

07-1494-CD

Est. F. Segalla vs Diana Uberti al

Frank C. Segallavv.Diana Uberti

Civil Other-COUNT

Date	Judge
9/12/2007	New Case Filed.
	No Judge
	X Filing: Civil Complaint Paid by: Guido, Anthony S. (attorney for Segalla, Frank C.) Receipt number: 1920638 Dated: 09/12/2007 Amount: \$85.00 (Check) 2CC shff and 1CC Atty.
	No Judge
10/16/2007	X Petition For Restraining Order, filed by s/ Anthony S. Guido, Esquire. 2CC Atty. Guido
	No Judge
10/17/2007	X Order, this 17th day of Oct., 2007, a hearing on the Petition for Restraining Order is scheduled for the 14th day of Nov., 2007 at 2:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Guido
	Fredric Joseph Ammerman
10/22/2007	X Answer and New Matter filed. By s/Toni M. Cherry, Esquire. 3CC to Atty.
	No Judge
10/26/2007	X Certificate of Service, filed. That on the 19th day of October 2007, a true and correct copy of the Order scheduling hearing on Petition for Restraining Order was sent certified mail to Diana Uberti, Donald Uberti and Toni M. Cherry Esq., filed by s/ Anthony S. Guido Esq. No CC.
	Fredric Joseph Ammerman
11/1/2007	X Reply to New Matter, filed by s/ Anthony S. Guido Esq. No CC.
	Fredric Joseph Ammerman
	Certificate of Service, filed. That on the 31st day of October 2007, a true and correct copy of the Reply to New Matter filed on behalf of the Plaintiff was served upon Toni M. Cherry Esq. by first class mail, filed by s/ Anthony S. Guido Esq. No CC.
	Fredric Joseph Ammerman
11/2/2007	X Motion For Judgment on the Pleadings, filed by s/ Anthony S. guid, Esquire. 1CC Atty. Guido
	Fredric Joseph Ammerman
	Certificate of Service, filed. That on the 1st day of November 2007, a true and correct copy of the Brief in Support of Motion for Judgment on the Pleading filed on behalf of the Plaintiff was served by first class mail on Toni M. Cherry Esq., filed by s/ Anthony S. Guido Esq. No CC.
	Fredric Joseph Ammerman
11/6/2007	X Order, the 5th day of Nov., 2007, upon consideration of the foregoing Motion, argument thereon is scheduled for the 14th day of Nov., 2007, at 2:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Guido
	Fredric Joseph Ammerman
11/8/2007	X Certificate of Service, filed. That on the 7th day of November 2007, an original Notice of Deposition, copy of which is attached hereto, was hand-delivered to Toni M. Cherry Esq., filed by s/ Anthony S. Guido Esq. NO CC.
	Fredric Joseph Ammerman
	X Certificate of Service, filed. That on the 7th day of November 2007, a true and correct copy of the Order of Court dated November 5, 2007, scheduling argument on the Motion for Judgment on the Pleadings was served upon Toni M. Cherry Esq., by hand-delivery, filed by s/ Anthony S. Guido Esq. NO CC.
	Fredric Joseph Ammerman
11/14/2007	X Certificate of Service, filed. That on the 13th day of November 2007, the original Notice of Deposition and subpeona hand-deliver to Charles Reynolds, filed by s/ Anthony S. Guido Esq. NO CC.
	Fredric Joseph Ammerman
11/16/2007	X Order, this 14th day of Nov., 2007, Diana Uberti is prohibited from transferring, alienating, removing encumbering or diminishing in any regard the monies in Blue Base Capital Management, LLC account. Donald Uberti is removed as a party defendant in this case. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: A. Guido, T. Cherry
	Fredric Joseph Ammerman

Frank C. Segallavv.Diana Uberti

Civil Other-COUNT

Date	Judge	
12/7/2007	<input checked="" type="checkbox"/> Order, this 6th day of Dec., 2007, in consideration of the Plaintiff's Motion for Judgment on the Pleadings and following argument on the same, the Court finds as follows: (see original). Motion for Judgment on the Pleadings is Dismissed. By the Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty: Guido, T. Cherry	Fredric Joseph Ammerman
12/13/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. That on the 11th day of December 2007, an original Supplemental Notice of Deposition, copy of which is attached hereto was served upon Toni M. Cherry Esq., by first class mail, filed by s/ Anthony S. Guido Esq. No CC. <input checked="" type="checkbox"/> Prerequisite to Service of Subpoena, filed by s/ Anthony S. Guido Esq. No CC. (S&T Bank) <input checked="" type="checkbox"/> Prerequisite to Service of Subpeona, filed by s/ Anthony G. Guido Esq. No CC. (CNB Bank) <input checked="" type="checkbox"/> Certificate of Service, filed. That on the 11th day of December 2007, the original Request for Production of Documents and Subpoena to Produce said documents by hand-deliver to S&T Bank and CNB Bank, filed by s/ Anthony S. Guido Esq. No CC.	Fredric Joseph Ammerman
1/25/2008	<input checked="" type="checkbox"/> Sheriff Return, September 18, 2007 at 12:01 pm Served the within Complaint on Diana Uberti by handing to Diana Uberti. September 18, 2007 at 12:01 pm Served the within Complaint on Donald Uberti by handing to Diana Uberti. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Hanak \$59.93	Fredric Joseph Ammerman
4/7/2008	<input checked="" type="checkbox"/> Praeclipe for discontinuance, filed. Please mark the above case settled, discontinued and ended, filed by s/ Anthony S. Guido Esq. 1cert of disc issued to Atty Guido and copy to C/A.	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

:
: No. 07-1494- CD

:
: vs.

:
: DIANA UBERTI and
: DONALD UBERTI, her husband
: Defendants

:
: Type of pleading:
: COMPLAINT

:
: Filed on behalf of:
: Plaintiff

:
: Counsel of Record for This
: Party:

:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801

:
: 814-371-7768

Dated: 9-11-07

FILED 2CC Sheriff
M/11/14/07
SEP 12 2007 1CC Atty
W.M. Atty pd.
William A. Shaw
Prothonotary/Clerk of Courts \$5.00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. _____ CD
vs. :
:
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

NOTICE

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 defense 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814)765-2641, Ext 5982

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. _____ CD
vs. :
:
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

COMPLAINT

AND NOW, comes the Plaintiff, Angelo Segalla and Joseph Morelli, Co-Executors of the Estate of Frank C. Segalla, deceased, late of Huston Township, Clearfield County, Pennsylvania, and files this Complaint against the Defendants on the cause of action whereof the following is a statement:

COUNT ONE
FRANK C. SEGALLA ESTATE v. DIANA UBERTI

1. The decedent, Frank C. Segalla, died on June 6, 2007, and pursuant to the terms of his Last Will and Testament duly probated in the Office of the Register of Wills of the Court of Common Please of Clearfield County, Pennsylvania, Angelo Segalla and Joseph Morelli were appointed Co-Executors of the Estate of Frank C. Segalla.

2. Diana Uberti and her husband, Donald Uberti, are individuals who reside at 15519 Bennetts Valley Highway, Penfield, Pennsylvania, 15849.

3. The said Frank C. Segalla and his wife, Margaret Segalla, resided at 538 Hoovertown Road, Penfield, Pennsylvania, 15849.

4. The said Margaret Segalla died on May 7, 2007, and as a result, Frank C. Segalla was her sole heir at law, the parties were not survived by children or other issue.

5. In May, 2006, the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Frank C. Segalla, giving her power of attorney over his financial affairs. An unsigned copy of said power of attorney from Frank C. Segalla to Diana Uberti is attached hereto and marked Exhibit "A".

6. In May, 2006, Margaret Segalla, wife of the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Margaret Segalla, giving her power of attorney over her financial affairs. An unsigned copy of said power of attorney from Margaret Segalla to Diana Uberti is attached hereto and marked Exhibit "B".

7. The Estate of Frank C. Segalla has demanded an accounting from Diana Uberti of all the income and disbursements that Defendant, Diana Uberti, made as attorney-in-fact for both Frank C. Segalla and Margaret Segalla.

8. To date, the Defendant, Diana Uberti, has refused to supply said accounting.

WHEREFORE, Plaintiff respectfully requests that:

(a) Defendant, Diana Uberti, be ordered to account to the Plaintiff for all income and expenses that she handled as power of attorney for Frank C. Segalla or Margaret Segalla during their lifetimes pursuant to said powers of attorney, and

(b) such other relief as the Court deems just and proper.

COUNT TWO

FRANK C. SEGALLA ESTATE v. DIANA UBERTI and DONALD UBERTI

9. Plaintiff incorporates by reference the allegations of the first court, paragraphs 1 through 8, inclusive, as though fully set forth herein.

10. As a result of the powers of attorney, there was a confidential relationship between Defendant, Diana Uberti, and the decedent and his late wife, Margaret Segalla, and as a result, Defendant, Diana Uberti had a fiduciary duty to said decedent and his late wife, Margaret.

11. During their lifetime, to the knowledge of the Plaintiff, the decedents, Frank C. Segalla and Margaret Segalla, had two joint checking accounts; one with CNB Bank, Account No. 1477223, and the other with S&T Bank, Account No. 263169. As stated previously, the

said Margaret Segalla died on May 7, 2007, and as a result, Frank C. Segalla, as surviving co-tenant, became the sole owner of said checking accounts.

12. On or about April 11, 2007, Defendant, Diana Uberti, as attorney in fact for Frank and Margaret Segalla cashed in Certificates of Deposit with S&T Bank in the total sum of \$87,104.84. Copies of said withdrawals are attached hereto and marked composite Exhibit "C".

13. Defendant, Diana Uberti, then deposited said proceeds from the Certificates of Deposit in the said checking account of Frank and Margaret Segalla with S&T Bank.

14. On April 12, 2007, the said Diana Uberti, as attorney-in-fact for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$87,104.84 (check no. 1949) (being the proceeds from said Certificates of Deposit) drawn on the checking account with S&T Bank. Copy of said check is attached hereto and marked Exhibit "D".

15. On or about April 12, 2007, Defendant, Diana Uberti, as attorney in fact for Frank Segalla cashed in Certificates of Deposit with CNB Bank in the total sum of \$104,536.82. Copies of said withdrawals are attached hereto and marked Exhibit "E".

16. On April 12, 2007, the said Diana Uberti, as power of attorney for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$104,536.82 (check no. 0173) (being the proceeds from said

Certificates of Deposit) drawn on the checking account with CNB Bank.

Copy of said check is attached hereto and marked Exhibit "F".

17. On May 2, 2007, Defendant, Diana Uberti, issued a check to Margaret Segalla in the sum of \$1,500, being check no. 0174 drawn on the joint checking account of said Frank and Margaret Segalla with CNB Bank and then cashed said check using her power of attorney. Copy of said check and endorsement thereof is attached hereto and marked Exhibit "G".

18. On May 2, 2007, said Margaret Segalla was comatose and near death.

19. On June 6, 2007, Defendant, Diana Uberti, issued a check to Cash, being check no. 0180 drawn on the checking account of Frank and Margaret Segalla with CNB Bank and cashed said check using her power of attorney. Copy of said check and endorsement thereof is attached hereto and marked Exhibit "H". At the time, said check was drawn, Defendant, Diana Uberti, knew that Frank Segalla had died early that morning.

20. The said powers of attorney, the unsigned copies of which are attached hereto, do not authorize Diana Uberti to issue checks to herself or make gifts to herself in any amount.

21. The Plaintiff Executors believe and therefore aver that the proceeds from said checks were deposited in the joint bank account of Diana Uberti and Donald Uberti, her husband.

22. The said Diana Uberti and/or Donald Uberti did not have title to the proceeds of said checks due to the fact that said checks are unauthorized and not issued pursuant to any powers granted in said powers of attorney.

23. On information and belief that Diana Uberti is contending that said checks in the sum of \$87,104.84 and \$104,536.82 were drawn pursuant to a gift made by decedent's wife, Margaret Segalla, to Defendant, Diana Uberti.

24. At the time said checks were issued, said Margaret Segalla was of weakened mind and body and if such donative intent was expressed, it was the result of undue influence on the part of Defendant, Diana Uberti.

25. A gift requires two elements: donative intent and delivery. It is self evident that effective delivery did not occur since the delivery had been effected by Defendant, Diana Uberti, as attorney-in-fact issued said checks to herself which was not authorized under the terms and conditions of said powers of attorney.

26. It is also believed and therefore averred that neither Diana Uberti nor anyone else consulted with Frank Segalla concerning said alleged gifts.

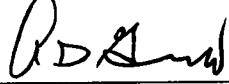
27. Under Pennsylvania law, it is not a proper disposition of a joint account by husband and wife to make distributions therefrom

except for the personal use of the owners thereof, in this case, Frank and Margaret Segalla.

WHEREFORE, Plaintiff demands that your Honorable Court issue an Order to:

- (a) compelling Diana Uberti and her husband, Donald Uberti, to re-deliver the proceeds of said checks to the Estate of Frank C. Segalla together with interest and costs of suit and/or
- (b) enter judgment against Defendants, Diana Uberti and Donald Uberti, for the total amount of said checks; and
- (c) grant whatever relief the Court deems reasonable and just.

HANAK, GUIDO & TALADAY

By 
Attorney for Plaintiff

VERIFICATION

I, ANGELO SEGALLA, Co-Executor of the Estate of Frank C. Segalla, hereby state that I am the Plaintiff in this action and that the statements of fact made in the foregoing COMPLAINT are true and correct to the best of my information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to the authorities.

9-6-07
Date

Angelo Segalla
Angelo Segalla

DURABLE POWER OF ATTORNEY

Frank Segalla, Principal
Diana D. Ubert, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: _____

Frank Segalla (principal)

DURABLE POWER OF ATTORNEY

I, FRANK SEGALLA, an individual, of 538 Hoovertown Road, Penfield, Clearfield County, Pennsylvania, do hereby appoint DIANA D. UBERTI, of 15519 Bennetts Valley Highway, Penfield, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing

the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this _____ day of May, 2006.

Frank Segalla (SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ON THIS, the ____ day of May, 2006, before me the undersigned officer, personally appeared FRANK SEGALLA, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

ACKNOWLEDGMENT

I, DIANA D. UBERTI, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: _____

(SEAL)

Diana D. Uberti (Agent)

DURABLE POWER OF ATTORNEY

Margaret Segalla, Principal
Diana D. Ubert, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: _____

Margaret Segalla (principal)

DURABLE POWER OF ATTORNEY

I, MARGARET SEGALLA, an individual, of 538 Hoovertown Road, Penfield, Clearfield County, Pennsylvania, do hereby appoint DIANA D. UBERTI, of 15519 Bennetts Valley Highway, Penfield, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing

the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this _____ day of May, 2006.

Margaret Segalla (SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ON THIS, the ____ day of May, 2006, before me the undersigned officer, personally appeared MARGARET SEGALLA, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal.

Notary Public

ACKNOWLEDGMENT

I, DIANA D. UBERTI, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: _____ (SEAL)
Diana D. Uberti (Agent)

Tracer: 14044134 - Amt: \$20,842.16 - 06/26/2007

Page

TIME DEPOSIT DEBIT				
<input checked="" type="checkbox"/> COMPLETE WITHDRAWAL	2023004324	000000002		
<input type="checkbox"/> PARTIAL WITHDRAWAL				
Frank C Scialla	00734	0000023	10,000.00	
Customer Name	Initials/Teller#/Branch		Amount Withdrawn	
Margaret Scialla	04/11/2007		8.15	
Customer Name	Date (MM/DD/CCYY)		Plus Accrued Interest	RA Code
S38 Hoovertown Rd			93.00	
Customer Name			Less Penalty	
Credit: Account #/Check #			00	
Customer's Signature			Less Federal Withholding	
Special Wording:			=\$9,915.15	Net Proceeds

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

20933068554 S A T BANK 1-000-325-2245
POD 248169
20070911 0102021747 0010 037 00

Exhibit (6 cases)

S&T BANK
P.O. BOX 190
INDIANA PA 15701
FOR ASSISTANCE CALL: (800) 325-2265

PAYER'S FEDERAL IDENTIFICATION NUMBER 25-0776600 PAGE 1

THIS IS IMPORTANT TAX INFORMATION AND IS BEING FURNISHED TO THE INTERNAL REVENUE SERVICE. IF YOU ARE REQUIRED TO FILE A RETURN, A NEGLIGENCE PENALTY OR OTHER SANCTION MAY BE IMPOSED ON YOU IF THIS INCOME IS TAXABLE AND THE IRS DETERMINES THAT IT HAS NOT BEEN REPORTED.

