

07-1803-CD
JJ Powell vs F.T. Silfes Inc.

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

J.J. POWELL, INC.,

Plaintiff

No. 2007- 1803-CD

VS.

F. T. SILFIES, INC.,

Defendant

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFF

Counsel for This Party:
Peter F. Smith, Esquire
Supreme Court ID #34291
P. O. Box 130
30 South Second Street
Clearfield, PA 16830
(814) 765-5595

FILED
11/2/2007
NOV 06 2007
11/2/2007
ICC Atty
ICC Sheriff
Plff pd
William A. Shaw
Prothonotary/Clerk of Courts
85.00

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

J.J. POWELL, INC.,

Plaintiff

No. 2007-

vs.

F. T. SILFIES, INC.,

Defendant

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or other rights important to you.

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

Clearfield County Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

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

J.J. POWELL, INC., : Plaintiff : No. 2007-

vs. : : :

F. T. SILFIES, INC., : Defendant : :

COMPLAINT

COMES NOW, J. J. Powell, Inc., by its attorney Peter F. Smith, who states in support of this complaint:

1. The Plaintiff, **J. J. POWELL, INC.**, is a Pennsylvania business corporation with principal office in Philipsburg (Chester Hill), Clearfield County, Pennsylvania and with mailing address of P.O. Box 30, Philipsburg, Pennsylvania 16866.
2. **F. T. SILFIES, INC.**, the Defendant, is a Pennsylvania business corporation with registered office at 4242 Lonete Drive, Nazareth, Northampton County, Pennsylvania 18064.
3. The Defendant also maintains a business office at 250 Reese Road, Suite 200, State College, Pennsylvania, 16801.
4. Pursuant to this agreement dated 7/10/2006, the Defendant obtained 45 cardlock cards for use by its drivers and vehicles. By using this card, the Defendant was able to purchase quantities of diesel fuel and gasoline at Plaintiff's self-service distribution sites. A true and correct copy of said agreement is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 1.

6. Balances due would be billed by Plaintiff on a monthly basis.

7. Bills were to be paid upon receipt.

8. All payments were to be made to the Plaintiff's office in Philipsburg, Clearfield County, Pennsylvania.

9. Amounts unpaid for more than thirty (30) days accrued interest at the rate of 18% per annum.

10. Paragraph 7 of the cardlock agreement permits the Plaintiff to recover reasonable attorney fees and court costs in the event of the customer Defendant's breach.

11. Paragraph 8 of the cardlock agreement permits the Plaintiff to select the venue for legal proceedings. Hence, suit has been brought in Plaintiff's home county.

12. A statement of the Defendant's account with the Plaintiff commencing on September 30, 2006 and continuing until October 31, 2007 is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 2.

13. Written and oral demand have been made on the Defendant to pay the balance due, but he has failed to do so.

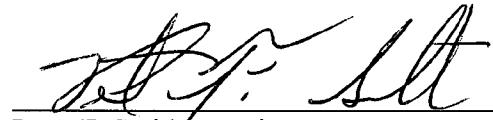
14. As of October 31, 2007, the amounts owed to Plaintiff by the Defendant for purchases of diesel fuel and gasoline pursuant to their agreement follows:

A)	Balance	\$46,892.99
B)	Finance Charges to 11/01/06	\$ 3,864.61
C)	Interest accruing at \$45.03 per day from 11/01/07 forward	\$ _____
D)	Attorney fees (to be added)	\$ _____
E)	Court costs (to be added)	\$ _____
PRELIMINARY TOTAL		\$50,757.60
FINAL TOTAL		\$ _____

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant F. T. Silfies, Inc. in the amount of \$50,757.60 together with interest accruing after October 31, 2007, reasonable attorney fees and court costs.

