



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DuBROOK, INC.,

Plaintiff,

vs.

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

Defendants.

No. 07-1359-CD

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  
m/11/23/07  
AUG 23 2007  
Att'y pd. 85.00  
acc Sheriff  
JSM

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.

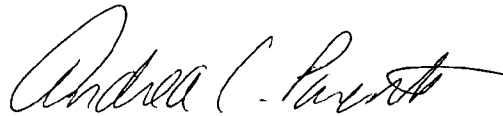
11. The terms for payment between the parties call for interest to accrue at the rate of one and five-tenths percent (1.5%) per month on the unpaid balance as well as the payment of attorney's fees and court costs.

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.

A handwritten signature in black ink, appearing to read "Andrea C. Parenti", is written over a horizontal line.

Andrea C. Parenti, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DuBROOK, INC.,

Plaintiff,

vs.

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

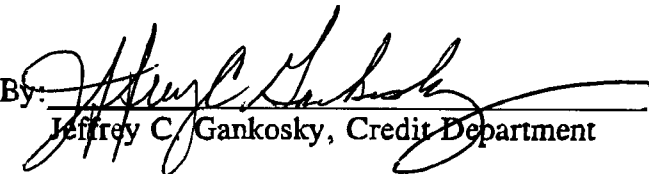
Defendants.

No. \_\_\_\_\_

**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





## APPLICATION FOR CREDIT

DuBrook

DuBROOK, INC.

P.O. BOX 68

BUTLER, PA 18003

BUTLER, PA  
PH: (724) 283-3111  
FAX: (724) 283-3377EVANS CITY, PA  
(724) 838-3111READY-MIXED CONCRETE  
BUILDING MATERIALS

"Service is Our Policy"

OFFICIAL & CORRECT NAME <u>ROBERT POWELL &amp; SONS CONCRETE CONSTR</u>		DATE <u>4-18-00</u>
PHYSICAL & MAILING ADDRESS <u>424 S. CHURCH ST.</u>		TELEPHONE <u>371-5832</u>
CITY <u>DUBOIS</u>	STATE <u>PA</u>	ZIP CODE <u>15801</u>
PROPRIETORSHIP <input checked="" type="checkbox"/>	PARTNERSHIP <input type="checkbox"/>	CORPORATION <input type="checkbox"/>
FEDERAL TAX NO. <u>138-58-3135</u>		TYPE OF BUSINESS <u>CONCRETE / CONST</u>
DATE AND STATE OF REGISTRATION, LICENSING OR INCORPORATION OF BUSINESS <u>PA 1999</u>		Years in business _____

## PRINCIPAL OWNERS OR STOCKHOLDERS:

NAME AND TITLE	HOME ADDRESS	SOCIAL SECURITY NO.
<u>ROBERT POWELL</u>	<u>424 S. CHURCH ST.</u>	<u>138583135</u>
<u>DARLENE POWELL Sec/Treas</u>	<u>SAME</u>	<u>193-48-8908</u>

Name and positions 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 DARLENEEstimated 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? NO If yes, attach tax exempt certificate.Is purchase order required? NO

Surety company used on jobs requiring bonds: \_\_\_\_\_

Having the authority on behalf of the applicant, I agree after the end of the month in which delivery was made, I agree until paid. That if the account is not paid when it becomes due, in addition, pay 25% attorneys fees and court costs, without prejudice. The foregoing information is true, T & M/DuBrook is authorized to make appropriate inquiry to verify credit and financial responsibility and has no obligation to provide credit to applicant.

EXHIBIT

A

applicant will pay any outstanding account balance within 30 days or will pay 1-1/2% per month interest on any past due balance. If account over to attorney for collection, applicant will, in whole, be responsible.

NAME

ROBERT POWELL

SIGNATURE

DATE

4-18-00

1/19/02  
up credit limit  
to \$10,000  
per Matt

## PERSONAL GUARANTY

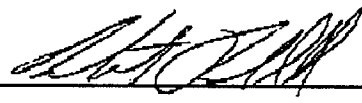
I, Robert W. Powell as Pres of Robert Powell + Sons

(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 guaranty 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?

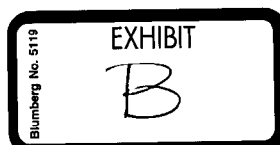
Yes \_\_\_\_\_ No \_\_\_\_\_

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
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

PO0002D 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 CHIROPRA TI
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.