FRANK C SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

2006 FORM 1099-INT: INTEREST INCOME				
Account Type	Account Number	Deposit ID	IRS Description	Amount
NOW Account	00000263169 00001		Interest income	6.07
CD/Time Deposit	02023002373 00002	0000000002	Interest income	1
CD/Time Deposit	02023004324 00003	0000000003	Interest income	928.20
CD/Time Deposit	02023004477 00004	0000000004	Interest income	292.85
CD/Time Deposit	02023004477 00005	0000000005	Interest income	223.82
CD/Time Deposit	05000163179 00006	0000000006	Interest income	144.68
TOTALS:				1,182.69
			Interest income	2,778.31
			Early withdrawal penalty	0.00
			Interest on U.S. Savings Bonds and Treasury obligations	0.00
			Federal income tax withheld	0.00
			Investment expenses	0.00
			Foreign tax paid	0.00
			Tax-exempt interest	0.00
			Specified private activity bond interest	0.00
				0.00

20093306855 263169 T BANK 1-800-325-2265
20070911 013021749 0010 037 00

4311 46
4307 33 04
1001 11
2007 33 04
4307 33 04
0911 23 20

Tracer: 13021749 - Amt: \$39,648.37 - 04/11/2007

TIME DEPOSIT DEBIT			
<input checked="" type="checkbox"/> COMPLETE WITHDRAWAL	2023004477	000000001	
<input type="checkbox"/> PARTIAL WITHDRAWAL			
Frank C Segalla	00734	0000023	7,699.68
Customer Name	Initials/Teller#/Branch		Amount Withdrawn
Margret Segalla	04/11/2007		103.58
Customer Name	Date (MM/DD/CCYY)		Plus Accrued Interest
538 Hoovertown Rd			RA Code
Customer Name			
Credit: Account #/Check #			71.61
Less Penalty			
00			
Less Federal Withholding			
=\$7,731.65			
Net Proceeds			
Customer(s) Signature	<u>Leona Alberta Post</u>		
Special Wording:			

Tracer: 13021750 - Amt: \$7,731.65 - 04/11/2007

10 993386855 5 T BANK 1-999-325-2265
10 993167 9931621750 0010 037 00

11 07 1984

Tracer: 13021750 - Amt: \$7,731.65 - 04/11/2007

TIME DEPOSIT DEBIT

COMPLETE WITHDRAWAL
 PARTIAL WITHDRAWAL

2023002373

000000002

Frank C Segalla
Customer Name
Margaret Segalla
Customer Name
538 Hoovertown Rd
Customer Name

00734	0000023	<u>30,000.00</u>	
Initials/Teller##/Branch		Amount Withdrawn	
04/11/2007		<u>88.67</u>	
Date (MM/DD/CCYY)		Plus Accrued Interest	RA Code
		<u>279.00</u>	
		Less Penalty	
		<u>.00</u>	
		Less Federal Withholding	
			<u>= \$ 29,809.67</u>

Credit: Account #/Check #

Customer's Signature

Special Wording:

000000000 210 1536809701 20230023730 00029809671

Tracer: 13021748 - Amt: \$29,809.67 - 04/11/2007

29933068554 5 ^ T BANIK 1-000-325-2265
86670411 613621748 0010 037 00

APR 11 1977
P-043-303-6554

Tracer: 13021748 - Amt: \$29,809.67 - 04/11/2007

TIME DEPOSIT DEBIT						
<input checked="" type="checkbox"/> COMPLETE WITHDRAWAL <input type="checkbox"/> PARTIAL WITHDRAWAL		2023004324	000000002			
<u>Frank C Segalla</u> Customer Name <u>Margaret Segalla</u> Customer Name <u>538 Hoovertown Rd</u> Customer Name		<u>00734</u> <u>0000023</u> Initials/Teller#/Branch <u>04/11/2007</u> Date (MM/DD/CCYY)	<u>10,000.00</u> Amount Withdrawn <u>8.15</u> Plus Accrued Interest	<u>93.00</u> Less Penalty <u>00</u> Less Federal Withholding	<u>RA Code</u> <u> </u> <u> </u> <u> </u>	
Credit: Account #/Check # <u> </u>		<u>=\$ 9,915.15</u> <u>Net Proceeds</u>				
Customer(s) Signature <u>Alma Alberta Post</u>						
Special Wording: <u> </u>						
		00000000 210 15368 09701	20230043 240	000009915151		

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

NY 99 3306855 E 4 S * T BANK 1-800-325-2265
88870911 813861797 0010 037 00

40432366554
40432366554
40432366554
40432366554

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

**FRANK C. SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD. PH. 814-637-5268
PENFIELD, PA 15849-6213**

60-635 21
433
0000263169

1949

DATE July 2007

PAY TO
THE ORDER OF

Eighty seven thousand one hundred and ~~forty~~ ^{and 00/00} DOLLARS

Frank Segaller
Alissa Helene ABB ^{NP}

1043306855 0000263169 1949 0008710484

Tracer: 14044270 - Amt: \$87,104.84 - 04/13/2007

1307

1498
23701

Alman Alman

~~for the Department of Agriculture~~

Tracer: 14044270 - Amt: \$87,104.84 - *Exhibit D* 04/13/2007



NAME <u>Frank Segalla</u>	<input checked="" type="checkbox"/> CASH
ACCT. NO. <u>1477223</u>	<input type="checkbox"/>
DATE <u>4-12-07</u>	<input type="checkbox"/> CASH DEPOSITS
DEBIT CARD TRANSACTIONS	
<input type="checkbox"/> CREDIT CARD TRANSACTIONS	
<input type="checkbox"/> CREDIT CARD BALANCE	
<input type="checkbox"/> CREDIT CARD BALANCE DISPLAY	
<input type="checkbox"/> CREDIT CARD BALANCE DISPLAY RECORD	
<input type="checkbox"/> LESS CASH RECORDS	
\$ 104536.82	
DISBURSEMENT	600
DISBURSEMENT	40313062780

04/12/2007 \$104,536.82
19810010698958

DEMI		INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE	
NAME	Frank Segalla	DATE	4-13-07
NAME		ACCOUNT NUMBER	177363
NAME		OFFICER'S INITIALS	fly
1477223	Depositor of Funds	7.68	
		35.500.00	
X <i>Alma Muriel Boa</i>	Printed Name	46.11	
	Printed Name	45.461.57	
	Stamp Withdrawal		
65016-00014		403722311350*	

04/12/2007 1037 \$25,461.57
19810010698959

DEBIT	INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE		
NAME: <u>Frank Segalla</u>	DATE: <u>4-13-07</u>	ACCOUNT NUMBER: <u>186962</u>	 Signature of depositor <small>Frank Segalla</small>
NAME: <u>1477223</u>	OFFICER'S INITIALS: <u>llj</u>	<u>0</u> = <u>16.86</u>	
Depositor of: <u>Frank Segalla</u>		<u>\$</u> <u>5035.45</u>	
<u>X</u> <u>Devin Ubedi Post</u>	Family Type: LI Household LI Other LI Child	<u>\$</u> <u>9.20</u>	
Power of Attorney Signature: <u>Devin Ubedi Post</u>		<u>\$</u> <u>5843.11</u>	
		Interest Withdrawn	

04/12/2007 1037 \$5,093.11
19810010698960

DEBTR		INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE		
NAME	Frank Segalla	DATE	4-12-07	ACCOUNT NUMBER
NAME	OFFICER'S INITIALS		177202	
1477202	6		51.97	
Depositor of Funds	5		37,000.00	
X <i>Frank Segalla</i>	6		66.90	
Agent Signature	7		36,991.07	
Printed Name, Social Security Number, and Date of Birth				

04/12/2007 1037 \$36,991.07
19810010698961

DEBTOR		INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE	
NAME <u>Frank Gogala</u>		DATE <u>4-12-07</u>	ACCOUNT NUMBER <u>177203</u>
NAME <u>1477223</u>		OFFICER'S INITIALS <u>bj</u>	<u>5,797</u> Interest <u>37,000.00</u> Principal <u>66.99</u> Penalty <u>36,491.07</u> Total Collected
Deposition of Cash		Party Type C1 Month C2 Month C3 Month	
<u>X Diana Gogala Pba</u> Power of Attorney			

04/12/2007 1037 \$36,991.07
19810010698962

Current Date: June 22, 2007

Account Number: 1477223
Posted Date: April 13, 2007
Amount: \$104,536.82

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

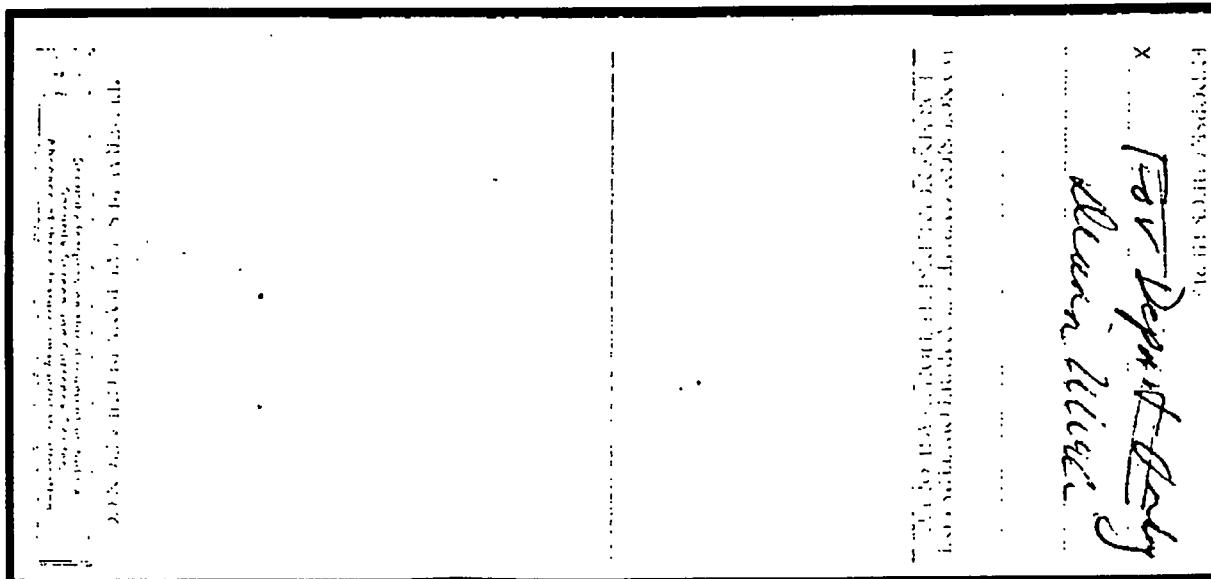
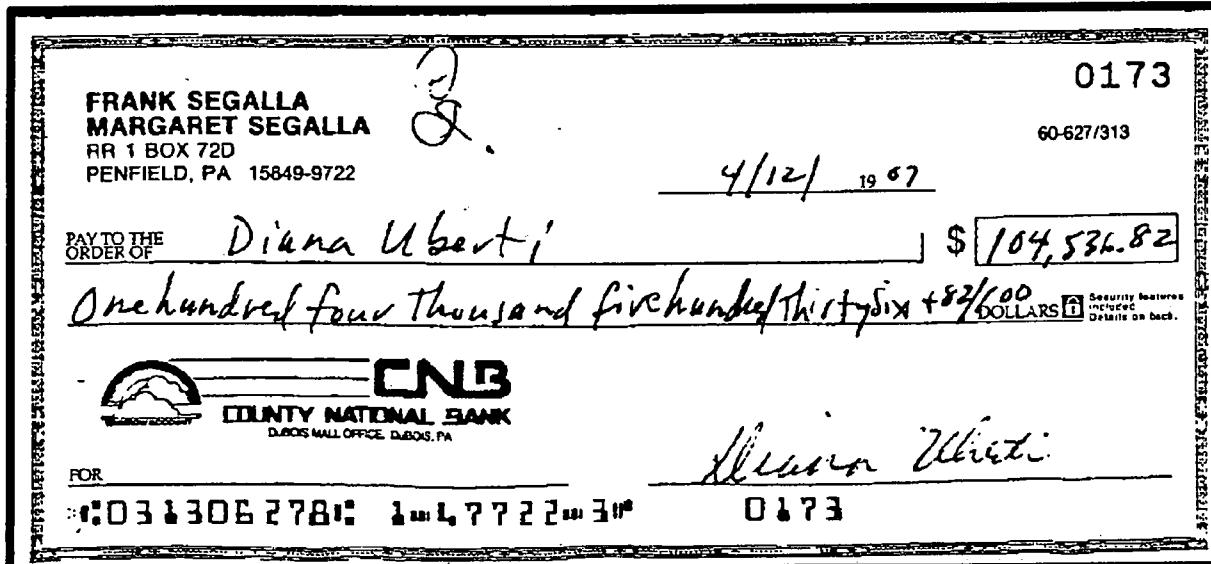


Exhibit F

Account Number: 1477223
Posted Date: May 07, 2007
Amount: \$1,500.00

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

This is a **LEGAL COPY** of
your check. You can use it
the same way you would
use the original check.

FRANK SEGALLA	0174
MARGARET SEGALLA	60-27313
RR 1 BOX 720	
PENFIELD, PA 15849-9722	
52-07	
PAYMENT MARGARET SEGALLA \$ 150.00 One thousand five hundred dollars	
 CNB COUNTY NATIONAL BANK <small>PERSONAL & BUSINESS</small>	
00410000143 05/04/2007 00318568720	Debit 0174 70000005000000 <i>Debit Authorization</i>

4:03:130627810 1-47722-3#D174 10000 150000.0

1311747682
0410-COCKLE568770
050420070410-0001-4
EXT=350505G420205 PK=02
ENT=4386 TRC=4390 PK=02

0610146775
05072007
031000040 FRB-PH1A
ENT=0777 TRC=0777 PK=15

002 0421126 503071063 \$1500.0000

041000014 05/04/2007
0318568770
041000014 05/04/2007
6317004699
031000040* 05/04/2007
6312524361
031000040 05/04/2007
6413329464

↓ Do not endorse or write below this line. ↓

Exhibit 6

Current Date: July 18, 2007

Account Number: 1477223
Posted Date: June 07, 2007
Amount: \$1,000.00

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

031000040
06/07/2007
6615208367

This is a **LEGAL COPY** of
your check. You can use it
the same way you would
use the original check.

4:03 1306 2786 1-47722-3#D180 00000 1000000000

Oliver Blum
2019

↓ Do not endorse or write below this line. ↓

041000014 06/07/2007
041000014 06/07/2007
621848437
#031000040*06/07/2007
6615206367

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

No. 07-1494-CD

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

Type of pleading:
PETITION

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 10-15-07

FILED *cc*
10/16/2007 Atty Guido
OCT 16 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.	:	
SEGALLA, deceased	:	
Plaintiff	:	
	:	No. 07-1494-CD
vs.	:	
	:	
DIANA UBERTI and	:	
DONALD UBERTI, her husband	:	
Defendants	:	

PETITION FOR RESTRAINING ORDER

AND NOW, comes the Plaintiff, the Estate of Frank C. Segalla, deceased, by its attorneys, Hanak, Guido & Taladay, and files this Petition for Restraining Order in the above entitled action as follows:

1. The decedent, Frank C. Segalla, died on June 6, 2007, and pursuant to the terms of his Last Will and Testament duly probated in the Office of the Register of Wills of the Court of Common Please of Clearfield County, Pennsylvania, Angelo Segalla and Joseph Morelli were appointed Co-Executors of the Estate of Frank C. Segalla.
2. Diana Uberti and her husband, Donald Uberti, are individuals who reside at 15519 Bennetts Valley Highway, Penfield, Pennsylvania, 15849.
3. The said Frank C. Segalla and his wife, Margaret Segalla, resided at 538 Hoovertown Road, Penfield, Pennsylvania, 15849.