Respectfully submitted,

Date: 11/5/07

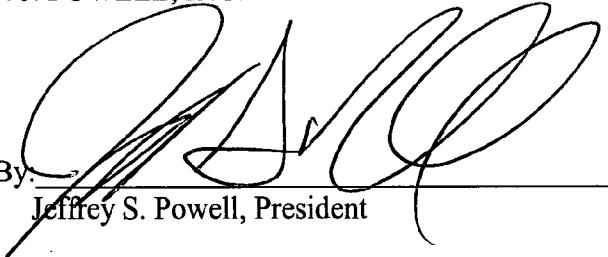

Peter F. Smith, Esquire
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: _____

J. J. POWELL, INC.


By _____
Jeffrey S. Powell, President

Option:

Doc #	Document	Original	Gallons	Reference	Extended	Extended	Extended
		Date	Amount	Purchased	Amounts	Amounts	Amounts
<u>Original Document</u>							
Type	Doc#	Date	Amount	Quantity	Reference	Running Balance	Future & 10/31/07 10/15/07 09/30/07 09/15/07
11453	SILFIES INC., F. T.	231-5233	BRAD GENSIMORE	25,000.00	Last payment		/Credit limit (B S9) Salesperson 99
Inv	6273	09/30/06	6,165.58	2,261.6		6,165.58	
Inv	6288	10/15/06	9,803.86	3,699.7		15,969.44	
F/C	6304	10/31/06	46.24		Finance Charge	16,015.68	
Inv	6304	10/31/06	15,885.08	5,979.8		31,900.76	
F/C	6319	11/15/06	119.77		Finance Charge	32,020.53	
Inv	6319	11/15/06	18,018.96	6,777.4		50,039.49	
F/C	6334	11/30/06	238.91		Finance Charge	50,278.40	
Inv	6334	11/30/06	19,031.99	7,012.6		69,310.39	
Pmt	70001	12/11/06	6,165.58		7614	63,144.81	
F/C	6349	12/15/06	327.81		Finance Charge	63,472.62	
Inv	6349	12/15/06	25,550.66	9,153.4		89,023.28	
Pmt	70192	12/18/06	9,803.86		7620	79,219.42	
Pmt	70381	12/29/06	18,138.73		7692	61,080.69	
Pmt	70408	12/30/06	15,931.32		7765	45,149.37	
F/C	6365	12/31/06	142.74		Finance Charge	45,292.11	
Inv	6365	12/31/06	14,699.59	5,347.8		59,991.70	
Inv	7015	01/15/07	31,073.97	11,816.8		91,065.67	
F/C	7015	01/15/07	334.37		Finance Charge	91,400.04	
Pmt	70879	01/19/07	19,270.90		7834	72,129.14	
Pmt	71035	01/29/07	9,153.41		7870	62,975.73	
F/C	7031	01/31/07	233.23		Finance Charge	63,208.96	
Inv	7031	01/31/07	35,693.38	14,222.6		98,902.34	
Pmt	71326	02/09/07	14,842.33		8027	84,060.01	
Inv	7046	02/15/07	32,929.98	12,461.3		116,989.99	
F/C	7046	02/15/07	357.42		Finance Charge	117,347.41	
Pmt	71674	02/28/07	16,725.06		8088	100,622.35	
Inv	7059	02/28/07	23,313.06	8,702.2		123,935.41	
F/C	7059	02/28/07	233.05		Finance Charge	124,168.46	
Pmt	72085	03/15/07	31,073.97		8164	93,094.49	
F/C	7074	03/15/07	267.70		Finance Charge	93,362.19	
Inv	7074	03/15/07	35,203.94	12,502.0		128,566.13	
Pmt	72326	03/30/07	56,243.04		8236	72,323.09	
Inv	7090	03/31/07	34,031.68	12,090.9		106,354.77	
F/C	7090	03/31/07	267.70		Finance Charge	106,622.47	
F/C	7105	04/15/07	531.73		Finance Charge	107,154.20	531.73
Inv	7105	04/15/07	26,094.79	8,911.7		133,248.99	1,362.49
Pmt	72806	04/20/07	35,926.61		8304	97,322.38	
Inv	7120	04/30/07	24,660.49	8,487.2		121,982.87	24,660.49
F/C	7120	04/30/07	519.27		Finance Charge	122,502.14	519.27
Inv	7135	05/15/07	11,756.35	4,064.8		134,258.49	11,756.35
F/C	7135	05/15/07	714.98		Finance Charge	134,973.47	714.98
Pmt	73394	05/16/07	36,396.48		8488	98,576.99	
Inv	7151	05/31/07	1,944.89	647.4		100,521.88	1,944.89
F/C	7151	05/31/07	635.90		Finance Charge	101,157.78	635.90
Inv	7166	06/15/07	3,304.16	1,121.9		104,461.94	3,304.16
F/C	7166	06/15/07	724.07		Finance Charge	105,186.01	724.07
F/C	7181	06/30/07	738.66		Finance Charge	105,924.67	738.66

