaw  
Prothonotary/Clerk of Courts  
Orig. to 03-1300-CD  
(6)

O R D E R

AND NOW, this 26<sup>th</sup> day of September, 2007, it is the ORDER of this

Court that Pre-Trial Conference in the above captioned matter shall be and is hereby  
scheduled for December 13, 2007 at 9:30 A.M. in Judge's Chambers, Clearfield  
County Courthouse, Clearfield, PA.

BY THE COURT:

/s/ Paul E. Cherry

Paul E. Cherry  
Judge

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

SEP 26 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

**FILED**

**SEP 26 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: September

       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

FILED *rec*  
M 10:52 AM Atty  
JAN 14 2008  
GK  
William A. Shaw  
Prothonotary/Clerk of Courts

SCOTT B. COWFER : 03-1300-CD  
v. : No. 07-177 -CD  
BARRY AND TAMMY FOX, : Type of Pleading: MOTION TO  
husband and wife, Owners : WITHDRAW AS COUNSEL  
BARRY A. AND TAMMY D. FOX, : **Counsel of Record For This Party:**  
husband and wife, Owners : AMY H. MARSHALL, ESQUIRE  
: ID#74852  
: ALAN F. KIRK, ESQUIRE  
: ID#36893  
: Babst, Calland, Clements and  
v. : Zomnir, P.C.  
: 328 Innovation Boulevard, Suite 200  
SCOTT B. COWFER : State College, PA 16803  
: Phone: 814.867.8055/Fax: 814.867.8051  
: E-mail: amarshall@bccz.com

**MOTION TO WITHDRAW AS COUNSEL**

**NOW COMES, BABST, CALLAND, CLEMENTS AND ZOMNIR, P.C., and**  
files this Motion wherein the following is a statement:

1. That Babst, Calland, Clements and Zomnir, PC. was retained as counsel by Scott B. Cowfer for representation in the above-captioned matters.
2. That despite numerous attempts to communicate with Scott B. Cowfer, there has been no response from him to any such communication.
3. That despite regular monthly communication regarding billing costs and fees no payment has been received by counsel.

4. Since counsel has been unable to communicate with Scott B. Cowfer, counsel is unable to effectively prepare these matters for trial.

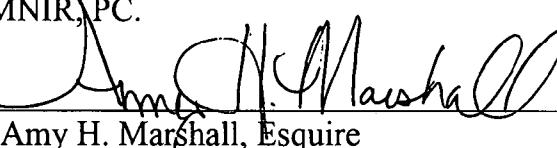
5. As a result of the foregoing, Babst, Calland, Clements and Zomnir, P.C. must withdraw as counsel for Scott B. Cowfer.

**WHEREFORE, BABST, CALLAND, CLEMENTS AND ZOMNIR, PC.**  
respectfully request this Honorable Court grant the Motion to allow it to withdraw as counsel for Scott B. Cowfer in the above matters.

BABST, CALLAND, CLEMENTS, AND  
ZOMNIR, PC.

DATE: January 11, 2008

By:

  
Amy H. Marshall, Esquire  
ID#74852  
328 Innovation Boulevard, Suite 200  
State College, PA 16803  
Phone: 814.867.8055/Fax: 814.867.8051

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

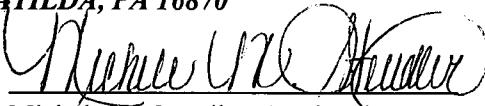
SCOTT B. COWFER : No. 07-1777-CD  
v. :  
BARRY AND TAMMY FOX, :  
husband and wife, Owners :  
: BARRY A. AND TAMMY D. FOX, :  
husband and wife, Owners :  
: :  
v. :  
SCOTT B. COWFER :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion To  
Withdraw as Counsel was served by First Class U.S. Mail this 11<sup>th</sup> day of January,  
2008 upon the following:

*DAVID B. CONSIGLIO, ESQUIRE  
MILLER, KISTLER, CAMPBELL,  
WILLIAMS & BENSON, INC.  
720 SOUTH ATHERTON STREET  
STATE COLLEGE, PA 16801*

*SCOTT B. COWFER  
1359 BELL HOLLOW ROAD  
PORT MATILDA, PA 16870*

  
Michele M. Steudler, Paralegal  
to Amy H. Marshall, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803  
(814) 867.8055

CA

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

SCOTT B. COWFER : No. 03-1300  
v. :  
BARRY AND TAMMY FOX, :  
husband and wife, Owners : No. 07-177-CD  
: :  
BARRY A. AND TAMMY D. FOX, :  
husband and wife, Owners :  
v. :  
SCOTT B. COWFER : :

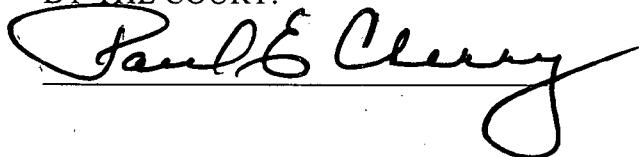
**RULE TO SHOW CAUSE WHY MOTION SHOULD NOT BE GRANTED**

AND NOW, this 16<sup>th</sup> day of January, 2008, upon consideration of the within Motion of Babst, Calland, Clements and Zomni ~~PC~~, a Rule is hereby issued upon the Owners to show cause why the Motion To Withdraw As Counsel should not be granted.

Rule Returnable the 24<sup>th</sup> day of January, 2008, in the Clearfield County Courthouse, Clearfield County Courtroom No. 2, Clearfield County, Pennsylvania.

(①) 2:00 p.m.

BY THE COURT:



FILED 1cc to C/A to  
01/16/08 4:45 pm Far to Atty  
JAN 16 2008 Marshall  
4CC Atty Marshall  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6P)

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon  
consideration of the Motion to Withdraw as Counsel by Babst, Calland, Clements, & Zomnir,  
the Motion is DENIED. Trial will proceed as Ordered on February 8, 2008.

BY THE COURT,

---

Honorable Paul Cherry  
Clearfield County Court of Common Pleas

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

FILED  
M 10 35 2008  
JAN 17 2008  
GK  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

**RESPONSE IN OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL**

AND NOW come Barry A. and Tammy D. Fox, by and through their undersigned counsel, and file this Response in Opposition to the Motion to Withdraw as Counsel and state in support thereof as follows:

1. It is admitted that counsel for Scott Cowfer initiated this entire matter by filing a Notice of Filing of Mechanics' Lien as far back as November, 2003.
2. The Fox's have no information on which to respond to Paragraph 2 of the Motion and have no information on which to form a judgment as to the truth of falsity of same; however, Mr. Cowfer did appear for deposition when Noticed in January of 2007.
3. Unknown.

4. The Fox's have no information on which to form a belief as to whether there has been a lack of communication between Mr. Cowfer and his counsel; however, this matter has been pending since 2003 at the behest of Mr. Cowfer through his counsel, discovery has been undertaken, depositions have been concluded, and two pre-trial conferences have taken place. It is believed that Mr. Cowfer and counsel should be able to prepare for trial in the next three weeks as scheduled for February 8, 2008.

5. Denied.

WHEREFORE, Barry and Tammy Fox respectfully request that this Honorable Court deny the Motion to Withdraw as Counsel.

**NEW MATTER**

1. Pennsylvania Rule of Civil Procedure 1012(b) states that unless there is a substitution of counsel "an attorney may not withdraw his or her appearance without leave of court." Pa.R.C.P. 1012(b).
2. It is black-letter law that whether an attorney should be permitted to withdraw his appearance is strictly within the discretion of the trial court. C.E. Williams Company v. Henry B. Pancoast Company, 194 A.2d 189 (Pa. 1963); Triffin v. Janssen, 626 A.2d 571 (Pa.Super. 1993).

3. The Fox's strenuously object to the Motion to Withdraw as Counsel, if the Motion would result in a delay of the February 8, 2008 trial date for the following reasons:
  - (A) Mr. Cowfer started this action as early as 2003 through his current counsel;
  - (B) All depositions and discovery have taken place, including that of Mr. Cowfer and the Fox's;
  - (C) Several hearings have already been conducted before this Honorable Court, including at least one evidentiary hearing;
  - (D) The Fox's believe that the Mechanics' Lien Claim which started the entirety of this action has no merit and beyond that has severely prejudiced the Fox's by pending so long and constituting a cloud on the title to their property and adversely impacting upon their ability to negotiate favorable credit terms; and
  - (E) The Fox's believe that they have been further prejudiced by having to live with the sub-par and defective workmanship provided by Mr. Cowfer for years and are entitled to compensation for same without further undue delay;

WHEREFORE, the Fox's respectfully request that this Court deny the Motion to Withdraw as Counsel or, in the alternative, if the Motion is to be granted that the trial for February 8, 2008 not be delayed.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: David B Consiglio  
David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: 16 January 2008

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 16<sup>th</sup> day of January, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Amy Marshall, Esquire  
Babst, Calland, Clements, Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: David B. Consiglio  
David B. Consiglio, Esquire

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

SCOTT B. COWFER :  
VS : NO. 03-1300 and 07-177-CD  
BARRY AND TAMMY FOX :  
:

O R D E R

NOW, this 24th day of January, 2008, this being the day and date set for Hearing on Plaintiff's Motion to Withdraw as Counsel, it is the Order of this Court that said Motion is GRANTED and Amy H. Marshall, Esquire, and Alan F. Kirk, Esquire, and the law firm of Babst, Calland, Clements and Zomnir, PC, are permitted to withdraw as counsel and order that they file a praecipe with the prothonotary's office within no more than Seven (7) days from today's date.

Trial will be held as scheduled on February 8th, 2008.

BY THE COURT,  
/s/ Paul E. Cherry

Judge

FILED  
01/25/08  
JAN 28 2008 03-1300-CD

William A. Shaw  
Prothonotary/Clerk of Courts  
1CC Atty's: Marshall/Kirk/Steele  
Consiglio  
S. Miller  
(6K)

DATE: 1/28/08

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:

Prothonotary/Clerk of Courts  
William A. Shaw

JAN 28 2008

FILED

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

SCOTT B. COWFER : No. 03-1300-CD  
:  
v. :  
BARRY AND TAMMY FOX, : No. 07-177-CD  
husband and wife, Owners :  
:  
BARRY A. AND TAMMY D. FOX, :  
husband and wife, Owners :  
:  
v. :  
SCOTT B. COWFER :  
:

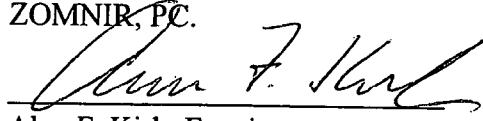
**PRAECIPE FOR WITHDRAWAL OF APPEARANCE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly withdraw the appearance of Alan F. Kirk, Esquire, Amy H. Marshall, Esquire, Erica L. Steele, Esquire, and the law firm of Babst, Calland, Clements and Zomnir, P.C. in the above-captioned action in accordance with the Order by the Honorable Paul E. Cherry.

Respectfully submitted,

BABST, CALLAND, CLEMENTS, AND  
ZOMNIR, P.C.

  
Alan F. Kirk, Esquire  
Attorney for Plaintiff

Date: 1-29-08

CPY  
FILED NO CC @  
M 12/29/04  
JAN 30 2008 COPY TO CLA  
William A. Shaw  
Prothonotary/Clerk of Courts  
Orig. filed  
to 03-1300-CD

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

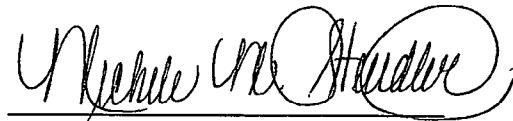
SCOTT B. COWFER	:	No. 03-1300-CD
v.	:	
BARRY AND TAMMY FOX, husband and wife, Owners	:	No. 07-177-CD
	:	
BARRY A. AND TAMMY D. FOX, husband and wife, Owners	:	
	:	
	:	
v.	:	
SCOTT B. COWFER	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Praeclipe for Entry of Appearance was served by Certified Mail and U.S. Mail, First Class, with a certificate of mailing, this **29th day of January 2008**, upon the following:

***DAVID B. CONSIGLIO, ESQUIRE  
MILLER, KISTLER, CAMPBELL,  
WILLIAMS & BENSON, INC.  
720 SOUTH ATHERTON STREET  
STATE COLLEGE, PA 16801***

***SCOTT B. COWFER  
1359 BELL HOLLOW ROAD  
PORT MATILDA, PA 16870***



Michele M. Steudler, Paralegal to  
Alan F. Kirk, Esquire and Amy H.  
Marshall, Esquire  
Babst, Calland, Clements, and Zomnir, P.C.  
328 Innovation Boulevard, Suite 200  
State College, PA 16803

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

SCOTT B. COWFER, :  
Contractor/Claimant :  
vs. :  
BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, Owners : NO. 2003 - 1300 - CD

BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, :  
Plaintiffs :  
vs. :  
SCOTT B. COWFER, :  
Defendant : NO. 2007 - 00177 - CD

ORDER OF COURT

AND NOW, this 8th day of February, 2008, following bench trial; the Court noting that Scott B. Cowfer has failed to appear despite receiving due and proper notice, upon consideration of the testimony presented, the exhibits entered into the record, **IT IS THE ORDER OF THIS COURT** that on the Mechanic's Lien filed by Scott B. Cowfer to Docket No. 03-1300-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox, Owners, and against Scott B. Cowfer, Claimant. **IT IS THE FURTHER ORDER OF THIS COURT** that the Mechanic's Lien filed on September 3, 2003, by Scott B. Cowfer, Claimant, as well as any amended Mechanic's Liens filed by Claimant thereafter shall be and are hereby stricken and shall be of no further force or effect.

**IT IS THE FURTHER ORDER OF THIS COURT** that on the civil matter filed to Docket No. 2007-177-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195.000.00 plus interest from July 3, 2003, plus costs of suit.

This verdict and order shall be filed with both the Prothonotary of Clearfield County as well as the Office of Register and Recorder of Deeds of Clearfield County.

FILED  
03/30/08  
FEB 11 2008  
003-1300-CD

⑥  
Orig. to  
03-1300-CD

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

BY THE COURT:

/s/ Paul E. Cherry

THE HONORABLE PAUL E. CHERRY,  
Judge

William A. Shaw

Prothonotary/Clerk of Courts

2cc Attns: Consiglio  
Miller

1cc Scott Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

**ORIGINAL**

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER, :  
Contractor/Claimant, : Docket No. 03-1300-CD  
vs. :  
BARRY and TAMMY FOX, :  
Husband and Wife, Owners. :

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

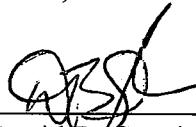
**FILED** NO CC  
M/12/4/08 AM  
APR 23 2008 AM  
PC  
B6D  
William A. Shaw \$60.00  
Prothonotary/Clerk of Courts  
Notice to  
S. Cowfer

**PRAECIPE FOR ENTRY OF JUDGMENT**

To the Prothonotary:

Please enter judgment in favor of Barry A. Fox & Tammy D. Fox, Husband and Wife, Owners and Plaintiffs, and against Scott B. Cowfer, Contractor/Defendant, as ordered by Judge Cherry in the attached Order dated February 8, 2008 (Exhibit "A"), rendered following a bench trial before Judge Cherry, no timely appeal or other motions or petitions having been filed.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Censiglio, Esquire  
I.D. # 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: April 16, 2008

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

SCOTT B. COWFER, :  
Contractor/Claimant :  
vs. :  
BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, Owners : NO. 2003 - 1300 - CD

BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, :  
Plaintiffs :  
vs. :  
SCOTT B. COWFER, :  
Defendant : NO. 2007 - 00177 - CD

ORDER OF COURT

AND NOW, this 8th day of February, 2008, following bench trial; the Court noting that Scott B. Cowfer has failed to appear despite receiving due and proper notice, upon consideration of the testimony presented, the exhibits entered into the record, **IT IS THE ORDER OF THIS COURT** that on the Mechanic's Lien filed by Scott B. Cowfer to Docket No. 03-1300-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox, Owners, and against Scott B. Cowfer, Claimant. **IT IS THE FURTHER ORDER OF THIS COURT** that the Mechanic's Lien filed on September 3, 2003, by Scott B. Cowfer, Claimant, as well as any amended Mechanic's Liens filed by Claimant thereafter shall be and are hereby stricken and shall be of no further force or effect.

**IT IS THE FURTHER ORDER OF THIS COURT** that on the civil matter filed to Docket No. 2007-177-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195.000.00 plus interest from July 3, 2003, plus costs of suit.

This verdict and order shall be filed with both the Prothonotary of Clearfield County as well as the Office of Register and Recorder of Deeds of Clearfield County.

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

BY THE COURT:

EXHIBIT

**A**

/s/ Paul E. Cherry

THE HONORABLE PAUL E. CHERRY,  
Judge

Attest,

*William L. Cherry*  
Prothonotary/  
Clerk of Courts

**ORIGINAL**

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant,

Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**FILED**  
MAY 4 2008  
APR 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
original to  
60 03-1300-CD

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

Defendant.

