

07-1719-CD

Kideo Farms Pro vs Freshtec Food Proc.

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

Kidco Farms Processing, Inc.,

Plaintiff,

vs.

FreshTec Food Processing
Equipment International, LLC

Defendant.

CIVIL ACTION - LAW

NO. ND CASS CO. DISTRICT COURT 07-C-026

NO. 07-1719-CD

Type of Case : Breach of Contract

Type of Pleading: Praeipie for Entry of Foreign Judgment

File on behalf of: Kidco Farms Processing, Inc., Plaintiff

COUNSEL OF RECORD FOR PLAINTIFF:

Ann B. Wood

PA ID # 23364

Bell, Silberblatt & Wood

318 East Locust Street,

PO Box 670

Clearfield, Pennsylvania 16830

(Telephone number 814-765-5537)

(Fax number 814-765-9730)

MARK R. HANSON,

ND ID # 04697

Nilles Law Firm

1800 Radisson Tower

201 N 5th St.

P.O. Box 2626

Fargo, ND 58108-2626

(Telephone number 701-237-5544)

(Fax number 701-280-0762)

FILED

OCT 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

icc Amy Wood
Atty Wood.
pd-200
Statement to
Atty Wood

Notice to
Atty Hopkins
(envelope provided
by Atty Wood)

icc
Notice to Def per
Atty Wood's request
10/25/07

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

Kidco Farms Processing, Inc.,)	
)	
Plaintiff,	)	CIVIL ACTION – LAW
	)	NO. ND CASS CO. DISTRICT COURT 07-C-026
vs.	)	NO. _____
)	
	)	PRAECIPE
FreshTec Food Processing)	
Equipment International, LLC)	
)	
Defendant.)	
_____)	

TO: THE PROTHONOTARY OF THE COURT

Plaintiff hereby requests that its Judgment entered in Case No. 07-C026 in the Kidder County District Court for the State of North Dakota in the above entitled matter be entered of record in the Clearfield County Common Pleas Court for the State of Pennsylvania. For this purpose and in support of this request, attached are:

1. Exemplified copy of Kidder County District Court Judgment, Case No. 07C026;
2. Affidavit of Identification and Validity of Judgment;
3. The Court's fee; and
4. Envelope for service upon the Defendant debtor.

Dated: September 28, 2007

Ann B. Wood
Ann B. Wood, PA ID # 23364
Bell, Silberblatt & Wood
318 East Locust Street,
PO Box 670
Clearfield, Pennsylvania 16830
(Telephone number 814-765-5537)
(Fax number 814-765-9730)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF KIDDER

SOUTH CENTRAL JUDICIAL DISTRICT

Kidco Farms Processing, Inc.,

Case No.: 07C026

Plaintiff,

vs.

JUDGMENT

FreshTec Food Processing
Equipment International, LLC

Defendant.

The Summons and Complaint in this action having been regularly served upon the Defendant, FreshTec Food Processing Equipment International, LLC, on the 11th day of April, 2007, and proof of such service having been filed with the Clerk of this Court, and the Court, upon due proof of such service and of Defendant's default therein, having ordered judgment in accordance with the prayer of the Plaintiff's Complaint, Plaintiff, having offered proof in support of its cause of action;

NOW, THEREFORE, on motion of Mark R. Hanson, attorney for said Plaintiff, it is **ADJUDGED AND DETERMINED** that the Plaintiff above mentioned have and recover from FreshTec Food Processing Equipment International, LLC, the Defendant, the sum of Forty-nine Thousand Three Hundred Twelve and 67/100 Dollars (\$49,312.67), damages and interest thereon, together with the costs and disbursements herein taxed and allowed in the sum of Seven Hundred Ninety-eight and 11/100 Dollars (\$798.11), making a total judgment of **Fifty Thousand One Hundred Ten and 78/100 Dollars (\$50,110.78)**.

STATE OF NORTH DAKOTA)
COUNTY OF KIDDER) ss.

I, Barbara J. Steinke, County Recorder, within and for the County of Kidder, State of North Dakota, in the South Central Judicial District of said State, this being a Court of Record, I hereby certify that I have carefully compared the within and foregoing instrument with the original now on file in this office, and that it is a true and correct copy of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 29th day of August, 2007.

Barbara J. Steinke
Kidder County Recorder

STATE OF NORTH DAKOTA)
COUNTY OF KIDDER) ss.