Option:

Doc #	Document	Original	Gallons	Reference	Extended	Extended	Extended
Date		Amount	Purchased		Amounts	Amounts	Amounts
<u>Original Document</u>					Running	Future &	
Type	Doc#	Date	Amount	Quantity	Balance	10/31/07	10/15/07
11453	SILFIES INC., F. T.	231-5233	BRAD GENSIMORE		25,000.00/Last payment	09/30/07	09/15/07
Pmt	74489	07/09/07	34,031.68-	8623	71,892.99		
Pmt	75433	08/15/07	25,000.00-	8804	46,892.99		
11453 Total.....					46,892.99		46,892.99

NOTE: Customer credit codes are printed in this order: Terms, Statement cycle, and Credit flag. Example: (A MO 3)

Active Accounts	46,892.99	0.00	46,892.99
	0.00	0.00	
* Total All Accounts *	46,892.99	0.00	46,892.99
	0.00	0.00	
* Total Uninvoiced *	0.00	0.00	0.00
* Total Unpaid F/C *	3,864.61		3,864.61

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

J.J. POWELL, INC., :
Plaintiff : No. 2007-1803-CD
vs. :
F. T. SILFIES, INC., :
Defendant :
:

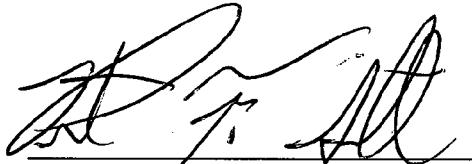
PRAECIPE TO DISCONTINUE

To: William A. Shaw, Prothonotary

Dear Sir:

As counsel for the Plaintiff in the above-captioned matter, I appear and request that the judgment entered against F. T. SILFIES, INC., be marked DISCONTINUED.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second St.
Clearfield, PA 16830
(814) 765-5595

Date: January 2, 2008

cc: J. J. Powell, Inc.
Sara Barr Entis, Esquire

FILED No CC
01/11/10 am 1 Cert of Disc
JAN 03 2008 issued to
Atty Smith
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

J. J. Powell, Inc.

Vs.
F. T. Silfies, Inc.

No. 2007-01803-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 January 3, 2008, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by J J Powell.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of January A.D. 2008.

William A. Shaw

LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103403
NO: 07-1803-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: J.J. POWELL, INC.
VS.
DEFENDANT: F.T. SILFIES, INC.

SHERIFF RETURN

NOW, November 13, 2007, SHERIFF OF NORTHAMPTON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON F.T. SILFIES, INC..

NOW, November 23, 2007 AT 1:47 PM SERVED THE WITHIN COMPLAINT ON F.T. SILFIES, INC., DEFENDANT.
THE RETURN OF NORTHAMPTON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
01/21/2008
FEB 20 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103403
NO: 07-1803-CD
SERVICES 1
COMPLAINT

PLAINTIFF: J.J. POWELL, INC.

vs.

DEFENDANT: F.T. SILFIES, INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	J.J.POWELL	29619	10.00
SHERIFF HAWKINS	J.J.POWELL	29619	21.00
NORTHAMPTON CO.	J.J.POWELL	29620	52.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins
by Marilyn Hamm
Chester A. Hawkins
Sheriff

1001 WDA 12 B 3 SP

RECEIVED
WISCONSIN COMPANY
1957 10 11 1974



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103403

TERM & NO. 07-1803-CD

J.J. POWELL, INC.

COMPLAINT

VS.

F.T. SILFIES, INC.

SERVE BY: 12/05/07

HEARING:

RECEIVED
SHERIFF'S OFFICE
NORTHAMPTON COUNTY, PA
2007 NOV 15 PM 12:56

MAKE REFUND PAYABLE TO J.J. POWELL, INC.

SERVE: F.T. SILFIES, INC.

ADDRESS: 4242 LONETE DRIVE, NAZARETH, PA 18064

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF NORTHAMPTON COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 13, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA