

08-26-CD  
Comm of PA vs James Hile

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

COMMONWEALTH OF  
PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**Judgment Creditor, : Civil Judgment**

No. 08-26cD

V.

JAMES HILE,  
Judgment Debtor

## PRAECLPE

## To the Prothonotary:

Please enter as a Judgment of record a Civil Penalty Assessment rendered by the Department against James Hile in the amount of \$9,000, pursuant to the Solid Waste Management Act at 35 P.S. § 6018.612 (“SWMA”). Enclosed are the following Exhibits:

- A. A copy of the Civil Penalty Assessment (“CPA”);
- B. A copy of the September 7, 2007 letter transmitting the CPA and the September 11, 2007 Certified Mail Return Receipt evidencing receipt of the CPA;
- C. A Certification of No Appeal of the CPA from the Environmental Hearing Board;
- D. A copy of a December 5, 2007 Demand Letter from the Department (“Demand Letter”) sent as required by the SWMA at 35 P.S. § 6018.612; and

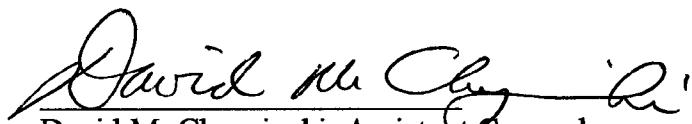
**FILED** Aff pd. 40.00  
M 13:08 10 JAN 2008 ICC & Notice  
JAN 10 2008 to Def.  
S ICC Statement  
William A. Shaw  
Prothonotary/Clerk of Courts to Atty  
6 wants to  
Sheriff

E. December 17, 2007 Certified Mail Return Receipt evidencing receipt of the Demand Letter.

Following the entry of Judgment, please issue a Writ of Execution to the Clearfield County Sheriff. A return envelope is enclosed for the return of a file stamped copy . Thank you.

Respectfully submitted,  
FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

DATE: January 8, 2008



David M. Chuprinski, Assistant Counsel  
Northcentral Region Office of Chief  
Counsel 208 West Third Street, Suite  
101 Williamsport, PA 17701-6448  
Telephone: (570) 321-6568  
Facsimile: (570) 327-3565

c: Mr. James Hile  
64 Color Lane  
Clearfield, PA 16830

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

James Hile  
64 Color Lane  
Clearfield, PA 16830

: Unpermitted Disposal of  
Solid Waste without a Permit  
Lawrence Township, Clearfield County

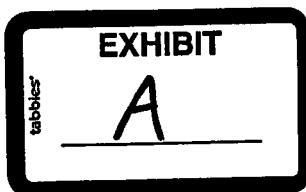
**CIVIL PENALTY ASSESSMENT**

AND NOW, this 7<sup>th</sup> day of September 2007, the Commonwealth of Pennsylvania Department of Environmental Protection (hereinafter referred to as "Department") has determined that:

A. The Department is the Administrative agency with the authority and responsibility to administer and enforce the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 *et seq.* ("SWMA"); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 *et seq.* ("Clean Streams Law"); the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 1988-108, 35 P.S. § 6020.101 *et seq.*; the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), *as amended*, 35 P.S. §§ 4001 *et seq.*; Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder.

B. James Hile (hereinafter "Hile") maintains a mailing address of 64 Color Lane, Clearfield, PA 16830.

C. Hile owns approximately 19.96 acres on Flegal Road in Lawrence Township, Clearfield County, identified in the Clearfield County Tax Assessment Office as Tax Parcel Number 123-K07-00041 (hereinafter referred to as the "Flegal Road Site") and approximately 6 acres on the Martin Street Extension where an office and recycling building are located in Lawrence Township, Clearfield County identified in the Clearfield County Tax Assessment Office as Tax Parcel Numbers J08-000-00165 and J08-000-00165 (hereinafter referred to as the "Martin Street Site").



D.

1. On July 16, 2003, the Department conducted an inspection at the Flegal Road Site. At that time it was determined that Hile had deposited onto the ground at the Flegal Road Site approximately 3,000 waste tires in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), and was also in violation of Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility without a permit.

2. On March 9, 2004, the Department conducted an inspection at the Flegal Road Site. No tires had been removed from the site since the initial inspection on July 16, 2003.

3. On March 29, 2004, the Department sent Hile a Notice of Violation (NOV) for violations observed at Flegal Road Site during the March 9, 2004 inspection. Hile was found in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility without a permit. The Department recommended that Hile come into compliance at the Flegal Road Site by removing all waste tires from the Site to a permitted processing facility by August 30, 2004 and retain all receipts from the tire removal for review by the Department.

4. On July 8, 2005, the Department conducted an inspection at the Flegal Road Site. The waste tires remained on site. No tires had been removed from the site since the initial inspection of July 16, 2003. Hile was in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the surface of the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste disposal facility without a permit.

5. On October 26, 2005, an inspection conducted by the Department at Martin Street Site revealed that non-marketable recyclable materials including brown beer bottles, clear glass beakers, clear glass bowls and plastic sheeting were being buried on site. The dumping and burial area was

approximately 50 feet by 15 feet and 6 feet deep. The Department has estimated that at least 30 tons of waste had been disposed of in this pile. There was also a burn area consisting of approximately thirty 5-gallon paint buckets, thinner buckets, wood and paper.

6. On or about October 30, 2005, a tire fire occurred at Flegal Road Site. Approximately one-half of the 3,000 tires were burned. It was not determined how the fire started.

7. On December 5, 2005, the Department sent Hile an Administrative Order to clean up the Flegal Road Site and the Martin Street Site within 60 days of receipt.

8. On December 29, 2005, the Administrative Order was returned to the Department; Hile did not accept certified delivery of the document.

9. On January 4, 2006, a Department representative hand delivered the December 5, 2005 Administrative Order to Hile.

10. On February 17, 2006, the Department conducted and inspection at the Flegal Road Site. The waste tires were removed.

11. On March 7, 2006, the Department conducted an inspection at the Martin Street Site. The waste tires had been taken from Flegal Road Site to the Martin Street Site and placed into a building. Waste glass that had been previously dumped over an embankment at the Martin Street Site had not been removed.

12. On April 4, 2006, an inspection was conducted at the Martin Street Site and it was observed that 600 waste tires were in the maintenance building and the waste glass had been scooped up and piled at the western end of the Site.

13. On May 24, 2006, an inspection was conducted at the Martin Street Site. Buried glass, metal and plastic remained on Site behind the building.

14. On August 28, 2006, an inspection was conducted at the Martin Street Site. Waste tires and glass remained on Site.

15. On August 31, 2006, Hile entered into a stipulated Order in the Clearfield County Court of Common Pleas to clean up the Martin Street Site by removing and properly disposing of the waste tires within 30 days and the waste glass within 60 days.

16. On October 20, 2006, the Department conducted an inspection at the Martin Street Site. Hile had not complied with the August 31, 2006 Court Order.

17. On December 13, 2006, the Department conducted an inspection at the Martin Street Site. The waste tires remained in the building and the excavated glass remained on Site.

18. On February 13, 2007, the Department filed a Motion with the Court for a Continuance of a scheduled February 14, 2007 Court Hearing on the Department's Petition for Finding of Contempt of the August 31, 2006 Court Order, since Hile reported to the Department that he removed 350 waste tires from the Martin Street Site to Penn Turf in Hollidaysburg and that he contracted with Lansberry Trucking to haul the excavated waste glass to RecycAll in Port Allegany.

19. On March 12, 2007, the Department conducted an inspection at the Martin Street Site. Hile remained out of compliance with the August 31, 2006 Court Order.

20. On March 14, 2007, Hile appeared before the Clearfield County Court *pro se* for a hearing on the Department's Contempt Petition, did not offer a defense for his noncompliance, and agreed to have the Court enter an Order. The March 14, 2007 Court Order found Hile in contempt and

sentenced him to 20 days in Clearfield County Prison, with an opportunity to purge himself of the contempt and sentencing if he complied with the August 31, 2006 Court Order within 15 days, or by April 13, 2007. The March 14, 2007, Court Order also imposed a fine of \$30.00 for each day after April 13, 2007, until Hile purged himself of the contempt.

21. On March 30, 2007, the Department conducted an inspection at the Martin Street Site. All waste tires and glass had been removed for disposal and or processing. One hundred eleven and 18 one hundredths (111.18) tons of waste glass was removed to Green Tree Landfill and twenty-one and one-half (21.5) tons of waste glass was removed to RecycAll. The waste tires were removed to Penn Turf. All violations were corrected.

E. Hile has never applied for nor received a permit from the Department to burn, dump, dispose of or deposit solid waste onto the surface of the ground at the Flegal Road Site or the Martin Street Site.

F. Under Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, the definition of "disposal" provides in part, that the storage of any waste in excess of one year constitutes disposal.

G. Section 610(1) of the SWMA, 35 P.S. § 6018.610(1), states, in part that: "It shall be unlawful for any person or municipality to ...[d]ump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground...unless a permit for the dumping of such solid wastes has been obtained from the [D]epartment...".

H. Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), in part states, that: "It shall be unlawful for any person or municipality to ...[c]onstruct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the [D]epartment as required by this act or in violation of the rules or regulations adopted under this act, or orders of the [D]epartment, or in violation of any term or condition of any permit issued by the [D]epartment."

I. Section 610(3) of the SWMA, 35 P.S. § 6018.610(3), in part states, that: "It shall be unlawful for any person or municipality to ...[b]urn solid wastes without a permit from the [D]epartment."

J. The conditions described in Paragraphs D1, D2, D4, D5, D11, D12, D13, D14, D16, D17, and D19, above, constitute violations of Sections 610(1) and 610(2) of the SWMA, 35 P.S. § 6018.610(1), and § 6018.610(2).

K. The conditions described in Paragraphs D5, and D6, above, constitute violations of Section 610(3) of the SWMA, 35 P.S. § 6018.610(3).

L. The violations described in Paragraph J and K, above, constitute unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610; a statutory nuisance under Section 601 of the SWMA, 35 P.S. § 6018.601; and subject Hile to civil penalty liability under Section 605 of the SWMA, 35 P.S. § 6018.605.

M. The Department has the power and authority to assess civil penalties for each and every violation of the SWMA and the Rules and Regulations promulgated thereunder, to a maximum amount of TWENTY - FIVE THOUSAND DOLLARS (\$25,000.00) per violation per day pursuant to Section 605 of the SWMA, 35 P.S. § 6018.605.

N. The civil penalty assessed under this Civil Penalty Assessment shall not waive any right of the Department to proceed with any other remedy at law or in equity for the offenses specified herein.

NOW, THEREFORE, pursuant to the Department's authority under Section 605 of the SWMA, 35 P.S. § 6018.605, a civil penalty of NINE THOUSAND DOLLARS, (\$9,000.00) is hereby assessed against Hile for the violations identified in Paragraphs J, K, and L, above.

Payment of this Civil Penalty shall be made within 30 (thirty) days from the date of this Civil Penalty Assessment. The payment shall be made by corporate check, certified check, or the like to the "Commonwealth of Pennsylvania, Solid Waste Abatement Fund." The payment shall be submitted to:

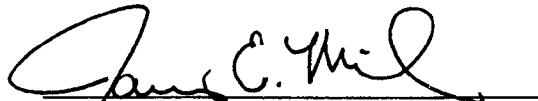
James E. Miller  
Environmental Program Manager  
Pennsylvania Department of Environmental Protection  
Waste Management Program  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

## NOTICE OF APPEAL

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free Pro Bono representation. Call the Secretary to the Board (717-787-3483) for more information.

FOR THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:



James E. Miller

Environmental Program Manager



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101  
Williamsport, PA 17701-6448  
September 7, 2007

Northcentral Regional Office

Fax 570-327-3420

**CERTIFIED MAIL NO. 7006 2150 0003 5203 4396**

Mr. James Hile  
64 Color Lane  
Clearfield, PA 16830

Re: Civil Penalty Assessment  
Solid Waste Violations  
Lawrence Township, Clearfield County

Dear Mr. Hile:

The Department has not accepted the proposed settlement offer you made in your August 21, 2007, letter to the Department. Enclosed is a copy of the August 21, 2007, letter and the check, number 1630, for five hundred dollars, (\$500.00) made payable to the Solid Waste Abatement Fund.

Enclosed is a Civil Penalty Assessment issued by the Department of Environmental Protection for violations of the Solid Waste Management Act and rules and regulations promulgated thereunder occurring on the dates specified therein.

We believe this document to be self-explanatory, however, if you have any questions please contact me at 570-327-3740.

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Miller".

James E. Miller  
Environmental Program Manager

Enclosure

cc: Community Relations Coordinator  
✓Chief Counsel  
Regional File  
Compliance  
Field

SEP 11 2007



## SENDER: COMPLETE THIS SECTION

- 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.

## 1. Article Addressed to:

Mr. James Kile  
64 Color Lane  
Clearfield PA  
16830

2. Article  
(Transit)

7006 2150 0003 5203 4396

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Address

B. Received by (Printed Name)

C. Date of Delive

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

Received

SEP 12 2004

PA

SEP 11 2004

## 3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insurance/Claim C.O.D.

## 4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, February 2004

Domestic Return Receipt

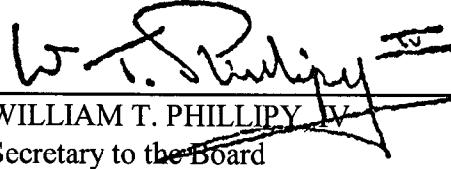
102595-02-M-15

COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD  
2nd Floor, Rachel Carson StateOffice Building  
400 Market Street  
PO Box 8457  
Harrisburg, PA 17105-8457

**CERTIFICATION OF OFFICIAL RECORDS**

I, William T. Phillip IV, Secretary of the Environmental Hearing Board of the Commonwealth of Pennsylvania ("Board"), appointed pursuant to Section 3(f) of the Environmental Hearing Board Act, 35 P.S. ' 7513(b), DO HEREBY CERTIFY in accordance with the provisions of 42 Pa.C.S.A. ' 6103(a) and (b), that I am legal custodian of the records and documents maintained by the Board. After having caused to be made a thorough examination of said records, I further certify that no appeal of a Civil Penalty Assessment issued by the Pennsylvania Department of Environmental Protection on September 7, 2007 to James Hile, Lawrence Township, Clearfield County, and received by Mr. Hile on September 11, 2007, regarding the cleanup of an unpermitted dump site on his property, has been filed with the Board by or on behalf of Mr. Hile.

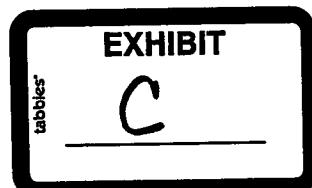
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Environmental Hearing Board to be affixed.

  
WILLIAM T. PHILLIP IV  
Secretary to the Board



October 30, 2007

Date:





Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

December 5, 2007

Northcentral Regional Office

Fax 570-327-3420

**CERTIFIED MAIL NO. 7006 2150 0003 5203 3610**

Mr. James Hile  
Colors Galore Contractors  
64 Color Lane  
Clearfield, PA 16830

Re: September 7, 2007, Civil Penalty Assessment  
Lawrence Township, Clearfield County

Dear Mr. Hile:

On September 7, 2007, the Department issued a \$9,000 Civil Penalty Assessment ("CPA") against you for violations of the Solid Waste Management Act 35 P.S. §§ 6018.101 *et seq.* ("SWMA"). You received the CPA via Certified Mail on September 11, 2007, and you have not appealed the CPA to the Environmental Hearing Board within the time allowed by statute. A copy of the CPA is enclosed for your reference.

In accordance with Section 612 of the SWMA, 35 P.S. § 6018.612, this letter is a DEMAND for payment of the \$9,000 Civil Penalty. Payment of the Civil Penalty shall be made immediately by corporate check, certified check, or the like to the "Commonwealth of Pennsylvania, Solid Waste Abatement Fund." The payment shall be submitted to the following address:

Mr. James E. Miller, Environmental Program Manager  
Pennsylvania Department of Environmental Protection  
Waste Management Program  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

Your failure to remit the entire amount of the Civil Penalty will result in further collection actions by the Department. If you have any questions or comments, please feel free to contact me at 570-327-3431.

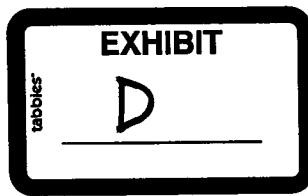
Sincerely,

James E. Miller  
Environmental Program Manager  
Waste Management Program

Enclosure

c: ✓ PADEP Office of Chief Counsel  
Field  
File

An Equal Opportunity Employer



[www.dep.state.pa.us](http://www.dep.state.pa.us)

Printed on Recycled Paper



**SENDER: COMPLETE THIS SECTION**

- 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.

**1. Article Addressed to:**

Mr. James Hile  
Colors Galore Contractors  
641 Color LN  
Clearfield PA 16830

RS

**2. Article Number**

(Transfer from service label)

7006 2150 0003 5203 3610

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*James Hile*

Agent  
 Addressee

B. Received by (Printed Name)

*James Hile*

C. Date of Delivery

DEC 20 2007

Is delivery address different from above?  Yes

If yes, enter delivery address below:  No



**Received**

**WASTE MANAGEMENT**

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**EXHIBIT**

**E**

tabbed

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Commonwealth of Pennsylvania, Department of  
Environmental Protection

Vs.

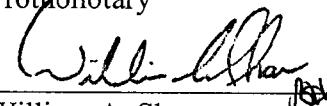
No. 2008-00026-CD

James Hile

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$9,000.00 on January 10, 2008.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

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

COPY

Commonwealth of Pennsylvania, Department of  
Environmental Protection  
Plaintiff(s)

No.: 2008-00026-CD

Real Debt: \$9,000.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

James Hile  
Defendant(s)

Entry: \$20.00

Instrument: Civil Penalty Assessment

Date of Entry: January 10, 2008

Expires: January 10, 2013

Certified from the record this 10th day of January, 2008.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

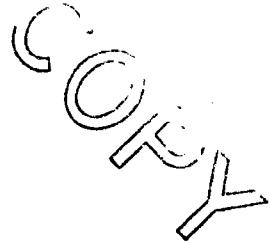
\*\*\*\*\*

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  
CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**



COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION	:	
Judgment Creditor,	:	Civil Judgment
v.		No. 08-26-CD
JAMES HILE,	:	
	:	
Judgment Debtor	:	

## WRIT OF EXECUTION

## Commonwealth of Pennsylvania, County of Clearfield

**To the Sheriff of Clearfield County:**

To satisfy the judgment, interest and costs against James Hile, Defendant,

(1) You are directed to levy upon the property of the Defendant and to sell his interest therein;

(2) If property of the Defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

REAL DEBT \$9,000.00

[Legal interest of six percent (6%) to be added until satisfaction.]

**COSTS PAID:**

Prothonotary \$ 40.00

**Sheriff** \$ 250.00

**COSTS DUE:** **\$ 290.00**

**TOTAL:** \$ 9,290.00

SEAL OF THE COURT

William A. Shaw, D

## Prothonotary

DATE: 11/10/08

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

William Hayes  
Prothonotary

VA

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

*RECEIVED*  
APR 03 2008  
03:30 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
w/o C/C

COMMONWEALTH OF  
PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Judgment Creditor, : Civil Judgment

No. 2008-26-CO

*J.P.H.*

v.

JAMES HILE,

Judgment Debtor

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

I, the above-named Defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon:

(a) I desire that my \$300 statutory exemption be:

set aside in kind (specify property to be set aside in kind):

---

paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption )

---

---

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300 statutory exemption:  in cash;  in kind (specify property):

\_\_\_\_\_  
\_\_\_\_\_

(b) Social Security benefits on deposit in the amount of \$\_\_\_\_\_;

(c) Other (specify amount and basis of exemption):

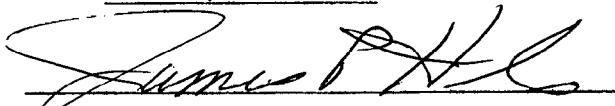
Two units I live on have a  
ENCUMBRANCE on them

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at 64 Color Lane, (Address)

814-577-9763 (Telephone Number)

I verify that the statements made in this Claim for Exemption 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.

Date: 3-12-08

  
(Defendant)

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

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL PROTECTION,

vs.

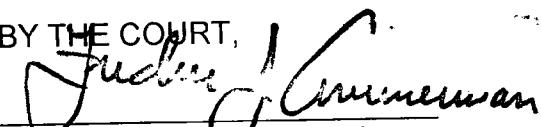
JAMES HILE

\*  
\*  
\*  
\*  
\* No. - -CD  
\* 2008-26-CD

ORDER

NOW, this 2<sup>nd</sup> day of April, 2008, the Court being in receipt of the *pro se* Claim for Exemption filed by James Hile; it is the ORDER of this Court that a hearing on said claim is scheduled for the 2<sup>nd</sup> day of May, 2008 at 2:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Thirty minutes has been reserved for this hearing.

BY THE COURT,  
  
FREDRIC J. AMMERMAN  
President Judge

**FILED** 

APR 03 2008  
04/03/08 14  
William A. Shaw  
Prothonotary/Clerk of Courts

CERT TO  
COMM.  
→

James Hile

IN THE  
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF  
PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

:  
:  
:  
:  
:

Judgment Creditor : Civil Action in Law and Equity  
: No. 2008-26-ED

v.

:  
:  
:  
:

JAMES HILE,

Judgment Debtor

:

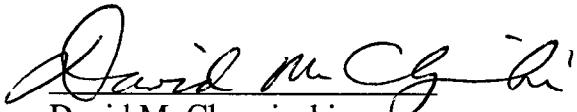
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date noted below a copy of the Department's April 29, 2008 Memorandum of Law has been sent via postage-paid, First Class, U.S. mail to:

Mr. James Hile  
64 Color Lane  
Clearfield, PA 16830

FOR THE COMMONWEALTH OF PA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Date: April 29, 2008



David M. Chuprinski  
Assistant Counsel  
Northcentral Region Office of Chief Counsel  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

FILED NOCC  
MAY 01 2008  
CM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

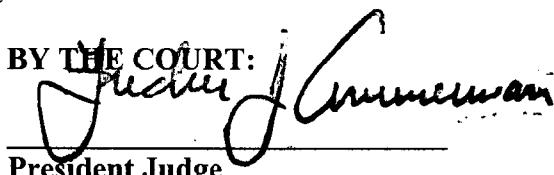
CIVIL DIVISION

COMMONWEALTH OF :  
PENNSYLVANIA, DEPARTMENT :  
OF ENVIRONMENTAL :  
PROTECTION :  
vs. : NO. 08-26-CD  
: :  
JAMES HILE : :

ORDER

AND NOW, this 2<sup>nd</sup> day of May, 2008, this being the date set for hearing on the Judgment Debtor's Claim for Exemption relative two vehicles; upon the agreement of the parties, it is the ORDER of this Court that the claim for exemption be withdrawn, with prejudice.

BY THE COURT:



President Judge

FILED 2008 May 07 2008 10:30 AM

MAY 07 2008 10:30 AM  
ACC  
DEF

William A. Shaw 64 Color Lane  
Prothonotary/Clerk of Courts Clearfield, PA

10830

62

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20718

NO: 08-26-CD

PLAINTIFF: COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION  
VS.  
DEFENDANT: JAMES HILE

Execution PERSONAL PROPERTY

**SHERIFF RETURN**

DATE RECEIVED WRIT: 1/11/2008

LEVY TAKEN 3/5/2008 @ 3:00 PM

POSTED 5/16/2008 @ 8:59 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/27/2012

DATE DEED FILED

PROPERTY ADDRESS 1375 FLEGAL ROAD CLEARFIELD , PA 16830

5 **FILED**  
01 8:35am  
JAN 27 2012

William A. Shaw  
Prothonotary/Clerk of Courts

**SERVICES**

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2011

*Chester Hawkins*  
by Cynthia Butler-Coughlin  
Chester A. Hawkins  
Sheriff

## COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION

vs

JAMES HILE

---

1 3/7/2008 @ 1:15 PM SERVED JAMES HILE

SERVED JAMES HILE, DEFENDANT AT HIS RESIDENCE 1375 FLEGAL ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PEGGY HANEY, GIRLFRIEND/ADULT AT RESIDENCE

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

---

2 4/23/2008 @ 1:49 PM SERVED JAMES HILE

SERVED JAMES HILE, DEFENDANT AT HIS RESIDENCE 1375 FLEGAL ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PEGGY HANEY, GIRLFRIEND/ADULT AT RESIDENCE.

A NOTICE OF SALE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

---

@ SERVED

NOW, MARCH 12, 2008 DEFENDANT FILED A CLAIM FOR EXEMPTION.

---

@ SERVED

NOW, MAY 19, 2008 RECEIVED A LETTER FROM THE PLAINTIFF'S ATTORNEY TO CANCEL THE SHERIFF SALE SCHEDULED FOR MAY 30, 2008, THEY WILL NOTIFY US SHOULD THERE BE A NEED TO RESUME EXECUTION.

---

@ SERVED

NOW, JANUARY 27, 2012 RETURN WRIT AS TIME EXPIRED.

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IN THE  
CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

COMMONWEALTH OF :  
PENNSYLVANIA, :  
DEPARTMENT OF ENVIRONMENTAL :  
PROTECTION :  
:

    Judgment Creditor, : Civil Judgment

    v. : No. 08-26-CD

    JAMES HILE, :  
    Judgment Debtor :  
:

WRIT OF EXECUTION

Commonwealth of Pennsylvania, County of Clearfield

**To the Sheriff of Clearfield County:**

To satisfy the judgment, interest and costs against James Hile, Defendant,

- (1) You are directed to levy upon the property of the Defendant and to sell his interest therein;
- (2) If property of the Defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

REAL DEBT	\$9,000.00
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[Legal interest of six percent (6%) to be added until satisfaction.]

COSTS PAID:

Prothonotary	\$ 40.00
Sheriff	\$ 250.00

COSTS DUE: \$ 290.00

TOTAL: \$ 9,290.00

SEAL OF THE COURT

William A. Shaw, Prothonotary



DATE: 1/10/08

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

Received this writ this 11th day  
of January A.D. 2008  
At 1:00 A.M./P.M.

Chester A. Hawkins  
Sheriff by Cynthia Butler - Aughenbach

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

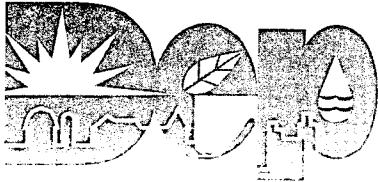
NAME JAMES HILE NO. 08-26-CD

NOW, January 27, 2012, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of James Hile to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

<b>SHERIFF COSTS:</b>		<b>PLAINTIFF COSTS, DEBT AND INTEREST:</b>	
RDR	9.00	DEBT-AMOUNT DUE	9,000.00
SERVICE	9.00	INTEREST @ %	0.00
MILEAGE	2.00	FROM TO	
LEVY	20.00		
MILEAGE	2.00	PROTH SATISFACTION	
POSTING	9.00	LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	290.00
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	1.64	ATTORNEY COMMISSION	
HANDBILLS	10.00	REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	20.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE	6.00	INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID/ SETTLEMENT AMOUNT		<b>TOTAL DEBT AND INTEREST</b>	<b>\$9,438.64</b>
RETURNS/DEPUTIZE			
COPIES	15.00	<b>COSTS:</b>	
BILLING/PHONE/FAX	5.00	ADVERTISING	0.00
CONTINUED SALES		TAXES - COLLECTOR	
MISCELLANEOUS		TAXES - TAX CLAIM	
<b>TOTAL SHERIFF COSTS</b>	<b>\$88.64</b>	DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	88.64
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	40.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$128.64</b>
		<b>TOTAL COSTS</b>	<b>\$9,438.64</b>

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff



Pennsylvania Department of Environmental Protection

**Office of Chief Counsel**

**208 West Third Street**

**Suite 101**

**Williamsport, PA 17701-6448**

May 16, 2008

**Northcentral Regional Office**

**(570) 321-6568**

**FAX (570) 327-3565**

Sheriff Chester A. Hawkins  
Clearfield County  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

**Re: May 30, 2008 Sale of Assets**  
**DEP v. James Hile, Clearfield County Court of Common Pleas, No. 08-26-CD**

Dear Sheriff Hawkins:

Please cancel the Sheriff's Sale of Assets scheduled for May 30, 2008 in the above referenced matter. The Department will notify you if there should be a need to resume execution on this Judgment.

If there are any questions whatsoever, I can be contacted at the above address and phone number. Thank you for your assistance.

Sincerely,

David M. Chuprinski  
Assistant Counsel

Enclosures

c: Mr. James Hile  
64 Color Lane  
Clearfield, PA 16830