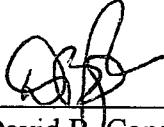
**CERTIFICATE OF MAILING COPY OF  
PRAECIPE FOR ENTRY OF JUDGMENT**

To the Prothonotary:

The undersigned attorney for Barry and Tammy Fox, husband and wife, Plaintiffs, certify pursuant to Pa.R.C.P. No. 237 that on April 16, 2008, a copy of the attached Praecipe for Entry of Judgment was mailed by first class mail, postage prepaid, to the last known address (set forth below) for each party who has appeared in this action.

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: April 16, 2008

**IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

SCOTT B. COWFER,

Contractor/Claimant,

Docket No. 03-1300-CD

vs.

BARRY and TAMMY FOX,

Husband and Wife, Owners.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

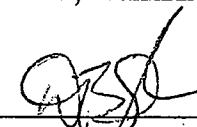
Defendant.

**PRAECIPE FOR ENTRY OF JUDGMENT**

To the Prothonotary:

Please enter judgment in favor of Barry A. Fox & Tammy D. Fox, Husband and Wife, Owners and Plaintiffs, and against Scott B. Cowfer, Contractor/Defendant, as ordered by Judge Cherry in the attached Order dated February 8, 2008 (Exhibit "A"), rendered following a bench trial before Judge Cherry, no timely appeal or other motions or petitions having been filed.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: April 16, 2008

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

SCOTT B. COWFER, :  
Contractor/Claimant :  
vs. :  
BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, Owners : NO. 2003 - 1300 - CD  
  
BARRY A. FOX and TAMMY D. FOX, :  
Husband & Wife, :  
Plaintiffs :  
vs. :  
SCOTT B. COWFER, :  
Defendant : NO. 2007 - 00177 - CD

ORDER OF COURT

AND NOW, this 8th day of February, 2008, following bench trial; the Court noting that Scott B. Cowfer has failed to appear despite receiving due and proper notice, upon consideration of the testimony presented, the exhibits entered into the record, **IT IS THE ORDER OF THIS COURT** that on the Mechanic's Lien filed by Scott B. Cowfer to Docket No. 03-1300-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox, Owners, and against Scott B. Cowfer, Claimant. **IT IS THE FURTHER ORDER OF THIS COURT** that the Mechanic's Lien filed on September 3, 2003, by Scott B. Cowfer, Claimant, as well as any amended Mechanic's Liens filed by Claimant thereafter shall be and are hereby stricken and shall be of no further force or effect.

**IT IS THE FURTHER ORDER OF THIS COURT** that on the civil matter filed to Docket No. 2007-177-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195.000.00 plus interest from July 3, 2003, plus costs of suit.

This verdict and order shall be filed with both the Prothonotary of Clearfield County as well as the Office of Register and Recorder of Deeds of Clearfield County.

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

BY THE COURT:

EXHIBIT

**A**

/s/ Paul E. Cherry

THE HONORABLE PAUL E. CHERRY,  
Judge

Attest.

*William A. Cherry*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION

BARRY A. AND TAMMY D. FOX

Plaintiff(s),

vs.

2007-00177-cd

**FILED**

JUN 30 2008 (610)  
M 11:30 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
w/c

SCOTT B. COWFER

Defendant(s),

and

Citizens Bank of Pennsylvania,

Garnishee.

**ANSWERS TO INTERROGATORIES OF GARNISHEE, CITIZENS BANK**

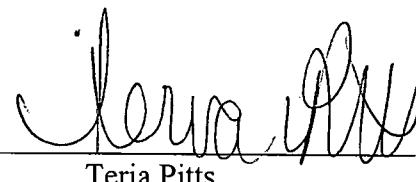
The Garnishee, Citizens Bank of Pennsylvania responds as follows to the Interrogatories of the Plaintiff(s):

(NUMBERS 1 to 8) At the time of service of above-captioned Writ of Execution and to the present, Citizens Bank of Pennsylvania, provides the following Answers to Interrogatories:

The Garnishee, Citizens Bank of PA, states that with the information provided it maintains no deposit accounts in the name of the Defendant, Scott B. Cowfer. Therefore, no funds are being held subject to this Writ of Execution.

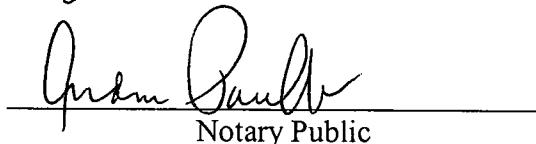
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF ALLEGHENY ) SS:  
 )

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared Teria Pitts who being duly sworn according to the law deposes and says that she is an operations clerk, and that the statements set forth in foregoing Answers to Interrogatories are true and correct to the best of her knowledge, information, and belief.



Teria Pitts

Sworn and subscribed before  
me this 25<sup>th</sup> day of  
June, 2008.



\_\_\_\_\_  
Andrew Paretto  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Andrew Paretto, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Dec. 22, 2008

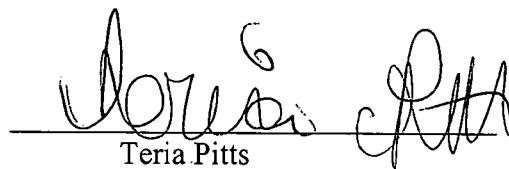
Member, Pennsylvania Association of Notaries

Certificate of Service

I, Teria Pitts, hereby certify that a true and correct copy of the Answers to Interrogatories has been served upon the following by depositing it in the U. S. Mail, postage prepaid, this 25 day of June, 2008.

DAVID B. CONSIGLIO, ESQ.  
720 SOUTH ATHERTON STREET  
STATE COLLEGE, PA 16801

SCOTT B. COWFER

  
Teria Pitts

**FILED**

JUL 02 2008

u/11:00/um  
William A. Shaw  
Prothonotary/Clerk of Courts

no 4/c (bk)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
Plaintiffs, :  
vs. : Type of Case:  
SCOTT B. COWFER, : Civil Action  
Defendant. : Type of Pleading:  
: Plaintiffs' Notice of Service  
of Discovery :  
: Filed on Behalf of Plaintiffs  
: Counsel of Record for This Party  
: David B. Consiglio, Esquire  
: Miller Kistler Campbell  
: Miller Williams & Benson  
: 720 S. Atherton Street  
: State College, PA 16801  
: (814) 234-1500

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

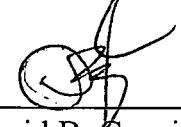
**NOTICE OF SERVICE OF DISCOVERY**

I hereby certify that I have served a copy of Plaintiffs' Interrogatories in Aid of Execution upon the following person by U. S. First Class Mail, postage prepaid on this 30<sup>th</sup> day of June, 2008.

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire

I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: June 30, 2008

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 30<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
Plaintiffs, : Type of Case:  
vs. : Civil Action  
SCOTT B. COWFER, :  
Defendant. : Type of Pleading:  
: Plaintiffs' Petition to Enjoin  
: Defendant from Transferring  
: Property  
: Filed on Behalf of Plaintiffs  
: Counsel of Record for This Party  
: David B. Consiglio, Esquire  
: Miller Kistler Campbell  
: Miller Williams & Benson  
: 720 S. Atherton Street  
: State College, PA 16801  
: (814) 234-1500

FILED  
M A 000001  
JUL 07 2008  
60

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**PETITION TO ENJOIN DEFENDANT FROM TRANSFERRING PROPERTY**

Plaintiffs, Barry and Tammy Fox, by and through their undersigned counsel, Petitions this Honorable Court pursuant to Pa.R.C.P. 3118(a)(2) to enjoin Defendant from transferring property pending execution and in support represents:

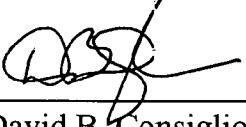
1. Judgment was entered in Plaintiffs' favor and against Defendant on or about April 23, 2008 in the amount of \$195,000.00 plus interest and costs.
2. No Writ of Execution has yet been issued.
3. Defendant is the owner of real and personal property which is or may be subject to execution and Defendant is in possession of same, including real property in Blair County, various vehicles, and a boat which is believed to be kept at Raystown Lake.
4. Unless this Court enjoins the transfer of the above-described property, it may be transferred, removed, conveyed, assigned, or otherwise disposed of to the detriment of Plaintiffs.

5. Defendant failed to appear for a deposition scheduled in aid of execution on June 24, 2008.

WHEREFORE, Plaintiffs request that this Honorable Court enter an Order enjoining Defendant from transferring the above-described property pending execution.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: June 30, 2008

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 30<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
: :  
: :  
: :  
vs. :  
: :  
: :  
SCOTT B. COWFER, :  
: :  
Defendant. :  
:

**RULE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of Plaintiffs' Petition to Enjoin Defendant from Transferring Property, a Rule is entered to show cause why Plaintiffs' Petition in the above-captioned matter should not be GRANTED.

RULE RETURNABLE this \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_ .m. in Courtroom No. \_\_\_\_, in Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

---

Honorable Paul Cherry  
Clearfield County Court of Common Pleas

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

## **ORDER**

AND NOW, this 7<sup>th</sup> day of July, 2008, upon  
consideration of the Plaintiffs' Petition to Enjoin Defendant from Transferring Property, and  
it appearing that the Rule to Show Cause has been duly served, and after hearing thereon, it  
is ORDERED that Defendant is hereby enjoined from transferring, removing, conveying,  
assigning, or otherwise disposing of or encumbering any real or personal property owned by  
him.

BY THE COURT.

Honorable Paul Cherry  
Clearfield County Court of Common Pleas

FILED 3 ce  
014-00301 Atty Consiglio  
JUL 07 2008 (GR)

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**JUL 07 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/7/08

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  Other

Special Instructions:

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
: Plaintiffs, : Type of Case:  
: vs. : Civil Action  
: SCOTT B. COWFER, :  
: Defendant. : Type of Pleading:  
: : Plaintiffs' Petition to Enforce  
: : Subpoena for Deposition in  
: : Aid in Execution  
: : Filed on Behalf of Plaintiffs  
: : Counsel of Record for This Party  
: : David B. Consiglio, Esquire  
: : Miller Kistler Campbell  
: : Miller Williams & Benson  
: : 720 S. Atherton Street  
: : State College, PA 16801  
: : (814) 234-1500

**FILED**  
JUL 22 2008 NO CC  
GW  
William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**PETITION TO PETITION TO ENFORCE SUBPOENA  
FOR DEPOSITION IN AID IN EXECUTION**

AND NOW come Plaintiffs, Barry and Tammy Fox, by and through their undersigned counsel, and petitions this Honorable Court to issue a Writ of Attachment against Defendant Scott B. Cowfer, and represents as follows:

1. Plaintiffs obtained a civil judgment against Defendant in the amount of \$195,000.00 plus interest and costs on February 8, 2008. (*See*, Order attached hereto as Exhibit "A").
2. On June 13, 2008, Plaintiffs issued a Notice of Deposition to Defendant compelling his attendance for deposition in aid of execution and scheduling the deposition for June 24, 2008. (*See*, Notice of Deposition attached hereto as Exhibit "B").
3. Defendant failed and refused to attend the deposition

4. On June 30, 2008, Plaintiffs prepared a Subpoena pursuant to Pa.R.C.P. 3117 to compel Defendant to appear for oral examination in aid of execution. A copy of the Subpoena is attached hereto as Exhibit "C."
5. The date of the deposition under Subpoena was scheduled for July 15, 2008 at 9:30 a.m.
6. Defendant failed, neglected, and refused to appear on July 15, 2008 for oral examination pursuant to the Subpoena served upon him.
7. As a consequence of Defendant's failure to appear at deposition and under Subpoena, Plaintiffs have incurred costs and reasonable attorney's fee.

WHEREFORE, Plaintiffs request that this Honorable Court enter a Rule upon Defendant, Scott B. Cowfer, to show cause why a Writ of Attachment should not issue for civil contempt of this Court's Subpoena and why Defendant should not be ordered to pay costs and counsel fees incurred by Plaintiffs as a consequence of Defendant's failure to comply with said Subpoena and to order that Defendant be required to sit for questioning under oath, at Defendant's expense, to aid Plaintiffs' execution efforts on the aforesaid civil judgment.

Respectfully submitted,

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: July 21, 2008

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

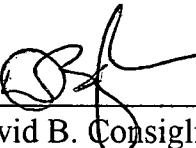
CERTIFICATE OF SERVICE

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 21<sup>st</sup> day of July, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
David B. Consiglio, Esquire

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

SCOTT B. COWFER,	:	
Contractor/Claimant	:	
vs.	:	
BARRY A. FOX and TAMMY D. FOX,	:	
Husband & Wife, Owners	:	NO. 2003 - 1300 - CD
BARRY A. FOX and TAMMY D. FOX,	:	
Husband & Wife,	:	
Plaintiffs	:	
vs.	:	
SCOTT B. COWFER,	:	
Defendant	:	NO. 2007 - 00177 - CD

ORDER OF COURT

AND NOW, this 8th day of February, 2008, following bench trial; the Court noting that Scott B. Cowfer has failed to appear despite receiving due and proper notice, upon consideration of the testimony presented, the exhibits entered into the record, **IT IS THE ORDER OF THIS COURT** that on the Mechanic's Lien filed by Scott B. Cowfer to Docket No. 03-1300-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox, Owners, and against Scott B. Cowfer, Claimant. **IT IS THE FURTHER ORDER OF THIS COURT** that the Mechanic's Lien filed on September 3, 2003, by Scott B. Cowfer, Claimant, as well as any amended Mechanic's Liens filed by Claimant thereafter shall be and are hereby stricken and shall be of no further force or effect.

**IT IS THE FURTHER ORDER OF THIS COURT** that on the civil matter filed to Docket No. 2007-177-CD, judgment shall be and is hereby entered in favor of Barry A. Fox and Tammy D. Fox and against Scott B. Cowfer in the amount of \$195.000.00 plus interest from July 3, 2003, plus costs of suit.

This verdict and order shall be filed with both the Prothonotary of Clearfield County as well as the Office of Register and Recorder of Deeds of Clearfield County.

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

BY THE COURT:

EXHIBIT

A

/s/ Paul E. Cherry

THE HONORABLE PAUL E. CHERRY,  
Judge

Attest.

*W. Thomas A.*  
Prothonotary  
Clerk of Courts

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

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife,

Plaintiffs, :  
: Type of Case:

vs. : Civil Action  
:

SCOTT B. COWFER, :  
: Type of Pleading:

Defendant. : Plaintiffs' Notice of Deposition -  
: Scott B. Cowfer  
:

Filed on Behalf of Plaintiffs

Counsel of Record for This Party

David B. Consiglio, Esquire  
Miller Kistler Campbell  
Miller Williams & Benson  
720 S. Atherton Street  
State College, PA 16801  
(814) 234-1500

EXHIBIT

B

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

BARRY A. and TAMMY D. FOX,  
husband and wife,

Plaintiffs,

Docket No. 2007-00177-CD

vs.

SCOTT B. COWFER,

Defendant.

**NOTICE OF DEPOSITION**

TO: Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure  
David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc.,  
attorney for Plaintiffs in the above-captioned matter, will take the deposition of Scott B.  
Cowfer, upon oral examination on June 24, 2008, at 10:30 a.m., before a Notary Public or  
some other person authorized to take oath by law, at **the law offices of Miller, Kistler,  
Campbell, Miller, Williams & Benson, Inc., 720 South Atherton Street, State College,  
PA 16801.**

Said witness shall bring with him any and all documents relevant to this legal action.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: David B Consiglio Jr  
David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: June 13, 2008

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

BARRY A. and TAMMY D. FOX,  
husband and wife,

: Docket No. 2007-00177-CD

Plaintiffs,

vs.

SCOTT B. COWFER,

Defendant.

CERTIFICATE OF SERVICE

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 13<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: David B. Consiglio, Esquire  
David B. Consiglio, Esquire

COMMONWEALTH OF PENNSYLVANIA  
CLEARFIELD COUNTY

Scott B. Cowfer

Plaintiff(s)

Vs.

Barry Fox

Tammy Fox

Defendant(s)

No. 2003-01300-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: <u>Scott B. Cowfer</u>	<u>Scott B. Cowfer</u>
<u>R.D. #2, Box 800</u>	<u>1359 Bell Hollow Road</u>
<u>Port Matilda, PA 16870-9802</u>	<u>Port Matilda, PA 16870</u>

1. You are ordered by the Court to come to Miller, Kistler, Campbell,  
720 S. Atherton St., State College, PA 16801

(Specify Courtroom or other place) Tuesday,  
at Centre County, Pennsylvania, on July 15, 2008 at 9:30  
o'clock, A.M., to testify on behalf of Plaintiffs concerning any and all assets and property  
of Defendant, Scott Cowfer, which may be subject to execution in the above  
case, and to remain until excused. and satisfaction of judgment obtained by Plaintiffs

2. And bring with you the following: SEE ATTACHMENT.

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: David B. Consiglio, Esquire

ADDRESS: 720 S. Atherton St.