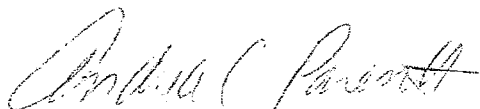
Mr. Powell  
Page 2  
June 12, 2007

**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**

A handwritten signature in cursive script, appearing to read "Andrea C. Parenti".

Andrea C. Parenti

ACP/mal

cc: Jeffrey C. Gankosky, Credit Department

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

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

195  
 2068  
 91112  
 01050  
 JUN 12 07  
 16001  
 PA 16001  
 UNITED STATES POSTAGE  
 16001

PS Form 3817, Mar. 1989 *ACP - MAL*

2002 500T 0900 2000 1851 523

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
DU-15801-PA-15801	
<b>OFFICIAL USE</b>	
Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>

Sent to: **Mr. Robert Powell**  
 Street or PO Box No.: **Robert Powell & Sons Concrete**  
 City, State, ZIP+4: **38 Treasure Lake  
DuBois, PA 15801**

PS Form 3800, June 2002  
 See Reverse for Instructions

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DuBROOK, INC.,

Plaintiff,

vs

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

Defendants.

NO. 07-1359-CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Plaintiff:

DuBrook, Inc.

Counsel of Record for said party:

Andrea C. Parenti, Esquire  
PA I.D. No. 80483  
DILLON McCANDLESS KING  
COULTER & GRAHAM, LLP  
128 West Cunningham Street  
Butler, Pennsylvania 16001  
(724) 283-2200

FILED NO cc  
mtp:2364  
AUG 23 2007  
US

William A. Shaw  
Prothonotary/Clerk of Courts

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

**DuBROOK, INC.,**

**Plaintiff,**

**vs**

**NO. \_\_\_\_\_**

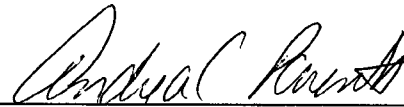
**ROBERT W. POWELL, d/b/a  
ROBERT POWELL & SONS  
CONCRETE and ROBERT W.  
POWELL, individually,**

**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**

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

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**NO.** \_\_\_\_\_

**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**  
01/11/40 cm  
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


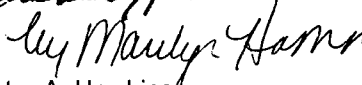
Description	Paid By	CHECK #	AMOUNT
SURCHARGE	DILLON	42331	20.00
SHERIFF HAWKINS	DILLON	42331	80.00

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

\_\_\_\_\_

So Answers,

  
by   
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.

SUGGESTION OF BANKRUPTCY

ROBERT W. POWELL and  
ROBERT POWELL & SONS CONCRETE,

Filed on Behalf of :

**DEFENDANTS**

Defendants.

**FILED**

*2cc*  
*01/11/2009*  
**AUG 10 2009**

*§* William A. Shaw  
Prothonotary/Clerk of Courts *gld*

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.

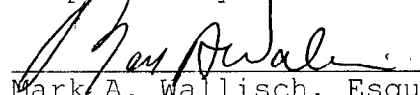
4. On August 3, 2009, a Default Order was issued in the Debtor's Bankruptcy releasing the lien imposed by the Plaintiff's Judgment.

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.

Date 8/10/2009

Respectfully submitted,

  
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.

\*\*\*\*\*

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

DARLENE S. POWELL,  
Movants,

vs.

DUBROOK, INC.,  
Respondent.

CASE NO. 09 - 70552 BM

CHAPTER 7

Doc. # 21

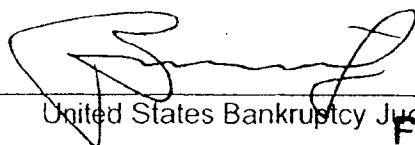
DEFAULT ORDER ON MOTION FOR AVOIDANCE  
OF LIENS OR SECURITY INTERESTS

THIS 3<sup>rd</sup> 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

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

FILED

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,

CASE NO: 01359 CD 2007

V.

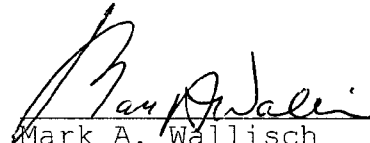
ROBERT W. POWELL and  
ROBERT POWELL & SONS CONCRETE,  
Defendants.

**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