

Appeal Docket Sheet

Docket Number: 1774 WDA 2010

Page 1 of 2

November 24, 2010

Secure



CAPTION

William G. Satterlee & Sons, Inc.

08-997-CD

v.

LJF, Inc., and Leo J. Frailey,
Appellants

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: November 19, 2010 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type(s): Confession of Judgment

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: December 8, 2010

Next Event Type: Original Record Received

Next Event Due Date: January 18, 2011

COUNSEL INFORMATION

Appellant LJF, Inc.

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Lees, Earle David, Jr.

Bar No: 015763

Address: PO BOX 685

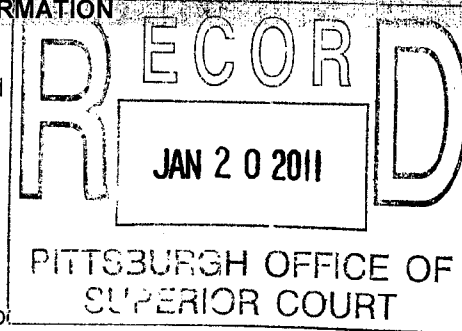
Dubois, PA 15801--0685

Phone No: (814) 375-9310

Receive Mail: No

Receive EMail: No

Fax No:



Appellant Frailey, Leo J.

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Lees, Earle David, Jr.

Bar No: 015763

Address: PO BOX 685

Dubois, PA 15801--0685

Phone No: (814) 375-9310

Receive Mail: Yes

Receive EMail: Yes EMail Address: earlelees@ducom.tv

Fax No:

FILED

NOV 29 2010

William A. Shaw
Prothonotary/Clerk of Courts

Record - 1 part
Trans. - 3
Exh. - 2 sets

1774 WDA 2010

#37

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1774 WDA 2010

Page 2 of 2

November 24, 2010

Secure



COUNSEL INFORMATION

Appellee William G. Satterlee & Sons Inc.

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Belin, Carl A., Jr.

Bar No: 006805

Law Firm: Belin, Kubista & Ryan

Address: 15 N Front PO Box 1
Clearfield, PA 16830

Phone No: (814) 765-8972

Fax No: (814) 765-9893

Receive Mail: Yes

Receive EMail: Yes EMail Address: sue.bkr@atlanticbbn.net

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/19/2010	Notice of Appeal	73.50	11/19/2010	2010-SPR-W-001159	73.50

AGENCY/TRIAL COURT INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division:

Clearfield County Civil Division

Order Appealed From: October 19, 2010

Judicial District:

46

Documents Received: November 19, 2010

Notice of Appeal Filed:

November 17, 2010

Order Type: Order

OTN(s):

Lower Ct Docket No(s): No 2008-997-CD

Lower Ct Judge(s): Ammerman, Fredric J.
President Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 19, 2010	Notice of Appeal Docketed	Appellant	LJF, Inc.
		Appellant	Frailey, Leo J.
November 24, 2010	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

2008-997-CD
William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to** 39, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is January 17, 2011.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

Judgment

Date		Judge
5/30/2008	New Case Filed.	No Judge
	Filing: Complaint, filed. Paid by: Belin, Carl A. Jr. (attorney for William G. Satterlee & Sons, Inc.) Receipt number: 1924294 Dated: 5/30/2008 Amount: \$95.00 (Check)	No Judge
	Judgment entered in favor of the Plaintiff and against the defendant in the amount of \$245,942.87. Notice to defts and Statement to Atty Belin.	
9/29/2008	Entry of Appearance, on behalf of LJF, Inc., and Leo Frailey, Defendants, enter appearance of F. Cortez Bell, III, Esquire. 2CC Atty. Bell	No Judge
10/9/2008	Motion for Protective Order, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
	Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
10/13/2008	Rule Returnable, this 10th day of Oct., 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a rule is granted on the Plaintiff to show why said Motion should not be granted. A Stay of all Proceedings is entered pending determination of the merits by the Court. Rule Returnable for Answer by the Plaintiff and hearing on said Petitions to be held on the 17th day of Nov., 2008 at 10:00 a.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Bell	Fredric Joseph Ammerman
	Rule, this 10th day of Oct., 2008, upon consideration of the Motion for Protective Order as to Interrogatories in Aid of Execution addressed to Defendant Leo Frailey, a Rule is granted on the Plaintiff. Rule Returnable for Answer by the Plaintiff, and hearing on said Motion to be held on the 24th day of Oct., 2008, at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
10/20/2008	Order, this 17th day of Oct., 2008, it is Ordered that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for Oct 24, 2008 is rescheduled to the 17th day of Nov. 2008 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Bell	Fredric Joseph Ammerman
11/13/2008	Joint Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire, and F. Cortez Bell, III, Esquire. No CC	Fredric Joseph Ammerman
	Order, this 13th day of Nov., 2008, Joint Motion for Continuance is granted and the matter is indefinitely continued. Hearing will be rescheduled upon the request of either one of the parties. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. F. Bell III (will serve)	Fredric Joseph Ammerman
8/25/2009	Answer to Motion to Strike Judgment entered by Confession Motion to Dismiss Petition And Motion to Stay Proceedings and Execution, filed by s/ Carl A. Belin, Jr., Esquire. 4CC Atty. Belin	Fredric Joseph Ammerman
9/4/2009	Order, this 2nd day of Sept., 2009, it is Ordered that hearing on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution is scheduled for the 21st day of Sept., 2009 at 10:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, Bell	Fredric Joseph Ammerman

Judgment

Date		Judge
9/24/2009	Order, this 21st day of Sept., 2009, it is Ordered that the matter is continued. The Court Administrator shall cause the hearing to be rescheduled for 1/2 day in length, with the said hearing to be held no less than 60 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Cortez	Fredric Joseph Ammerman
10/6/2009	Order, this 5th day of Oct., 2009, it is Ordered that an evidentiary hearing is scheduled for the 25th of Nov., 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, F. Cortez Bell	Fredric Joseph Ammerman
10/8/2009	Motion For Continuance, filed by s/ Carl A. Belin, Esquire. 2CC Atty.	Fredric Joseph Ammerman
10/12/2009	Order, filed. 2 Cert. to Atty Beer NOW, this 12th day of October, 2009, RE: Movant's Motion for Continuance, rescheduled for Dec. 7, 2009	Fredric Joseph Ammerman
11/24/2009	Motion for Continuance, filed by s/ F. Cortez Bell, III, Esquire. 4CC Atty. Bell	Fredric Joseph Ammerman
12/1/2009	Order, this 25th day of Nov., 2009, Defendant's Motion for Continuance is granted and the evidentiary hearing scheduled for Dec. 7, 2009 is rescheduled for March 10, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Bell	Fredric Joseph Ammerman
3/9/2010	Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire. 2CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 9th day of March, 2010, Motion for Continuance is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is rescheduled for the 27th of May, 2010, at 1:30 p.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Belin	Fredric Joseph Ammerman
6/1/2010	Order, this 27th of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is Ordered that counsel for both parties have no more than 45 days from this date in which to submit appropriate brief. In the event the Plff. believes that the record needs to be reopened, a petition to reopen the record shall be filed within no more than 15 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Belin, F. Bell.	Fredric Joseph Ammerman
6/9/2010	Petition to Reopen the Record, filed by Atty. Belin 3 Cert. to Atty.	Fredric Joseph Ammerman
6/14/2010	Order this 11 day of June 2010, upon consideration of Plaintiff's Motion to Reopen the Record, it is the ORDER of this Court that (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P". BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Belin (will serve)	Fredric Joseph Ammerman
6/21/2010	Motion for Continuance, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	Fredric Joseph Ammerman
	Order, this 21st of June, 2010, Motion for Continuance is GRANTED. Evidentiary hearing scheduled for June 24, 2010 is rescheduled for August 30, 2010 at 10:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
7/12/2010	Certificate of Service, filed. That a true and correct copy of Plaintiff's brief was hand-delivered on July 12, 2010 to F. Cortez Bell III Esq., filed by s/ Carl A. Belin Jr Esq. No CC.	Fredric Joseph Ammerman

Date: 1/19/2011

Time: 02:40 PM

Page 3 of 3

Cleaveland County Court of Common Pleas

ROA Report

Case: 2008-00997-CD

Current Judge: Fredric Joseph Ammerman

William G. Satterlee & Sons, Inc. vs. LJF, Inc., et al

User: BHUDSON

statement filed in this case.

JAN 19 2011

Date	Judgment	Attest. Judge	William G. Satterlee & Sons, Inc. Prothonotary/ Clerk of Courts
7/13/2010	Motion For Continuance of Briefing Schedule, filed by s/ F. Cortez Bell, III, Esquire. 5CC Atty. Bell	Fredric Joseph Ammerman	
7/15/2010	Answer to Motion For Continuance of Briefing Schedule, filed by s/ Carl A. Belin, Jr, Esquire. 1CC Atty. Belin	Fredric Joseph Ammerman	
	Order, this 14th of July, 2010, Def.'s Motion for Continuance of Briefing Schedule is granted and the briefs of the parties will be due to the Court on or before Sept. 30th, 2010. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Bell	Fredric Joseph Ammerman	
	Certificate of Service, a copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule was hand-delivered to F. Cortez Bell, III, Esquire on July 15, 2010. filed by s/ Carl A. Belin, Jr., Esquire. No CC	Fredric Joseph Ammerman	
8/4/2010	Transcript of Proceedings I of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, with exhibits, on Monday Sept. 21, 2009.	Fredric Joseph Ammerman	
	Transcript of Proceedings II of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, May 27, 2010, with Exhibits Labeled Respondent's and Petitioner's Exhibits.	Fredric Joseph Ammerman	
8/30/2010	Praecipe to Withdraw Appearance and Entry of Appearance, filed by Atty. Bell Withdraw appearance of Atty. Bell and Enter Appearance of Atty Lees, Jr. on behalf of Defendats. 5 Cert. to Atty. Bell	Fredric Joseph Ammerman	
9/10/2010	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held before the Honorable Fredric J. Ammerman, P.J. on Monday, August 30, 2010, filed.	Fredric Joseph Ammerman	
10/20/2010	Opinion and Order, NOW, this 19th of Oct., 2010, it is Ordered: 1. Defs' Petition to Strike Confessed Judgment is DENIED. 2. The stay entered on or about Oct. 10, 2008 is lifted. 3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees; 1CC Law Library & D. Mikesell (without memo)	Fredric Joseph Ammerman	
11/17/2010	Filing: Appeal to High Court, filed by Atty. Lees Paid by: LJF, Inc. (defendant) Receipt number: 1937662 Dated: 11/17/2010 Amount: \$50.00 (Check) For: LJF, Inc. (defendant) 1 cert. with \$73.50 check to Superior Court and 7 Cert. copies to Atty. Lees.	Fredric Joseph Ammerman	
11/18/2010	Order, this 17th of Nov., 2010, it is Ordered that Appellants LFJ, Inc. and Leo J. Frailey file a concise statement of the matters complained of on Appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees	Fredric Joseph Ammerman	
11/29/2010	Appeal Docket Sheet, 1774 WDA 2010, filed.	Fredric Joseph Ammerman	
12/8/2010	Concise Statement of Matters Complained of on Appeal, filed by Atty. Lees	Fredric Joseph Ammerman	
1/19/2011	January 19, 2011, Appeal Mailed to Superior Court. January 19, 2011, Letters, Re: Notification of mailing appeal mailed to Earle D. Lees, Jr., Esq. and Carl A. Belin, Jr., Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Fredric Joseph Ammerman	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

