

JJ Powell vs Thomas Fogelman et al
2007-725-CD

07-725-CD
JJ Powell vs T. Fogelman Jr. et al

CERTIFIED TRUE AND CORRECT COPY

PETER F. SMITH
ATTORNEY
CLEARFIELD, PA. 16830
814-765-5595

ATTORNEY FOR

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

J.J. POWELL, INC.,

Plaintiff

No. 2007-725-CD

vs.

THOMAS W. FOGELMAN, JR.
d/b/a FOGELMAN TRUCKING,
Defendant

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFF

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

FILED Atty pd
MAY 09 2007 85.00
MAY 09 2007
William A. Shaw
Prothonotary/Clerk of Courts
1CC Atty
1CC Sheriff

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

J. J. POWELL , INC.,	:	
Plaintiff	:	No. 2007-
vs.	:	
THOMAS W. FOGELMAN, JR.	:	
d/b/a FOGELMAN TRUCKING,	:	
Defendant	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or other rights important to you.

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

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

AMERICANS WITH DISABILITIES ACT OF 1990

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

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

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

J. J. POWELL, INC.,	:	
Plaintiff	:	No. 2007-
vs.	:	
THOMAS W. FOGELMAN, JR.	:	
d/b/a FOGELMAN TRUCKING,	:	
Defendant	:	

COMPLAINT

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

1. The Plaintiff, **J. J. POWELL, INC.**, is a Pennsylvania business corporation with principal office in Philipsburg (Chester Hill), Clearfield County, Pennsylvania and with mailing address of P.O. Box 30, Philipsburg, Pennsylvania 16866.
2. The name of the Defendant is **THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING**, with mailing address of R.D. #1 Box 191 Watsontown, Northumberland County, Pennsylvania 17777, which now, or formerly had a street address of R.D. #1 Route 405 North, Watsontown, Pennsylvania 17777.
3. Plaintiff sells gasoline, diesel fuel and petroleum products at the wholesale and retail levels.
4. Commencing on or before October 29, 2004, Plaintiff permitted the Defendant to charge the purchase of diesel fuel and gasoline. The balance due was to be paid at the end of each month. Unpaid balances accrued interest at the rate of 18% per annum.

5. By agreement dated March 26, 2001, the Defendant obtained six cardlock cards. By using these cards, the Defendant and his agents were able to purchase quantities of diesel fuel and gasoline at Plaintiff's self-service distribution sites. A true and correct copy of said agreement is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 1.

6. Balances due were billed by Plaintiff on a monthly basis.

7. Bills were to be paid upon receipt.

8. All payments were to be made to the Plaintiff's office in Philipsburg, Clearfield County, Pennsylvania.

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

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

11. A statement of the Defendant's account with the Plaintiff commencing on October 29, 2004 and continuing until April 15, 2007 is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 2.

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

13. As of April 25, 2007, the amounts owed to Plaintiff by the Defendant for purchases of diesel fuel and gasoline pursuant to their agreement follows:

a)	Balance	\$43,094.31
b)	Finance Charges to 04/25/07	\$ 8,103.31
c)	Finance Charges accruing at \$22.05 per day from 04/25/07 (to be added)	\$
	PRELIMINARY TOTAL	\$51,197.62
	FINAL TOTAL	\$_____

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant Thomas W. Fogelman, Jr., d/b/a Fogelman Trucking in the amount of \$51,197.62 together with interest accruing after April 25, 2007.

Respectfully submitted,

Date: 5/9/07



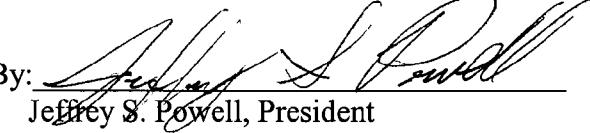
Peter F. Smith, Esquire
Attorney for Plaintiff

VERIFICATION

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

J. J. POWELL, INC.

Dated: 5/2/07

By: 
Jeffrey S. Powell, President

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

Apprved
Chris 1/4/01

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

An independent franchisee of

PACIFIC
PRIDE

THE COMMERCIAL FUELING SYSTEM

10808

SM

Firm Address

Company Name	Telephone Number	Fax Number	
Fogelman Trucking	(570) 538-5793	(570) 538-1378	
Mailing Address	City	State	Zip
RDI BOX 191	Watson	Pa.	17777
Street Address	City	State	Zip
RDI Rt. 405N.	Watson	Pa.	17777
Home Address	City	State	Zip
RDI BOX 191	Watson	Pa.	17777

Are you presently a Pacific Pride or Amerinet Cardholder? Yes No If yes, when did you last use your card?

