

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC., : No. 07-1359-CD

: Plaintiff,

:
vs.

ROBERT W. POWELL, d/b/a
ROBERT POWELL & SONS
CONCRETE and ROBERT W.
POWELL, individually,

: Defendants.

:
: COMPLAINT IN CIVIL ACTION

: Filed on behalf of Plaintiff:

:
: DuBrook, Inc.

:
: Counsel of Record for said party:

:
: Andrea C. Parenti, Esquire
PA I.D. 80483
DILLON McCANDLESS KING
COULTER & GRAHAM, LLP
128 West Cunningham Street
Butler, Pennsylvania 16001
(724) 283-2200

FILED Atty pd. 85.00
7/1/2007
AUG 23 2007 acc Sheriff
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC., : No. _____
Plaintiff, :
vs. :
ROBERT W. POWELL, d/b/a :
ROBERT POWELL & SONS :
CONCRETE and ROBERT W. :
POWELL, individually, :
Defendants. :
.

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 property or other rights important to you.

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

Office of the Prothonotary
Clearfield County Courthouse
Clearfield, Pennsylvania
Telephone (814) 765-2641

**Andrea C. Parenti, Esquire
DILLON McCANDLESS KING
COULTER & GRAHAM, L.L.P.
128 West Cunningham Street
Butler, Pennsylvania 16001
(724) 283-2200**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC.,	:	No. _____
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
ROBERT W. POWELL, d/b/a	:	
ROBERT POWELL & SONS	:	
CONCRETE and ROBERT W.	:	
POWELL, individually,	:	
	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, DuBrook, Inc., by and through its attorneys, Dillon, McCandless, King, Coulter & Graham, LLP, per Andrea C. Parenti, Esquire, and files the following in support of its Complaint in Civil Action:

1. The Plaintiff, DuBrook, Inc., is a duly registered Pennsylvania Corporation with offices located at 40 Parkway Drive, DuBois, Pennsylvania 15801.
2. The Defendant, Robert W. Powell, is an adult individual trading as Robert Powell & Sons Concrete with an address of 38 Treasure Lake, DuBois, Pennsylvania 15801.
3. The Defendant, Robert W. Powell, is an adult individual with an address of 424 South Church Street, DuBois, Pennsylvania 15801.
4. Beginning on or about July 5, 2006, and continuing through March 31, 2007, Robert Powell & Sons Concrete, purchase ready-mix concrete and related supplies from the Plaintiff and agreed to pay for the same together with all finance charges incurred.

5. On or about April 18, 2000, the Defendant, Robert W. Powell, d/b/a Robert Powell & Sons Concrete executed an application for credit with the Plaintiff. Said credit application signed by the Defendant provides as follows:

“Having the authority on behalf of the applicant, I agree that if granted credit, applicant will pay any outstanding account balances within thirty days after the end of the month in which delivery was made. I agree that after that time, applicant will pay one and one-half percent per month interest on any past due balance until paid. That if the account is not paid when it becomes due and T&M/DuBrook turns account over to attorney for collection, applicant will, in addition, pay twenty-five percent attorney’s fees and court costs, without obligation of T&M/DuBrook to notify applicant.”

A copy of said application for credit is attached hereto and marked Exhibit “A” and is incorporated herein by reference.

6. On or about April 18, 2000, the Defendant, Robert W. Powell, individually, executed a personal guaranty in favor of Plaintiff with regard to the debt of the Defendant, Robert W. Powell, d/b/a Robert Powell & Sons Concrete. Said personal guaranty provides as follows:

“For and in consideration of Dubrook extending at my request, credit to the company, hereby personally guarantee to Dubrook, the payment of any obligation of the “company” due to them by the “company.” I hereby confirm an irrevocable guarantee and indemnity with such indebtedness of the “company”, further, I do hereby waive notice of default for non-payment and consent to any modification or renewal of the credit agreement hereby guaranteed. I further agree that I am liable for payment of all interest and twenty-five percent attorney’s fees and that suit may be filed against me without first filing suit against the “company”.

A copy of said personal guaranty is attached hereto and marked Exhibit “B” and is incorporated herein by reference.

7. During the time of the Defendant's purchases, Plaintiff maintained books of account, keeping an accurate and running account of all debts and credits of the sale of goods and merchandise to the Defendant.