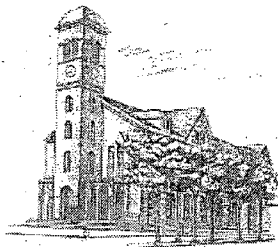
No. 08-997-CD
William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	05/30/08	Complaint	08
02	09/29/08	Entry of Appearance	03
03	10/09/08	Motion for Protective Order	06
04	10/09/08	Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution	12
05	10/13/08	Rule Returnable, Re: Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution	02
06	10/13/08	Rule, Re: Motion for Protective Order	01
07	10/20/08	Order, Re: Rule on Motion for Protective Order is rescheduled	01
08	11/13/08	Joint Motion for Continuance	04
09	11/13/08	Order, Re: Joint Motion for Continuance is granted	01
10	08/25/09	Answer to Motion to Strike Judgment Entered by Confession Motion to Dismiss Petition and Motion to Stay Proceedings and Execution	06
11	09/04/09	Order, Re: hearing scheduled	02
12	09/24/09	Order, Re: matter is continued	01
13	10/06/09	Order, Re: Evidentiary hearing scheduled	01
14	10/08/09	Motion for Continuance	04
15	10/12/09	Order, Re: Motion for Continuance	01
16	11/24/09	Motion for Continuance	06
17	12/01/09	Order, Re: Evidentiary hearing is rescheduled	01
18	03/09/10	Motion for Continuance	03
19	03/09/10	Order, Re: Motion for Continuance granted	01
20	06/01/10	Order, Re: briefs to be submitted	01
21	06/09/10	Petition to Reopen the Record	06
22	06/14/10	Order, Re: record is reopened	01
23	06/21/10	Motion for Continuance	08
24	06/21/10	Order, Re: Motion for Continuance granted	01
25	07/12/10	Certificate of Service, Re: Plaintiff's brief	02
26	07/13/10	Motion for Continuance of Briefing Schedule	04
27	07/15/10	Answer to Motion for Continuance of Briefing Schedule	04
28	07/15/10	Order, Re: Motion for Continuance of Briefing Schedule is granted	01
29	07/15/10	Certificate of Service, Re: Plaintiff's Answer to Motion for Continuance of Briefing Schedule	02
30	08/04/10	Transcript of Proceedings I of II, Re: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, September 21, 2009, with exhibits	Separate Cover
31	08/04/10	Transcript of Proceedings II of II, Re: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, May 27, 2010, with exhibits	Separate Cover
32	08/30/10	Praeipie to Withdraw Appearance and Entry of Appearance	03
33	09/10/10	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held August 30, 2010	Separate Cover
34	10/20/10	Opinion and Order	08
35	11/17/10	Notice of Appeal to Higher Court	14
36	11/18/10	Order, Re: Concise statement to be filed	01
37	11/29/10	Appeal Docket Sheet, 1774 WDA 2010	02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-997-CD
William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
38	12/08/10	Concise Statement of Matters Complained of on Appeal	04
39	01/19/11	Letters, Re: Notification of mailing appeal mailed to Earle D. Lees, Jr., Esq. and Carl A. Belin, Jr., Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c)	06



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

Carl A. Belin, Jr., Esq.
202 South Front Street
Clearfield, PA 16830

Earle D. Lees, Jr., Esq.
PO Box 685
DuBois, PA 15801

William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

Court No. 2008-997-CD; Superior Court No. 1774 WDA 2010

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on January 19, 2011.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

FILED

010-35601
JAN 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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15	10/12/09	Order, Re: Motion for Continuance	01
16	11/24/09	Motion for Continuance	06
17	12/01/09	Order, Re: Evidentiary hearing is rescheduled	01
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-997-CD

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10/20/2008	Order, this 17th day of Oct., 2008, it is Ordered that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for Oct 24, 2008 is rescheduled to the 17th day of Nov. 2008 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Bell	Fredric Joseph Ammerman
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Judgment

Date		Judge
9/24/2009	Order, this 21st day of Sept., 2009, it is Ordered that the matter is continued. The Court Administrator shall cause the hearing to be rescheduled for 1/2 day in length, with the said hearing to be held no less than 60 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Cortez	Fredric Joseph Ammerman
10/6/2009	Order, this 5th day of Oct., 2009, it is Ordered that an evidentiary hearing is scheduled for the 25th of Nov., 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, F. Cortez Bell	Fredric Joseph Ammerman
10/8/2009	Motion For Continuance, filed by s/ Carl A. Belin, Esquire. 2CC Atty.	Fredric Joseph Ammerman
10/12/2009	Order, filed. 2 Cert. to Atty Beer NOW, this 12th day of October, 2009, RE: Movant's Motion for Continuance, rescheduled for Dec. 7, 2009	Fredric Joseph Ammerman
11/24/2009	Motion for Continuance, filed by s/ F. Cortez Bell, III, Esquire. 4CC Atty. Bell	Fredric Joseph Ammerman
12/1/2009	Order, this 25th day of Nov., 2009, Defendant's Motion for Continuance is granted and the evidentiary hearing scheduled for Dec. 7, 2009 is rescheduled for March 10, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Bell	Fredric Joseph Ammerman
3/9/2010	Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire. 2CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 9th day of March, 2010, Motion for Continuance is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is rescheduled for the 27th of May, 2010, at 1:30 p.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Belin	Fredric Joseph Ammerman
5/1/2010	Order, this 27th of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is Ordered that counsel for both parties have no more than 45 days from this date in which to submit appropriate brief. In the event the Plff. believes that the record needs to be reopened, a petition to reopen the record shall be filed within no more than 15 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Belin, F. Bell.	Fredric Joseph Ammerman
5/9/2010	Petition to Reopen the Record, filed by Atty. Belin 3 Cert. to Atty.	Fredric Joseph Ammerman
5/14/2010	Order this 11 day of June 2010, upon consideration of Plaintiff's Motion to Reopen the Record, it is the ORDER of this Court that (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P". BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Belin (will serve)	Fredric Joseph Ammerman
5/21/2010	Motion for Continuance, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	Fredric Joseph Ammerman
	Order, this 21st of June, 2010, Motion for Continuance is GRANTED. Evidentiary hearing scheduled for June 24, 2010 is rescheduled for August 30, 2010 at 10:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
7/12/2010	Certificate of Service, filed. That a true and correct copy of Plaintiff's brief was hand-delivered on July 12, 2010 to F. Cortez Bell III Esq., filed by s/ Carl A. Belin Jr Esq. No CC.	Fredric Joseph Ammerman


Judgment

Date		Judge
7/13/2010	Motion For Continuance of Briefing Schedule, filed by s/ F. Cortez Bell, III, Esquire. 5CC Atty. Bell	Fredric Joseph Ammerman
7/15/2010	Answer to Motion For Continuance of Briefing Schedule, filed by s/ Carl A. Belin, Jr., Esquire. 1CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 14th of July, 2010, Def.'s Motion for Continuance of Briefing Schedule is granted and the briefs of the parties will be due to the Court on or before Sept. 30th, 2010. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Bell	Fredric Joseph Ammerman
	Certificate of Service, a copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule was hand-delivered to F. Cortez Bell, III, Esquire on July 15, 2010. filed by s/ Carl A. Belin, Jr., Esquire. No CC	Fredric Joseph Ammerman
3/4/2010	Transcript of Proceedings I of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, with exhibits, on Monday Sept. 21, 2009.	Fredric Joseph Ammerman
	Transcript of Proceedings II of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, May 27, 2010, with Exhibits Labeled Respondent's and Petitioner's Exhibits.	Fredric Joseph Ammerman
3/30/2010	Praeipce to Withdraw Appearance and Entry of Appearance, filed by Atty. Bell Withdraw appearance of Atty. Bell and Enter Appearance of Atty Lees, Jr. on behalf of Defendats. 5 Cert. to Atty. Bell	Fredric Joseph Ammerman
3/10/2010	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held before the Honorable Fredric J. Ammerman, P.J. on Monday, August 30, 2010, filed.	Fredric Joseph Ammerman
10/20/2010	Opinion and Order, NOW, this 19th of Oct., 2010, it is Ordered: 1. Defs' Petition to Strike Confessed Judgment is DENIED. 2. The stay entered on or about Oct. 10, 2008 is lifted. 3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees; 1CC Law Library & D. Mikesell (without memo)	Fredric Joseph Ammerman
11/17/2010	Filing: Appeal to High Court, filed by Atty. Lees Paid by: LJF, Inc. (defendant) Receipt number: 1937662 Dated: 11/17/2010 Amount: \$50.00 (Check) For: LJF, Inc. (defendant) 1 cert. with \$73.50 check to Superior Court and 7 Cert. copies to Atty. Lees.	Fredric Joseph Ammerman
11/18/2010	Order, this 17th of Nov., 2010, it is Ordered that Appellants LFJ, Inc. and Leo J. Frailey file a concise statement of the matters complained of on Appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees	Fredric Joseph Ammerman
1/29/2010	Appeal Docket Sheet, 1774 WDA 2010, filed.	Fredric Joseph Ammerman
2/8/2010	Concise Statement of Matters Complained of on Appeal, filed by Atty. Lees.	Fredric Joseph Ammerman


 William G. Satterlee
 Clerk of Courts

JAN 19 2011

Attest.


 William G. Satterlee
 Clerk of Courts

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

FILED^e

4 DEC 08 2010

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendant :

No. 2008-997-CD

William A. Shaw
Notary/Clerk of Courts

01/12/20/wn

4 sent to App

Type of Case: Civil

Type of Pleading:

Concise Statement of

Matters Complained of on

Appeal

Filed on Behalf of:

Defendants LJF, Inc. and Leo

C. Frailey

Counsel of Record for This

Party:

Earle D. Lees, Jr., Esq.

I.D. #15763

P.O. Box 685

DuBois, PA 15801

Telephone: (814) 375-9310

#38

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC., and LEO J. FRAILEY :
Defendants :

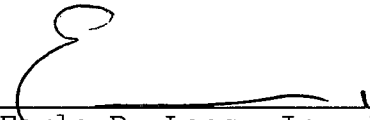
CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

NOW COMES the Defendants, LJF, Inc. and Leo C. Frailey by and through their attorney, Earle D. Lees, Jr., Esquire who for the Defendant's Concise Statement of Matters Complained of on Appeal pursuant to the provisions of the Pennsylvania Rules of Appellate Procedure, Rule 1925(b) respectfully sets forth said statement as follows:

1. That the Trial Court erred by allowing new charges and purchases to be collected through a non-revolving Confession of Judgment Installment Note.
2. That the Trial Court erred in setting forth the balance found to be due, in that the Trial Court failed to apply payments which both parties agreed had been made to the Confession of Judgment Installment Note account to that account.
3. Even if the Trial Court proceeded by the theory set forth by the Plaintiff Satterlee, the Trial Court erred

by not requiring and finding that unallocated payments
be applied to the oldest balances on the accounts
first.

Respectfully submitted,



Earle D. Lees, Jr., Esquire
Attorney for Defendants
PA. ID #15763

P.O. Box 685
DuBois, PA. 15801
(814) 375-9310

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
vs. : No. 2008-997-CD
LJF, INC. and LEO J. FRAILEY :
Defendants :


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of
the foregoing Concise Statement of Matters Complained of on
Appeal upon the persons and in the manner indicated below, which
service satisfies the requirements of Pa. R.A.P. 121:

Service By First Class Mail, Postage Prepaid

Honorable Fredric J. Ammerman
President Judge
Court of Common Pleas of
Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Carl A. Belin, Jr. Esquire
Belin, Kubista & Ryan, LLP
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830



Earle D. Lees, Jr., Esquire
Attorney for Defendants

Date: December 8, 2010

FILED
DEC 08 2010
William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet

Docket Number: 1774 WDA 2010

Page 1 of 2

November 24, 2010

Superior Court of Pennsylvania

COPY

Secure



CAPTION

William G. Satterlee & Sons, Inc.

08-997-CD

v.

LJF, Inc., and Leo J. Frailey,
Appellants

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: November 19, 2010 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type(s): Confession of Judgment

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: December 8, 2010

Next Event Type: Original Record Received

Next Event Due Date: January 18, 2011

COUNSEL INFORMATION

Appellant LJF, Inc.

Pro Se: No Appoint Counsel Status: Represented

IFP Status: No

Attorney: Lees, Earle David, Jr.

Bar No: 015763

Address: PO BOX 685

Dubois, PA 15801--0685

Phone No: (814) 375-9310

Fax No:

Receive Mail: No

Receive EMAIL: No

Appellant Frailey, Leo J.

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Lees, Earle David, Jr.

Bar No: 015763

Address: PO BOX 685

Dubois, PA 15801--0685

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Fax No:

Receive Mail: Yes

Receive EMAIL: Yes EMail Address: earlelees@ducom.tv

FILED

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William A. Shaw
Prothonotary/Clerk of Courts

37

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1774 WDA 2010

Page 2 of 2

November 24, 2010

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COUNSEL INFORMATION

Appellee William G. Satterlee & Sons Inc.

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Belin, Carl A., Jr.

Bar No: 006805

Law Firm: Belin, Kubista & Ryan

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Clearfield, PA 16830

Phone No: (814) 765-8972

Fax No: (814) 765-9893

Receive Mail: Yes

Receive EMAIL: Yes EMail Address: sue.bkr@atlanticbbn.net

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/19/2010	Notice of Appeal	73.50	11/19/2010	2010-SPR-W-001159	73.50

AGENCY/TRIAL COURT INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Clearfield County Civil Division

Order Appealed From: October 19, 2010

Judicial District: 46

Documents Received: November 19, 2010

Notice of Appeal Filed: November 17, 2010

Order Type: Order

OTN(s):

Lower Ct Docket No(s): No 2008-997-CD

Lower Ct Judge(s): Ammerman, Fredric J.
President Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 19, 2010	Notice of Appeal Docketed	Appellant	LJF, Inc.
		Appellant	Frailey, Leo J.
November 24, 2010	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

CA

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

WILLIAM G. SATTERLEE & SONS, INC.
Plaintiff

vs.