Legal Structure

<input checked="" type="checkbox"/> Single Entity - Not a subsidiary	How Long in Business?	22 years
<input type="checkbox"/> Corporation State _____	Federal ID #:	23-2110869
<input type="checkbox"/> Partnership	What Type of Business?	Trucking & Garage
<input type="checkbox"/> Other		

Personal

Owner or Officer	Title	Spouse's Name	
Thomas W. Fogelman Jr.	owner	June	
Home Address	City	State	Zip
RDI Box 191	Watson	Pa.	
Previous Address	City	State	Zip
Name of nearest relative not living with you	Relationship	Telephone Number	
Walter Fogelman	Brother	(570) 538-5909	
Home Phone	Driver License #	Social Security Number	Date of Birth
(570) 538-9139	11194387	190-40-5750	6/23/48
State	Pa.		

References

Bank Name & Branch	City	State	Zip
Sovereign Bank	Watson	Pa.	17777
Bank Officer	Account Number	Telephone Number	
Connie Butdorf		(570) 538-2525	
Trade Reference	Account Number	Telephone Number	
Cumberland Truck Parts		(570) 742-2840 ASK for Bill	
Estimated Monthly Usage in Gallons	Person to contact regarding cards	Telephone Number	Extension
10,000 gals	Thomas Fogelman	(570) 538-5793	

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

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

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

Signed

Printed Name

Thomas W. Fogelman Jr.
Thomas W. Fogelman Jr.
3/26/01

Aging Periods: S9 SPECIAL SM BILLING

Customer # 10808

Aging Date: 04/15/07 Aged by Trans. Date

Comments: No

Original Document						Net	Future &			
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	04/15/07	03/31/07	03/15/07	02/28/07
10808	FOGELMAN TRUCKING	570-649-6828	BRENDA FOGELMAN	2,000.00/Last payment				/Credit limit (B S9) Salesperson 99		
Inv	4305	10/29/04	10,587.11	4,646.1		0.00				
F/C	4305	10/31/04	138.68		Finance Charge	0.00				
F/C	4350	12/15/04	236.75		Finance Charge	0.00				
Inv	4350	12/15/04	11,001.02	5,065.0		0.00				
Inv	4366	12/30/04	7,686.03	3,610.1		0.00				
F/C	4366	12/31/04	222.81		Finance Charge	0.00				
F/C	5015	01/15/05	226.37		Finance Charge	0.00				
Inv	5015	01/15/05	8,545.98	4,018.6		0.00				
F/C	5031	01/31/05	284.01		Finance Charge	0.00				
Inv	5031	01/31/05	7,353.73	3,377.2		0.00				
F/C	5046	02/15/05	348.11		Finance Charge	0.00				
Inv	5046	02/15/05	9,549.82	4,358.6		0.00				
Inv	5059	02/27/05	9,699.71	4,361.2		0.00				
F/C	5059	02/28/05	268.72		Finance Charge	0.00				
F/C	5074	03/15/05	261.01		Finance Charge	0.00				
Inv	5074	03/15/05	11,449.25	4,954.7		0.00				
Inv	5090	03/31/05	10,543.63	4,452.8		0.00				
F/C	5090	03/31/05	405.38		Finance Charge	0.00				
Pmt	56387	04/07/05	11,237.77-		12732	0.00				
Inv	5105	04/15/05	10,108.61	4,161.0		0.00				
F/C	5105	04/15/05	408.01		Finance Charge	0.00				
Pmt	56792	04/22/05	16,681.19-		12803	0.00				
Inv	5120	04/30/05	11,336.12	4,757.5		0.00				
F/C	5120	04/30/05	365.43		Finance Charge	0.00				
F/C	5135	05/15/05	441.24		Finance Charge	0.00				
Inv	5135	05/15/05	8,975.12	3,800.1		0.00				
Pmt	57387	05/19/05	7,637.74-		12940	0.00				
Inv	5151	05/31/05	11,445.16	4,928.7		0.00				
F/C	5151	05/31/05	470.68		Finance Charge	0.00				
Pmt	57605	06/02/05	9,897.93-		13020	0.00				
Pmt	57927	06/13/05	9,968.43-		13075	0.00				
F/C	5166	06/15/05	393.73		Finance Charge	0.00				
Inv	5166	06/15/05	9,663.84	4,067.1		0.00				
F/C	5181	06/30/05	479.57		Finance Charge	0.00				
Inv	5181	06/30/05	11,789.55	4,756.6		0.00				
Pmt	58498	07/11/05	11,710.26-		13214	0.00				
F/C	5196	07/15/05	466.24		Finance Charge	0.00				
Inv	5196	07/15/05	11,922.91	4,674.3		0.00				
Pmt	58918	07/29/05	10,949.01-		13290	0.00				
Inv	5212	07/30/05	10,624.65	4,293.9		0.00				
F/C	5212	07/31/05	474.89		Finance Charge	0.00				
F/C	5227	08/15/05	564.31		Finance Charge	0.00				
Inv	5227	08/15/05	11,146.28	4,375.7		0.00				
Pmt	59553	08/26/05	10,516.62-		13445	0.00				
Inv	5243	08/31/05	12,449.73	4,594.5		0.00				
F/C	5243	08/31/05	568.18		Finance Charge	0.00				
F/C	5258	09/15/05	651.78		Finance Charge	0.00				
Inv	5258	09/15/05	14,272.96	4,827.8		0.00				

