

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

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

**PETER, F. SMITH**

ATTORNEY

CLEARFIELD, PA. 16830

814 - 765-5595

CERTIFIED TRUE AND CORRECT COPY

ATTORNEY FOR

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

J.J. POWELL, INC.,

Plaintiff

vs.

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

No. 2007-725-CD

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 10 5:20 PM* *85.00*  
**MAY 09 2007**  
*Wm* *1cc Atty*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*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<br>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

Approved  
Chris / 4/4/01

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

108008  
SM

An Independent Franchisee of

PACIFIC  
PRIDE

THE COMMERCIAL FUELING SYSTEM

X

Firm Address

|  |                   |       |       |                  |                |            |                |
|--|-------------------|-------|-------|------------------|----------------|------------|----------------|
| Company Name   | Fogelman Trucking |       |       | Telephone Number | (570) 538-5793 | Fax Number | (570) 538-1378 |
| Mailing Address  | City              | State | Zip   |                  |                |            |                |
| RDI Box 191  | Watson town       | Pa.   | 17777 |                  |                |            |                |
| Street Address   | City              | State | Zip   |                  |                |            |                |
| RDI Rt. 405N.  | Watson town       | Pa.   | 17777 |                  |                |            |                |
| Home Address   | City              | State | Zip   |                  |                |            |                |
| RDI Box 191  | Watson town       | Pa.   | 17777 |                  |                |            |                |
| Are you presently a Pacific Pride or Amerinet Cardholder? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, when did you last use your card? |                   |       |       |                  |                |            |                |

Legal Structure

|  |                                 |   |  |
|--|---------------------------------|---|--|
| CHECK APPROPRIATE BOX AND PROVIDE INFORMATION REQUESTED              |                                 | How Long in Business? <u>22 years</u>               |  |
| <input checked="" type="checkbox"/> Single Entity - Not a subsidiary | Federal ID #: <u>23-2110869</u> | What Type of Business? <u>Trucking &amp; Garage</u> |  |
| <input type="checkbox"/> Corporation<br>State _____                  |                                 |   |  |
| <input type="checkbox"/> Partnership                                 |                                 |   |  |
| <input type="checkbox"/> Other                                       |                                 |   |  |
| List names of partners or corporate officers                         |                                 |   |  |

Personal

|  |                  |                        |               |
|--|------------------|------------------------|---------------|
| Owner or Officer   | Title            | Spouse's Name          |               |
| Thomas W. Fogelman Jr.   | owner            | June                   |               |
| Home Address   | City             | State                  | Zip           |
| RDI Box 191  | Watson town      | Pa.                    |               |
| How Long? <u>52 yrs.</u>   |                  |                        |               |
| <input checked="" type="checkbox"/> Own<br><input type="checkbox"/> Buying<br><input type="checkbox"/> Renting |                  |                        |               |
| 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.  |                  |                        |               |
| Have you ever filed Bankruptcy?  | When?            | Where?                 |               |
| NO   |                  |                        |               |

References

|                                    |                                   |                             |           |
|------------------------------------|-----------------------------------|-----------------------------|-----------|
| Bank Name & Branch                 | City                              | State                       | Zip       |
| Sovereign Bank                     | Watson town                       | Pa.                         | 17777     |
| Bank Officer                       | Account Number                    | Telephone Number            |           |
| Connie Butdort                     |                                   | (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

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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 \$2205

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**  
01/31/02  
OCT 05 2007  
LM

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

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,



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

DOCKET PAGE #: 07 CV 0425

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

*M. Kathleen Thaussey*  
PROTHONOTARY

My Comm. Exp. 10/1/08 Jan 2008



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

J.J. POWELL, INC.

vs.

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

TERM & NO. 07725-CD

COMPLAINT

**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 deputize 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,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

2007 MAY 10 10:53 AM  
CLERK

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

J.J. POWELL, INC.,  
Plaintiff

vs.

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

:  
:  
: NO. 2007-725-CD  
:  
:  
:  
:  
:

PRAECIPE TO SETTLE & DISCONTINUE

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

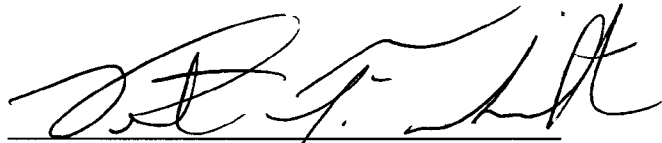
Dear Sir:

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

Respectfully submitted,

Date:

10/22/08  
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.

5  
FILED  
10/11/2008  
OCT 23 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
ice & 1 cent  
of disc issued  
to Atty Smith

**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.



cm

William A. Shaw, Prothonotary