LFG, INC., and LEO J. FRAILEY,
Defendants

*
*
*
*
*

NO. 08-997-CD

ORDER

NOW, this 17th day of November, 2010, this Court having been notified of Appeal to the Commonwealth Court of Pennsylvania in the above-captioned matter; it is the ORDER of this Court that, Appellants **LFJ, Inc. and Leo J. Frailey** file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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ICC

Attys: Belin
Lees

William A. Shaw
Prothonotary/Clerk of Courts

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FILED

NOV 18 2010

William A. Shaw
Prothonotary/Clerk of Court

DATE: 11/18/10

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendant :

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:

Notice of Appeal

Filed on Behalf of:

Defendants LJF, Inc. and Leo

C. Frailey

Counsel of Record for This
Party:

Earle D. Lees, Jr., Esq.

I.D. #15763

P.O. Box 685

DuBois, PA 15801

Telephone: (814) 375-9310

FILED

NOV 17 2010

William A. Shaw
Prothonotary/Clerk of Courts

1 cent to S/c
w/ 73.50 cash

2 cent to Att

#35

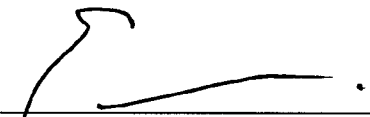
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC., and LEO J. FRAILEY :
Defendants :

NOTICE OF APPEAL

Notice is hereby given that LJF, Inc. and Leo C. Frailey, Appellants in the above captioned matter, hereby appeal to the Superior Court of Pennsylvania from the entry of the Opinion and Order dated October 19, 2010 entered in the above captioned matter. A copy of said Opinion and Order is attached hereto, as well as is evidenced by the entry of said Order upon the docket in this matter as evidenced by the attached copy of the docket entries.

Respectfully submitted,



Earle D. Lees, Jr., Esquire
Attorney for Defendants
PA. ID #15763

P.O. Box 685
DuBois, PA. 15801
(814) 375-9310

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

WILLIAM G. SATTERLEE & SONS, INC. :
Plaintiff :
vs. : NO. 2008-997-CD
LJF, INC. and LEO C. FRAILEY, individually :
Defendants :

OPINION

On May 30, 2008, Plaintiff, William S. Satterlee & Sons, Inc., (hereinafter "Satterlee") filed a Complaint in Confession of Judgment against Defendants LJF, Inc. (hereinafter "LJF") and Leo J. Frailey (hereinafter "Frailey"), alleging Defendants defaulted in payments on an Installment Note entered into between the parties on April 7, 2003. Satterlee is seeking \$164,510.29, which represents the unpaid balance of the Installment Note, as well as \$49,353.08 in interest and \$32,079.50 in attorneys' fees.

On October 9, 2008, Defendants filed a Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution. The Court ordered all proceedings stayed in the matter on October 10, 2008. After attempts to settle the dispute failed, Satterlee filed an answer to said Motion on August 25, 2009. A hearing was held on September 21, 2009, and testimony was subsequently continued to May 27 and August 30, 2010. Having timely filed briefs, the matter is now ripe for decision.

Satterlee raises a preliminary issue that the Court must address before reaching the merits of this case. Satterlee contends the Court should dismiss Defendants' Petition because it improperly asks the Court strike the judgment instead of open it.

A petition to strike and a petition to open are two forms of relief with separate remedies; each is intended to relieve a different type of defect in the confession of judgment proceedings.

A petition to strike off the judgment reaches defects apparent on the face of the record, while a petition to open the judgment offers to show that the defendant can prove a defense to all or part of the plaintiff's claim.

Manor Bldg. Corp. v. Manor Complex Assocs., Ltd., 645 A.2d 843, 846 n.2 (Pa. Super. 1994) (citations omitted).

Because Defendants are asserting payment as a defense, Plaintiff argues the Petition should have been to open, not strike, judgment. The Court agrees the more appropriate petition would have been one to open the judgment. However, a court may treat an application to strike a judgment as a petition to open judgment. *In re McCauley's Estate*, 478 Pa. 83 (1978). For purposes of resolving this matter and in light of the extensive evidence that was presented, the Court will proceed by considering Defendants' Petition as one to open judgment. Even considering the Petition as such, the Court finds Defendants failed to meet their burden.

At the center of this case is an installment note entered into by the parties on April 7, 2003. The agreement called for LJF, Inc. and Frailey, individually, to pay the sum of \$197,278.90 plus eight (8) percent interest to Satterlee at a rate of \$4,000 per month. The proceeds of the note were to be applied to various accounts Defendants had with Satterlee: \$67,864.05 to Bulk Plant account no. 200050; \$7,067.32 to Bulk Plant account no. 200051; \$85,897.95 to Cardlock account no. 3933; and \$36,449.58 to Cardlock account no. 1696.

Over the course of the next several years, there is no dispute that several checks were made payable to Satterlee, sufficient to cover the installment note. The crux of this case, however, is not how much was paid but how it was applied. The Defendants allege the payments were improperly applied to other accounts, thus leaving a balance on the note. Satterlee, on the other hand, alleges it had the right to apply the payments as it did, to other outstanding accounts Defendants had with it. For the reasons that follow, the Court agrees with Satterlee.

In Pennsylvania, the general rule is to allow a debtor to designate to which account a payment is to be applied:

But if neither he nor his creditor makes any specific application of them the law will do so. In the case of running accounts, composed of various items of debit and credit occurring at different times, and no special appropriation of the payments is made by either party, the law will apply the successive payments or credits to the discharge of the debit items antecedently due in the order of time in which they stand in the account; in other words each item of payment or credit is applied in extinguishment of the earliest debit items in the account, until the whole payment or credit is exhausted.

Bolgen v. Progressive Composition Co., 430 Pa. 140, 143 (1968) (quoting *Souder v. Schechterly*, 91 Pa. 83 (1879)).

Therefore, if a debtor does not appropriate his payment to a specific account, a creditor may do so, and if a creditor also fails to do so, by application of law, the payment is credited towards the oldest debt. Here, Defendants did initially designate payments towards the installment note by indicating such on the memo line of the checks. From April 18, 2003, through August 26, 2004, a total of forty-four (44) payments, totaling \$53,000, were designated as such. *See* Petitioner's Exhibit 2 (summarizing payments); Petitioner's Exhibit 4 (actual checks). All parties agree these payments were properly applied to the installment note.

Starting in September 2004, Defendants started issuing two checks to Satterlee. Again, the parties agree the double payments resulted from a September 8, 2004, letter from Satterlee to Defendants, which required twice the purchase price be paid at time of delivery.

Respondent's Exhibit A. The parties disagree as to the payments' application, though. Frailey testified one check was to cover the current delivery, while the other was intended to catch up his payments on the installment note. Hearing transcript, September 21, 2009, p. 17. Satterlee presented witnesses who testified the extra payment was credited to other past-due accounts.

Id. at 75 (Mr. Hall); hearing transcript, May 27, 2010, p. 51 (Mr. Hauger).

From this point forward, the checks were designated either with an invoice number or "200050." Those with an invoice number were applied to that invoice. Those with "200050" were applied to that account, at least until it reached a zero balance. Thereafter, in accord with *Bolgen*, Satterlee designated the payments to be applied to other outstanding accounts Defendants had. Because Defendants did not designate said payments to go elsewhere, Satterlee was within its rights to apply them as it did.

Frailey testified that account no. 200050 is the same as the installment note. Hearing transcript, September 21, 2009, p. 17. It is clear that this was not the case. While it is true Bulk Plant account no. 200050 was one of the accounts included in the note, it was just one of four. If the Court were to accept Defendants' argument, they could have also labeled payments as "200051," "3933," or "1696," and expected them to be applied towards the note. But Defendants had numerous accounts with Satterlee, including open accounts with those same designations. Satterlee should not be made to guess that "200050" meant installment note when another account by this same number existed and Defendants previously submitted payments marked "installment note."

The Court does not doubt that Defendants intended the second payment to go towards the installment note. However, the fact remains that the checks were not designated that way. Defendants clearly knew it could designate payments for the installment note, as it had done so on numerous occasions in the past. Satterlee also regularly mailed statements to Defendants for each of the various accounts, so Defendants were well aware that other accounts existed and an examination of those statements would have revealed where the payments were going. At no time did Defendants object to or question the statements. Furthermore, several witnesses for Satterlee testified they informed Frailey that 200050 was paid off and they would be

applying the payments to other accounts. Whether Defendants agree such conversations took place makes no difference, as Satterlee was not obligated to even take this step. The Court finds Satterlee properly applied the payments as designated to account no. 200050, and once that account was paid off, when no further direction was received from the Defendants, began applying the payments to other past-due accounts of the Defendants. Under *Bolgen, supra*, it was permitted to do so. Therefore, apart from the \$53,000 specifically designated as payments on the installment note, no further payments were received by Satterlee on the note, and Defendants owe the balance due, plus interest and attorneys' fees.

In the Defendants' brief to the Court, defense counsel asserts that a finding in Satterlee's favor could only be based on two "inconceivable" assumptions. First, Satterlee would have been incompetent in conducting business if it did not roll the entire amount Defendants owed it into the note, and second, that Defendants would have been equally incompetent in defaulting on a note with a Confession of Judgment clause. The Court does not need to address the wisdom of either parties' business practices. An examination of the record, though, makes it clear that Satterlee did not include the entire balance owing on accounts 200050, 200051, 3933, or 1696. Respondent's Exhibit D shows an opening balance of \$81,956.48 due on Bulk Plant account no. 200050, as of April 1, 2003. On April 11, 2003, there was a credit adjustment of \$67,864.05 on the account, which corresponds to the amount indicated on the installment note. See Respondent's Exhibit B; Petitioner's Exhibit 1. This amount clearly is less than the amount due just ten days earlier, especially in light of several new charges made to the account. The same holds true for the other accounts included in the note. See Respondent's Exhibit H (Bulk Plant account no. 200051, showing \$8702.93 starting balance on April 1, 2003 and \$7,067.32 credit adjustment on April 11, 2003, along with

several new charges); Respondent's Exhibit L (Cardlock account no. 3933, showing \$88,067.52 starting balance on April 11, 2003, and \$85,897.95 credit adjustment on April 17, 2003, along with several new charges); Respondent's Exhibit N (Cardlock account no. 1696, showing \$49,449.58 starting balance on April 11, 2003, and \$36,449.58 credit adjustment on April 17, 2003). Defendants plainly could have discovered this by examining the statements Satterlee sent. *See, e.g.*, Respondent's Exhibit N (showing \$13,000 balance after credit adjustment made for note). In addition, nothing in the installment note suggests that the four accounts would be fully satisfied by executing the note, and clearly, this was not the case.

Defendants also attempt to cloud the water by asserting Satterlee itself cannot agree on how much is actually owed on the note. It cites numerous figures testified to by Satterlee's witnesses. The confusion is actually on the Defendants' parts, though. The figures Defendants mention are not referencing the amount due on the installment note, itself. First, the Defendants assert Mr. Hauger testified \$155,522.32 was due on the note.¹ They derive this figure, presumably, by adding together several figures Mr. Hauger testified to -- \$48,453.47, \$6,758.46, and \$100,309.39. Hearing Transcript, September 21, 2009, pp. 110-12. Mr. Hauger never alleged that this was the amount due on the note, though. Rather, he indicated that this was the amount due on accounts 200050, 200051, and 3933, respectively.

Next, Defendants assert that Mr. Matten testified that \$164,784.57 was actually due on the note. They point to the amount set forth in Respondent's Exhibit P, "NET BALANCE DUE FROM FRAILEY," to support this assertion. Again, the Defendants are mistaken. This

¹ The Court notes the amount cited in the Defendants' brief must be the result of an error in calculation, as the total is actually one dollar less -- \$155,521.32.

amount does not reflect the total amount due under the note. Rather, it shows the total amount Defendants owe on all accounts, including the note.²

Throughout this proceeding, Satterlee has consistently maintained that \$164,510.29, exclusive of interest and fees, was due on the note. *See* Complaint, ¶7, Respondent's Exhibits B, C, O. Defendants have not shown that Satterlee misapplied any payments or that the installment note is paid in full. Therefore, the Court will deny Defendants' Petition as Defendants have failed to show they have a meritorious defense.

Having concluded Defendants owe an outstanding balance on the installment note and that judgment was properly confessed, the Court turns to Satterlee's request to change the caption of the judgment from "Leo J. Frailey," to "Leo C. Frailey," to accurately reflect Defendant Frailey's proper name. Rule 1033 of the Pennsylvania Rules of Civil Procedure permits a party to correct the name of a party, so long as a new party is not being named. *Tork-Hiis v. Pennsylvania*, 735 A.2d 1256, 1258 (Pa. 1999). In *Geraci v. Martin Trucking, Inc.*, 72 Pa. D. & C. 248 (C.P. Mercer 1976), the court permitted an erroneous middle initial to be corrected even after the statute of limitations had run. *See also id.* at n.1 (citing numerous cases in which spelling errors were corrected). Here, such a change will not result in prejudice as no new party will be added and Frailey has participated in the proceedings from the start. Therefore, the Court will order such amendment.

² In fact, Mr. Matten testified that the amount was actually larger, as \$4,975.68 and \$5,531.39, the outstanding balance remaining on two accounts, was not included. Hearing transcript, August 30, 2010, p. 12.

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

WILLIAM G. SATTERLEE & SONS, INC. :
Plaintiff :

vs. :

LJF, INC. and LEO C. FRAILEY, individually :
Defendants :

NO. 2008-997-CD

ORDER

AND NOW, this 19th day of October, 2010, it is the ORDER of this Court as follows:

1. Defendants' Petition to Strike Confessed Judgment is hereby DENIED.
2. The stay entered on or about October 10, 2008, is hereby lifted.
3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true
and correct copy of the original
statement filed in this case.

OCT 20 2010

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

Date: 11/17/2010

Time: 08:02 AM

Page 1 of 3

Clarendon County Court of Common Pleas

ROA Report

Case: 2008-00997-CD

Current Judge: Fredric Joseph Ammerman

William G. Satterlee & Sons, Inc. vs. LJF, Inc., et al

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 17 2010

Attest.

William G. Satterlee
Prothonotary/
Clerk of Courts

Judgment

Date		Judge
5/30/2008	New Case Filed.	No Judge
	Filing: Complaint, filed. Paid by: Belin, Carl A. Jr. (attorney for William G. Satterlee & Sons, Inc.) Receipt number: 1924294 Dated: 5/30/2008 Amount: \$95.00 (Check) Judgment entered in favor of the Plaintiff and against the defendant in the amount of \$245,942.87. Notice to defts and Statement to Atty Belin.	No Judge
9/29/2008	Entry of Appearance, on behalf of LJF, Inc., and Leo Frailey, Defendants, enter appearance of F. Cortez Bell, III, Esquire. 2CC Atty. Bell	No Judge
10/9/2008	Motion for Protective Order, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
	Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
10/13/2008	Rule Returnable, this 10th day of Oct., 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a rule is granted on the Plaintiff to show why said Motion should not be granted. A Stay of all Proceedings is entered pending determination of the merits by the Court. Rule Returnable for Answer by the Plaintiff and hearing on said Petitions to be held on the 17th day of Nov., 2008 at 10:00 a.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Bell	Fredric Joseph Ammerman
	Rule, this 10th day of Oct., 2008, upon consideration of the Motion for Protective Order as to Interrogatories in Aid of Execution addressed to Defendant Leo Frailey, a Rule is granted on the Plaintiff. Rule Returnable for Answer by the Plaintiff, and hearing on said Motion to be held on the 24th day of Oct., 2008, at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
10/20/2008	Order, this 17th day of Oct., 2008, it is Ordered that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for Oct 24, 2008 is rescheduled to the 17th day of Nov. 2008 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Bell	Fredric Joseph Ammerman
11/13/2008	Joint Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire, and F. Cortez Bell, III, Esquire. No CC	Fredric Joseph Ammerman
	Order, this 13th day of Nov., 2008, Joint Motion for Continuance is granted and the matter is indefinitely continued. Hearing will be rescheduled upon the request of either one of the parties. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. F. Bell III (will serve)	Fredric Joseph Ammerman
8/25/2009	Answer to Motion to Strike Judgment entered by Confession Motion to Dismiss Petition And Motion to Stay Proceedings and Execution, filed by s/ Carl A. Belin, Jr., Esquire. 4CC Atty. Belin	Fredric Joseph Ammerman
9/4/2009	Order, this 2nd day of Sept., 2009, it is Ordered that hearing on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution is scheduled for the 21st day of Sept., 2009 at 10:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, Bell	Fredric Joseph Ammerman

Date: 11/17/2010

Time: 08:02 AM

Page 2 of 3

Clarendon County Court of Common Pleas

ROA Report

Case: 2008-00997-CD

Current Judge: Fredric Joseph Ammerman

William G. Satterlee & Sons, Inc. vs. LJF, Inc., et al

Judgment

Date		Judge
9/24/2009	Order, this 21st day of Sept., 2009, it is Ordered that the matter is continued. The Court Administrator shall cause the hearing to be rescheduled for 1/2 day in length, with the said hearing to be held no less than 60 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Cortez	Fredric Joseph Ammerman
10/6/2009	Order, this 5th day of Oct., 2009, it is Ordered that an evidentiary hearing is scheduled for the 25th of Nov., 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, F. Cortez Bell	Fredric Joseph Ammerman
10/8/2009	Motion For Continuance, filed by s/ Carl A. Belin, Esquire. 2CC Atty.	Fredric Joseph Ammerman
10/13/2009	Order, filed. 2 Cert. to Atty Beer NOW, this 12th day of October, 2009, RE: Movant's Motion for Continuance, rescheduled for Dec. 7, 2009	Fredric Joseph Ammerman
11/24/2009	Motion for Continuance, filed by s/ F. Cortez Bell, III, Esquire. 4CC Atty. Bell	Fredric Joseph Ammerman
12/1/2009	Order, this 25th day of Nov., 2009, Defendant's Motion for Continuance is granted and the evidentiary hearing scheduled for Dec. 7, 2009 is rescheduled for March 10, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Bell	Fredric Joseph Ammerman
3/9/2010	Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire. 2CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 9th day of March, 2010, Motion for Continuance is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is rescheduled for the 27th of May, 2010, at 1:30 p.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Belin	Fredric Joseph Ammerman
6/1/2010	Order, this 27th of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is Ordered that counsel for both parties have no more than 45 days from this date in which to submit appropriate brief. In the event the Plff. believes that the record needs to be reopened, a petition to reopen the record shall be filed within no more than 15 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Belin, F. Bell.	Fredric Joseph Ammerman
6/9/2010	Petition to Reopen the Record, filed by Atty. Belin 3 Cert. to Atty.	Fredric Joseph Ammerman
6/14/2010	Order this 11 day of June 2010, upon consideration of Plaintiffs Motion to Reopen the Record, it is the ORDER of this Court that (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P". BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Belin (will serve)	Fredric Joseph Ammerman
6/21/2010	Motion for Continuance, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	Fredric Joseph Ammerman
	Order, this 21st of June, 2010, Motion for Continuance is GRANTED. Evidentiary hearing scheduled for June 24, 2010 is rescheduled for August 30, 2010 at 10:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
7/12/2010	Certificate of Service, filed. That a true and correct copy of Plaintiff's brief was hand-delivered on July 12, 2010 to F. Cortez Bell III Esq., filed by s/ Carl A. Belin Jr Esq. No CC.	Fredric Joseph Ammerman

Date: 11/17/2010

Time: 08:02 AM

Page 3 of 3

Clarendon County Court of Common Pleas

ROA Report

Case: 2008-00997-CD

Current Judge: Fredric Joseph Ammerman

William G. Satterlee & Sons, Inc. vs. LJF, Inc., et al

Judgment

Date		Judge
7/13/2010	Motion For Continuance of Briefing Schedule, filed by s/ F. Cortez Bell, III, Esquire. 5CC Atty. Bell	Fredric Joseph Ammerman
7/15/2010	Answer to Motion For Continuance of Briefing Schedule, filed by s/ Carl A. Belin, Jr, Esquire. 1CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 14th of July, 2010, Def.'s Motion for Continuance of Briefing Schedule is granted and the briefs of the parties will be due to the Court on or before Sept. 30th, 2010. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Bell	Fredric Joseph Ammerman
	Certificate of Service, a copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule was hand-delivered to F. Cortez Bell, III, Esquire on July 15, 2010. filed by s/ Carl A. Belin, Jr., Esquire. No CC	Fredric Joseph Ammerman
8/4/2010	Transcript of Proceedings I of II, filed by Thomas Snyder, C/R RE: Hearing of Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay on Monday Sept. 21, 2009.	Fredric Joseph Ammerman
	Transcript of Proceedings II of II, filed by Thomas Snyder, C/R RE: Hearing of Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay with Exhibits Label Respondent's and Petitioner's Exhibits.	Fredric Joseph Ammerman
8/30/2010	Praecipe to Withdraw Appearance and Entry of Appearance, filed by Atty. Bell Withdraw appearance of Atty. Bell and Enter Appearance of Atty Lees, Jr. on behalf of Defendants. 5 Cert. to Atty. Bell	Fredric Joseph Ammerman
9/10/2010	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held before the Honorable Fredric J. Ammerman, P.J. on Monday, August 30, 2010, filed.	Fredric Joseph Ammerman
10/20/2010	Opinion and Order, NOW, this 19th of Oct., 2010, it is Ordered: 1. Defs' Petition to Strike Confessed Judgment is DENIED. 2. The stay entered on or about Oct. 10, 2008 is lifted. 3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees; 1CC Law Library & D. Mikesell (without memo)	Fredric Joseph Ammerman

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of
the foregoing Notice of Appeal upon the persons and in the manner
indicated below, which service satisfies the requirements of Pa.

R.A.P. 121:

Service By Personal Service

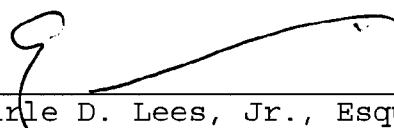
F. Cortez Bell, III, Esquire
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

Thomas Snyder
Official Court Reporter
Clearfield County Courthouse
Clearfield, PA 16830

Honorable Fredric J. Ammerman
President Judge
Court of Common Pleas of
Clearfield County
Clearfield County Courthouse
Clearfield, PA 16830

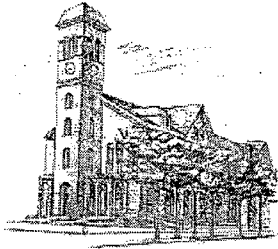
First class mail postage prepaid

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan, LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830



Earle D. Lees, Jr., Esquire
Attorney for Defendants

Date: November 17, 2010



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

January 19, 2011

Superior Court of Pennsylvania
Office of the Prothonotary
600 Grant Building
Pittsburgh, PA 15219

RE: William G. Satterlee & Sons, Inc.

VS

LJF, Inc. and Leo C. Frailey
No. 2008-997-CD
Superior Court No. 1774 WDA 2010

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office. Please also find enclosed three transcripts under separate cover, with exhibits.

Sincerely,

William A. Shaw
Prothonotary

FILED

JAN 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

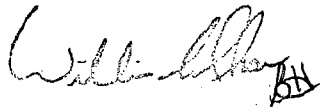
THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

2008-997-CD
William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to 39**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is January 19, 2011.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

Judgment

Date		Judge
5/30/2008	New Case Filed.	No Judge
	Filing: Complaint, filed. Paid by: Belin, Carl A. Jr. (attorney for William G. Satterlee & Sons, Inc.) Receipt number: 1924294 Dated: 5/30/2008 Amount: \$95.00 (Check) Judgment entered in favor of the Plaintiff and against the defendant in the amount of \$245,942.87. Notice to defts and Statement to Atty Belin.	No Judge
8/29/2008	Entry of Appearance, on behalf of LJF, Inc., and Leo Frailey, Defendants, enter appearance of F. Cortez Bell, III, Esquire. 2CC Atty. Bell	No Judge
10/9/2008	Motion for Protective Order, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
	Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	No Judge
10/13/2008	Rule Returnable, this 10th day of Oct., 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a rule is granted on the Plaintiff to show why said Motion should not be granted. A Stay of all Proceedings is entered pending determination of the merits by the Court. Rule Returnable for Answer by the Plaintiff and hearing on said Petitions to be held on the 17th day of Nov., 2008 at 10:00 a.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Bell	Fredric Joseph Ammerman
	Rule, this 10th day of Oct., 2008, upon consideration of the Motion for Protective Order as to Interrogatories in Aid of Execution addressed to Defendant Leo Frailey, a Rule is granted on the Plaintiff. Rule Returnable for Answer by the Plaintiff, and hearing on said Motion to be held on the 24th day of Oct., 2008, at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
10/20/2008	Order, this 17th day of Oct., 2008, it is Ordered that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for Oct 24, 2008 is rescheduled to the 17th day of Nov. 2008 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Bell	Fredric Joseph Ammerman
11/13/2008	Joint Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire, and F. Cortez Bell, III, Esquire. No CC	Fredric Joseph Ammerman
	Order, this 13th day of Nov., 2008, Joint Motion for Continuance is granted and the matter is indefinitely continued. Hearing will be rescheduled upon the request of either one of the parties. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. F. Bell III (will serve)	Fredric Joseph Ammerman
3/25/2009	Answer to Motion to Strike Judgment entered by Confession Motion to Dismiss Petition And Motion to Stay Proceedings and Execution, filed by s/ Carl A. Belin, Jr., Esquire. 4CC Atty. Belin	Fredric Joseph Ammerman
3/4/2009	Order, this 2nd day of Sept., 2009, it is Ordered that hearing on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution is scheduled for the 21st day of Sept., 2009 at 10:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, Bell	Fredric Joseph Ammerman

Judgment

Date		Judge
9/24/2009	Order, this 21st day of Sept., 2009, it is Ordered that the matter is continued. The Court Administrator shall cause the hearing to be rescheduled for 1/2 day in length, with the said hearing to be held no less than 60 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Cortez	Fredric Joseph Ammerman
10/6/2009	Order, this 5th day of Oct., 2009, it is Ordered that an evidentiary hearing is scheduled for the 25th of Nov., 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, F. Cortez Bell	Fredric Joseph Ammerman
10/8/2009	Motion For Continuance, filed by s/ Carl A. Belin, Esquire. 2CC Atty.	Fredric Joseph Ammerman
10/12/2009	Order, filed. 2 Cert. to Atty Beer NOW, this 12th day of October, 2009, RE: Movant's Motion for Continuance, rescheduled for Dec. 7, 2009	Fredric Joseph Ammerman
11/24/2009	Motion for Continuance, filed by s/ F. Cortez Bell, III, Esquire. 4CC Atty. Bell	Fredric Joseph Ammerman
12/1/2009	Order, this 25th day of Nov., 2009, Defendant's Motion for Continuance is granted and the evidentiary hearing scheduled for Dec. 7, 2009 is rescheduled for March 10, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Bell	Fredric Joseph Ammerman
1/9/2010	Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire. 2CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 9th day of March, 2010, Motion for Continuance is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is rescheduled for the 27th of May, 2010, at 1:30 p.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Belin	Fredric Joseph Ammerman
5/1/2010	Order, this 27th of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is Ordered that counsel for both parties have no more than 45 days from this date in which to submit appropriate brief. In the event the Plff. believes that the record needs to be reopened, a petition to reopen the record shall be filed within no more than 15 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Belin, F. Bell.	Fredric Joseph Ammerman
5/9/2010	Petition to Reopen the Record, filed by Atty. Belin 3 Cert. to Atty.	Fredric Joseph Ammerman
5/14/2010	Order this 11 day of June 2010, upon consideration of Plaintiff's Motion to Reopen the Record, it is the ORDER of this Court that (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P". BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Belin (will serve)	Fredric Joseph Ammerman
6/21/2010	Motion for Continuance, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	Fredric Joseph Ammerman
	Order, this 21st of June, 2010, Motion for Continuance is GRANTED. Evidentiary hearing scheduled for June 24, 2010 is rescheduled for August 30, 2010 at 10:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
7/12/2010	Certificate of Service, filed. That a true and correct copy of Plaintiff's brief was hand-delivered on July 12, 2010 to F. Cortez Bell III Esq., filed by s/ Carl A. Belin Jr Esq. No CC.	Fredric Joseph Ammerman

Date: 1/19/2011

Time: 02:40 PM

Page 3 of 3

Clerk of Court: Clear Lake County Court of Common Pleas

ROA Report

Case: 2008-00997-CD

Current Judge: Fredric Joseph Ammerman

William G. Satterlee & Sons, Inc. vs. LJF, Inc., et al

User: BHUDSON

Statement filed in this case.

JAN 19 2011

Date	Judgment	Attest. Judge	Clerk of Courts
7/13/2010	Motion For Continuance of Briefing Schedule, filed by s/ F. Cortez Bell, III, Esquire. 5CC Atty. Bell	Fredric Joseph Ammerman	
7/15/2010	Answer to Motion For Continuance of Briefing Schedule, filed by s/ Carl A. Belin, Jr, Esquire. 1CC Atty. Belin	Fredric Joseph Ammerman	
	Order, this 14th of July, 2010, Def.'s Motion for Continuance of Briefing Schedule is granted and the briefs of the parties will be due to the Court on or before Sept. 30th, 2010. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Bell	Fredric Joseph Ammerman	
	Certificate of Service, a copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule was hand-delivered to F. Cortez Bell, III, Esquire on July 15, 2010. filed by s/ Carl A. Belin, Jr., Esquire. No CC	Fredric Joseph Ammerman	
8/4/2010	Transcript of Proceedings I of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, with exhibits, on Monday Sept. 21, 2009.	Fredric Joseph Ammerman	
	Transcript of Proceedings II of II, filed by Thomas Snyder, C/R RE: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, May 27, 2010, with Exhibits Labeled Respondent's and Petitioner's Exhibits.	Fredric Joseph Ammerman	
8/30/2010	Praeipce to Withdraw Appearance and Entry of Appearance, filed by Atty. Bell Withdraw appearance of Atty. Bell and Enter Appearance of Atty Lees, Jr. on behalf of Defendats. 5 Cert. to Atty. Bell	Fredric Joseph Ammerman	
8/10/2010	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held before the Honorable Fredric J. Ammerman, P.J. on Monday, August 30, 2010, filed.	Fredric Joseph Ammerman	
10/20/2010	Opinion and Order, NOW, this 19th of Oct., 2010, it is Ordered: 1. Defs' Petition to Strike Confessed Judgment is DENIED. 2. The stay entered on or about Oct. 10, 2008 is lifted. 3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees; 1CC Law Library & D. Mikesell (without memo)	Fredric Joseph Ammerman	
11/17/2010	Filing: Appeal to High Court, filed by Atty. Lees Paid by: LJF, Inc. (defendant) Receipt number: 1937662 Dated: 11/17/2010 Amount: \$50.00 (Check) For: LJF, Inc. (defendant) 1 cert. with \$73.50 check to Superior Court and 7 Cert. copies to Atty. Lees.	Fredric Joseph Ammerman	
11/18/2010	Order, this 17th of Nov., 2010, it is Ordered that Appellants LFJ, Inc. and Leo J. Frailey file a concise statement of the matters complained of on Appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees	Fredric Joseph Ammerman	
11/29/2010	Appeal Docket Sheet, 1774 WDA 2010, filed.	Fredric Joseph Ammerman	
12/8/2010	Concise Statement of Matters Complained of on Appeal, filed by Atty. Lees	Fredric Joseph Ammerman	
1/19/2011	January 19, 2011, Appeal Mailed to Superior Court. January 19, 2011, Letters, Re: Notification of mailing appeal mailed to Earle D. Lees, Jr., Esq. and Carl A. Belin, Jr., Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Fredric Joseph Ammerman	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-997-CD
William G. Satterlee & Sons, Inc.
Vs.
LJF, Inc. and Leo J. Frailey

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	05/30/08	Complaint	08
02	09/29/08	Entry of Appearance	03
03	10/09/08	Motion for Protective Order	06
04	10/09/08	Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution	12
05	10/13/08	Rule Returnable, Re: Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution	02
06	10/13/08	Rule, Re: Motion for Protective Order	01
07	10/20/08	Order, Re: Rule on Motion for Protective Order is rescheduled	01
08	11/13/08	Joint Motion for Continuance	04
09	11/13/08	Order, Re: Joint Motion for Continuance is granted	01
10	08/25/09	Answer to Motion to Strike Judgment Entered by Confession Motion to Dismiss Petition and Motion to Stay Proceedings and Execution	06
11	09/04/09	Order, Re: hearing scheduled	02
12	09/24/09	Order, Re: matter is continued	01
13	10/06/09	Order, Re: Evidentiary hearing scheduled	01
14	10/08/09	Motion for Continuance	04
15	10/12/09	Order, Re: Motion for Continuance	01
16	11/24/09	Motion for Continuance	06
17	12/01/09	Order, Re: Evidentiary hearing is rescheduled	01
18	03/09/10	Motion for Continuance	03
19	03/09/10	Order, Re: Motion for Continuance granted	01
20	06/01/10	Order, Re: briefs to be submitted	01
21	06/09/10	Petition to Reopen the Record	06
22	06/14/10	Order, Re: record is reopened	01
23	06/21/10	Motion for Continuance	08
24	06/21/10	Order, Re: Motion for Continuance granted	01
25	07/12/10	Certificate of Service, Re: Plaintiff's brief	02
26	07/13/10	Motion for Continuance of Briefing Schedule	04
27	07/15/10	Answer to Motion for Continuance of Briefing Schedule	04
28	07/15/10	Order, Re: Motion for Continuance of Briefing Schedule is granted	01
29	07/15/10	Certificate of Service, Re: Plaintiff's Answer to Motion for Continuance of Briefing Schedule	02
30	08/04/10	Transcript of Proceedings I of II, Re: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, September 21, 2009, with exhibits	Separate Cover
31	08/04/10	Transcript of Proceedings II of II, Re: Hearing on Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, May 27, 2010, with exhibits	Separate Cover
32	08/30/10	Praecipe to Withdraw Appearance and Entry of Appearance	03
33	09/10/10	Transcript of Proceedings, Plaintiff's Petition to Reopen Record held August 30, 2010	Separate Cover
34	10/20/10	Opinion and Order	08
35	11/17/10	Notice of Appeal to Higher Court	14
36	11/18/10	Order, Re: Concise statement to be filed	01
37	11/29/10	Appeal Docket Sheet, 1774 WDA 2010	02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-997-CD

William G. Satterlee & Sons, Inc.

Vs.

LJF, Inc. and Leo J. Frailey

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
38	12/08/10	Concise Statement of Matters Complained of on Appeal	04
39	01/19/11	Letters, Re: Notification of mailing appeal mailed to Earle D. Lees, Jr., Esq. and Carl A. Belin, Jr., Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c)	06

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

William G. Satterlee & Sons, Inc.

Vs.

Case No. 2008-00997-CD

LJF, Inc.
Leo C. Frailey

CERTIFICATE OF CONTENTS

NOW, this 19th day of January, 2011, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By: William A. Shaw
William A. Shaw, Prothonotary

Record, Etc. Received:

Date: 1/20/11
L. Mateo
(Signature & Title)

FILED
JAN 24 2011

William A. Shaw
Prothonotary/Clerk of Courts
No CC

CA

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

WILLIAM G. SATTERLEE & SONS, INC. :
Plaintiff :
vs. : NO. 2008-997-CD
LJF, INC. and LEO C. FRAILEY, individually :
Defendants :

OPINION

On May 30, 2008, Plaintiff, William S. Satterlee & Sons, Inc., (hereinafter "Satterlee") filed a Complaint in Confession of Judgment against Defendants LJF, Inc. (hereinafter "LJF") and Leo J. Frailey (hereinafter "Frailey"), alleging Defendants defaulted in payments on an Installment Note entered into between the parties on April 7, 2003. Satterlee is seeking \$164,510.29, which represents the unpaid balance of the Installment Note, as well as \$49,353.08 in interest and \$32,079.50 in attorneys' fees.

On October 9, 2008, Defendants filed a Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution. The Court ordered all proceedings stayed in the matter on October 10, 2008. After attempts to settle the dispute failed, Satterlee filed an answer to said Motion on August 25, 2009. A hearing was held on September 21, 2009, and testimony was subsequently continued to May 27 and August 30, 2010. Having timely filed briefs, the matter is now ripe for decision.

Satterlee raises a preliminary issue that the Court must address before reaching the merits of this case. Satterlee contends the Court should dismiss Defendants' Petition because it improperly asks the Court strike the judgment instead of open it.

A petition to strike and a petition to open are two forms of relief with separate remedies; each is intended to relieve a different type of defect in the confession of judgment proceedings.

FILED 100 Atty's:
06:29301 Belin (60)
5 OCT 20 2010 Lees
William A. Shaw
Prothonotary/Clerk of Courts
100 Law Library & D. Mikesela
(without memo)

A petition to strike off the judgment reaches defects apparent on the face of the record, while a petition to open the judgment offers to show that the defendant can prove a defense to all or part of the plaintiff's claim.

Manor Bldg. Corp. v. Manor Complex Assocs., Ltd., 645 A.2d 843, 846 n.2 (Pa. Super. 1994) (citations omitted).

Because Defendants are asserting payment as a defense, Plaintiff argues the Petition should have been to open, not strike, judgment. The Court agrees the more appropriate petition would have been one to open the judgment. However, a court may treat an application to strike a judgment as a petition to open judgment. *In re McCauley's Estate*, 478 Pa. 83 (1978). For purposes of resolving this matter and in light of the extensive evidence that was presented, the Court will proceed by considering Defendants' Petition as one to open judgment. Even considering the Petition as such, the Court finds Defendants failed to meet their burden.

At the center of this case is an installment note entered into by the parties on April 7, 2003. The agreement called for LJF, Inc. and Frailey, individually, to pay the sum of \$197,278.90 plus eight (8) percent interest to Satterlee at a rate of \$4,000 per month. The proceeds of the note were to be applied to various accounts Defendants had with Satterlee: \$67,864.05 to Bulk Plant account no. 200050; \$7,067.32 to Bulk Plant account no. 200051; \$85,897.95 to Cardlock account no. 3933; and \$36,449.58 to Cardlock account no. 1696.

Over the course of the next several years, there is no dispute that several checks were made payable to Satterlee, sufficient to cover the installment note. The crux of this case, however, is not how much was paid but how it was applied. The Defendants allege the payments were improperly applied to other accounts, thus leaving a balance on the note. Satterlee, on the other hand, alleges it had the right to apply the payments as it did, to other outstanding accounts Defendants had with it. For the reasons that follow, the Court agrees with Satterlee.

In Pennsylvania, the general rule is to allow a debtor to designate to which account a payment is to be applied:

But if neither he nor his creditor makes any specific application of them the law will do so. In the case of running accounts, composed of various items of debit and credit occurring at different times, and no special appropriation of the payments is made by either party, the law will apply the successive payments or credits to the discharge of the debit items antecedently due in the order of time in which they stand in the account; in other words each item of payment or credit is applied in extinguishment of the earliest debit items in the account, until the whole payment or credit is exhausted.

Bolgen v. Progressive Composition Co., 430 Pa. 140, 143 (1968) (quoting *Souder v. Schechterly*, 91 Pa. 83 (1879)).

Therefore, if a debtor does not appropriate his payment to a specific account, a creditor may do so, and if a creditor also fails to do so, by application of law, the payment is credited towards the oldest debt. Here, Defendants did initially designate payments towards the installment note by indicating such on the memo line of the checks. From April 18, 2003, through August 26, 2004, a total of forty-four (44) payments, totaling \$53,000, were designated as such. *See* Petitioner's Exhibit 2 (summarizing payments); Petitioner's Exhibit 4 (actual checks). All parties agree these payments were properly applied to the installment note.

Starting in September 2004, Defendants started issuing two checks to Satterlee. Again, the parties agree the double payments resulted from a September 8, 2004, letter from Satterlee to Defendants, which required twice the purchase price be paid at time of delivery.

Respondent's Exhibit A. The parties disagree as to the payments' application, though. Frailey testified one check was to cover the current delivery, while the other was intended to catch up his payments on the installment note. Hearing transcript, September 21, 2009, p. 17. Satterlee presented witnesses who testified the extra payment was credited to other past-due accounts.

Id. at 75 (Mr. Hall); hearing transcript, May 27, 2010, p. 51 (Mr. Hauger).

From this point forward, the checks were designated either with an invoice number or "200050." Those with an invoice number were applied to that invoice. Those with "200050" were applied to that account, at least until it reached a zero balance. Thereafter, in accord with *Bolgen*, Satterlee designated the payments to be applied to other outstanding accounts Defendants had. Because Defendants did not designate said payments to go elsewhere, Satterlee was within its rights to apply them as it did.

Frailey testified that account no. 200050 is the same as the installment note. Hearing transcript, September 21, 2009, p. 17. It is clear that this was not the case. While it is true Bulk Plant account no. 200050 was one of the accounts included in the note, it was just one of four. If the Court were to accept Defendants' argument, they could have also labeled payments as "200051," "3933," or "1696," and expected them to be applied towards the note. But Defendants had numerous accounts with Satterlee, including open accounts with those same designations. Satterlee should not be made to guess that "200050" meant installment note when another account by this same number existed and Defendants previously submitted payments marked "installment note."

The Court does not doubt that Defendants intended the second payment to go towards the installment note. However, the fact remains that the checks were not designated that way. Defendants clearly knew it could designate payments for the installment note, as it had done so on numerous occasions in the past. Satterlee also regularly mailed statements to Defendants for each of the various accounts, so Defendants were well aware that other accounts existed and an examination of those statements would have revealed where the payments were going. At no time did Defendants object to or question the statements. Furthermore, several witnesses for Satterlee testified they informed Frailey that 200050 was paid off and they would be

applying the payments to other accounts. Whether Defendants agree such conversations took place makes no difference, as Satterlee was not obligated to even take this step. The Court finds Satterlee properly applied the payments as designated to account no. 200050, and once that account was paid off, when no further direction was received from the Defendants, began applying the payments to other past-due accounts of the Defendants. Under *Bolgen, supra*, it was permitted to do so. Therefore, apart from the \$53,000 specifically designated as payments on the installment note, no further payments were received by Satterlee on the note, and Defendants owe the balance due, plus interest and attorneys' fees.

In the Defendants' brief to the Court, defense counsel asserts that a finding in Satterlee's favor could only be based on two "inconceivable" assumptions. First, Satterlee would have been incompetent in conducting business if it did not roll the entire amount Defendants owed it into the note, and second, that Defendants would have been equally incompetent in defaulting on a note with a Confession of Judgment clause. The Court does not need to address the wisdom of either parties' business practices. An examination of the record, though, makes it clear that Satterlee did not include the entire balance owing on accounts 200050, 200051, 3933, or 1696. Respondent's Exhibit D shows an opening balance of \$81,956.48 due on Bulk Plant account no. 200050, as of April 1, 2003. On April 11, 2003, there was a credit adjustment of \$67,864.05 on the account, which corresponds to the amount indicated on the installment note. *See* Respondent's Exhibit B; Petitioner's Exhibit 1. This amount clearly is less than the amount due just ten days earlier, especially in light of several new charges made to the account. The same holds true for the other accounts included in the note. *See* Respondent's Exhibit H (Bulk Plant account no. 200051, showing \$8702.93 starting balance on April 1, 2003 and \$7,067.32 credit adjustment on April 11, 2003, along with

several new charges); Respondent's Exhibit L (Cardlock account no. 3933, showing \$88,067.52 starting balance on April 11, 2003, and \$85,897.95 credit adjustment on April 17, 2003, along with several new charges); Respondent's Exhibit N (Cardlock account no. 1696, showing \$49,449.58 starting balance on April 11, 2003, and \$36,449.58 credit adjustment on April 17, 2003). Defendants plainly could have discovered this by examining the statements Satterlee sent. *See, e.g.*, Respondent's Exhibit N (showing \$13,000 balance after credit adjustment made for note). In addition, nothing in the installment note suggests that the four accounts would be fully satisfied by executing the note, and clearly, this was not the case.

Defendants also attempt to cloud the water by asserting Satterlee itself cannot agree on how much is actually owed on the note. It cites numerous figures testified to by Satterlee's witnesses. The confusion is actually on the Defendants' parts, though. The figures Defendants mention are not referencing the amount due on the installment note, itself. First, the Defendants assert Mr. Hauger testified \$155,522.32 was due on the note.¹ They derive this figure, presumably, by adding together several figures Mr. Hauger testified to -- \$48,453.47, \$6,758.46, and \$100,309.39. Hearing Transcript, September 21, 2009, pp. 110-12. Mr. Hauger never alleged that this was the amount due on the note, though. Rather, he indicated that this was the amount due on accounts 200050, 200051, and 3933, respectively.

Next, Defendants assert that Mr. Matten testified that \$164,784.57 was actually due on the note. They point to the amount set forth in Respondent's Exhibit P, "NET BALANCE DUE FROM FRAILEY," to support this assertion. Again, the Defendants are mistaken. This

¹ The Court notes the amount cited in the Defendants' brief must be the result of an error in calculation, as the total is actually one dollar less -- \$155,521.32.

amount does not reflect the total amount due under the note. Rather, it shows the total amount Defendants owe on all accounts, including the note.²

Throughout this proceeding, Satterlee has consistently maintained that \$164,510.29, exclusive of interest and fees, was due on the note. *See* Complaint, ¶7, Respondent's Exhibits B, C, O. Defendants have not shown that Satterlee misapplied any payments or that the installment note is paid in full. Therefore, the Court will deny Defendants' Petition as Defendants have failed to show they have a meritorious defense.

Having concluded Defendants owe an outstanding balance on the installment note and that judgment was properly confessed, the Court turns to Satterlee's request to change the caption of the judgment from "Leo J. Frailey," to "Leo C. Frailey," to accurately reflect Defendant Frailey's proper name. Rule 1033 of the Pennsylvania Rules of Civil Procedure permits a party to correct the name of a party, so long as a new party is not being named. *Tork-Hiis v. Pennsylvania*, 735 A.2d 1256, 1258 (Pa. 1999). In *Geraci v. Martin Trucking, Inc.*, 72 Pa. D. & C. 248 (C.P. Mercer 1976), the court permitted an erroneous middle initial to be corrected even after the statute of limitations had run. *See also id.* at n.1 (citing numerous cases in which spelling errors were corrected). Here, such a change will not result in prejudice as no new party will be added and Frailey has participated in the proceedings from the start. Therefore, the Court will order such amendment.

² In fact, Mr. Matten testified that the amount was actually larger, as \$4,975.68 and \$5,531.39, the outstanding balance remaining on two accounts, was not included. Hearing transcript, August 30, 2010, p. 12.

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

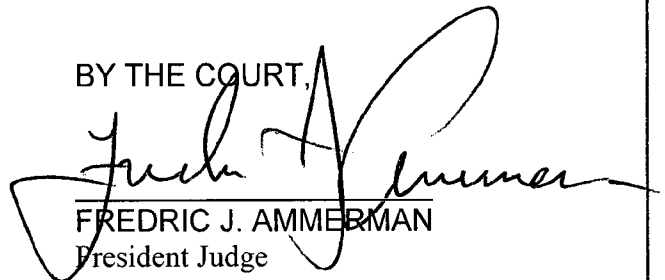
WILLIAM G. SATTERLEE & SONS, INC.	:	
Plaintiff	:	
vs.	:	NO. 2008-997-CD
LJF, INC. and LEO C. FRAILEY, individually	:	
Defendants	:	

ORDER

AND NOW, this 19th day of October, 2010, it is the ORDER of this Court as follows:

1. Defendants' Petition to Strike Confessed Judgment is hereby DENIED.
2. The stay entered on or about October 10, 2008, is hereby lifted.
3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

OCT 20 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/20/10

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendants :

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:

Withdrawal of Appearance

Entry of Appearance

Filed on Behalf of:

Defendants LJF, Inc. and Leo

C. Frailey

Counsel of Record for This

Party:

F. Cortez Bell, III, Esq.

I.D. #30183

P. O. Box 1088

Clearfield, PA 16830

Telephone: (814) 765-5537

Earle D. Lees, Jr. Esq.

I.D. #15763

P.O. Box 685

DuBois, PA. 15801

Telephone: (814) 375-9310

FILED

AUG 30 2010

William A. Shaw

Prothonotary/Clerk of Courts

5 c. Shaw to (A) (S)

BK


#32

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

PRAECIPE TO WITHDRAW APPEARANCE


Kindly withdraw the appearance of F. Cortez Bell, III,
Esquire on behalf of the Defendants in the above captioned matter.



F. Cortez Bell, III
I.D. #30183

PRAECIPE FOR ENTRY OF APPEARANCE

Kindly enter the appearance of Earle D. Lees, Jr. Esquire
on behalf of the Defendants in the above captioned matter.



Earle D. Lees, Jr.
I.D. # 15763

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Withdrawal of Appearance and Entry of Appearance upon the following person addressed as follows by the following means of service :

Personal Service:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

F. Cortez Bell, III
F. Cortez Bell, III, Esquire
Attorney for Defendants

Date: August 30, 2010

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

CERTIFICATE OF SERVICE

Filed on Behalf of:
Plaintiff, William G. Satterlee & Sons,
Inc.

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

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William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G. SATTERLEE & SONS, INC.,:

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

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No. 08-997-CD

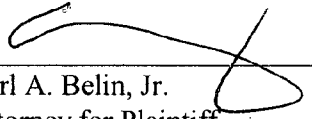
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule in the above-captioned matter was hand-delivered to the following on July 15, 2010:

F. Cortez Bell, III, Esquire
c/o District Attorney's Office
The Courthouse Annex
230 East Market Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

BY:



Carl A. Belin, Jr.
Attorney for Plaintiff

CA

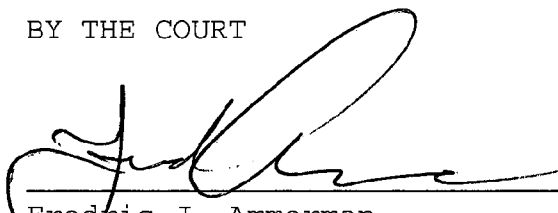
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

ORDER

NOW THIS 14 day of July, 2010, upon consideration
of Defendant's Motion For Continuance of Briefing Schedule, it is
hereby ORDERED and DECREED that said Motion is granted and the
briefs of the parties in the above captioned matter will be due to
the Court on or before Sept 30th, 2010.

BY THE COURT


Fredric J. Ammerman
President Judge

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08/4/10
JUL 15 2010
Atty Bell
William A. Shaw
Prothonotary/Clerk of Courts

28

FILED

JUL 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/5/10

☒ 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
CIVIL ACTION

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

ANSWER TO MOTION FOR
CONTINUANCE OF BRIEFING
SCHEDULE

Filed on Behalf of:
Plaintiff, William G. Satterlee & Sons,
Inc.

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
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(814) 765-9893 (fax)

FILED *icc/HK*
9/10:37cm *Belin*
JUL 15 2010 *600*

William A. Shaw
Prothonotary/Clerk of Courts

#27

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 08-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, individually,	:	
	:	
Defendants.	:	

ANSWER TO MOTION FOR CONTINUANCE OF BRIEFING SCHEDULE

AND NOW comes the Plaintiff, William G. Satterlee & Sons, Inc., by and through its attorneys, Belin, Kubista & Ryan LLP, and files the following answer to motion for continuance of briefing schedule and in support thereof avers as follows:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted and it is averred that the hearing originally scheduled for June 24, 2010, was continued to August 30, 2010, following motion for continuance filed by Defendant.
4. That transcripts were delivered to the parties on June 16 and 17, 2010, and were available to counsel for Defendant.
5. Counsel for Defendant advised counsel for Plaintiff at the time that he filed for continuance of the hearing that he would immediately file a motion seeking a new briefing schedule, but never filed the same before briefs were due.

6. As a result of the failure of Defendant's counsel to file the motion seeking a new briefing schedule, Plaintiff was required and did file a brief consistent with the Court's Order entered on May 27, 2010, on July 12, 2010.

7. Following the delivery of Plaintiff's brief to Defendant's counsel, Defendant's counsel the next day filed a motion requesting the Court to set a new briefing schedule.

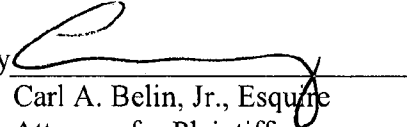
8. That as a result, Plaintiff's counsel believes that Defendant's motion should be denied and that Defendant should be directed to file a brief immediately and attorney for Plaintiff opposes any further extensions as to Defendant's brief.

WHEREFORE, Plaintiff requests Your Honorable Court to enter an Order directing that Defendant file a brief immediately.

Respectfully submitted,

BELIN, KUBISTA & RYAN LLP

By


Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

ORDER

AND NOW, this ____ day of _____, 2010, upon consideration of Plaintiff's Answer to Motion for Continuance of Briefing Schedule, it is the ORDER of this Court that the Defendant's Motion for Continuance is denied and Defendant is directed to file his brief immediately.

BY THE COURT,

~~FILED~~
~~CLERK OF COURT~~
~~CLERK OF COURT~~

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendant :

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Motion For Continuance
of Briefing Schedule

Filed on Behalf of:
Defendants LJF, Inc. and Leo
C. Frailey

Counsel of Record for This
Party:

F. Cortez Bell, III, Esq.

I.D. #30183

P. O. Box 1088

Clearfield, PA 16830

Telephone: (814) 765-5537

FILED

01/23/2010
JUL 13 2010

William A. Shaw
Prothonotary/Clerk of Courts

#26

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

MOTION FOR CONTINUANCE OF BRIEFING SCHEDULE

NOW comes the Defendants, LJF, Inc., and Leo C. Frailey, by and through their attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Motion for Continuance of Briefing Schedule:

1. That the above captioned matter has been before the Court on several occasions and was last before the Court on May 27, 2010.

2. On that date, the Court issued an Order providing for the submission of Briefs within 45 days as well as allowing the Plaintiff to reopen the record if after review that was felt to be necessary.

3. That the Plaintiff has subsequently filed a Petition to Reopen the Record and that hearing is currently scheduled for August 30, 2010.

4. That immediately following the hearing on May 27, 2010 the Defendant requested complete transcripts of the fairly lengthy

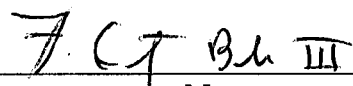
proceedings which have been prepared but have not been obtained as of the date of this Motion. Mr Frailey has been limited in his movements since his physical injury and that has delayed the obtaining of the funds for the transcripts. Counsel has just received those funds such that full payment can be made and the transcript obtained for purpose of use in the Brief.

5. That the Defendant, through Counsel, would request that the briefing schedule for both parties be adjusted to allow for the holding of the hearing on August 30, 2010 and then briefing of the issues thereafter.

WHEREFORE the Defendants LJF, Inc. and Leo C. Frailey respectfully request that your Honorable Court grant a continuance of the briefing schedule in the above captioned matter.

Respectfully submitted,

By,



F. Cortez Bell, III, Esquire
Attorney for Defendants

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

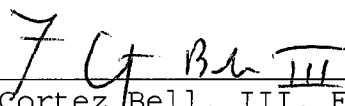
WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the
foregoing Motion For Continuance of Briefing Schedule upon the
following person addressed as follows by the following means of
service :

First class mail postage prepaid

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830



F. Cortez Bell, III, Esquire
Attorney for Defendants

Date: July 13, 2010

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

CERTIFICATE OF SERVICE

Filed on Behalf of:
Plaintiff, William G. Satterlee & Sons,
Inc.

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

FILED

JUL 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

#25

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

WILLIAM G. SATTERLEE & SONS, INC.,:

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

:
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:
:

No. 08-997-CD

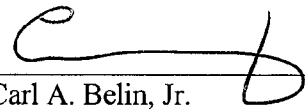
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Plaintiff's Brief in the above-captioned matter was hand-delivered to the following on July 12, 2010:

F. Cortez Bell, III, Esquire
c/o District Attorney's Office
The Courthouse Annex
230 East Market Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

BY:


Carl A. Belin, Jr.
Attorney for Plaintiffs

CA

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

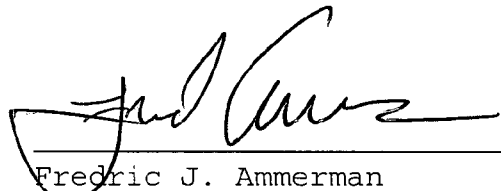
vs. : No. 2008-997-CD

LJF, INC. and LEO J. FRAILEY :
Defendants :

ORDER

NOW THIS 21 day of June, 2010, upon consideration of Defendant's Motion For Continuance, it is hereby ORDERED and DECREED that said Motion is granted and the evidentiary hearing currently scheduled for June 24, 2010 at 10:00 A.M. is rescheduled for August 30, 2010 at 10:30 A. M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT


Fredric J. Ammerman
President Judge

ORIGINAL

FILED ^{3cc}
014:00801
JUN 21 2010 Atty F. Bell

William A. Shaw
Prothonotary/Clerk of Courts (a)

#24

FILED

JUN 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/21/10

☒ 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
CIVIL DIVISION

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendant :

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Motion For Continuance

Filed on Behalf of:
Defendants LJF, Inc. and Leo
C. Frailey

Counsel of Record for This
Party:

F. Cortez Bell, III, Esq.
I.D. #30183
P. O. Box 1088
Clearfield, PA 16830
Telephone: (814) 345-4244

FILED

01834/11
JUN 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

5cc Atty Bell

#23

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

MOTION FOR CONTINUANCE

NOW comes the Defendants, LJF, Inc., and Leo C. Frailey, by and through their attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Motion for Continuance:

1. That the above captioned matter is currently scheduled for a hearing on Thursday, June 24, 2010 at 10:00 A.M. pursuant a Petition filed pursuant to a Court Order allowing the re-opening of testimony.

2. That one of the Defendants, Leo C. Frailey was involved in a horse accident on Saturday, June 12, 2010 at which time he was Life Flighted to UPMC- Presbyterian Hospital in Pittsburgh with a fracture of vertebrae in his neck. Attached hereto and incorporated herein by reference are a copy of the hospital discharge instructions showing diagnosis, discharge medications and followup instructions.

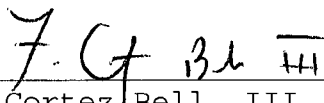
3. That Mr. Frailey has a followup appointment scheduled for June 24, 2010 at 11:30 A.M. which is the same date as the hearing.

4. That Mr. Frailey, although not allowed to drive and in a neck brace, is able to attend court proceedings but simply is not available on the date and time scheduled for hearing.

WHEREFORE the Defendants LJF, Inc. and Leo C. Frailey respectfully request that your Honorable Court grant a brief continuance in the above captioned matter to the earliest available date.

Respectfully submitted,

By,



F. Cortez Bell, III, Esquire
Attorney for Defendants

Discharge Instructions

FRAILEY, LEO C - 970393901

* Preliminary Report *

Result Type:	Discharge Instructions
Performed Date:	June 14, 2010 11:41 AM
Result Status:	In Progress
Performed By:	WALKER, LISA M on June 14, 2010 11:46 AM
Encounter info:	0374852170163, UPMCPUH, Inpatient, 6/12/2010 -

* Preliminary Report *

Patient Discharge Orders and Instructions**Allergies**

Unable to Obtain; Toradol (nightmares)

Vaccinations / Immunizations:**Pneumonia Vaccination:**

The date our nurses were told that you received the vaccine: never

Influenza Vaccination:

The date our nurses were told that you received the vaccine: never

H1N1 Vaccination:

The date our nurses were told that you received the vaccine: never.

Includes instructions for: Trauma

Discharge Diagnosis

s/p fall from a horse

concussion

C6-C7 facet fracture

scalp abrasion

Discharge To

Home

Printed by: ROBINSON, REBECCA A
Printed on: 6/14/2010 12:30 PM

Page 1 of 7
(Continued)

Discharge Instructions

FRAILEY, LEO C - 970393901

* Preliminary Report *

Discharge Attending Physician
WATSON, GREGORY A

Activity

Do not drive until follow-up visit,
No driving while taking pain medication,
Do not return to work until follow-up,
Do not soak Incisions,
May Shower,
No Lifting greater than 10 pounds,
No sitting for extended periods of time

Diet

As Tolerated

Trauma Diet Instructions: As prior to hospital admission. Avoid constipation. Drink plenty of fluids. Eat fresh fruits and vegetables.

Trauma Home Care Instructions: Maintain cervical collar at all times. Do not drive with cervical collar on.

Discharge Medications

aspirin (Ecotrin) 325mg By mouth daily
montelukast (Singulair) 10mg By Mouth ONCE A DAY
omeprazole (Prilosec) otc tab By Mouth ONCE A DAY
prednisolone ophthalmic (Pred Forte)
cyclobenzaprine (Flexeril) 10mg By Mouth Every 8 Hours AS NEEDED Muscle Spasm
ibuprofen 600mg By Mouth Every 6 Hours AS NEEDED Pain, Mild (1-3)
vicodin 1-2 tabs by mouth q6 hours as needed for pain
senna 2tab(s) By Mouth AT BEDTIME

Followup

Neurosurgery 4 wks 412-647-3685, with Dr. Okonkwo with a ap/lateral c-spine
Trauma Follow Up Instructions

Concussion clinic in 1-2 weeks please call for an appointment 412-432-3681

We encourage all trauma patients to return to clinic for follow up. The phone number is 412-648-3164. The

Printed by: ROBINSON, REBECCA A
Printed on: 6/14/2010 12:30 PM

Page 2 of 7
(Continued)

Discharge Instructions**FRAILEY, LEO C - 970393901***** Preliminary Report ***

trauma clinic is located on 6B Falk Clinic. Trauma clinic is held: Tuesday from 8:30 - 11:30 am. and Friday from 1 - 3:30 pm. Valet parking is available.