Aging Periods: S9 SPECIAL SM BILLING

Customer # 10808

Aging Date: 04/15/07 Aged by Trans. Date

Comments: No

Original Document						Net	Future &				
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	04/15/07	03/31/07	03/15/07	02/28/07	
10808	FOGELMAN TRUCKING	570-649-6828	BRENDA FOGELMAN	2,000.00/Last payment				/Credit limit (B S9) Salesperson 99			
Pmt	60095	09/19/05	11,701.55-	107		0.00					
Pmt	60096	09/19/05	9,416.36-	13557		0.00					
F/C	5273	09/30/05	592.82		Finance Charge	0.00					
Inv	5273	09/30/05	12,704.01	4,346.0		0.00					
F/C	5288	10/15/05	699.86		Finance Charge	0.00					
Inv	5288	10/15/05	13,479.93	4,457.7		0.00					
Pmt	60829	10/24/05	11,915.84-	115		0.00					
F/C	5304	10/31/05	709.30		Finance Charge	0.00					
Inv	5304	10/31/05	12,954.35	4,470.3		0.00					
Pmt	61101	11/07/05	10,057.57-	117		0.00					
F/C	5319	11/15/05	737.93		Finance Charge	0.00					
Inv	5319	11/15/05	12,458.79	4,540.1		0.00					
Pmt	61571	11/28/05	6,134.56-	118		0.00					
Pmt	61572	11/28/05	6,134.56-	13985		0.00					
F/C	5334	11/30/05	748.37		Finance Charge	0.00					
Inv	5334	11/30/05	10,577.48	4,108.5		0.00					
Inv	5349	12/12/05	7,857.56	3,063.2		0.00					
Pmt	62046	12/15/05	5,000.00-	124		0.00					
Pmt	62047	12/15/05	6,099.54-	14101		0.00					
Pmt	62048	12/15/05	12,389.15-	14100		0.00					
F/C	5349	12/15/05	676.30		Finance Charge	0.00					
Pmt	62077	12/16/05	25,000.00-	14111		0.00					
Inv	5365	12/30/05	7,705.70	2,980.5		0.00					
F/C	5365	12/31/05	573.36		Finance Charge	0.00					
Pmt	62483	01/12/06	14,001.46-	14254		0.00					
Inv	6015	01/13/06	12,194.49	4,633.4		0.00					
F/C	6015	01/15/06	530.54		Finance Charge	0.00					
Pmt	62843	01/30/06	13,296.83-	14342		0.00					
F/C	6031	01/31/06	493.06		Finance Charge	0.00					
Inv	6031	01/31/06	13,372.36	5,090.6		0.00					
F/C	6046	02/15/06	584.52		Finance Charge	0.00					
Inv	6046	02/15/06	12,879.73	4,899.8		0.00					
Pmt	63312	02/17/06	14,179.79-	14490		0.00					
Inv	6059	02/27/06	8,725.81	3,357.4		0.00					
F/C	6059	02/28/06	483.06		Finance Charge	0.00					
F/C	6074	03/15/06	583.35		Finance Charge	0.00					
Inv	6074	03/15/06	11,268.39	4,198.5		0.00					
Pmt	63936	03/20/06	13,196.72-	14640		0.00					
Pmt	63937	03/20/06	13,663.65-	14640		0.00					
Pmt	64114	03/31/06	11,325.85-	14718		0.00					
F/C	6090	03/31/06	472.44		Finance Charge	0.00					
Inv	6090	03/31/06	12,904.82	4,772.5		0.00					
Inv	6105	04/13/06	12,391.48	4,385.3		0.00					
F/C	6105	04/15/06	556.96		Finance Charge	0.00					
Pmt	64582	04/21/06	16,812.92-	14826		0.00					
Inv	6120	04/29/06	12,653.76	4,171.7		0.00					
F/C	6120	04/30/06	538.33		Finance Charge	0.00					
Pmt	65153	05/15/06	12,725.03-	14958		0.00					

Aging Periods: S9 SPECIAL SM BILLING

Customer # 10808

Aging Date: 04/15/07 Aged by Trans. Date

Comments: No

Original Document					Net	Future &					
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	04/15/07	03/31/07	03/15/07	02/28/07	
10808	FOGELMAN TRUCKING	570-649-6828	BRENDA FOGELMAN			2,000.00/Last payment	/Credit limit (B S9) Salesperson 99				
F/C	6135	05/15/06	539.81		Finance Charge	0.00					
Inv	6135	05/15/06	14,892.35	4,972.0		0.00					
Pmt	65452	05/31/06	13,865.42-		15064	0.00					
F/C	6151	05/31/06	534.42		Finance Charge	0.00					
Inv	6151	05/31/06	13,273.68	4,506.8		0.00					
Pmt	65892	06/15/06	13,464.25-		15151	0.00					
F/C	6166	06/15/06	549.43		Finance Charge	0.00					
Inv	6166	06/15/06	14,128.16	4,659.5		0.00					
Pmt	66054	06/26/06	9,208.87-		15191	0.00					
F/C	6181	06/30/06	584.30		Finance Charge	0.00					
Inv	6181	06/30/06	15,226.59	5,163.9		0.00					
Pmt	66322	07/10/06	11,851.74-		15276	0.00					
F/C	6196	07/15/06	605.00		Finance Charge	0.00					
Inv	6196	07/15/06	10,865.06	3,604.4		0.00					
Pmt	66794	07/27/06	15,000.00-		15384	0.00					
F/C	6212	07/31/06	614.61		Finance Charge	0.00					
Inv	6212	07/31/06	16,301.65	5,388.1		12,138.23					12,138.23
F/C	6227	08/15/06	696.10		Finance Charge	0.00					
Inv	6227	08/15/06	9,116.33	2,888.4		0.00					
Pmt	67445	08/23/06	15,000.00-		15535	0.00					
Inv	6243	08/30/06	12,373.98	3,950.6		12,373.98					12,373.98
F/C	6243	08/31/06	710.04		Finance Charge	710.04					710.04
Pmt	67772	09/07/06	12,000.00-		15631	0.00					
Inv	6258	09/15/06	8,198.15	2,696.2		8,198.15					8,198.15
F/C	6258	09/15/06	692.45		Finance Charge	692.45					692.45
Pmt	68108	09/20/06	9,812.43-		15715	0.00					
Pmt	68109	09/20/06	4,000.00-		190	0.00					
Inv	6273	09/29/06	8,538.50	3,076.2		8,538.50					8,538.50
F/C	6273	09/30/06	690.93		Finance Charge	690.93					690.93
Inv	6288	10/06/06	1,845.45	670.2		1,845.45					1,845.45
F/C	6288	10/15/06	752.42		Finance Charge	752.42					752.42
Pmt	68756	10/16/06	5,000.00-		15859	0.00					
Pmt	68869	10/23/06	5,000.00-		209	0.00					
Pmt	68996	10/27/06	5,000.00-		15952	0.00					
F/C	6304	10/31/06	707.97		Finance Charge	707.97					707.97
Pmt	69102	11/03/06	5,000.00-		16003	0.00					
Pmt	69348	11/10/06	5,000.00-		226	0.00					
F/C	6319	11/15/06	646.81		Finance Charge	646.81					646.81
Pmt	69527	11/17/06	5,000.00-		232	0.00					
Pmt	69624	11/24/06	5,000.00-		16107	0.00					
F/C	6334	11/30/06	575.93		Finance Charge	575.93					575.93
Pmt	69765	12/04/06	5,000.00-		16148	0.00					
Pmt	69966	12/11/06	5,000.00-		16190	0.00					
F/C	6349	12/15/06	505.31		Finance Charge	505.31					505.31
Pmt	70170	12/18/06	5,000.00-		16230	0.00					
Pmt	70343	12/28/06	5,000.00-		16258	0.00					
F/C	6365	12/31/06	430.31		Finance Charge	430.31					430.31
Pmt	70498	01/08/07	5,000.00-		16340	0.00					