I, David E. Reich, Judge of the South Central Judicial District Court, within and for the County of Kidder, State of North Dakota, do hereby certify that Barbara J. Steinke, whose name is subscribed to the above certificate of attestation, now is, and was at the time of signing and sealing the same, the County Recorder within and for the County of Kidder, State of North Dakota, and keeper of the records and seal thereof, duly elected and qualified to office, that full faith and credit are, and of right ought to be, attached to all her official acts as such, in all courts of record and elsewhere; and further, that her said attestation is in due form of law and by the proper officer.

Dated this 30th day of August, 2007.

David E. Reich
District Court Judge

STATE OF NORTH DAKOTA)
COUNTY OF KIDDER) ss.

I, Barbara J. Steinke, County Recorder, within and for the County of Kidder, State of North Dakota, do hereby certify that David E. Reich, whose name is subscribed to the foregoing certificate of attestation, now is, and was at the time of signing and sealing the same, Judge of the South Central Judicial District Court of Kidder County, and was duly elected, commissioned and qualified to office; that full faith and credit are, and of right ought to be given to all his official acts as such, in all courts of record in the United States, and elsewhere, and that his attestation is in due form of the law and by the proper officer.

Given under my hand and the seal of the court, at Steele, North Dakota, in said county, this 4th day of September, 2007.

Barbara J. Steinke
Kidder County Recorder

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

Kidco Farms Processing, Inc.,)	
)	
Plaintiff,	)	CIVIL ACTION – LAW
	)	NO. ND CASS CO. DISTRICT COURT 07-C-026
vs.	)	NO. _____
)	
FreshTec Food Processing	)	Type of Case : Breach of Contract
Equipment International, LLC	)	Type of Pleading: Affidavit of Identification
	)	File on behalf of: Kidco Farms Processing, Inc., Plaintiff
Defendant.)	
_____)	

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF STUTSMAN)

Van Amundson, being first duly sworn, states as follows:

1. That I am the president of Kidco Farms Processing, Inc., Plaintiff in the above-entitled action and therefore have knowledge of the facts hereinafter stated.

2. To the best of my information and belief, the full names and Post Office addresses of the parties in the above-entitled action are as follows:

Plaintiff: Kidco Farms Processing, Inc.: PO Box 327, Dawson, ND 58428

Defendant: FreshTec Food Processing Equipment International, LLC:
602-609 W. DuBois Avenue, PO Box 585, DuBois, Pennsylvania, 15801

3. That the Judgment entered by the North Dakota Cass County Court in Case Number 07-C-026 is valid, enforceable Judgment and is unsatisfied.

Van E. Amundson

Van Amundson

SUBSCRIBED AND SWORN TO before me this 6th day of September, 2007.

Virginia Benz

Notary Public

Kidder Stutsman County, North Dakota

My Commission Expires: 02.28.09

(NOTARIAL SEAL)

10/04/2007

REGISTER OF ACTIONS

PAGE 1

KSS915

KIDCO FARMS PROCESSING, INC.

VS FRESHTEC FOOD PROCESSING EQUIP. INT. LLC

JUDGE ASSIGNED: THOMAS J. SCHNEIDER

OFFENSE : CONTRACT/COLLECTION

INTERESTED PARTIES

CASE # : 22-07-C-00026

ATTY. FOR PLAINTIFF
DEFENDANT
PLAINTIFF
ACTIONS

HANSON, MARK RICHARD
FRESHTEC FOOD PROCESSING EQUIP. INT. LLC
KIDCO FARMS PROCESSING, INC.

1	SUMMONS	06/05/2007
2	COMPLAINT	06/05/2007
3	AFFIDAVIT OF PROCESS SERVER	06/05/2007
4	AFFIDAVIT OF PROOF	06/05/2007
5	AFFIDAVIT OF NO ANSWER	06/05/2007
6	AFFIDAVIT OF IDENTIFICATION	06/05/2007
7	ORDER FOR JUDGMENT	06/08/2007
8	STATEMENT OF JUDGMENT, DISBURSEMENTS AND COSTS	06/08/2007
9	JUDGMENT	06/08/2007
10	NOTICE OF ENTRY OF JUDGMENT	06/14/2007
11	AFFIDAVIT OF MAILING	06/14/2007

STATE OF NORTH DAKOTA } SS.
COUNTY OF KIDDER

I hereby certify that I have carefully examined the within instrument and compare the same with the records in this office: and that it is a true and correct copy of the same. Date 10-4 2007

Barbara J. Steinhilber
Kidder County Recorder

By _____, Deputy

FILED

OCT 23 2007

William A. Shaw
Notary Public/Clerk of Courts

I hereby certify that I have carefully examined the instrument and compared with the records in the office and find that it is a true and correct copy of the original.
Witness my hand and the seal of my office this 23rd day of October 2007.
Notary Public/Clerk of Courts
William A. Shaw

STATE OF NORTH DAKOTA
COUNTY OF KILLBUCK

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Kidco Farms Processing, Inc.