8. Plaintiff submitted monthly statements to the Defendant accurately showing the balance due. A copy of said monthly statement is attached hereto and marked Exhibit "C" and is incorporated herein by reference.

9. To date, Defendant, Robert Powell, d/b/a Robert Powell & Sons Concrete, and Robert W. Powell, is indebted to the Plaintiff in the amount of Nineteen Thousand Five Hundred Seventy-Five and 28/100 (\$19,575.28) Dollars.

10. The Plaintiff has repeatedly demanded payment of the amount due, including letters sent via certified mail to the Defendant on June 12, 2007. A copy of said correspondence is attached hereto and marked Exhibit "D" and is incorporated herein by reference. Despite repeated demands from the Plaintiff, Defendant has neglected and refused to pay the sums due.

11. The terms for payment between the parties call for interest to accrue at the rate of one and five-tenths percent (1.5%) per month on the unpaid balance as well as the payment of attorney's fees and court costs.

12. Pursuant to the personal guaranty executed by the Defendant, Robert Powell, individually, Robert Powell is liable for all sums due by Robert Powell & Sons Concrete, to Plaintiff.

WHEREFORE, the Plaintiff, DuBrook, Inc., demands judgment against Defendant, Robert Powell, d/b/a. Robert Powell & Sons Concrete and Robert W. Powell, individually, in the amount of Nineteen Thousand Five Hundred Seventy-Five and 28/100 (\$19,575.28) Dollars, plus interest at the rate of eighteen percent (18%) per annum, attorney's fees and court costs.

Respectfully submitted,

DILLON McCANDLESS KING
COULTER & GRAHAM, L.L.P.



Andrea C. Parenti, Esquire

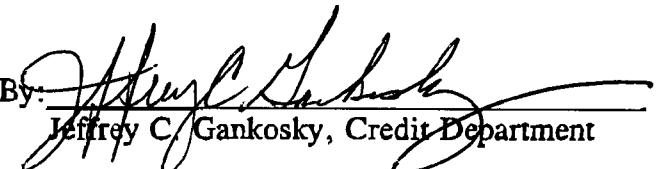
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC., : No. _____
: _____
Plaintiff, : _____
: _____
vs. : _____
: _____
ROBERT W. POWELL, d/b/a : _____
ROBERT POWELL & SONS : _____
CONCRETE and ROBERT W. : _____
POWELL, individually, : _____
: _____
Defendants. : _____

VERIFICATION

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

DuBROOK, INC.

By: 
Jeffrey C. Gankosky, Credit Department



04-24-07
Robert & Sons
424 S. Church St.
DuBois, PA 15801
Bud Lind

APPLICATION FOR CREDIT

DuBrook

DuBROOK, INC.

P.O. BOX 68
BUTLER, PA 16003BUTLER, PA
PH: (724) 263-3111
FAX: (724) 263-3377EVANS CITY, PA
(724) 535-0111READY-MIXED CONCRETE
BUILDING MATERIALS
"Service Is Our Policy"

OFFICIAL & CORRECT NAME	ROBERT Powell & Sons Concrete Constr			DATE 4-18-00
PHYSICAL & MAILING ADDRESS	424 S. CHURCH ST.			TELEPHONE 371-5832
CITY	DuBois		STATE PA	ZIP CODE 15801
PROPRIETORSHIP	<input checked="" type="checkbox"/>	PARTNERSHIP	CORPORATION	FEDERAL TAX NO 138-38-3135
DATE AND STATE OF REGISTRATION, LICENSING OR INCORPORATION OF BUSINESS			TYPE OF BUSINESS CONCRETE / CONST	
DA 7/1999			Years in business	

PRINCIPAL OWNERS OR STOCKHOLDERS:

NAME AND TITLE	HOME ADDRESS	SOCIAL SECURITY NO.
Robert Powell	424. S. CHURCH ST.	138583135
Darlene Powell Sec/Treas	SAME	193-48-6908

Name and position of any and all agents which shall have authority to order concrete or building materials charged to your company:

Darlene Powell

If branch or division, location of home office:

Person to contact regarding accounts payable: Robert or Darlene

Estimated annual sales: \$ 20,000.00

Net worth:

PLEASE ATTACH COPY OF FINANCIAL STATEMENT

Former business and location:

TRADE REFERENCES (Current Suppliers)

NAME	ADDRESS	CITY	ACCOUNT #	TELEPHONE

BANK REFERENCES

NAME	ADDRESS	CITY	ACCOUNT #	TELEPHONE

Amount of credit needed for 30 day period \$ 0

Total cubic yards:

Is business tax exempt?