State College, PA 16801

TELEPHONE: (814) 234-1500

SUPREME COURT ID # 72772

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

Deputy

DATE: Thursday, January 10, 2008

Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

EXHIBIT

C

## **SUBPOENA ATTACHMENT**

2. And bring with you the following:

1. Federal and state tax returns, whether filed jointly or individually, for the years 2005, 2006, and 2007;
2. All vehicle registrations bearing the name of Scott B. Cowfer as an owner, including trucks, boats, automobiles, constructions vehicles of any kind and nature;
3. Copies of your latest bank statements bearing the name of Scott B. Cowfer;
4. Deeds to any real property in which Scott B. Cowfer is an owner, joint owner, part owner, or otherwise; and
5. Any partnership or joint venture agreement to which Scott B. Cowfer is a party.

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

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
Plaintiffs, : Type of Case:  
vs. : Civil Action  
SCOTT B. COWFER, :  
Defendant. : Type of Pleading:  
: Plaintiffs' Notice of Deposition -  
: Scott B. Cowfer  
: Filed on Behalf of Plaintiffs  
: Counsel of Record for This Party  
: David B. Consiglio, Esquire  
: Miller Kistler Campbell  
: Miller Williams & Benson  
: 720 S. Atherton Street  
: State College, PA 16801  
: (814) 234-1500

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

BARRY A. and TAMMY D. FOX,  
husband and wife,

Docket No. 2007-00177-CD

Plaintiffs,

vs.

SCOTT B. COWFER,

Defendant.

**NOTICE OF DEPOSITION**

TO: Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

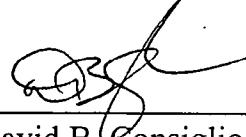
Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure

David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., attorney for Plaintiffs in the above-captioned matter, will take the deposition of Scott B. Cowfer, upon oral examination on July 15, 2008, at 9:30 a.m., before a Notary Public or some other person authorized to take oath by law, at **the law offices of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., 720 South Atherton Street, State College, PA 16801.**

Said witness shall bring with him any and all documents relevant to this legal action.

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By: 

David B. Consiglio, Esquire  
I.D.# 72772  
720 South Atherton Street  
State College, PA 16801  
(814) 234-1500

Date: June 30, 2008

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

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

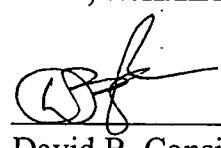
**CERTIFICATE OF SERVICE**

I, David B. Consiglio, Esquire, of Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., do hereby certify that on this 30<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing document was served on the following person by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Scott B. Cowfer  
R.D. #2, Box 800  
Port Matilda, PA 16870-9802

Scott B. Cowfer  
1359 Bell Hollow Road  
Port Matilda, PA 16870

**MILLER, KISTLER, CAMPBELL,  
MILLER, WILLIAMS & BENSON, INC.**

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon  
consideration of the Plaintiffs' Petition for attachment of witness, it is hereby order that a  
Writ of Attachment issue against Defendant, Scott B. Cowfer, to answer for his contempt of  
this Court's Subpoena. It is further ordered that Defendant, Scott B. Cowfer, shall pay the  
reasonable costs, including counsel fees, incurred by Plaintiffs as a consequence of  
Defendant's failure to appear.

BY THE COURT,

---

Honorable Paul E. Cherry  
Clearfield County Court of Common Pleas

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
husband and wife, :  
: Plaintiffs, : Type of Case:  
: : Civil Action  
vs. :  
: SCOTT B. COWFER, :  
: Defendant. : Type of Pleading:  
: : Writ of Attachment  
: : Filed on Behalf of Plaintiffs  
: : Counsel of Record for This Party  
: : David B. Consiglio, Esquire  
: : Miller Kistler Campbell  
: : Miller Williams & Benson  
: : 720 S. Atherton Street  
: : State College, PA 16801  
: : (814) 234-1500

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :

**WRIT OF ATTACHMENT**

TO THE CLEARFIELD COUNTY SHERIFF:

Whereas, Scott B. Cowfer of 1359 Bell Hollow Road, Port Matilda, Pennsylvania 16870, has failed to comply with the Subpoena for the County of Clearfield issued in June 30, 2008 and a certain proceeding between Barry and Tammy Fox, Plaintiffs and Scott B. Cowfer, Defendant at the above-captioned term and number, now we command you to attach the said Scott B. Cowfer if he be found in your bailiwick and him safely keep so that you have him before the Judges of our said Court, forthwith to answer for his contempt of our said Court and such default and have you then and there this Writ and your return thereto.

Witness the Honorable Paul E. Cherry, Judge of Clearfield County of Common Pleas this

\_\_\_\_ day of \_\_\_\_\_, 2008. Allowed by Honorable Paul E. Cherry.

---

Prothonotary of Clearfield County

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

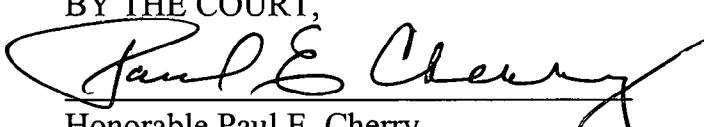
BARRY A. and TAMMY D. FOX, :  
husband and wife, :  
Plaintiffs, : Docket No. 2007-00177-CD  
vs. :  
SCOTT B. COWFER, :  
Defendant. :  
:

RULE TO SHOW CAUSE WHY WRIT OF  
ATTACHMENT OF WITNESS SHOULD NOT ISSUE

AND NOW, this 24<sup>th</sup> day of July, 2008, upon consideration of Plaintiffs' Petition for attachment of witness, a Rule is granted upon Defendant, Scott B. Cowfer, to show cause why a Writ of Attachment should not issue for civil contempt of this Court's Subpoena and why he should not pay costs and counsel fees incurred by Plaintiffs as a consequence of his failure to comply with said Subpoena and why he should not sit under oath for deposition to aid Plaintiffs' attempts to execute upon its judgment against him.