4. The said Margaret Segalla died on May 7, 2007, and as a result, Frank C. Segalla was her sole heir at law, the parties were not survived by children or other issue.

5. In May, 2006, the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Frank C. Segalla, giving her power of attorney over his financial affairs. An unsigned copy of the subject power of attorney from Frank C. Segalla to Diana Uberti is attached as Exhibit "A" to the Complaint filed in this case.

6. In May, 2006, Margaret Segalla, wife of the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Margaret Segalla, giving her power of attorney over her financial affairs. An unsigned copy of the subject power of attorney from Margaret Segalla to Diana Uberti is attached as Exhibit "B" to the Complaint filed in this case.

7. On or about April 11, 2007, Defendant, Diana Uberti, as attorney in fact for Frank and Margaret Segalla cashed in Certificates of Deposit with S&T Bank in the total sum of \$87,104.84. Copies of said withdrawals are attached as composite Exhibit "C" to the Complaint filed in this case.

8. Defendant, Diana Uberti, then deposited said proceeds from the Certificates of Deposit in the said checking account of Frank and Margaret Segalla with S&T Bank.

9. On April 12, 2007, the said Diana Uberti, as attorney-in-fact for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$87,104.84 (check no. 1949) (being the proceeds from sasid Certificates of Deposit) drawn on the checking account with S&T Bank. Copy of said check is attached as Exhibit "D" to the Complaint filed in this case.

10. On or about April 12, 2007, Defendant, Diana Uberti, as attorney in fact for Frank Segalla cashed in Certificates of Deposit with CNB Bank in the total sum of \$104,536.82. Copies of said withdrawals are attached as Exhibit "E" to the Complaint filed in this case.

11. On April 12, 2007, the said Diana Uberti, as power of attorney for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$104,536.82 (check no. 0173) (being the proceeds from said Certificates of Deposit) drawn on the checking account with CNB Bank. Copy of said check is attached as Exhibit "F" to the Complaint filed in this case.

12. On May 2, 2007, Defendant, Diana Uberti, issued a check to Margaret Segalla in the sum of \$1,500, being check no. 0174 drawn on the joint checking account of said Frank and Margaret Segalla with CNB Bank and then cashed said check using her power of attorney. Copy of said check and endorsement thereof are attached as Exhibit "G" to the Complaint filed in this case.

13. On June 6, 2007, Defendant, Diana Uberti, issued a check to Cash, being check no. 0180 drawn on the checking account of Frank and Margaret Segalla with CNB Bank and cashed said check using her power of attorney. Copy of said check and endorsement thereof is attached as Exhibit "H" to the Complaint filed in this case. At the time, said check was drawn, Defendant, Diana Uberti, knew that Frank Segalla had died early that morning.

14. The said powers of attorney, the unsigned copies of which are attached to the Complaint filed in this case, do not authorize Diana Uberti to issue checks to herself or make gifts to herself in any amount.

15. The Plaintiff Executors believe and therefore aver that the proceeds from said checks were deposited in the joint bank account of Diana Uberti and Donald Uberti, her husband.

16. The said Diana Uberti and/or Donald Uberti did not have title to the proceeds of said checks due to the fact that said checks are unauthorized and not issued pursuant to any powers granted in said powers of attorney and, as a consequence, the proceeds of said checks remain the property of the Estate of Frank C. Segalla.

17. As stated above, except for Defendant's improper use of the power of attorney and the funds which are the subject hereof, the Plaintiff would be entitled to possession of said funds.

WHEREFORE, Plaintiff requests that the Court enter an Order as follows:

- (a) enjoin the Defendants from spending or utilizing any part of the proceeds of said checks on deposit with the Defendants' bank or elsewhere.
- (b) direct Defendants to pay over to the Court the proceeds of said checks pending the resolution of these legal proceedings; and
- (c) grant such other further relief as this Court may deem appropriate.

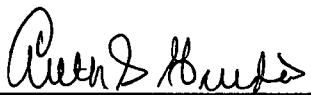
HANAK, GUIDO & TALADAY

By 
Attorney for Plaintiff

VERIFICATION

I, Anthony S. Guido, hereby verify that the statements contained in the foregoing PETITION FOR RESTRAINING ORDER are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiff because of my position as counsel of record.

October 12, 2007


Anthony S. Guido
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

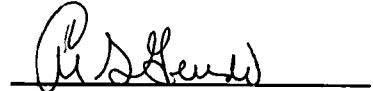
ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
vs. :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants

CERTIFICATE OF SERVICE

I certify that on the 15th day of October, 2007, a true and correct copy of the Petition for Restraining Order was sent via first class mail, postage prepaid, to the following:

DIANA UBERTI and
DONALD UBERTI, her husband
15519 Bennetts Valley Highway
Penfield, PA 15849

Toni M. Cherry, Esq.
Gleason, Cherry & Cherry, LLP
PO Box 505
DuBois, PA 15801



Anthony S. Guido, Esq.
Attorney for Plaintiff

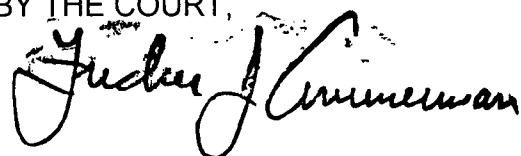
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ESTATE OF FRANK C. SEGALLA, deceased *
Plaintiff *
vs. * NO. 07-1494-CD
DIANA UBERTI and DONALD UBERTI,
her husband, *
Defendants *

ORDER

NOW, this 17th day of October, 2007, the Court being in receipt of the Petition for Restraining Order filed by Anthony S. Guido, Esquire, it is the ORDER of this Court that a hearing on said Petition be and is hereby scheduled for the 14th day of November, 2007 at 2:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 3CC
01235741 OCT 17 2007 Atty Guido
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 22 2007

M 8:45 (W)
William A. Shaw
Prothonotary/Clerk of Courts

(GK)

3 Cents to Mail

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C.
SEGALLA, deceased,

vs.

DIANA UBERTI and
DONALD UBERTI, her husband,

Defendants

Plaintiffs : No. 07 - 1494 C.D.
: Type of Case: CIVIL
: Type of Pleading: ANSWER AND NEW
: MATTER
: Filed on Behalf of: DIANA UBERTI and
: DONALD UBERTI, her husband, Defendants
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C.	:
SEGALLA, deceased,	:
Plaintiff	:
	:
	:
vs.	:
	:
	:
DIANA UBERTI and	:
DONALD UBERTI, her husband,	:
Defendants	:

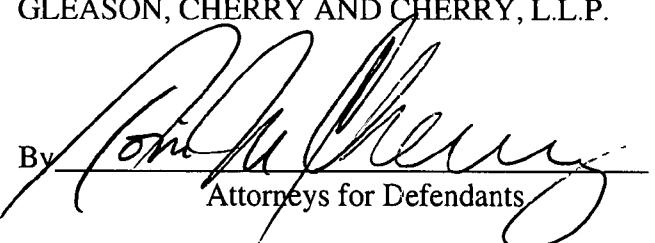
NOTICE TO PLEAD

To The Within Plaintiff:

YOU ARE HEREBY NOTIFIED TO
PLEAD TO THE WITHIN NEW MATTER
WITHIN TWENTY (20) DAYS FROM THE
DATE OF SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C. :
SEGALLA, deceased, :
Plaintiff :
vs. : No. 07 - 1494 C.D.
DIANA UBERTI and :
DONALD UBERTI, her husband, :
Defendants :

ANSWER

AND NOW, come the Defendants, DIANA UBERTI and DONALD UBERTI, her husband, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and answer the Complaint filed by Plaintiff as follows:

COUNT ONE
FRANK C. SEGALLA ESTATE v. DIANA UBERTI

1. ADMITTED.
 2. ADMITTED.
 3. ADMITTED.
 4. ADMITTED.
 5. DENIED as stated. On May 27, 2006, the decedent, Frank C. Segalla, executed a Durable Power of Attorney naming Diana Uberti as his agent to manage all of his property and affairs as he might do if personally present.

6. DENIED as stated. By Durable Power of Attorney dated May 27, 2006, the decedent, Margaret Segalla, named Diana Uberti as her agent to manage all of her property and affairs as she might do if personally present.

7. ADMITTED.

8. DENIED. On the contrary, Defendant, Diana Uberti, provided the Estate of Frank C. Segalla with the checkbook and all other documents evidencing the expenditures made on behalf of the said Frank C. Segalla and Margaret Segalla during their lifetime that was in her possession by handing the same to the Co-Executor, Joseph Morelli. While it is true that Diana Uberti could not account for all monies and property of Frank C. Segalla and Margaret Segalla that came into the possession of the Co-Executor, Angelo Segalla, during the lifetime of Frank C. Segalla and Margaret Segalla, she fully accounted for the monies that she spent on their behalf.

WHEREFORE, Diana Uberti respectfully requests that Count One of Plaintiff's Complaint be dismissed.

COUNT TWO
FRANK C. SEGALLA ESTATE v. DIANA UBERTI and DONALD UBERTI

9. Defendants incorporate herein by reference the averments contained in Paragraphs 1 through 8 inclusive of this Answer as if the same were set forth at length herein.

10. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Defendant, Diana Uberti, abused any fiduciary duty she may have had to either the decedent, Frank C. Segalla, or to his late wife, Margaret. On the

contrary, at all times after she was named as agent for the said Frank Segalla and Margaret Segalla, Diana Uberti acted at the express direction of and/or with the express consent of Frank C. Segalla and Margaret Segalla for the purposes that they made known to her.

11. DENIED as stated. During the lifetime of the late Frank C. Segalla and Margaret Segalla, they had maintained a joint checking account with CNB Bank and a joint checking account with S&T Bank, over which either party had complete control during their respective lifetimes. At the death of Margaret Segalla, Frank C. Segalla became the sole owner of only those monies that remained in those accounts at the death of Margaret Segalla.

12. DENIED as stated. On or about April 11, 2007, at the express direction of Margaret Segalla and with the consent of Frank C. Segalla, and after Margaret Segalla had consulted with her own financial advisor and had been advised of the consequences of the actions she intended to take, Diana Uberti did carry out the express wishes of Margaret Segalla to remove the money represented by the Certificates of Deposit with S&T Bank. In order for such action to be taken, Margaret Segalla did issue a letter to S&T Bank confirming that said Certificates were to be cashed. A true and correct copy of said letter authorizing the action to be taken is attached hereto and made a part hereof as Defendants' Exhibit "1".

13. ADMITTED.

14. DENIED as stated. On or about April 12, 2007, Diana Uberti, under the express direction of Margaret Segalla and with the knowledge and consent of Frank Segalla, did follow the instructions of Margaret Segalla who declared, "I don't want the Segallas to have one more cent of my money" and, while still in the presence of Frank Segalla did direct Diana Uberti to transfer the money into the name of Diana Uberti.

15. DENIED as stated. On or about April 12, 2007, Defendant, Diana Uberti, under the express direction of Margaret Segalla, did cash in Certificates of Deposit with CNB Bank that were in the name of Frank Segalla and/or Margaret Segalla and over which Margaret Segalla had complete ownership, direction and control. At all times set forth herein, Diana Uberti was acting in accordance with the wish and express direction of Margaret Segalla as made known to not only Diana Uberti but to third parties who were also privy to the reasons why Margaret Segalla did not want the money to remain in her name or in her husband's name because she did not want further money to be taken by her brother-in-law, Angelo Segalla, and his wife.

16. DENIED as stated. On April 12, 2007, Margaret Segalla, with the knowledge and consent of Frank Segalla, did direct Diana Uberti to take the actions necessary to accomplish the removal of funds from her name so that the Segallas would not have anymore of her money since they had refused and/or failed to give her the money that was due her from the sale of timber off of lands owned by Frank and Margaret Segalla. This information was communicated by Margaret Segalla to various family members as well as to her investment advisor and said action was taken with the knowledge of Frank Segalla and with no objection from him.

17. ADMITTED. By way of further answer, it is averred that the sum of \$1,500.00 was the amount used to pay caregivers and was the weekly amount expended for such purpose in the past.

18. DENIED. On May 2, 2007, Margaret Segalla was not comatose and, in fact, could get out of bed and did get out of bed.

19. DENIED as stated. The Check No. 0180 was written on June 5, 2007, and was used to pay caregivers as was the custom.

20. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Diana Uberti made any gifts to herself. On the contrary, all gifts made to Diana Uberti were made by Frank Segalla and Margaret Segalla and in accordance with their express wishes and directions for the reasons set forth herein in the presence of numerous parties.

21. DENIED. Absolutely no proceeds from any checks were deposited in any joint bank account of Diana Uberti and Donald Uberti, her husband. The Plaintiff Executors know or have reason to know that no monies were put into the name of Donald Uberti and Defendants believe that Donald Uberti has only been named because counsel for the Co-Executors threatened Donald Uberti "to make [his] life miserable" and for no other reason. Because Plaintiff Executors know that no monies were ever put into the name of Donald Uberti and his being named in this lawsuit is not for any proper purpose but to harass and annoy him and to force him to incur needless costs in defending himself in litigation in which he should not be a party.

22. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Donald Uberti ever had title to the proceeds of any checks set forth in Plaintiff's Complaint and Donald Uberti avers that Plaintiff Executors know or have reason to know that no monies were ever put in his name. Consequently, Donald Uberti believes and therefore avers that Plaintiff's action in bringing this suit against him was for no lawful purpose but, instead, was for the sole purpose of harassing and annoying and

embarrassing him and for the purposes set forth by Plaintiff's counsel when he threatened Donald Uberti that he would "make [his] life miserable". As to the allegations made with regard to Diana Uberti, it is DENIED that she did not have title to the proceeds because said checks were unauthorized. On the contrary, all actions taken by the said Diana Uberti were at the express direction of Margaret Segalla with the knowledge of and consent of Frank Segalla.

23. ADMITTED.

24. DENIED. On the contrary, at the time said checks were issued and the gifts were made, Margaret Segalla was sane and resolute that the money was to go to Diana Uberti so that not one more cent of her money would go to Angelo Segalla and the Segalla Family because they had previously removed timber from her land and had kept all of the proceeds therefrom which they have admitted exceeded \$500,000.00.

25. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, Diana Uberti avers that Margaret Segalla evidenced her donative intent in the presence of not only Frank Segalla but in the presence of third parties and confirmed the steps to be taken to effect delivery of the monies not only in the presence of Frank Segalla but third parties. Moreover, after making the aforementioned gifts, Margaret Segalla advised her sister and other third parties of what she had done and her reasons for making the gift that she did. Moreover, Frank Segalla himself confirmed that the gift had been made when he spoke to his brother, Angelo Segalla, shortly after the gifts were made.

26. DENIED. Frank Segalla was present at all times when Margaret Segalla voiced her wishes and gave directions for the transfer of the monies and he voiced no objections to her actions and, in fact, concurred in giving said money to Diana Uberti in light of the fact that his

brother had already received over \$500,000.00 of money belonging to Frank Segalla and Margaret Segalla.

27. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is averred that Margaret Segalla had full ownership and control over all of the monies in the account and had every right to dispose of the same as she saw fit and for the reasons that she voiced repeatedly.