If yes, attach tax exempt certificate.

Is purchase order required?

Surety company used on jobs requiring bonds:

Having the authority on behalf of the applicant, I agree to pay the amount of the account within 30 days after the end of the month in which delivery was made, I agree to pay 1-1/2% per month interest on any past due balance until paid. That if the account is not paid when it becomes due, I will pay 25% attorneys fees and court costs, without exception. The foregoing information is true, T & M/DuBrook Inc. will make a complete inquiry to verify credit and financial responsibility and has no obligation to provide credit to applicant.

EXHIBIT

A

Bloomberg No. 5119

Applicant will pay any outstanding account balance within 30 days of delivery. If account is not paid within 30 days, applicant will pay 1-1/2% per month interest on any past due balance. If account is not paid within 60 days, applicant will pay 25% attorneys fees and court costs, without exception. The foregoing information is true, T & M/DuBrook Inc. will make a complete inquiry to verify credit and financial responsibility and has no obligation to provide credit to applicant.

NAME

ROBERT Powell

SIGNATURE

DATE 4-18-00

PERSONAL GUARANTY

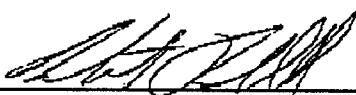
Robert W. Powell as Pres of Robert Powell & Sons

(hereinafter referred to as the "Company") for and in consideration of DuBrook extending at my request credit to the "Company", hereby personally guarantee to DuBrook the payment of any obligation of the "Company" due to them by the "Company". I hereby confirm an irrevocable guarantee and indemnity for such indebtedness of the "Company". further, I do hereby waive notice of default or non-payment and consent to any modification or renewal of the credit agreement hereby guaranteed. I further agree that I am liable for payment of all interest and 25% attorney fees and that suit may be filed against me without first filing suit against the "Company".

Have you, spouse, principal or any company stock holder ever filed for bankruptcy?

Yes _____ No _____

If yes, when _____



4/18/00

138-58-3135

SIGNATURE	DATE	SOCIAL SECURITY NO.
-----------	------	---------------------

424 S. Church St Dubois PA 15801	10/10/64
----------------------------------	----------

HOME ADDRESS	DATE OF BIRTH
--------------	---------------

4/18/00	193-48-8908
---------	-------------

SIGNATURE OF SPOUSE OF ABOVE	DATE	SOCIAL SECURITY NO.
------------------------------	------	---------------------

424 S. Church St. Dubois, PA 15801	2/27/61
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HOME ADDRESS	DATE OF BIRTH
--------------	---------------

SIGNATURE	DATE	SOCIAL SECURITY NO.
-----------	------	---------------------

HOME ADDRESS	DATE OF BIRTH
--------------	---------------

SIGNATURE OF SPOUSE OF ABOVE	DATE	SOCIAL SECURITY NO.
------------------------------	------	---------------------

HOME ADDRESS	DATE OF BIRTH
--------------	---------------

WITNESS



DUBROOK, INC.
P.O. BOX 388
DUBOIS, PA 15801-0388

* * * STATEMENT OF ACCOUNT * * *
8/16/2007

P00002D ROBERT POWELL & SONS CONCRETE
38 TREASURE LAKE
DUBOIS PA 15801

Your Terms Are C.O.D.