Aging Periods: S9 SPECIAL SM BILLING

Customer # 10808

Aging Date: 04/15/07 Aged by Trans. Date

Comments: No

Original Document					Net	Future &				
Type	Doc#	Date	Amount	Quantity	Reference	Receivable	04/15/07	03/31/07	03/15/07	02/28/07
10808	FOGELMAN TRUCKING	570-649-6828	BRENDA FOGELMAN	2,000.00/Last payment			/Credit limit (B S9) Salesperson 99			
F/C	7015	01/15/07	359.85		Finance Charge	359.85				359.85
Pmt	70784	01/16/07	5,000.00-		16374	0.00				
F/C	7031	01/31/07	359.85		Finance Charge	359.85				359.85
Pmt	71115	02/05/07	1,500.00-		16484	0.00				
F/C	7046	02/15/07	348.60		Finance Charge	348.60				348.60
Pmt	71588	02/26/07	2,000.00-		16596	0.00				
F/C	7059	02/28/07	338.21		Finance Charge	338.21				338.21
F/C	7074	03/15/07	338.21		Finance Charge	338.21				338.21
Pmt	72121	03/19/07	2,000.00-		275	0.00				
F/C	7090	03/31/07	323.21		Finance Charge	323.21				323.21
F/C	7105	04/15/07	323.21		Finance Charge	323.21	323.21			
10808 Total.....					51,197.62	323.21	323.21	338.21	50,212.99	

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

Active Accounts	51,197.62	323.21	50,212.99
	323.21	338.21	

* Total All Accounts *	balance -	51,197.62	323.21	50,212.99
		323.21	338.21	

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

* Total Unpaid F/C *	F/C	8,103.31	323.21	7,118.68
			323.21	338.21

Average daily f/c \$22.05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102775
NO: 07-725-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: J.J. POWELL, INC.

VS.

DEFENDANT: THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING

SHERIFF RETURN

NOW, May 10, 2007, SHERIFF OF NORTHUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING.

NOW, May 16, 2007 AT 11:00 AM SERVED THE WITHIN COMPLAINT ON THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING, DEFENDANT. THE RETURN OF NORTHUMBERLAND COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
OCT 05 2007
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102775
NO: 07-725-CD
SERVICES 1
COMPLAINT

PLAINTIFF: J.J. POWELL, INC.

vs.

DEFENDANT: THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	J.J.POWELL	29481	10.00
SHERIFF HAWKINS	J.J.POWELL	29481	19.39
NORTHUMBERLAND	J.J.POWELL	29482	49.75

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

PLAINTIFF: J.J. POWELL, INC.