RULE RETURNABLE this 13<sup>th</sup> day of August, 2008, at 9:30 o'clock A .m. in Courtroom No. 2, in Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
Honorable Paul E. Cherry  
Clearfield County Court of Common Pleas

FILED 3cc  
01/00/2008 Amy Consiglio  
JUL 24 2008 (61)

UA

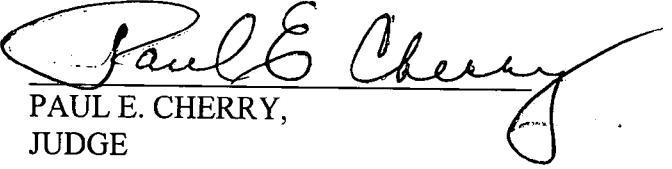
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BARRY A. FOX and TAMMY FOX : NO. 07-177-CD  
V. :  
SCOTT B. COWFER :  
:

ORDER

AND NOW, this 11<sup>th</sup> day of August, 2008, it is the ORDER of this Court that the Hearing on Plaintiff's Petition to Enforce Subpoena of Deposition scheduled Wednesday, August 13, 2008 at the Clearfield County Courthouse, shall be and is hereby continued until such time that hearing is requested by either party.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED  
14:00 PM  
AUG 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
200 Atty Consiglio  
ICC Def.-  
720 South Atherton St.  
State College, PA 16801

60

**FILED**

AUG 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/11/08

       You are responsible for serving all appropriate parties.

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

Plaintiff(s) Attorney  Other  
 Plaintiff(s)  
 Defendant(s) Attorney  
 Defendant(s)  
 Special Instructions:

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX,  
Husband and Wife,

Docket No. 2007-00177-CD

Plaintiffs,

Type of Case: Civil Action - Law

v.

SCOTT B. COWFER,

Type of Pleading:

Defendant.

**PRAECIPE FOR  
ENTRY OF APPEARANCE**

Filed on behalf of Defendant by:

Walter F. Wall, Esquire, PA ID #23657  
Park View Center, 10 Sheraton Drive  
Altoona, PA 16601-9316  
Ph.-814-296-2072; FAX-814-946-8788

Counsel of record for Plaintiffs:

David B. Consiglio, Esquire  
Miller, Kistler, Campbell,  
Miller, Williams & Benson, Inc.  
720 South Atherton Street  
State College, PA 16801  
Phone: 814-234-1500; FAX: 814-234-1549

**FILED** ICC Atty  
m/12:45pm Wall  
SEP -2 2008

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
Husband and Wife, :  
Plaintiffs, : Type of Case: Civil Action - Law  
vs. :  
SCOTT B. COWFER, Defendant. :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

Please enter the appearance of Walter F. Wall, Esquire as counsel for the Defendant,  
Scott B. Cowfer.

Respectfully submitted,

By:   
Walter F. Wall, Esquire, Pa. I.D. #23657  
Park View Center, 10 Sheraton Drive  
Altoona, PA 16601-9316  
Ph.-814-296-2072; FAX 814-946-8788  
Counsel for Defendant, Scott B. Cowfer

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW**

BARRY A. and TAMMY D. FOX, : Docket No. 2007-00177-CD  
Husband and Wife, Plaintiffs, :  
: Type of Case: Civil Action - Law  
vs. :  
: SCOTT B. COWFER, Defendant. :

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a true and correct copy of the foregoing Praeclipe for Entry of Appearance on all counsel of record and/or parties of interest by depositing same in the United States Mail, postage prepaid at Altoona, Pennsylvania on this 29th day of August, 2008 and addressed as follows:

David B. Consiglio, Esquire  
Miller, Kistler, Campbell,  
Miller, Williams & Benson, Inc.  
720 South Atherton Street  
State College, PA 16801  
Ph.-814-234-1500; FAX-814-234-1549

Counsel for Plaintiffs

Respectfully submitted,

By:   
Walter F. Wall, Esquire, Pa. I.D. #23657  
Park View Center, 10 Sheraton Drive  
Altoona, PA 16601-9316  
Ph.-814-296-2072; FAX 814-946-8788  
Counsel for Defendant, Scott B. Cowfer



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BARRY A. FOX and TAMMY D. FOX,

\*  
\* No. 2007-0177-CD

Plaintiffs

\*  
\*  
\*  
\*  
\*  
\*  
\*

vs.

SCOTT B. COWFER,

Defendant

\*

PRAECIPE TO SATISFY JUDGMENT

TO THE PROTHONOTARY OF SAID COURT:

Kindly mark the judgment in the above captioned action satisfied.

MILLER, KISTLER, CAMPBELL

DATED: 8-23-11

By: 

David B. Consiglio, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BARRY A. FOX and TAMMY D. FOX, \*  
\* No. 2007-0177-CD  
\*  
\* Plaintiffs  
\*  
\* vs.  
\*  
\* SCOTT B. COWFER,  
\*  
\* Defendant \*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Praeclipe to Settle and Discontinue was served upon the following by depositing the same in the U.S. Mail, postage prepaid, and addressed as follows:

Louis T. Glantz, Esquire  
1901 East College Avenue  
State College, PA 16801

David C. Mason, Esquire  
Mason Law Office  
PO Box 28  
Philipsburg, PA 16866

DATED: 8-23-11

MILLER, KISTLER, CAMPBELL

By:   
\_\_\_\_\_  
David B. Consiglio, Esquire  
Attorney for Plaintiffs