WHEREFORE, Defendants respectfully request Your Honorable Court to:

(a) issue an Order dismissing this action as to Donald Uberti and directing that his name be removed from the caption as a defendant hereof; and

(b) enter judgment against Plaintiff and in favor of Defendant, Diana Uberti.

NEW MATTER

28. Defendant, Diana Uberti, incorporates herein by reference the averments contained in Paragraphs 1 through 27 inclusive of the foregoing Answer as if the same were set forth at length herein.

29. That at all times pertinent to the allegations set forth herein, Diana Uberti acted upon the expressed wishes of Margaret Segalla as those wishes were acknowledged and affirmed by Frank C. Segalla.

30. That at all times pertinent to the allegations made by the Plaintiff, Diana Uberti acted at the sole direction of Margaret Segalla as Margaret Segalla communicated those directions not only to Diana Uberti but to third persons who carried out the directions of the said Margaret Segalla.

31. That the Co-Executors of the Plaintiff's Estate knew that Margaret Segalla had transferred her money to Diana Uberti during the lifetime of Margaret Segalla and that Frank Segalla knew of said transfers and had no objection to the same.

32. That the Co-Executors of the Plaintiff Estate know that Margaret Segalla did not want the money in the Certificates of Deposit to remain in her name and in the name of her husband, Frank Segalla, because she did not want that money to be distributed to Angelo Segalla and his family because they had already received all of the money from the sale of timber located on the lands of Frank C. Segalla and Margaret Segalla without returning to them any portion of the proceeds.

33. That the Estate of Frank C. Segalla has no claim on the monies given to Diana Uberti during the lifetime of Margaret Segalla as said gift was completed while Margaret Segalla was in complete control of her faculties and her finances and for specific reasons that she articulated to numerous parties with the full knowledge and consent of Frank Segalla.

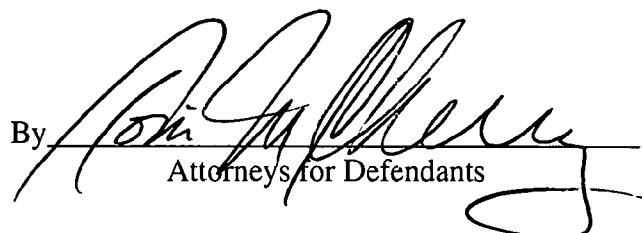
WHEREFORE, Diana Uberti respectfully requests Your Honorable Court to issue a judgment in her favor and against the Estate of Frank C. Segalla.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attorneys for Defendants



VERIFICATION

We, DIANA UBERTI and DONALD UBERTI, Defendants herein, verify that the information provided in the foregoing Answer and New Matter is true and correct to the best of our knowledge, information and belief. We understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.



Diana Uberti



Donald Uberti

DATED: October 18, 2007

April 10, 2007

Frank & Margaret Segalla
538 Hoovertown Road
(formerly RD 1 Box 72D)
Penfield, PA 15849-6213

S & T Bank, DuBois Mall Branch
Shaffer Road
DuBois, PA 15801
Attention: Melanie McGinnis

RE: Certificates of Deposit #'s 5000163179, 2023002373,
2023004324, 2023004477, (23 4477).

Dear Ms. McGinnis,

We wish to redeem the enclosed certificates of deposit and request a check for the proceeds be mailed to our address of record. Please add our 911 address change above, if you do not already have it. We are fully aware that penalties will be assessed for early withdrawal. Thank you for your prompt assistance.

Sincerely,

Frank Segalla

Margaret Segalla

Frank Segalla POA Diana White

Margaret Segalla

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

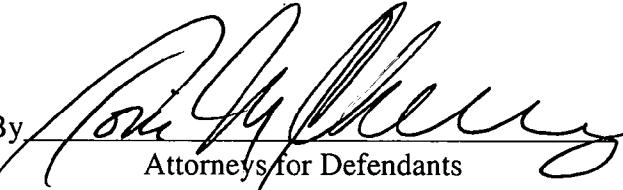
ESTATE OF FRANK C.	:
SEGALLA, deceased,	:
Plaintiff	:
	: No. 07 - 1494 C.D.
vs.	:
	:
DIANA UBERTI and	:
DONALD UBERTI, her husband,	:
Defendants	:

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2007, a true and correct copy of Defendant's Answer and New Matter was served upon ANTHONY S. GUIDO, ESQ., counsel for Plaintiff, by mailing the same to him by United States First Class Mail, Postage Prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ANTHONY S. GUIDO, ESQ.
Hanak, Guido and Taladay
Attorneys at Law
P. O. Box 487
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Attorneys for Defendants

Dated: October 19, 2007

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494-CD

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 10-23-07

FILED NO
M 14:01:54
OCT 26 2007
2007
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

CERTIFICATE OF SERVICE

I certify that on the 19th day of October, 2007, a true and correct copy of the Order scheduling hearing on the Petition for Restraining Order was sent via Certified Mail, Return Receipt Requested, postage prepaid, to the following:

DIANA UBERTI and
DONALD UBERTI, her husband
15519 Bennetts Valley Highway
Penfield, PA 15849

Toni M. Cherry, Esq.
Gleason, Cherry & Cherry, LLP
PO Box 505
DuBois, PA 15801



Anthony S. Guido, Esq.
Attorney for Plaintiff

7002 2030 0006 3807 9913

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 41
Certified Fee	2.05
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21

Postmark
Here

Sent To
 Toni M. Cherry, Esq.
 Street, Apt. No.:
 or PO Box No.: P.O. Box 505
 City, State, ZIP: DuBois, PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>Toni M. Cherry, Esq. Gleason, Cherry & Cherry LLP P.O. Box 505 DuBois, PA 15801</p>	
<p>A. Signature <i>Toni M. Cherry</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>B. Received by (Printed Name) <i>Toni M. Cherry</i> C. Date of Delivery <i>10/23/07</i></p>	
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

2. Article Number
Transfer from service label 7002 2030 0006 3807 9913

9920 3807 0006 2030 0006 3807 9920 2002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	0
Total Postage & Fees	\$ 5.21

Postmark
Here

Sent To
 Diana Liberti Donald Liberti
 Street, Apt. No.;
 or PO Box No. 15519 Bennetts Valley Highway
 City, State, ZIP+4 Penfield, PA 15849

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X <i>Diana Liberti</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Diana Liberti</i> 10-20-07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Diana Liberti Donald Liberti 15519 Bennetts Valley Highway Penfield, PA 15849</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article No. (Transfer)</p> <p>7002 2030 0006 3807 9920</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-P-4081

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494 - CD
vs. :
: Type of pleading:
DIANA UERTI and : REPLY TO NEW MATTER
DONALD UBERTI, her husband :
Defendants :
: Filed on behalf of:
: Plaintiff
:
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: 10-31-07

FILED NOCC
NOV 01 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.	:	
SEGALLA, deceased	:	
Plaintiff	:	
	:	No. 07-1494-CD
vs.	:	
	:	
DIANA UBERTI and	:	
DONALD UBERTI, her husband	:	
Defendants	:	

REPLY TO NEW MATTER

AND NOW, comes the Estate of Frank C. Segalla, deceased, and by its attorneys, Hanak, Guido & Taladay, files this Reply to New Matter filed by the Defendants in the above entitled matter as follows:

28. Denied. In answer thereto, Plaintiff Estate incorporates by reference the averments contained in the Plaintiff Estate's Complaint paragraphs 1 through 27 inclusive as though the same were herein set forth at length.

29. Denied. After reasonable investigation, the Plaintiff Estate and its Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case. In further answer hereto, as averred in the Plaintiff Estate's Complaint even if a donative intent existed as averred, the

alleged gift was not made due to the fact that there was no effective delivery of the alleged gift.

30. Denied. After reasonable investigation, the Plaintiff Estate and its Co-Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case.

31. Denied. The Co-Executors of the Plaintiff Estate did not know that Margaret Segalla had transferred her money to Diana Uberti during the lifetime of Margaret Segalla and that Frank Segalla knew of said transfers and had no objections to the same. The knowledge of said transfers was acquired when the attorney for the Plaintiff Estate obtained the bank records from S&T Bank and CNB Bank. Strict proof of this allegation is demanded at trial.

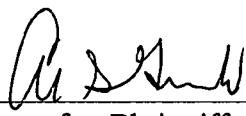
32. Denied. After reasonable investigation, the Plaintiff Estate and its Co-Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case. It is further denied that Angelo Segalla had any duty to return any of the portions of the proceeds of the timber sale due to the fact that the timber in question was gifted by Frank and Margaret Segalla to Angelo Segalla by deed dated November 18, 2003.

33. Denied. There was no gift of the money in question due to the fact that there was no donative intent and, if donative intent existed, then there was no effective delivery of said alleged gift. Further, it is

denied that Margaret Segalla was in complete control of her facilities and her finances or that she articulated specific reasons for said gift to numerous third parties with the full knowledge and consent of Frank Segalla. Proof is demanded of the averments in this Paragraph 33 at the time of trial.

WHEREFORE, Plaintiff demands that your Honorable Court enter judgment in favor of the Plaintiff and against the Defendants as requested in the Plaintiff's Complaint.

HANAK, GUIDO & TALADAY

By 

Attorney for Plaintiff

VERIFICATION

I, ANGELO SEGALLA, Co-Executor of the Estate of Frank C. Segalla, hereby state that I am the Plaintiff in this action and that the statements of fact made in the foregoing REPLY TO NEW MATTER are true and correct to the best of my information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to the authorities.

10-24-07
Date

Angelo Segalla
Angelo Segalla

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494 - CD

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED NO cc
MTO:4/6/07
NOV 01 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

CERTIFICATION OF SERVICE

I do hereby certify that on the 31st day of October, 2007, a true and correct copy of the Reply to New Matter filed on behalf of the Plaintiff was served upon the Defendant by depositing the same in the United States Post Office at DuBois, Pennsylvania, First Class Mail, postage prepaid, addressed as follows:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, LLP
P. O. Box 505
DuBois, PA 15801



Anthony S. Guido, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494 - CD

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED NO
NOV 02 2002
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

CERTIFICATION OF SERVICE

I do hereby certify that on the 1st day of
November, 2007, a true and correct copy of the Brief in
support of the Motion for Judgment on the Pleadings filed on behalf of
the Plaintiff was served upon the Defendant by depositing the same in
the United States Post Office at DuBois, Pennsylvania, First Class Mail,
postage prepaid, addressed as follows:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, LLP
P. O. Box 505
DuBois, PA 15801

Anthony S. Guido
Anthony S. Guido, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494 - CD

Type of pleading:
MOTION FOR JUDGMENT
ON THE PLEADINGS

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 10-31-07

FILED 1cc
NOV 02 2007 Atty Guido
William A. Shaw
Prothonotary/Clerk of Courts
GK

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

MOTION FOR JUDGMENT ON THE PLEADINGS

The Estate of Frank C. Segalla, deceased, (Segalla Estate) by its undersigned counsel, Hanak, Guido & Taladay, moves this Court pursuant to Pa.R.C.P. 1034 for judgment on the pleadings as follows:

1. Plaintiff filed its complaint against the Defendants in this cause of action, a true and correct copy of which is attached hereto and marked Exhibit "A".
2. Defendants filed their answer and new matter to the complaint, a copy of which is attached hereto and marked Exhibit "B".
3. Plaintiff filed a reply to said new matter filed by the Defendants, a copy of which is attached hereto and marked Exhibit "C".
4. In their answer and new matter, the Defendants plead that the withdrawals from the checking accounts in the sums of \$87,104.84 and \$104,536.82 were gifts made by the decedent's wife, Margaret Segalla, to the Defendant, Diana Uberti.

5. The Defendant, Diana Uberti, transferred said funds from said checking accounts to herself by drawing checks on said checking accounts using her power of attorney.

6. The subject powers of attorney executed by Frank and Margaret Segalla did not authorize the Defendant, Diana Uberti, to withdraw funds for purposes of making a gift to the Defendant, Diana Uberti.

7. Under the law, in order to legally effectively make a gift, three elements are required: donative intent, delivery, and acceptance. In most cases, of course, acceptance is presumed. Under the law, an attorney in fact has no power to make gifts to himself or herself by use of the power of attorney unless the power of attorney authorizes the attorney in fact to make such gifts to himself or herself. The subject powers of attorney executed by Frank and Margaret Segalla contain no such powers.

8. The powers of attorney which were granted to Diana Uberti by decedent and his wife allows Diana Uberti to make limited gifts but such gifts are limited to the principal's spouse, issue and spouse of the principal's issue and that the limited gifts cannot exceed the extent that the gift is excluded from the federal estate tax under Section 2503(c) of the Internal Revenue Code of 1986, as a qualified transfer. (See 20 Pa.C.S.A. 503), which in the year 2007 was limited to \$12,000 per year per recipient.

9. The Defendants failed to set forth any facts supporting the fact that an effective delivery of said gifts were made to her, the defense to Plaintiff's complaint is accordingly insufficient as a matter of law.

10. By making said gifts to herself, Diana Uberti, committed an unauthorized use of the power of attorney to effect the alleged gifts and therefore there was no effective delivery of said gifts by either the decedent or his deceased wife, Margaret Segalla.

11. The pleadings are closed and time exists within which to dispose of this Motion so as not to delay trial.

12. There are no genuine issues of material fact to be tried on the issue of whether an effective delivery of said gift was made in accordance with the law pertaining thereto.

13. Plaintiff is entitled to judgment as a matter of law on the pleadings pursuant to Pa.R.C.P. 1034.

WHEREFORE, Plaintiff, Estate of Frank C. Segalla, respectfully requests that your Honorable Court enter judgment in favor of the Plaintiff's Estate and against the Defendants by ordering the Defendants to return to the Estate the funds created through said alleged ineffective gifts together with interest thereon and, to assure compliance thereof, enter a sequestration said funds pursuant to 20 Pa.C.S.A. §783.

HANAK, GUIDO & TALADAY
By *Amy J. Hanak*
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494-CD

Type of pleading:
COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 9-11-07

1. I hereby declare that the above is true and correct.
2. I am not a party to the above named case.
3. I declare under penalty of perjury that the above is true and correct.

SLC 10/2/2007

10/2/2007

Exhibit A

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. _____ CD
vs. :
:
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

NOTICE

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 defense 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814)765-2641, Ext 5982

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. _____ CD
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

COMPLAINT

AND NOW, comes the Plaintiff, Angelo Segalla and Joseph Morelli, Co-Executors of the Estate of Frank C. Segalla, deceased, late of Huston Township, Clearfield County, Pennsylvania, and files this Complaint against the Defendants on the cause of action whereof the following is a statement:

COUNT ONE
FRANK C. SEGALLA ESTATE v. DIANA UBERTI

1. The decedent, Frank C. Segalla, died on June 6, 2007, and pursuant to the terms of his Last Will and Testament duly probated in the Office of the Register of Wills of the Court of Common Please of Clearfield County, Pennsylvania, Angelo Segalla and Joseph Morelli were appointed Co-Executors of the Estate of Frank C. Segalla.

2. Diana Uberti and her husband, Donald Uberti, are individuals who reside at 15519 Bennetts Valley Highway, Penfield, Pennsylvania, 15849.

3. The said Frank C. Segalla and his wife, Margaret Segalla, resided at 538 Hoovertown Road, Penfield, Pennsylvania, 15849.

4. The said Margaret Segalla died on May 7, 2007, and as a result, Frank C. Segalla was her sole heir at law, the parties were not survived by children or other issue.

5. In May, 2006, the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Frank C. Segalla, giving her power of attorney over his financial affairs. An unsigned copy of said power of attorney from Frank C. Segalla to Diana Uberti is attached hereto and marked Exhibit "A".

6. In May, 2006, Margaret Segalla, wife of the decedent, Frank C. Segalla, executed a power of attorney naming Defendant, Diana Uberti, as attorney-in-fact for the Margaret Segalla, giving her power of attorney over her financial affairs. An unsigned copy of said power of attorney from Margaret Segalla to Diana Uberti is attached hereto and marked Exhibit "B".

7. The Estate of Frank C. Segalla has demanded an accounting from Diana Uberti of all the income and disbursements that Defendant, Diana Uberti, made as attorney-in-fact for both Frank C. Segalla and Margaret Segalla.

8. To date, the Defendant, Diana Uberti, has refused to supply said accounting.

WHEREFORE, Plaintiff respectfully requests that:

(a) Defendant, Diana Uberti, be ordered to account to the Plaintiff for all income and expenses that she handled as power of attorney for Frank C. Segalla or Margaret Segalla during their lifetimes pursuant to said powers of attorney, and

(b) such other relief as the Court deems just and proper.

COUNT TWO

FRANK C. SEGALLA ESTATE v. DIANA UBERTI and DONALD UBERTI

9. Plaintiff incorporates by reference the allegations of the first court, paragraphs 1 through 8, inclusive, as though fully set forth herein.

10. As a result of the powers of attorney, there was a confidential relationship between Defendant, Diana Uberti, and the decedent and his late wife, Margaret Segalla, and as a result, Defendant, Diana Uberti had a fiduciary duty to said decedent and his late wife, Margaret.

11. During their lifetime, to the knowledge of the Plaintiff, the decedents, Frank C. Segalla and Margaret Segalla, had two joint checking accounts; one with CNB Bank, Account No. 1477223, and the other with S&T Bank, Account No. 263169. As stated previously, the

said Margaret Segalla died on May 7, 2007, and as a result, Frank C. Segalla, as surviving co-tenant, became the sole owner of said checking accounts.

12. On or about April 11, 2007, Defendant, Diana Uberti, as attorney in fact for Frank and Margaret Segalla cashed in Certificates of Deposit with S&T Bank in the total sum of \$87,104.84. Copies of said withdrawals are attached hereto and marked composite Exhibit "C".

13. Defendant, Diana Uberti, then deposited said proceeds from the Certificates of Deposit in the said checking account of Frank and Margaret Segalla with S&T Bank.

14. On April 12, 2007, the said Diana Uberti, as attorney-in-fact for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$87,104.84 (check no. 1949) (being the proceeds from said Certificates of Deposit) drawn on the checking account with S&T Bank. Copy of said check is attached hereto and marked Exhibit "D".

15. On or about April 12, 2007, Defendant, Diana Uberti, as attorney in fact for Frank Segalla cashed in Certificates of Deposit with CNB Bank in the total sum of \$104,536.82. Copies of said withdrawals are attached hereto and marked Exhibit "E".

16. On April 12, 2007, the said Diana Uberti, as power of attorney for Frank Segalla and/or Margaret Segalla issued a check to herself in the sum of \$104,536.82 (check no. 0173) (being the proceeds from said

Certificates of Deposit) drawn on the checking account with CNB Bank.

Copy of said check is attached hereto and marked Exhibit "F".

17. On May 2, 2007, Defendant, Diana Uberti, issued a check to Margaret Segalla in the sum of \$1,500, being check no. 0174 drawn on the joint checking account of said Frank and Margaret Segalla with CNB Bank and then cashed said check using her power of attorney. Copy of said check and endorsement thereof is attached hereto and marked Exhibit "G".

18. On May 2, 2007, said Margaret Segalla was comatose and near death.

19. On June 6, 2007, Defendant, Diana Uberti, issued a check to Cash, being check no. 0180 drawn on the checking account of Frank and Margaret Segalla with CNB Bank and cashed said check using her power of attorney. Copy of said check and endorsement thereof is attached hereto and marked Exhibit "H". At the time, said check was drawn, Defendant, Diana Uberti, knew that Frank Segalla had died early that morning.

20. The said powers of attorney, the unsigned copies of which are attached hereto, do not authorize Diana Uberti to issue checks to herself or make gifts to herself in any amount.

21. The Plaintiff Executors believe and therefore aver that the proceeds from said checks were deposited in the joint bank account of Diana Uberti and Donald Uberti, her husband.

22. The said Diana Uberti and/or Donald Uberti did not have title to the proceeds of said checks due to the fact that said checks are unauthorized and not issued pursuant to any powers granted in said powers of attorney.

23. On information and belief that Diana Uberti is contending that said checks in the sum of \$87,104.84 and \$104,536.82 were drawn pursuant to a gift made by decedent's wife, Margaret Segalla, to Defendant, Diana Uberti.

24. At the time said checks were issued, said Margaret Segalla was of weakened mind and body and if such donative intent was expressed, it was the result of undue influence on the part of Defendant, Diana Uberti.

25. A gift requires two elements: donative intent and delivery. It is self evident that effective delivery did not occur since the delivery had been effected by Defendant, Diana Uberti, as attorney-in-fact issued said checks to herself which was not authorized under the terms and conditions of said powers of attorney.

26. It is also believed and therefore averred that neither Diana Uberti nor anyone else consulted with Frank Segalla concerning said alleged gifts.

27. Under Pennsylvania law, it is not a proper disposition of a joint account by husband and wife to make distributions therefrom

except for the personal use of the owners thereof, in this case, Frank and Margaret Segalla.

WHEREFORE, Plaintiff demands that your Honorable Court issue an Order to:

- (a) compelling Diana Uberti and her husband, Donald Uberti, to re-deliver the proceeds of said checks to the Estate of Frank C. Segalla together with interest and costs of suit and/or
- (b) enter judgment against Defendants, Diana Uberti and Donald Uberti, for the total amount of said checks; and
- (c) grant whatever relief the Court deems reasonable and just.

HANAK, GUIDO & TALADAY

By 
Attorney for Plaintiff

VERIFICATION

I, ANGELO SEGALLA, Co-Executor of the Estate of Frank C. Segalla, hereby state that I am the Plaintiff in this action and that the statements of fact made in the foregoing COMPLAINT are true and correct to the best of my information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to the authorities.

9-6-07
Date

Angelo Segalla
Angelo Segalla

DURABLE POWER OF ATTORNEY

Frank Segalla, Principal
Diana D. Ubert, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: _____

Frank Segalla (principal)

DURABLE POWER OF ATTORNEY

I, FRANK SEGALLA, an individual, of 538 Hoovertown Road, Penfield, Clearfield County, Pennsylvania, do hereby appoint DIANA D. UBERTI, of 15519 Bennetts Valley Highway, Penfield, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing

the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this _____ day of May, 2006.

Frank Segalla
(SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ON THIS, the ____ day of May, 2006, before me the undersigned officer, personally appeared FRANK SEGALLA, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

ACKNOWLEDGMENT

I, DIANA D. UBERTI, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: _____

(SEAL)

Diana D. Uberti (Agent)

DURABLE POWER OF ATTORNEY

Margaret Segalla, Principal
Diana D. Ubert, Agent

NOTICE:

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

DATE: _____

Margaret Segalla (principal)

DURABLE POWER OF ATTORNEY

I, MARGARET SEGALLA, an individual, of 538 Hoovertown Road, Penfield, Clearfield County, Pennsylvania, do hereby appoint DIANA D. UBERTI, of 15519 Bennetts Valley Highway, Penfield, Pennsylvania, as my agent ("my agent") to act with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, including but not limited to exercising the following powers:

Durable Power of Attorney

This power of attorney shall not be affected by my subsequent disability or incapacity. All acts done by my agent pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to my benefit and bind me and my successors in interest as if I were competent and not disabled.

Management of Assets

1. *Cash Accounts.* To collect and receive any money and assets to which I may be entitled; to deposit cash and checks in any of my accounts; to endorse for deposit, transfer or collection, in my name and for my account any checks payable to my order; and to draw and sign checks for me and in my name, including any accounts opened by my agent in my name at any bank or banks, savings society or elsewhere; and to receive and apply the proceeds of such checks as my agent deems best; and to act as my representative payee for all Social Security, Medicare, and other federal and state benefits.

2. *Stocks and Bonds.* To take custody of my stocks, bonds, and other investments of all kinds, to give orders for the sale, surrender or exchange of any such investments and to receive the proceeds therefrom; to sign and deliver assignments, stock and bond powers and other documents required for any such sale, assignment, surrender or exchange; to give orders for the purchase of stocks, bonds and other investments of any kind and to settle for same; to give instructions as to the registration thereof and the mailing of dividends and interest; to clip and deposit coupons attached to any coupon bonds, whether now owned by me or hereafter acquired; to represent me at shareholders' meetings and vote proxies on my behalf; and generally to handle and manage my investments.

3. *Personal Property.* To buy or sell at public or private sale for cash or credit or by any other means whatsoever; to acquire, dispose of, repair, alter, or manage my tangible personal property or any interest therein.

4. *Real Estate.* To lease, sell, release, convey, extinguish, mortgage or generally deal with any interest in any real estate I own, on such terms as my agent deems advisable, and to purchase or otherwise acquire any interest in and acquire possession of real property and to accept all deeds for such property; and to manage, repair, improve, maintain, restore, build, or develop any real property in which I now have or may later acquire an interest.

5. *Limited Gifts.* To make limited gifts on my behalf as Principal to my spouse, issue and spouse of an issue, including the Agent if he or she is a member of any such class, in accordance with 20 Pa. C.S.A. §5603.

6. *Safe Deposit Boxes.* To have access to any and all safe deposit boxes now or hereafter standing in my name; and add to and to remove all or any part of the contents thereof; and to enter into leases for such safe deposit boxes or surrender same.

7. *Insurance.* To procure, change, carry, or cancel insurance of such kind in such amounts against any and all risks affecting property or persons against liability, damage, or claim of any sort.

8. *Life Insurance.* To procure, change, carry or cancel life insurance on my life or the life of others in which I may have an insurable interest, together with the right to borrow against any existing or future policies of such life insurance up to the full amount available for such loans.

9. *Health Insurance.* To procure, change, carry or cancel policies of hospitalization insurance, major medical insurance, nursing home insurance, dental insurance, or other ancillary medical insurance as may be available on my behalf.

10. *Trusts.* To revoke, alter or amend any trust in which I have such power or in which I have acted as Settlor and to create on my behalf revocable or irrevocable trusts in accordance with 20 Pa. C.S.A. §5603. Furthermore, the Agent shall have the power to withdraw and receive income or corpus of any trust which I, the Principal, may have or will have in the future.

11. *Benefit and Retirement Plans.* To apply for and receive any government, insurance, and retirement benefits to which I may be entitled and to exercise any right to elect benefits or payment options. To engage in retirement plan transactions, including the right of making contributions to, withdrawals from, elections concerning, structuring of payments, and the power to make waivers or elections. For this purpose, retirement plans shall include any tax qualified or non-qualified pension plan, profit sharing plan, stock bonus plan, employee savings and retirement plan, deferred compensation plan or individual retirement account, or generally any tax deferred pension or retirement account.

12. *Elective Estate Share.* To claim an elective share of the estate of my deceased spouse, if applicable, and generally to claim against the will and conveyances of the Principal's deceased spouse in accordance with 20 Pa.C.S.A. §5603.

13. *Renounce Fiduciary Positions.* The power to renounce any fiduciary position in which I, the Principal, have been appointed or which I am currently serving.

14. *Taxes.* To prepare, execute, and file in my name and on my behalf any tax returns such as Internal Revenue Service forms numbered 1 through 10,000, including return, report, protest, application for correction of assessed valuation of real or other property or claim for refund in any connection with any tax imposed by any government and to obtain an extension of time for any of the foregoing or to execute waivers of restrictions on the assessment of deficiency on any tax. Furthermore, to make such elections that I, as a taxpayer, have the right or power under any applicable tax law.

15. *Borrowing.* To borrow on my behalf and to pledge as security real estate and/or personal property and to execute and deliver on my behalf such loan documents as may be required to effectuate such loans made on my behalf.

16. *Employment of Others.* To employ lawyers, investment counsel, accountants, custodians, physicians, dentists, nurses, therapists, and other persons to render services for, or to me, or my estate and to pay the usual and reasonable fees and compensation of such persons for their services.

17. *Claims and Litigation.* To institute, prosecute, defend, compromise, or otherwise dispose of and to appear for me in any proceedings at law or in equity.

18. *Disclaimers.* The power to disclaim any interest in property and generally to release any interest or inchoate interest in property as further defined in 20 Pa. C.S.A. §5603.

19. *Health Care Powers.* In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before and after my death, including: (1) Consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat a physical or mental condition; (2) Authorizing my admission to a hospital, nursing home, residential care facility or similar institution, and to enter into agreements for my care; (3) Authorizing my discharge or transfer from a hospital, nursing home, residential care facility or similar institution; (4) Receiving, reviewing, and obtaining copies of my medical records and to consenting to the disclosure of those records; (5) Authorizing

the participation in medical or social research that are consistent with the ethical guidelines of the research and the laws of the Commonwealth of Pennsylvania; and (6) Making an anatomical gift of all or part of my body, as I may have done under the Uniform Anatomical Gift Act. My agent(s) have consented to act as my attorney-in-fact. My agent has been notified that he will be nominated as my guardian if incompetency procedures are initiated. My agent(s) must act consistently with my desires as stated in this document or as otherwise made known by me to my agent(s). If my desires are not known, my agent(s) has the obligation to act in my best interest.

20. *General Authority.* To do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible. I, the Principal, declare that my Agent shall have such powers generally as defined in 20 Pa. C.S.A. §5603.

21. *Reliance on Power.* This power may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

22. *Hold Harmless.* All actions of my agent shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this power of attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors, and assigns, will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment.

23. *Pennsylvania Law Governs.* Questions pertaining to the validity, construction, and powers created under this instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this Power of Attorney this _____ day of May, 2006.

Margaret Segalla
(SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

ON THIS, the day of May, 2006, before me the undersigned officer, personally appeared MARGARET SEGALLA, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

ACKNOWLEDGMENT

I, DIANA D. UBERTI, have read the attached Power of Attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

DATE: _____

(SEAL)

Diana D. Uberti (Agent)

Tracer: 14044134 - Amt: \$20,842.16 - 06/26/2007

Page :

TIME DEPOSIT DEBIT					
<input checked="" type="checkbox"/> COMPLETE WITHDRAWAL <input type="checkbox"/> PARTIAL WITHDRAWAL		2023004324	000000002		
<u>Frank C Segalla</u> Customer Name <u>Margaret Segalla</u> Customer Name <u>538 Hoovertown Rd</u> Customer Name		<u>00734</u> <u>0000023</u> Initials/Teller#/Branch <u>04/11/2007</u> Date (MM/DD/CCYY)	<u>10,000.00</u> Amount Withdrawn <u>8.15</u> Plus Accrued Interest	<u>93.00</u> Less Penalty <u>.00</u> Less Federal Withholding	<u>RA Code</u> <u> </u> <u> </u> <u> </u>
Credit: Account #/Check #		<u>=\$9,915.15</u>			
<i>Customer's Signature</i> <u>Maria Alberto Port</u> Special Wording:		<u>Net Proceeds</u>			
00000000 21" 1536809701 2023004324" 0000991515"					

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

POD 33068554 S T BANK 1-800-325-2265
20070411 013621797 0010 037 00
11/11/07 40232265534
1916

S&T BANK
P.O. BOX 190
INDIANA PA 15701
FOR ASSISTANCE CALL: (800) 325-2265

368D00022704 2006 INTEREST INCOME.
FORM 1099-INT.
COPY 3, FOR RECIPIENT
CRB No. 1545-0112

PAYER'S FEDERAL IDENTIFICATION NUMBER 25-0776600 PAGE 1
THIS IS IMPORTANT TAX INFORMATION AND IS BEING FURNISHED TO THE INTERNAL REVENUE SERVICE. IF YOU ARE REQUIRED TO FILE A RETURN, A NEGLIGENCE PENALTY OR OTHER SANCTION MAY BE IMPOSED ON YOU IF THIS INCOME IS TAXABLE AND THE IRS DETERMINES THAT IT HAS NOT BEEN REPORTED.

FRANK C SEGALLA
538 HOOVERTOWN RD
PENFIELD NY 15849-6213

RECIPIENT'S IDENTIFICATION NUMBER
195-16-2077

Account Type	Account Number	Deposit ID	IRS Description	IRS Box#	Amount
NOW Account	00000263169 00001		Interest income	1	6.07
CD/Time Deposit	02023002373 00002	0000000002	Interest income	1	928.20
CD/Time Deposit	02023004324 00003	0000000002	Interest income	1	292.85
CD/Time Deposit	02023004477 00004	0000000001	Interest income	1	223.82
CD/Time Deposit	02023004477 00005	0000000002	Interest income	1	144.68
TOTALS:		0000000001	Interest income	1	1,182.69
			Early withdrawal penalty	1	2,778.31
			Interest on U.S. Savings Bonds and Treasury obligations	2	0.00
			Federal income tax withheld	3	0.00
			Investment expenses	4	0.00
			Foreign tax paid	5	0.00
			Tax-exempt interest	6	0.00
			Specified private activity bond interest	8	0.00
				9	0.00

44444. 444.144.00 ~ 04/11/2001

2993068556 5 1 T WANK 1-800-325-2265
20070911 0109E1749 0010 037 00

— 01148
8500 905 5104
1600 1600 1600
5105 5105 5105
8500 905 5104
— 99172

Tracer: 13021749 - Amt: \$39,648.37 - 04/11/2007

Tracer: 13021750 - Amt: \$7,731.65 - 04/11/2007

2993396554 T BANK 1-B00-325-2265
2000 263127 20070411 010021750 0010 037 00

Tracer: 13021750 - Amt: \$7,731.65 - 04/11/2007

TIME DEPOSIT DEBIT			
<input checked="" type="checkbox"/> COMPLETE WITHDRAWAL <input type="checkbox"/> PARTIAL WITHDRAWAL		2023002373	000000002
Frank C Segalla Customer Name Margaret Segalla Customer Name 538 Hoovertown Rd Customer Name		00734 0000023 Initials/Teller##/Branch 04/11/2007 Date (MM/DD/CCYY)	30,000.00 Amount Withdrawn 88.67 Plus Accrued Interest 279.00 Less Penalty .00 Less Federal Withholding = \$ 29,809.67 Net Proceeds
Credit: Account ##/Check ## _____ Customer(s) Signature _____ <i>Maura M. Hecht PDA</i> Special Wording: _____			

Tracer: 13021748 - Amt: \$29,809.67 - 04/11/2007

093306854 T BANIE 1-800-225-2265
09070411 610801798 6010 937 00

11.03.1984

Tracer: 13021748 - Amt: \$29,809.67 - 04/11/2007

TIME DEPOSIT DEBIT

COMPLETE WITHDRAWAL
 PARTIAL WITHDRAWAL

2023004324

000000002

Frank C Segalla
 Customer Name
 Margaret Segalla
 Customer Name
 538 Hoovertown Rd
 Customer Name

00734	0000023	10,000.00
Initials/Teller#/Branch		Amount Withdrawn
04/11/2007		8.15
Date (MM/DD/CCYY)		Plus Accrued Interest
		RA Code
		93.00
		Less Penalty
		.00
		Less Federal Withholding
		=\$9,915.15
		Net Proceeds

Credit: Account #/Check #

Customer(s) Signature

Special Wording:

00000000 20 105368 047012 2023004324

0000991515

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

13021747 00000000 20 105368 047012 2023004324
 0000991515 00000000 20 105368 047012 2023004324

13021747 00000000 20 105368 047012 2023004324
 0000991515 00000000 20 105368 047012 2023004324

Tracer: 13021747 - Amt: \$9,915.15 - 04/11/2007

FRANK C. SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD. PH. B14-637-5258
PENFIELD, PA 15849-6213

60-63521
403
0000263169

1949

DATE 4-13-07

PAY TO
THE ORDER OF

Deana M. Hertz

\$ 87,104.84

Eighty seven thousand one hundred four and 84/100 DOLLARS

MEMBER FDIC
1-800-325-BANK
www.stbank.com

MEMO



Frank Segalla
Deana M. Hertz

140433068551 0000263169 1949 00087104841

STANFORD

Tracer: 14044270 - Amt: \$87,104.84 - 04/13/2007

200332860551 5 A T BANK 1-800-325-2265
20070413 014044270 0011 053 0881307

40433068554
603169
RECEIVED
0433068554

14044270
23701

Deana M. Hertz

Tracer: 14044270 - Amt: \$87,104.84 - 04/13/2007

Exhibit D



NAME	Frank Segalla	CASH VOLUNTEER
ACCT. NO.	1477223	
DATE	4-12-07	LO SW
		REG TICK
		<input type="checkbox"/> SUB TOTAL ►
		<input type="checkbox"/> USE CASH RECEIVED ►
		\$ 104536.82
CASHIER		600
CASHIER		600

04/12/2007 \$104,536.82
19810010698958

04/12/2007 1037 \$25,461.57
19810010698959

04/12/2007 1037 \$5,093.11
19810010698960

DEBIT		INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE		
NAME	Frank Segalla		DATE	4-12-07
NAME			ACCOUNT NUMBER	177202
NAME			OFFICER'S INITIALS	fly
1477202	Depositor of Funds		51,97	Interest Accrued
			37,000.00	Principal Withdrawn
			66.90	Interest Accrued
			36,991.07	Total Withdrawn
X <i>Frank Segalla</i>		Print Signature		
C5016-0001C 10372311350#				

04/12/2007 1037 \$36,991.07
19810010698961

DEBIX		INTEREST & PRINCIPAL WITHDRAWAL FROM CERTIFICATE	
NAME <u>Frank Gauth</u>		DATE <u>4-12-07</u>	ACCOUNT NUMBER <u>177203</u>
NAME <u>1477223</u>		OFFICER'S INITIALS <u>b</u>	AMOUNT WITHDRAWN <u>57.97</u>
Deposition of Funds			AMOUNT DEPOSITED <u>37000.00</u>
<u>X Diana Gauth 108</u> Finger Prints		DEBT TYPE D1 Main D2 Sub D3 Merch D4 Other	AMOUNT PAID ON DEBT <u>64.40</u> <u>36,991.07</u> Total to be returned

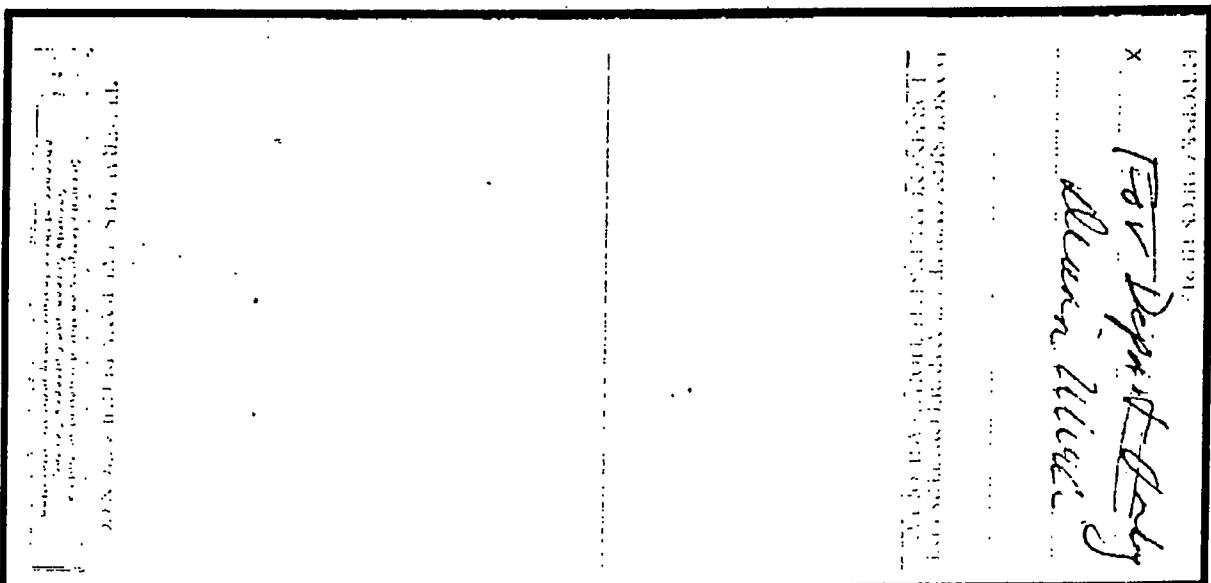
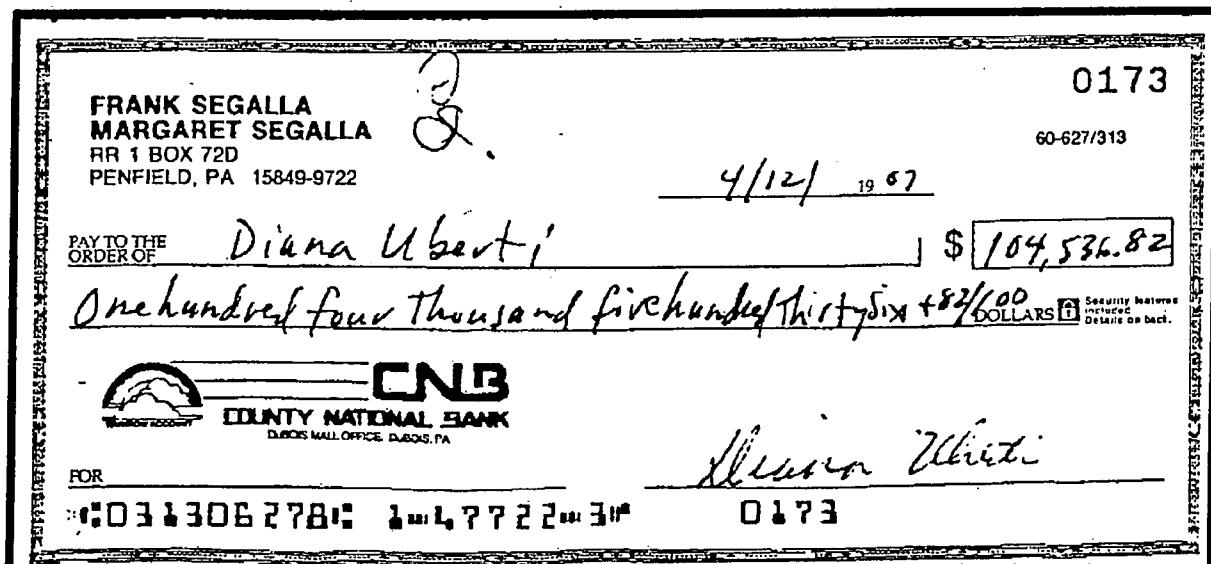
04/12/2007 1037 \$36,991.07
19810010698962

Exhibit 5

Current Date: June 22, 2007

Account Number: 1477223
Posted Date: April 13, 2007
Amount: \$104,536.82

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

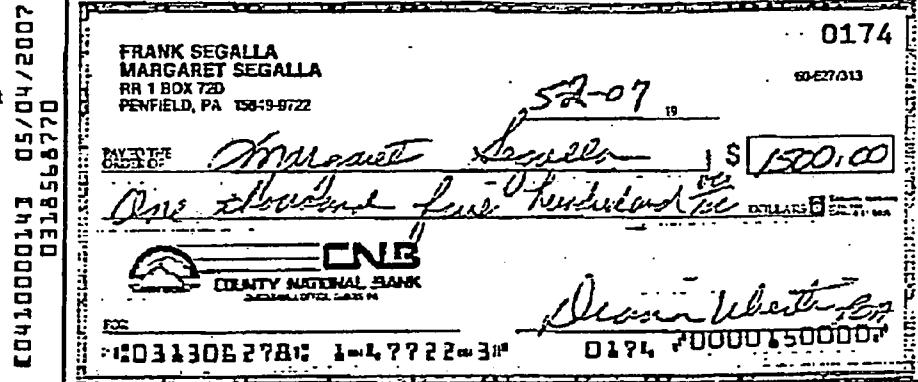


Account Number: 1477223
Posted Date: May 07, 2007
Amount: \$1,500.00

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

031000040
05/04/2007
6413329464

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.



003130627810 1-47722-3#0174 000001500000

1311747682
0410-C000340568770
050420070410-0001-4
ENT=35050504200705 PK=02
ENT=4388 TXU=4390 PK=02

0610116775
05072007
031000040 FRB-PHILA
ENT=0777 TRC=0777 PK=15

002 0421126 50307#063 \$1500.0000

041000014 05/04/2007
041000014 05/04/2007
041000014 05/04/2007
031000040 05/04/2007
031000040 05/04/2007
031000040 05/04/2007
6413329464

Please do not endorse or write below this line.

Exhibit 6

Current Date: July 18, 2007

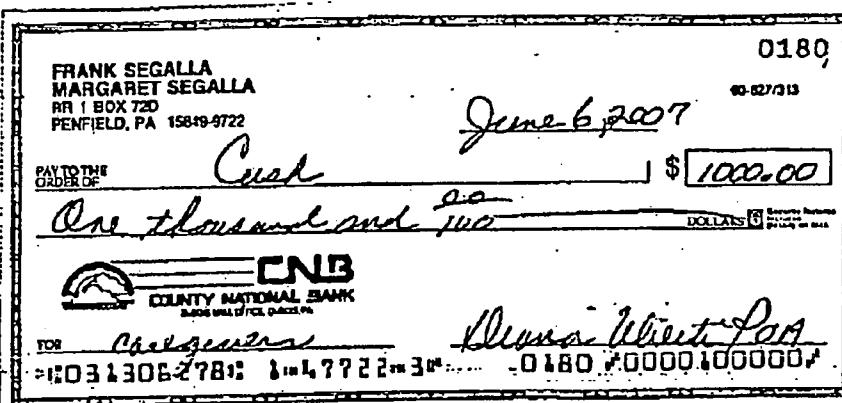
Account Number: 1477223
Posted Date: June 07, 2007
Amount: \$1,000.00

FRANK SEGALLA
MARGARET SEGALLA
538 HOOVERTOWN RD
PENFIELD PA 15849-6213

031000040
06/07/2007
6615206367

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

Environ Monit Assess (2007) 130:207–212



460313062786 147722-3#0180 0000000000000000

031616Z322 031616Z322
060720017 060720017
081000040 FREE PHILA
ENT-1283 TRC-1294 PK-14

Werner Schmitz
2019

↓ Do not endorse or write below this line. ↓

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C. : No. 07 - 1494 C.D.
SEGALLA, deceased, :
Plaintiffs : Type of Case: CIVIL
vs. : Type of Pleading: ANSWER AND NEW
DIANA UBERTI and : Filed on Behalf of: DIANA UBERTI and
DONALD UBERTI, her husband, : DONALD UBERTI, her husband, Defendants
Defendants : Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

Exhibit B

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C. :
SEGALLA, deceased, :
Plaintiff :
: No. 07 - 1494 C.D.
vs. :
: :
DIANA UBERTI and :
DONALD UBERTI, her husband, :
Defendants :
:

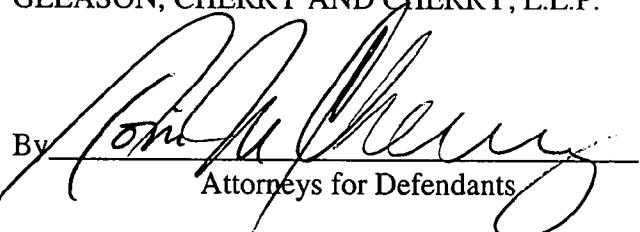
NOTICE TO PLEAD

To The Within Plaintiff:

YOU ARE HEREBY NOTIFIED TO
PLEAD TO THE WITHIN NEW MATTER
WITHIN TWENTY (20) DAYS FROM THE
DATE OF SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.

By


John P. Cherry
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C. :
SEGALLA, deceased, :
Plaintiff :
vs. : No. 07 - 1494 C.D.
DIANA UBERTI and :
DONALD UBERTI, her husband, :
Defendants :

ANSWER

AND NOW, come the Defendants, DIANA UBERTI and DONALD UBERTI, her husband, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and answer the Complaint filed by Plaintiff as follows:

COUNT ONE
FRANK C. SEGALLA ESTATE v. DIANA UBERTI

1. ADMITTED.
 2. ADMITTED.
 3. ADMITTED.
 4. ADMITTED.
 5. DENIED as stated. On May 27, 2006, the decedent, Frank C. Segalla, executed a
Power of Attorney naming Diana Uberti as his agent to manage all of his property and
as he might do if personally present.

6. DENIED as stated. By Durable Power of Attorney dated May 27, 2006, the decedent, Margaret Segalla, named Diana Uberti as her agent to manage all of her property and affairs as she might do if personally present.

7. ADMITTED.

8. DENIED. On the contrary, Defendant, Diana Uberti, provided the Estate of Frank C. Segalla with the checkbook and all other documents evidencing the expenditures made on behalf of the said Frank C. Segalla and Margaret Segalla during their lifetime that was in her possession by handing the same to the Co-Executor, Joseph Morelli. While it is true that Diana Uberti could not account for all monies and property of Frank C. Segalla and Margaret Segalla that came into the possession of the Co-Executor, Angelo Segalla, during the lifetime of Frank C. Segalla and Margaret Segalla, she fully accounted for the monies that she spent on their behalf.

WHEREFORE, Diana Uberti respectfully requests that Count One of Plaintiff's Complaint be dismissed.

COUNT TWO
FRANK C. SEGALLA ESTATE v. DIANA UBERTI and DONALD UBERTI

9. Defendants incorporate herein by reference the averments contained in Paragraphs 1 through 8 inclusive of this Answer as if the same were set forth at length herein.

10. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Defendant, Diana Uberti, abused any fiduciary duty she may have had to either the decedent, Frank C. Segalla, or to his late wife, Margaret. On the

contrary, at all times after she was named as agent for the said Frank Segalla and Margaret Segalla, Diana Uberti acted at the express direction of and/or with the express consent of Frank C. Segalla and Margaret Segalla for the purposes that they made known to her.

11. DENIED as stated. During the lifetime of the late Frank C. Segalla and Margaret Segalla, they had maintained a joint checking account with CNB Bank and a joint checking account with S&T Bank, over which either party had complete control during their respective lifetimes. At the death of Margaret Segalla, Frank C. Segalla became the sole owner of only those monies that remained in those accounts at the death of Margaret Segalla.

12. DENIED as stated. On or about April 11, 2007, at the express direction of Margaret Segalla and with the consent of Frank C. Segalla, and after Margaret Segalla had consulted with her own financial advisor and had been advised of the consequences of the actions she intended to take, Diana Uberti did carry out the express wishes of Margaret Segalla to remove the money represented by the Certificates of Deposit with S&T Bank. In order for such action to be taken, Margaret Segalla did issue a letter to S&T Bank confirming that said Certificates were to be cashed. A true and correct copy of said letter authorizing the action to be taken is attached hereto and made a part hereof as Defendants' Exhibit "1".

13. ADMITTED.

14. DENIED as stated. On or about April 12, 2007, Diana Uberti, under the express direction of Margaret Segalla and with the knowledge and consent of Frank Segalla, did follow the instructions of Margaret Segalla who declared, "I don't want the Segallas to have one more cent of my money" and, while still in the presence of Frank Segalla did direct Diana Uberti to transfer the money into the name of Diana Uberti.

15. DENIED as stated. On or about April 12, 2007, Defendant, Diana Uberti, under the express direction of Margaret Segalla, did cash in Certificates of Deposit with CNB Bank that were in the name of Frank Segalla and/or Margaret Segalla and over which Margaret Segalla had complete ownership, direction and control. At all times set forth herein, Diana Uberti was acting in accordance with the wish and express direction of Margaret Segalla as made known to not only Diana Uberti but to third parties who were also privy to the reasons why Margaret Segalla did not want the money to remain in her name or in her husband's name because she did not want further money to be taken by her brother-in-law, Angelo Segalla, and his wife.

16. DENIED as stated. On April 12, 2007, Margaret Segalla, with the knowledge and consent of Frank Segalla, did direct Diana Uberti to take the actions necessary to accomplish the removal of funds from her name so that the Segallas would not have anymore of her money since they had refused and/or failed to give her the money that was due her from the sale of timber off of lands owned by Frank and Margaret Segalla. This information was communicated by Margaret Segalla to various family members as well as to her investment advisor and said action was taken with the knowledge of Frank Segalla and with no objection from him.

17. ADMITTED. By way of further answer, it is averred that the sum of \$1,500.00 was the amount used to pay caregivers and was the weekly amount expended for such purpose in the past.

18. DENIED. On May 2, 2007, Margaret Segalla was not comatose and, in fact, could get out of bed and did get out of bed.

19. DENIED as stated. The Check No. 0180 was written on June 5, 2007, and was used to pay caregivers as was the custom.

20. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Diana Uberti made any gifts to herself. On the contrary, all gifts made to Diana Uberti were made by Frank Segalla and Margaret Segalla and in accordance with their express wishes and directions for the reasons set forth herein in the presence of numerous parties.

21. DENIED. Absolutely no proceeds from any checks were deposited in any joint bank account of Diana Uberti and Donald Uberti, her husband. The Plaintiff Executors know or have reason to know that no monies were put into the name of Donald Uberti and Defendants believe that Donald Uberti has only been named because counsel for the Co-Executors threatened Donald Uberti "to make [his] life miserable" and for no other reason. Because Plaintiff Executors know that no monies were ever put into the name of Donald Uberti and his being named in this lawsuit is not for any proper purpose but to harass and annoy him and to force him to incur needless costs in defending himself in litigation in which he should not be a party.

22. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Donald Uberti ever had title to the proceeds of any checks set forth in Plaintiff's Complaint and Donald Uberti avers that Plaintiff Executors know or have reason to know that no monies were ever put in his name. Consequently, Donald Uberti believes and therefore avers that Plaintiff's action in bringing this suit against him was for no lawful purpose but, instead, was for the sole purpose of harassing and annoying and

embarrassing him and for the purposes set forth by Plaintiff's counsel when he threatened Donald Uberti that he would "make [his] life miserable". As to the allegations made with regard to Diana Uberti, it is DENIED that she did not have title to the proceeds because said checks were unauthorized. On the contrary, all actions taken by the said Diana Uberti were at the express direction of Margaret Segalla with the knowledge of and consent of Frank Segalla.

23. ADMITTED.

24. DENIED. On the contrary, at the time said checks were issued and the gifts were made, Margaret Segalla was sane and resolute that the money was to go to Diana Uberti so that not one more cent of her money would go to Angelo Segalla and the Segalla Family because they had previously removed timber from her land and had kept all of the proceeds therefrom which they have admitted exceeded \$500,000.00.

25. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, Diana Uberti avers that Margaret Segalla evidenced her donative intent in the presence of not only Frank Segalla but in the presence of third parties and confirmed the steps to be taken to effect delivery of the monies not only in the presence of Frank Segalla but third parties. Moreover, after making the aforementioned gifts, Margaret Segalla advised her sister and other third parties of what she had done and her reasons for making the gift that she did. Moreover, Frank Segalla himself confirmed that the gift had been made when he spoke to his brother, Angelo Segalla, shortly after the gifts were made.

26. DENIED. Frank Segalla was present at all times when Margaret Segalla voiced her wishes and gave directions for the transfer of the monies and he voiced no objections to her actions and, in fact, concurred in giving said money to Diana Uberti in light of the fact that his

brother had already received over \$500,000.00 of money belonging to Frank Segalla and Margaret Segalla.

27. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is averred that Margaret Segalla had full ownership and control over all of the monies in the account and had every right to dispose of the same as she saw fit and for the reasons that she voiced repeatedly.

WHEREFORE, Defendants respectfully request Your Honorable Court to:

- (a) issue an Order dismissing this action as to Donald Uberti and directing that his name be removed from the caption as a defendant hereof; and
- (b) enter judgment against Plaintiff and in favor of Defendant, Diana Uberti.

NEW MATTER

28. Defendant, Diana Uberti, incorporates herein by reference the averments contained in Paragraphs 1 through 27 inclusive of the foregoing Answer as if the same were set forth at length herein.

29. That at all times pertinent to the allegations set forth herein, Diana Uberti acted upon the expressed wishes of Margaret Segalla as those wishes were acknowledged and affirmed by Frank C. Segalla.

30. That at all times pertinent to the allegations made by the Plaintiff, Diana Uberti acted at the sole direction of Margaret Segalla as Margaret Segalla communicated those directions not only to Diana Uberti but to third persons who carried out the directions of the said Margaret Segalla.

31. That the Co-Executors of the Plaintiff's Estate knew that Margaret Segalla had transferred her money to Diana Uberti during the lifetime of Margaret Segalla and that Frank Segalla knew of said transfers and had no objection to the same.

32. That the Co-Executors of the Plaintiff Estate know that Margaret Segalla did not want the money in the Certificates of Deposit to remain in her name and in the name of her husband, Frank Segalla, because she did not want that money to be distributed to Angelo Segalla and his family because they had already received all of the money from the sale of timber located on the lands of Frank C. Segalla and Margaret Segalla without returning to them any portion of the proceeds.

33. That the Estate of Frank C. Segalla has no claim on the monies given to Diana Uberti during the lifetime of Margaret Segalla as said gift was completed while Margaret Segalla was in complete control of her faculties and her finances and for specific reasons that she articulated to numerous parties with the full knowledge and consent of Frank Segalla.

WHEREFORE, Diana Uberti respectfully requests Your Honorable Court to issue a judgment in her favor and against the Estate of Frank C. Segalla.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

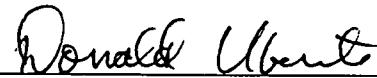
Atorneys for Defendants

VERIFICATION

We, DIANA UBERTI and DONALD UBERTI, Defendants herein, verify that the information provided in the foregoing Answer and New Matter is true and correct to the best of our knowledge, information and belief. We understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.



Diana Uberti



Donald Uberti

DATED: October 18, 2007

April 10, 2007

Frank & Margaret Segalla
538 Hooyertown Road
(formerly RD 1 Box 72D)
Penfield, PA 15849-6213

S & T Bank, DuBois Mall Branch
Shaffer Road
DuBois, PA 15801
Attention: Melanie McGinnis

RE: Certificates of Deposit #'s 5000163179, 2023002373,
2023004324, 2023004477, (23 4477).

Dear Ms. McGinnis,

We wish to redeem the enclosed certificates of deposit and request a check for the proceeds be mailed to our address of record. Please add our 911 address change above, if you do not already have it. We are fully aware that penalties will be assessed for early withdrawal. Thank you for your prompt assistance.

Sincerely,

Frank Segalla

Frank Segalla POA Diana Ulrich

Margaret Segalla

Margaret Segalla

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTATE OF FRANK C. :
SEGALLA, deceased, :
Plaintiff :
: No. 07 - 1494 C.D.
vs. :
: :
DIANA UBERTI and :
DONALD UBERTI, her husband, :
Defendants :
:

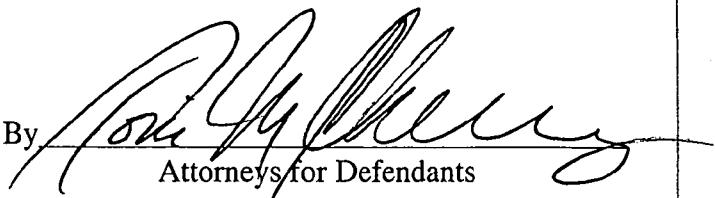
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2007, a true and correct copy of Defendant's Answer and New Matter was served upon ANTHONY S. GUIDO, ESQ., counsel for Plaintiff, by mailing the same to him by United States First Class Mail, Postage Prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

ANTHONY S. GUIDO, ESQ.
Hanak, Guido and Taladay
Attorneys at Law
P. O. Box 487
DuBois, PA 15801

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Rosemary M. Gleason
Attorneys for Defendants

Dated: October 19, 2007

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494 - CD

Type of pleading:
REPLY TO NEW MATTER

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 10-31-07

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. . .
SEGALLA, deceased . .
Plaintiff . .

No. 07-1494-CD

vs. . .

DIANA UBERTI and . .
DONALD UBERTI, her husband . .
Defendants . .

REPLY TO NEW MATTER

AND NOW, comes the Estate of Frank C. Segalla, deceased, and by its attorneys, Hanak, Guido & Taladay, files this Reply to New Matter filed by the Defendants in the above entitled matter as follows:

28. Denied. In answer thereto, Plaintiff Estate incorporates by reference the averments contained in the Plaintiff Estate's Complaint paragraphs 1 through 27 inclusive as though the same were herein set forth at length.

29. Denied. After reasonable investigation, the Plaintiff Estate and its Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case. In further answer hereto, as averred in the Plaintiff Estate's Complaint even if a donative intent existed as averred, the

alleged gift was not made due to the fact that there was no effective delivery of the alleged gift.

30. Denied. After reasonable investigation, the Plaintiff Estate and its Co-Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case.

31. Denied. The Co-Executors of the Plaintiff Estate did not know that Margaret Segalla had transferred her money to Diana Uberti during the lifetime of Margaret Segalla and that Frank Segalla knew of said transfers and had no objections to the same. The knowledge of said transfers was acquired when the attorney for the Plaintiff Estate obtained the bank records from S&T Bank and CNB Bank. Strict proof of this allegation is demanded at trial.

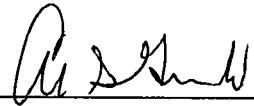
32. Denied. After reasonable investigation, the Plaintiff Estate and its Co-Executors are without knowledge or information sufficient to form a belief as to the truth of this averment. Proof thereof is demanded at the trial of this case. It is further denied that Angelo Segalla had any duty to return any of the portions of the proceeds of the timber sale due to the fact that the timber in question was gifted by Frank and Margaret Segalla to Angelo Segalla by deed dated November 18, 2003.

33. Denied. There was no gift of the money in question due to the fact that there was no donative intent and, if donative intent existed, then there was no effective delivery of said alleged gift. Further, it is

denied that Margaret Segalla was in complete control of her facilities and her finances or that she articulated specific reasons for said gift to numerous third parties with the full knowledge and consent of Frank Segalla. Proof is demanded of the averments in this Paragraph 33 at the time of trial.

WHEREFORE, Plaintiff demands that your Honorable Court enter judgment in favor of the Plaintiff and against the Defendants as requested in the Plaintiff's Complaint.

HANAK, GUIDO & TALADAY

By 
Attorney for Plaintiff

VERIFICATION

I, ANGELO SEGALLA, Co-Executor of the Estate of Frank C. Segalla, hereby state that I am the Plaintiff in this action and that the statements of fact made in the foregoing REPLY TO NEW MATTER are true and correct to the best of my information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to the authorities.

10-34-07

Date

Angelo Segalla

Angelo Segalla

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :

ORDER

AND NOW, the 5th day of November, 2007, upon
consideration of the foregoing Motion, argument thereon is scheduled for
the 14th day of November, 2007, at 2:30 o'clock P.M. in
Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT,



FILED
NOV 06 2007
10947-07
Atty Guido
GK

William A. Shaw
Prothonotary/Clerk of Courts

~~FILED~~

~~NOV 02 2007~~

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/06/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

No. 07-1494-CD

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 11-7-07

FILED No CC.
m/11/15 cm
NOV - 8 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
No. 07-1494-CD
vs. :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :

CERTIFICATE OF SERVICE

I certify that on the 7th day of November, 2007, an original
Notice of Deposition, copy of which is attached hereto, was hand-
delivered to the following:

Toni M. Cherry, Esq.
Gleason, Cherry & Cherry, LLP
PO Box 505
DuBois, PA 15801

Re: ~~Don~~

Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :

NOTICE OF DEPOSITION

TO: DIANA UBERTI
c/o Toni M. Cherry, Esq.
P.O. Box 505
DuBois, PA 15801

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, December 19, 2007 at 9:30 a.m.** at the law offices of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

1

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494 - CD
vs. :
: Type of pleading:
DIANA UBERTI and : CERTIFICATE OF SERVICE
DONALD UBERTI, her husband :
Defendants :
: Filed on behalf of:
: Plaintiff
:
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

FILED NO cc
11/03/07
NOV 08 2007
WAM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :

CERTIFICATION OF SERVICE

I do hereby certify that on the 7th day of November, 2007, a true and correct copy of the Order of Court dated November 5, 2007, scheduling argument on the Motion for Judgment on the Pleadings was served upon the Defendant by hand-delivery upon Counsel for the Defendant as follows:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, LLP
P. O. Box 505
DuBois, PA 15801



Anthony S. Guido, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
Type of pleading:
DIANA UBERTI and : CERTIFICATE OF SERVICE
DONALD UBERTI, her husband :
Defendants :
: Filed on behalf of:
: Plaintiff
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: November 13, 2007

cc: Toni M. Cherry, Esq.

FILED NO cc
M 10:08 AM
NOV 14 2007
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :

CERTIFICATE OF SERVICE

I certify that on the 13th day of November, 2007, the original Notice of Deposition and Subpoena, copy of which is attached hereto, was hand-delivered to the following:

Charles Reynolds
Reynolds Financial Advisors
169 Midway Drive
DuBois, Pa 15801

and the contents thereof made known to him.



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.	:	
SEGALLA, deceased	:	
Plaintiff	:	
	:	No. 07-1494-CD
vs.	:	
DIANA UBERTI and	:	
DONALD UBERTI, her husband	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: CHARLES REYNOLDS
Reynolds Financial Advisors
169 Midway Drive
DuBois, PA 15801

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, December 19, 2007 at 11:00 a.m.** at the law offices of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Estate of Frank C.

Segalla, deceased

Plaintiff(s)

vs.

No. 2007-01494-CI

Diana Uberti and

Donald Uberti, her husband

Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

Charles Reynolds

TO: Reynolds Financial Advisors

169 Midway Drive

DuBois, PA 15801

1. You are ordered by the Court to come to the law offices of Hanak, Guido & Taladay
528 Liberty Boulevard, DuBois, PA 15801
(Specify Courtroom or other place)

at Clearfield County, Pennsylvania, on December 19, 2007 at 11:00 a.m.
o'clock, A.M., to testify on behalf of the Plaintiff

in the above
case, and to remain until excused.

2. And bring with you the following: all documents showing disposition of all
funds received from Defendant, Diana Uberti, between March 1, 2007,
and August 1, 2007, inclusive

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

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

NAME: Anthony S. Guido

ADDRESS: PO Box 487

DuBois, PA 15801

TELEPHONE: (814) 371-7768

SUPREME COURT ID # 05877

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DATE: Wednesday, November 07, 2007

Seal of the Court

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

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

ESTATE OF FRANK C. SEGALLA :
VS. : NO. 07-1494-CD
DIANA UBERTI and :
DONALD UBERTI :

O R D E R

AND NOW, this 14th day of November, 2007, this being the date set for hearing on the Petition for Restraining Order filed on October 16, 2007, on behalf of the Plaintiff; and upon agreement of the parties and counsel, it is the ORDER of this Court as follows:

1. Diana Uberti is hereby prohibited from transferring, alienating, removing, encumbering or otherwise diminishing in any regard the monies currently located in the Blue Base Capital Management, LLC, account no. 672-545961, which had a balance as of October 31, 2007, of \$172,290.48;
2. Donald Uberti is hereby removed as a party Defendant in this case; and
3. The caption in the future shall not list Donald Uberti as a party Defendant.

BY THE COURT,



President Judge

FILED
10/30/07 A. Guido
NOV 16 2007 T. Chong
ACC Atty's:
William A. Shaw
Prothonotary/Clerk of Courts
GK

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

ESTATE OF FRANK C. SEGALLA,
deceased,

Plaintiff

*

*

*

*

*

*

*

vs.
DIANA UBERTI and DONALD UBERTI,
her husband,

Defendants

*

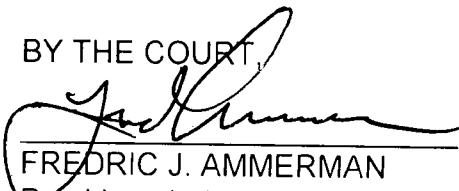
1494
No. 07-1944-CD

ORDER

NOW, this 6th day of December, 2007, in consideration of the Plaintiff's Motion for Judgment on the Pleadings filed November 2, 2007 and following argument on the same, the Court finds as follows:

1. The Court has reviewed the Answer and New Matter and notes that the same denies the allegations set forth within the Plaintiff's Complaint;
2. The denials set forth within the Defendants' Answer and New Matter appear to be inconsistent with certain Exhibits attached to both the Plaintiff's Complaint and Motion for Judgment on the Pleadings;
3. Notwithstanding the said inconsistencies, with the Defendant's denials contained within her pleading, the Court is not in a position to grant Judgment on the Pleadings. Therefore, it is the ORDER of this Court that the Motion for Judgment on the Pleadings be and is hereby DISMISSED.
4. Following discovery the Court suggests that a Motion for Summary Judgment be filed by the appropriate party.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
014:00/61
DEC 07 2007

cc Attns:
Guido
T. Cherry

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI : Type of pleading:
Defendant : CERTIFICATE OF SERVICE
: Filed on behalf of:
: Plaintiff
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: 12-11-07

FILED ^{no cc}
m/10/31/07
DEC 13 2007
WM
William A. Shaw
Prothonotary/Clerk of Courts

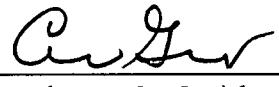
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.	:	
SEGALLA, deceased	:	
Plaintiff	:	
	:	No. 07-1494-CD
vs.	:	
	:	
DIANA UBERTI and	:	
DONALD UBERTI, her husband	:	
Defendants	:	

CERTIFICATE OF SERVICE

I certify that on the 11th day of December, 2007, an original Supplemental Notice of Deposition, copy of which is attached hereto, was served upon the following by U.S. Mail, First Class, postage pre-paid, addressed as follows:

Toni M. Cherry, Esq.
Gleason, Cherry & Cherry, LLP
PO Box 505
DuBois, PA 15801



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI
Defendant

No. 07-1494-CD

Type of pleading:
SUPPLEMENTAL
NOTICE OF DEPOSITION

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: December 11, 2007

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. :
DIANA UBERTI :
Defendant :

No. 07-1494-CD

SUPPLEMENTAL
NOTICE OF DEPOSITION

TO: DIANA UBERTI
c/o Toni M. Cherry, Esq.
P.O. Box 505
DuBois, PA 15801

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, December 19, 2007 at 9:30 a.m.** at the law offices of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

AND BRING WITH YOU the following documents:

1. Power of Attorney executed by Frank C. Segalla.
2. Power of Attorney executed by Margaret Segalla.



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

vs.

DIANA UBERTI
Defendant

No. 07-1494-CD

Type of pleading:
Prerequisite to
Service of Subpoena

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: December 11, 2007

FILED NO
M 10/31/07
DEC 13 2007
WMS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
: :
DIANA UBERTI and :
~~DONALD UBERTI, her husband~~ :
Defendants :

**PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and
things pursuant to Rule 4009.22, Plaintiff certifies that:

1. A notice of intent to serve the subpoena with a copy of the subpoena attached was hand delivered on November 2, 2007, to counsel for the Defendants, Gleason, Cherry & Cherry, LLP, at least twenty days prior to the date on the subpoena is to be served.
2. A copy of the notice of intent including the proposed subpoena is attached to this Certificate.
3. No objection to the subpoena has been received.
4. The subpoena which will be served is attached to the notice of intent to serve the subpoena.



Anthony S. Guido, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

No. 07-1494-CD

vs.

DIANA UBERTI and
DONALD UBERTI, her husband
Defendants

Type of pleading:
Notice of Intent to
Serve Subpoena

Filed on behalf of:
Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: November 2, 2007

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

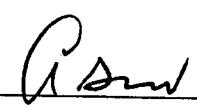
ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
: :
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
:

**NOTICE OF INTENT TO SERVE SUBPOENA
TO PRODUCE DOCUMENTS AND THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.21**

TO: Diana Uberti and Donald Uberti
Defendants

Plaintiff Estate intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned objection to the subpoena. If no objection is made, the subpoena may be served.

Date: November 2, 2007



Anthony S. Guido, Esq.
Attorney for Plaintiff
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank C. Segalla

Plaintiff(s)

Vs.

*

No. 2007-01494-CD

Diana Uberti

Donald Uberti

Defendant(s)

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: S&T Bank

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

All documents which evidence disposition of Ck No. 1949, dated 4/12/07 in the sum of \$87,104.84 payable to Diane Uberti, drawn on checking account which decedent and late wife, Margaret, had with S&T Bank, Acct #263169

(Address)

Hanak, Guido & Taladay, PO Box 487, 528 Liberty Boulevard, DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Anthony S. Guido

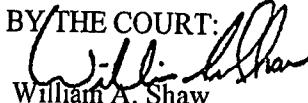
ADDRESS: PO Box 487
DuBois, PA 15801

TELEPHONE (814) 371-7768

SUPREME COURT ID # 05877

ATTORNEY FOR: Plaintiff Estate

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 25, 2007

Seal of the Court


Deputy

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
: Type of pleading:
DIANA UBERTI : Prerequisite to
: Service of Subpoena
Defendant :
: Filed on behalf of:
: Plaintiff
:
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: December 11, 2007

FILED NO
M 10:31 AM
DEC 13 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
: :
DIANA UBERTI and :
DONALD UBERTI, her ~~husband~~ :
Defendants :

**PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Plaintiff certifies that:

1. A notice of intent to serve the subpoena with a copy of the subpoena attached was hand delivered on November 7, 2007, to counsel for the Defendants, Gleason, Cherry & Cherry, LLP, at least twenty days prior to the date on the subpoena is to be served.
2. A copy of the notice of intent including the proposed subpoena is attached to this Certificate.
3. No objection to the subpoena has been received.
4. The subpoena which will be served is attached to the notice of intent to serve the subpoena.



Anthony S. Guido, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
: Type of pleading:
DIANA UBERTI and :
DONALD UBERTI, her husband :
Defendants :
: Notice of Intent to
: Serve Subpoena
: Filed on behalf of:
: Plaintiff
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: November 7, 2007

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

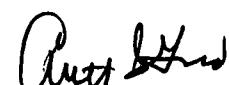
ESTATE OF FRANK C.	:	
SEGALLA, deceased	:	
Plaintiff	:	
	:	No. 07-1494-CD
vs.	:	
DIANA UBERTI and	:	
DONALD UBERTI, her husband	:	
Defendants	:	

**NOTICE OF INTENT TO SERVE SUBPOENA
TO PRODUCE DOCUMENTS AND THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.21**

TO: Diana Uberti and Donald Uberti
Defendants

Plaintiff Estate intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned objection to the subpoena. If no objection is made, the subpoena may be served.

Date: November 7, 2007



Anthony S. Guido, Esq.
Attorney for Plaintiff
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank C. Segalla
Plaintiff(s)

Vs.

*

No. 2007-01494-CD

Diana Uberti
Donald Uberti
Defendant(s)

*

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: CNB Bank

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

All documents which evidence disposition of Ck No. 0173, dated 4/12/07, in the sum of \$104,536.82, payable to Diana Uberti, drawn on checking account which decedent & late wife, Margaret, had with CNB Bank, acct #1477223

(Address)

Hanak, Guido & Taladay, PO Box 487, 528 Liberty Boulevard, DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Anthony S. Guido
ADDRESS: PO Box 487
DuBois, PA 15801
TELEPHONE: (814) 371-7768
SUPREME COURT ID # 05877
ATTORNEY FOR: Plaintiff Estate

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 25, 2007

Seal of the Court

Deputy

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
: No. 07-1494-CD
vs. :
: Type of pleading:
DIANA UBERTI : CERTIFICATE OF SERVICE
Defendant :
: Filed on behalf of:
: Plaintiff
:
: Counsel of Record for This
: Party:
: Anthony S. Guido, Esquire
: Supreme Court No. 05877
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Dated: December 11, 2007

cc: Toni M. Cherry, Esq.

FILED
11/10/2007
DEC 13 2007
No cc
WAM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C. :
SEGALLA, deceased :
Plaintiff :
vs. : No. 07-1494-CD
DIANA UBERTI :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 11th day of December, 2007, the original Request for Production of Documents and Subpoena to produce said documents, were served upon the following:

By hand-delivery:

S&T Bank
614 Liberty Boulevard
DuBois, Pa 15801

CNB Bank
1574 B-Line Highway
DuBois, PA 15801



Anthony S. Guido, Esq.
Attorney for Plaintiff Estate

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103194
NO: 07-1494-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: ESTATE OF FRANK C. SEGALLA, DECEASED
VS.
DEFENDANT: DIANA UBERTI and DONALD UBERTI

SHERIFF RETURN

NOW, September 18, 2007 AT 12:01 PM SERVED THE WITHIN COMPLAINT ON DIANA UBERTI DEFENDANT AT 15519 BENNETTS VALLEY HIGHWAY, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DIANA UBERTI, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

FILED
0/11/500m
JAN 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103194
NO: 07-1494-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: ESTATE OF FRANK C. SEGALLA, DECEASED
vs.
DEFENDANT: DIANA UBERTI and DONALD UBERTI

SHERIFF RETURN

NOW, September 18, 2007 AT 12:01 PM SERVED THE WITHIN COMPLAINT ON DONALD UBERTI DEFENDANT AT 15519 BENNETTS VALLEY HIGHWAY, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DIANA UBERTI, 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 # 103194
NO: 07-1494-CD
SERVICES 2
COMPLAINT

PLAINTIFF: ESTATE OF FRANK C. SEGALLA, DECEASED
vs.
DEFENDANT: DIANA UBERTI and DONALD UBERTI

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	16170	20.00
SHERIFF HAWKINS	HANAK	16170	39.93

Sworn to Before Me This

Day of 2007

So Answers,


by Maury Henn
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

Plaintiff

vs.

DIANA UBERTI

Defendant

No. 07-1494 - CD

Type of pleading: **PRAECLPPE**

Filed on behalf of:
Plaintiff

Counsel of Record for This Party:

Anthony S. Guido, Esquire
Supreme Court No. 05877
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: APRIL 4, 2008

FILED
m/11:20am
APR 7 2008
William A. Shaw
Notary/Clerk of Courts
Cert of disc
issued to Atty
Guido
151
Copy to C/A

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTATE OF FRANK C.
SEGALLA, deceased
Plaintiff

No. 07-1494-CD

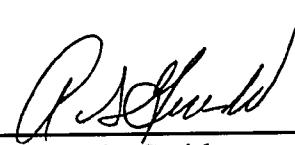
vs.

DIANA UBERTI
Defendant

PRAECIPE FOR DISCONTINUANCE

TO WILLIAM SHAW, PROTHONOTARY OF SAID COURT:

Please mark the above case settled, discontinued and ended.



Anthony S. Guido
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Estate of Frank C.
Segalla, deceased**

**Vs.
Diana Uberti**

No. 2007-01494-CD

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 April 7, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Anthony S. Guido Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of April A.D. 2008.



wm

William A. Shaw, Prothonotary