Vs.

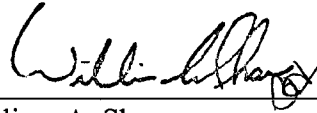
No. 2007-01719-CD

Freshtec Food Processing Equipment
International, LLC

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$50,110.78 on October 23, 2007.

William A. Shaw
Prothonotary

A handwritten signature in black ink, appearing to read 'William A. Shaw', is written over a horizontal line.

William A. Shaw

COPY

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Kidco Farms Processing, Inc.
Plaintiff(s)

No.: 2007-01719-CD

Real Debt: \$50,110.78

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Freshtec Food Processing Equipment
International, LLC
Defendant(s)

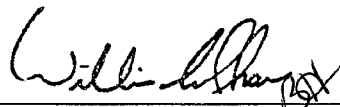
Entry: \$20.00

Instrument: Transfer Judgment

Date of Entry: October 23, 2007

Expires: October 23, 2012

Certified from the record this 23rd day of October, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

KIDCO FARMS PROCESSING, INC.
Plaintiff

vs.

FRESHTEC FOOD PROCESSING
EQUIPMENT INTERNATIONAL LLC
Defendant

No. 2007-01719-CD

Type of Filing:
Affidavit of Service

Filed on Behalf of: Plaintiff

Filed by:

Ann B. Wood, Esquire
Supreme Court No. 23364

Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

012:17/01
OCT 25 2007

^{1cc} Amy Wood

William A. Shaw
Prothonotary/Clerk of Courts

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

KIDCO FARMS PROCESSING, INC.
Plaintiff

vs.

FRESHTEC FOOD PROCESSING
EQUIPMENT INTERNATIONAL LLC
Defendant

No. 2007-01719-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

AND NOW, this 25th day of October, 2007 I, Ann B. Wood, Esquire,
being duly sworn, do depose and say that on October 24, 2007, I sent a certified
copy of the Statement of Judgment in the above captioned matter on Defendant
by causing the same to be deposited in the United States Mail at the United States
Post Office located at 118 North Second Street, Clearfield, Pennsylvania 16830,
postage prepaid, by Certificate of Mailing, addressed to:

Freshtec Food Processing Equipment Int. LLC
602-609 West DuBois Avenue, P.O. Box 585
DuBois, PA 15801

Copy of the transmittal and Certificate of Mailing are attached hereto.

BELL, SILBERBLATT & WOOD
By

Ann B. Wood.
Ann B. Wood, Esquire

SWORN TO and SUBSCRIBED before me this 25th day of October, 2007.

NOTARIAL SEAL
ANDREA M. SMITH, Notary Public
Clearfield Boro. Clearfield County, PA
My Commission Expires June 28, 2011

Andrea M. Smith
Notary Public

ANN B. WOOD, ESQUIRE
BELL, SILBERBLATT & WOOD
Attorneys At Law
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830-0670
TEL: (814) 765-5537
FAX: (814) 765-9730

TRANSMITTAL MEMORANDUM

DATE: October 24, 2007

IN RE: Kidco Farms Processing, Inc. vs.
Freshtec Food Processing Equip. Int. LLC
Clearfield County #2007-01719-CD

TO: Freshtec Food Processing Equipment Int. LLC
602-609 West DuBois Avenue, P.O. Box 585
DuBois, PA 15801

Enclosed please find the following:

certified copy of the Statement of Judgment entered in the Clearfield County Prothonotary's office in the above matter along with certified copies of the Praecipe for Entry of Foreign Judgment, related Affidavit and docket entries from the original judgment in Kidder County District Court, North Dakota.

Thank you,
Ann B. Wood, Esquire

cc: Mark R. Hanson, Esquire
Nilles Law Firm

CERTIFICATE OF MAILING

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From: <u>Ann B. Wood, Esquire</u> <u>Bell, Silberblatt & Wood</u> <u>P.O. Box 670</u> <u>Clearfield, PA 16830</u>	
One piece of ordinary mail addressed to: <u>Freshtec Food Processing Equipm. Int. LLC</u> <u>602-609 West DuBois Avenue</u> <u>P.O. Box 585</u> <u>DuBois, PA 15801</u>	