Date	Invoice	Charges	Credits	Balance	Job Id
7/31/2006	SRV CHG	284.77	.00	284.77	SERVICE CHARGE
8/31/2006	SRV CHG	334.13	.00	334.13	SERVICE CHARGE
9/30/2006	SRV CHG	254.76	.00	254.76	SERVICE CHARGE
10/16/2006	1006547	3355.76	.00	3355.76	MCGEES MILLS RD
10/18/2006	1006575	261.71	.00	261.71	
10/19/2006	1006596	56.98	.00	56.98	TOWER LANE
10/23/2006	1006618	465.09	.00	465.09	2ND AVE ALLEY
10/25/2006	1006642	1235.43	.00	1235.43	2ND AVE ALLEY
10/26/2006	1006659	438.84	.00	438.84	TL SEC 6 LOT 21
10/31/2006	SRV CHG	336.03	.00	336.03	SERVICE CHARGE
11/20/2006	1006863	2209.05	.00	2209.05	JENSON-PUNXSY
11/22/2006	1006915	1459.63	.00	1459.63	JENSON-PUNXSY
11/24/2006	1006901	486.54	.00	486.54	JENSON-PUNXSY
11/28/2006	1006912	3500.40	.00	3500.40	JENSON-PUNXSY
11/30/2006	SRV CHG	389.26	.00	389.26	SERVICE CHARGE
12/1/2006	1006935	688.74	.00	688.74	JENSON-PUNXSY
12/4/2006	1006945	392.60	.00	392.60	JENSON-PUNXSY
12/6/2006	1006959	141.51	.00	141.51	JENSON-PUNXSY
12/12/2006	1006986	339.47	.00	339.47	LABORDE CHIROPRAТИ
12/31/2006	SRV CHG	504.10	.00	504.10	SERVICE CHARGE
1/16/2007	1007111	78.18	.00	78.18	
1/17/2007	1007113	149.34	.00	149.34	
1/31/2007	SRV CHG	466.92	.00	466.92	SERVICE CHARGE
2/28/2007	SRV CHG	442.48	.00	442.48	SERVICE CHARGE
3/31/2007	SRV CHG	442.48	.00	442.48	SERVICE CHARGE
4/30/2007	SRV CHG	442.48	.00	442.48	SERVICE CHARGE
5/31/2007	SRV CHG	442.48	.00	442.48	SERVICE CHARGE
6/30/2007	SRV CHG	228.89	.00	228.89	SERVICE CHARGE
7/31/2007	SRV CHG	228.89	.00	228.89	SERVICE CHARGE
8/7/2007	1008638	-481.66	.00	-481.66	

Current	Over 1 Month	Over 2 Months	Over 3 Months	Over 4 Months	Total Due
-252.77	228.89	442.48	442.48	18714.20	19575.28



DILLON McCANDLESS KING COULTER & GRAHAM L.L.P.
ATTORNEYS AT LAW

THOMAS W. KING, III
JAMES P. COULTER
DONALD P. GRAHAM

MARY JO DILLON
MICHAEL D. HNATH
MATTHEW F. MARSHALL
THOMAS E. BRETH
ANDREA C. PARENTI
RONALD T. ELLIOTT
MICHAEL K. ENGLISH
DAVID M. HOWES
CHRISTOPHER J. HALL

OF COUNSEL:
CHARLES E. DILLON
TIM SHAFFER

128 WEST CUNNINGHAM STREET
BUTLER, PENNSYLVANIA 16001

(724) 283-2200
FACSIMILE (724) 283-2298

CRANBERRY OFFICE:
800 CRANBERRY WOODS DR., STE. 100
CRANBERRY TWP., PA 16066
(724) 776-6644
FACSIMILE (724) 776-6608

GREENSBURG OFFICE:
140 SOUTH MAIN ST., STE. 203
GREENSBURG, PA 15601
(724) 689-1600
FACSIMILE (724) 283-2298

June 12, 2007

Mr. Robert Powell
Robert Powell & Sons Concrete
38 Treasure Lake
DuBois, PA 15801

**VIA REGULAR MAIL AND CERTIFIED
MAIL, RETURN RECEIPT REQUESTED**

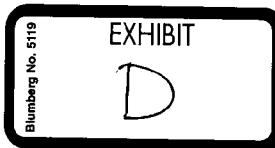
RE: DuBrook, Inc.

Dear Mr. Powell:

As you are aware, this office represents DuBrook, Inc. In this regard, thank you for your payment made on June 1, 2007, in the amount of \$7,420.39. This reduces your balance due to \$26,418.16 as of June 1, 2007.

Please contact me upon your receipt of this correspondence so that we may memorialize a payment plan. As stated previously, I have been authorized to commence litigation to collect payment in full in the event that a payment plan is not memorialized.

**I WILL ASSUME THE AMOUNT STATED IN THIS COLLECTION LETTER IS
CORRECT UNLESS YOU ADVISE ME OTHERWISE WITHIN THIRTY (30) DAYS OF
THE DATE OF THIS LETTER, IN WHICH CASE, I WILL FORWARD A
VERIFICATION OF THE DEBT TO YOU.**



DILLON McCANDLESS KING COULTER & GRAHAM L.L.P.

Mr. Powell
Page 2
June 12, 2007

THIS LETTER IS PREPARED FOR THE PURPOSE OF ATTEMPTING TO COLLECT THIS DEBT AND YOUR IMMEDIATE ATTENTION SHOULD BE GIVEN TO THE PAYMENT OF THIS AMOUNT. ANY INFORMATION OBTAINED AS A RESULT OF YOUR RECEIPT OF THIS LETTER WILL BE USED IN COLLECTING THIS DEBT.

Thank you for your attention to this debt.

Very truly yours,

DILLON McCANDLESS KING
COULTER & GRAHAM, LLP



Andrea C. Parenti

ACP/mal

cc: Jeffrey C. Gankosky, Credit Department

F:\Users\MAL\AcplDuBrook\Robert Powell & Sons Concrete\powell ltr 06.12.07.wpd

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER			
Received from		DILLON McCANDLESS KING	
		COULTER & GRAHAM, LLP	
		128 West Cunningham Street	
		Butler, PA 16001	
One piece of ordinary mail addressed to:			
Mr. Robert Powell			
Robert Powell & Sons Concrete			
38 Treasure Lake			
DuBois, PA 15801			

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 2068 01 050 PB 8764621
 9112 MAILED FROM BUTLER PA JUN 12 07
 UNITED STATES POSTAL SERVICE
 16001

PS Form 3817, Mar. 1989 ACP—MAIL

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
04 JUN 2007	
OFFICIAL USE	
Postage	\$ 0.41
Certified Fee	\$ 2.65
Return Receipt Fee (Endorsement Required)	\$ 2.15
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 5.21
Sent to Mr. Robert Powell Robert Powell & Sons Concrete 38 Treasure Lake DuBois, PA 15801 Postmark Here 04 JUN 2007 USPS 06/12/2007	

PS Form 3800, June 2002 See Reverse for Instructions

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

FILED NO
mfp 23/6/1
4UG 23 2001
LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC., :
Plaintiff, :
vs : NO. _____
: :
ROBERT W. POWELL, d/b/a :
ROBERT POWELL & SONS :
CONCRETE and ROBERT W. :
POWELL, individually, :
: :
Defendants. :
:

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Enter my appearance for the Plaintiff, DuBrook, Inc., in the above-captioned proceedings.



Andrea C. Parenti, Esquire
Attorney for Plaintiff
DILLON McCANDLESS KING
COULTER & GRAHAM, LLP
128 West Cunningham Street
Butler, Pennsylvania 16001
(724) 283-2200

Dated: August 21, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DuBROOK, INC., :
Plaintiff, :
vs : NO. _____
:
ROBERT W. POWELL, d/b/a :
ROBERT POWELL & SONS :
CONCRETE and ROBERT W. :
POWELL, individually, :
:
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served, by regular United States Mail, a true and correct copy of the foregoing **PRAECIPE FOR APPEARANCE** upon:

**ROBERT W. POWELL
d/b/a ROBERT POWELL & SONS CONCRETE
38 TREASURE LAKE
DUBOIS, PA 15801**

**ROBERT W. POWELL
424 SOUTH CHURCH STREET
DUBOIS, PA 15801**

8-21-07

Date



Andrea C. Parenti, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103121
NO: 07-1359-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: DUBROOK, INC.

VS.

DEFENDANT: ROBERT W. POWELL d/b/a ROBERT POWELL & SONS CONCRETE and
ROBERT W. POWELL, ind.

SHERIFF RETURN

NOW, September 18, 2007 AT 10:30 AM SERVED THE WITHIN COMPLAINT ON ROBERT W. POWELL dba ROBERT POWELL & SONS CONCRETE DEFENDANT AT WORK: PARIS CLEANERS, JEFFERS ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DARLENE POWELL, WIFE/P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

FILED
01:40 pm
JAN 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103121
NO: 07-1359-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: DUBROOK, INC.

VS.

DEFENDANT: ROBERT W. POWELL d/b/a ROBERT POWELL & SONS CONCRETE and
ROBERT W. POWELL, ind.

SHERIFF RETURN

NOW, September 18, 2007 AT 10:30 AM SERVED THE WITHIN COMPLAINT ON ROBERT W. POWELL DEFENDANT AT WORK: PARIS CLEANERS, JEFFERS ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DARLENE POWELL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103121
NO: 07-1359-CD
SERVICES 2
COMPLAINT

PLAINTIFF: DUBROOK, INC.

vs.

DEFENDANT: ROBERT W. POWELL d/b/a ROBERT POWELL & SONS CONCRETE and
ROBERT W. POWELL, ind.

SHERIFF RETURN

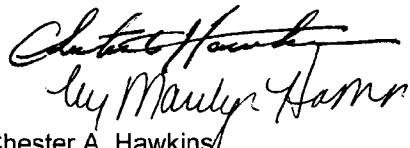
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	DILLON	42331	20.00
SHERIFF HAWKINS	DILLON	42331	80.00

Sworn to Before Me This

____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DUBROOK, INC.,

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 01359 CD 2007

v.

ROBERT W. POWELL and
ROBERT POWELL & SONS CONCRETE,
Defendants.

SUGGESTION OF BANKRUPTCY

Filed on Behalf of :
DEFENDANTS

FILED *cc
Aug 11 2009*
S AUG 10 2009 *Atty Wallisch*
William A. Shaw
Prothonotary/Clerk of Courts *G10*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DUBROOK, INC.,
Plaintiff,
V.

CIVIL ACTION - LAW
CASE NO: 01359 CD 2007

ROBERT W. POWELL and
ROBERT POWELL & SONS CONCRETE,
Defendants.

SUGGESTION OF BANKRUPTCY

AND NOW, comes the Defendant, Robert W. Powell d/b/a Robert Powell & Sons Concrete, by and through their attorney, Mark A. Wallisch, and respectfully represents and would show this Court:

1. The Defendant, Robert Powell, has filed a Chapter 7 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 09 - 70552 WWB.

2. Relief was ordered on May 1, 2009.

3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

4. On August 3, 2009, a Default Order was issued in the Debtor's Bankruptcy releasing the lien imposed by the Plaintiff's Judgment.

5. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant, Robert W. Powell d/b/a Robert Powell & Sons Concrete, suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date 8/10/2009



Mark A. Wallisch, Esquire
PA ID # 23658
379 Main Street
Brookville, PA 15825
814/849-6701

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ROBERT W. POWELL d/b/a
ROBERT POWELL & SONS,

DARLENE S. POWELL,
Debtors.

CASE NO. 09 - 70552 BM

ROBERT W. POWELL d/b/a
ROBERT POWELL & SONS,

CHAPTER 7

DARLENE S. POWELL,
Movants,

Doc. # 21

vs.

DUBROOK, INC.,
Respondent.

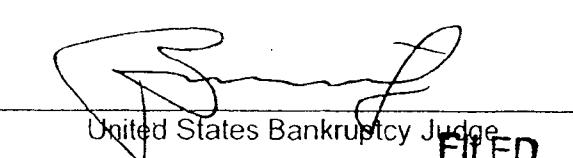
DEFAULT ORDER ON MOTION FOR AVOIDANCE
OF LIENS OR SECURITY INTERESTS

THIS 3rd day of August, 2009, upon default, no response objecting to
the Motion having been timely filed by an interested party, and upon Movant's
certification of service and certification of no objection, it is

ORDERED that the above-captioned Motion is granted and the property of the
Debtor, as described therein, shall be, and hereby is, released from the liens and/or
security interests as requested in the Motion.

Movant shall, within 5 days hereof, serve a copy of the within Order on parties in
interest and file a certificate of service.

BY THE COURT


United States Bankruptcy Judge

FILED

cc Joseph H. Ellermeyer, Esquire
379 Main Street
Brookville, PA 15825

AUG 3 2009

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DUBROOK, INC.,

CIVIL ACTION - LAW

Plaintiff,

v.

CASE NO: 01359 CD 2007

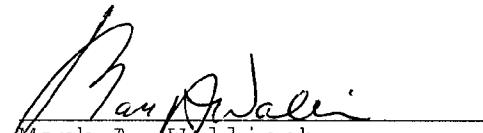
ROBERT W. POWELL and
ROBERT POWELL & SONS CONCRETE,
Defendants.

CERTIFICATE OF SERVICE

I, Mark A. Wallisch, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

Andrea Parenti, Esquire
128 W Cunningham Street
Butler, PA 16001

Dated: August 10, 2009



Mark A. Wallisch
Attorney at Law