P:

VS:

DEFENDANT: FOGELMAN JR., THOMAS W. d/b/a
D: FOGELMAN TRUCKING
D: R.D. #1 BOX 191
D: R.D. #1 ROUTE 405 NORTH
D: WATSONTOWN, PA 17777

CASE #: 07 CD 0725

CTY FILED: CLEARFIELD

FILE DATE: 07/05/09

DATE RECEIVED: 07/05/14

ASSIGNED TO: 1 DEF

LAW FIRM: POWELL

EXPIRES: 07/06/08

:

SHERIFF'S RETURN :

I HEREBY CERTIFY AND RETURN I SERVED: THOMAS W. FOGELMAN JR. d/b/a FOGELMAN TRUCKING
BY HANDING A TRUE AND ATTESTED COPY OF THE WITHIN: NOTICE AND COMPLAINT
PERSON SERVED: THOMAS FOGELMAN

DATE SERVED: 2007/05/16

CAPACITY: OWNER

TIME: 11:00 AM :

:

PLACE SERVED: R D #1 BOX 191 WATSONTOWN, PA 17777

COUNTY OF NORTHUMBERLAND AND STATE OF PENNA., MAKING KNOWN UNTO : HIM THE
CONTENTS THEREOF.
SO ANSWERS: CHAD A. REINER, SHERIFF
BY DEPUTY: STEINBERGER, GEORGE
BY:

I HEREBY CERTIFY AND RETURN THAT I SERVED:



BY HANDING A TRUE AND ATTESTED COPY OF THE WITHIN:

PERSON SERVED:

DATE SERVED:

CAPACITY :

TIME: :

:

PLACE SERVED:

COUNTY OF NORTHUMBERLAND AND STATE OF PENNA., MAKING KNOWN UNTO : THE
CONTENTS THEREOF.

SO ANSWERS: CHAD A. REINER, SHERIFF

BY DEPUTY:

BY:

:

:

:

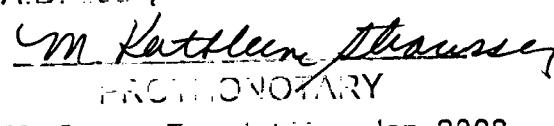
:

SHERIFF'S COSTS: \$ 49.75

REC #: 29682

NO. OF ATTEMPTS: 1

Sworn to and subscribed before
me this 22 day of May
A.D. 2007


PROTHONOTARY
PA. COMM. FOR ATT'NS. Jan 2008

DOCKET PAGE #: 07 CV 0425



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102775

TERM & NO. 07725-CD

J.J. POWELL, INC.

COMPLAINT

VS.

THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING

SERVE BY: 06/08/07

HEARING:

MAKE REFUND PAYABLE TO J.J. POWELL, INC.

SERVE: THOMAS W. FOGELMAN, JR. d/b/a FOGELMAN TRUCKING

ADDRESS: RD#1 BOX 191, RD#1 RT 405 NORTH, WATSONTOWN, PA 17777

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF NORTHUMBERLAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 10, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

J.J. POWELL, INC., :
Plaintiff :
vs. : NO. 2007-725-CD
THOMAS W. FOGELMAN, JR. :
d/b/a FOGELMAN TRUCKING :
Defendants :
:

PRAECIPE TO SETTLE & DISCONTINUE

To: William A. Shaw, Sr. Clearfield County Prothonotary

Dear Sir:

As counsel for the Plaintiff in the above-captioned matter, I appear and request that this action be marked "SETTLED & DISCONTINUED."

Respectfully submitted,

Date: 10/22/09
1


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

Cc: J.J. Powell, Inc.

FILED 1cc & 1cert
8/11/2009 of disc issued
OCT 23 2009 to A.A. Smith
LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

J. J. Powell, Inc.

Vs.

No. 2007-00725-CD

**Thomas W. Fogelman Jr.
Fogelman Trucking**

CERTIFICATE OF DISCONTINUATION

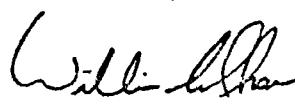
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 23, 2009, marked:

Settled & Discontinued

Record costs in the sum of \$85.00 have been paid in full by Peter F. Smith Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of October A.D. 2009.



William A. Shaw, Prothonotary