Primary Care Physician Information

PCP: ARLICK, JAY L

Address: No documentation found.

Office Phone: No documentation found.

Diagnosis

fall from a horse

Wound / Incision Care**Wash all wounds with soap and water and pat dry****IV Therapy**

Remove IV if applicable

Braces / Binders / Slings / Splints

Must wear neck brace at all times

Additional Trauma Instructions

Call (412) 647- 2002 if you experience any of the following or if you have any questions that are not listed below: Persistent headache; Nausea/vomiting; Dizziness; Ringing in the ears; Numbness/tingling; Abdominal pain; Warmth at wound site; Night sweats; Chest pain; Fever / chills; Shortness of breath; Visual changes; Pain not relieved with prescribed medicine; Increased redness / or wound drainage; Significant new problems not specified above.

If you believe you have a life-threatening emergency, please call 911 or your local emergency medical service (EMS)

Discharge Instructions

FRAILEY, LEO C - 970393901

* Preliminary Report *

Discharging Provider: Lisa Walker _____

Discharging Nurse: _____

Phone Number: (412) _____

Date: JUN-14-2010

Reviewing Nurse: _____

I have received Healthy Lifestyle information material. This information covers the benefits of healthy eating, regular exercise, and health care tips related to Diabetes, Stroke, Coumadin management and key points of Heart Failure management including: signs and symptoms to report to my physician, daily weight instruction, daily activity review and dietary choices. Additional information addresses physician follow-up appointment, smoking cessation, warning signs of Cancer and steps to control and prevent the spread of infection.

Patient verifies understanding of Discharge Instructions and is leaving with all of their valuables / belongings

Patient / Significant Other Signature: _____ Date/Time: _____

Follow up at
11:30 on 6/24/10
DR. adam Canter

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

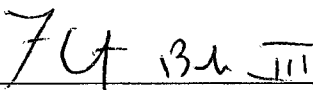
WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :
:
vs. : No. 2008-997-CD
:
LJF, INC. and LEO J. FRAILEY :
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the
foregoing Motion For Continuance upon the following person
addressed as follows by the following means of service :

By personal delivery, addressed as follows:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830



F. Cortez Bell, III, Esquire
Attorney for Defendants

Date: June 21 2010

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

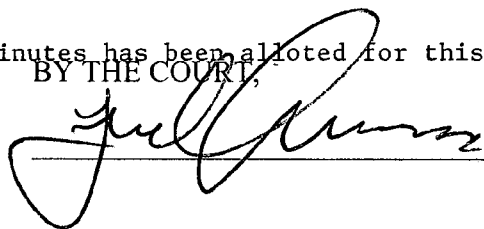
Defendants.

ORDER

AND NOW, this 11 day of June, 2010, upon consideration of Plaintiff's Motion to Reopen the Record, it is the ORDER of this Court that ~~(a rule is issued to Defendants to show cause why the Petition should not be granted)~~ ^{FJA} (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P."

Hearing for additional testimony is hereby scheduled for the 24th day of June, 2010 at 10:00 am. Thirty minutes has been allotted for this matter.

BY THE COURT,



FILED

9 3:06 am
JUN 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

3 CC Abby
Belm
(will serve)

JUN - 9 2010

4 0/31.55/10

William A. Shaw

Prothonotary/Clerk of Courts

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

3 went to

Act

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

PETITION TO REOPEN THE RECORD

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

#2

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 08-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, individually,	:	
	:	
Defendants.	:	

PETITION TO REOPEN THE RECORD

AND NOW comes the Plaintiff, William G. Satterlee & Sons, Inc. ("Satterlee"), by and through its attorneys, Belin, Kubista & Ryan LLP, and files the following petition to reopen the record to submit an exhibit and testimony, if necessary, regarding Petitioner's Exhibit's 9 and 10 and in support thereof avers as follows:

1. That a hearing was held on May 27, 2010 to conclude the taking of testimony presented by Satterlee.
2. At the end of said testimony, Leo C. Frailey submitted rebuttal testimony as set forth in Exhibit 9, which is a summary regarding payments by check and charges based upon the exhibits of Satterlee.
3. The testimony of Frailey indicated that he had prepared Exhibits 9 and 10 in January, 2010, but did not submit the exhibit to counsel for Satterlee until the conclusion of Satterlee's case on May 27, 2010.

4. That the Court entered an Order at the end of the hearing granting Satterlee the right to petition to reopen the record within 15 days of the Court's Order and to submit sur rebuttal regarding Exhibits 9 and 10.

5. That Satterlee has prepared a letter stating that Exhibits 9 and 10 are incorrect and sets forth that a balance of \$164,784.57 exists after the application of the appropriate payments and credits.

6. That Satterlee is prepared to submit this letter as an exhibit and to submit testimony, if necessary, as to the preparation of Respondent's proposed Exhibit "P," which is attached hereto.

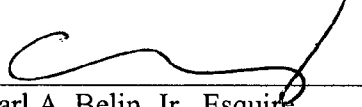
7. That Daniel Hauger was injured in a vehicle accident in South Carolina on June 7, 2010, and his assistant, Michael Matten, who completed the review, is available for testimony as to Exhibit "P."

WHEREFORE, Petitioner requests Your Honorable Court to enter the attached Order reopening the record limited to the admission of Exhibit "P" and testimony by Michael Matten, if necessary, to explain the basis for the calculations included in Exhibit "P" and Petitioner will ever pray.

Respectfully submitted,

BELIN, KUBISTA & RYAN LLP

By



Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

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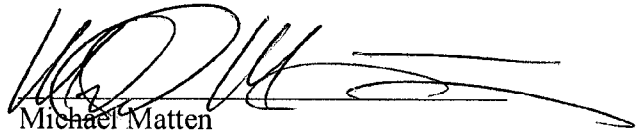
SS.

COUNTY OF CLEARFIELD

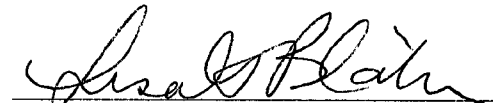
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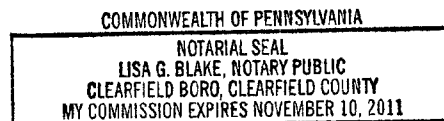
:

Before me the undersigned officer, personally appeared MICHAEL MATTEN, who deposes and says that he is the Credit Manager of WILLIAM G. SATTERLEE & SONS, INC., and as such Credit Manager being authorized to do so, and being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition to Reopen the Record are true and correct to the best of his knowledge, information and belief.


Michael Matten

Sworn and subscribed to before me this 9th day of June, 2010.


Notary Public





12475 RTE 119 HWY NORTH ROCHESTER MILLS, PENNSYLVANIA 15771
(724) 397-2400 • (800) 942-2214

June 9, 2010

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 N. Front Street
Clearfield, PA 16830

Dear Carl:

We have reviewed Defendant's Exhibit 9 which is a summary of payments and charges prepared by Mr. Frailey and Exhibit 10, which is a check run, the relevant portion of which commences on April 1, 2003 through May 29, 2008, to establish the payments made by Mr. Frailey.

Both the payments and charges contained in Exhibit 9 are incorrect. Regarding the payments, we attempted to reconcile the check run with Petitioner's Exhibit 4, Respondent's Exhibits B, D, E, H, I, L and M. We could not reconcile the check run with any of the foregoing exhibits. As a result, it was necessary to reconstruct the balance with the use of our Exhibits B, D, E, H, I, L and M.

A summary of our reconstruction is as follows:

Charges	\$1,208,314.14
Finance Charges (which Frailey excluded)	23,177.20
Interest on Installment Note (which Frailey excluded)	20,231.39
Beginning Balances of Accounts 4/1/03 (which Frailey ignored)	<u>232,250.69</u>
TOTAL CHARGES	\$1,483,973.42
Payments:	
BP 200050	\$656,405.03
200050	39,472.40
BP 200051	9,544.32

**RESPONDENT'S
EXHIBIT**

P

Carl A. Belin, Jr.
June 9, 2010
Page 2

200051	46,048.98
CL 3933	421,369.85
3933	93,348.27
Note Payments	<u>53,000.00</u>

TOTAL PAYMENTS	<u>\$1,319,188.85</u>
----------------	-----------------------

NET BALANCE DUE FROM FRAILEY	\$ 164,784.57
------------------------------	---------------

We did not include the Note nor any credits as all payments on the Note are included in our payments, and the outstanding balance of the Note was not included as a charge or payment but becomes relevant only after the net balance is determined to corroborate the fact the Note was never paid beyond the balance due.

This balance due does not include interest calculated on the Note from October 1, 2004 through the date of filing of the judgment, May 30, 2008, of \$49,353.08, nor does it include legal fees of \$32,079.50.

Respectfully submitted,

Michael Matten
Assistant Credit Manager

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, :
INC. :

-VS-

No. 08-997-CD

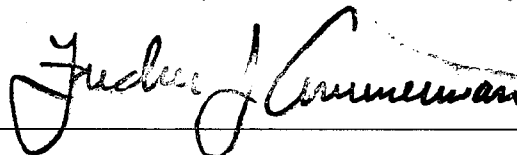
LJF, INC. and LEO J. FRAILEY :

O R D E R

AND NOW, this 27th day of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is the ORDER of this Court that counsel for both parties have no more than forty-five (45) days from this date in which to submit appropriate brief.

In the event that the Respondent, William G. Satterlee & Sons, Inc., believes that the record needs to be reopened relative the information submitted to the Court by the Petitioner on rebuttal, specifically Petitioner's Exhibits 9 and 10, a petition to reopen the record shall be filed within no more than fifteen (15) days from this date.

BY THE COURT,



President Judge

FILED
014:00301
JUN 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

2CC Atty: Belin
F. Bell

60

#20

FILED

JUN 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/1/10

 You are responsible for serving all appropriate parties.
 X The Prothonotary's office has provided service in the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

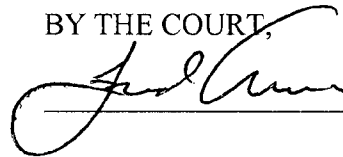
Defendants.

No. 08-997-CD

ORDER

AND NOW, this 9th day of March, 2010, upon consideration of Plaintiff's Motion for Continuance, it is the ORDER of this Court that the Motion is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is hereby rescheduled for the 27th day of May, 2010, at 1:30 o'clock P M., Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FILED

03:52 PM
MAR 09 2010

William A. Shaw
Prothonotary/Clerk of Courts

(61)

#19

FILED

MAR 09 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE 3/9/10

☒ 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
CIVIL ACTION

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

:
:
:
:
:
:
:
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No. 08-997-CD

MOTION FOR CONTINUANCE

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

FILED
0/11:53am
MAR - 9 2010

2 cc Atty
Belin

GW

S

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 08-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, individually,	:	
	:	
Defendants.	:	

MOTION FOR CONTINUANCE

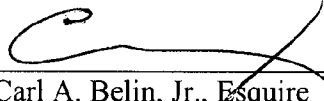
AND NOW comes the Plaintiff, William G. Satterlee & Sons, Inc., by and through its attorneys, Belin, Kubista & Ryan LLP, and files the following motion for continuance and in support thereof avers as follows:

1. That a hearing was scheduled in the above-captioned case for tomorrow, Wednesday, March 10, 2010, at 9:00 a.m.
2. That a member of the Clearfield County Bar Association, Joseph Colavecchi, died and his funeral is scheduled for March 10, 2010 at 10:00 a.m.
3. Due to the conflict, counsel hereby requests the Court to continue this case. Counsel spoke to Attorney F. Cortez Bell and he is in agreement and is jointly requesting the Court to continue this case.
4. Due to further conflicts, Movant hereby requests Your Honorable Court to schedule hearing on this case as early in May, 2010, as is convenient with the Court's schedule.

WHEREFORE, Movant, Carl A. Belin, Jr., requests Your Honorable Court to enter an Order continuing the hearing for tomorrow, March 10, 2010, and requests the Court to schedule the hearing for as early in May, 2010, as is convenient for the Court's schedule.

Respectfully submitted,

BELIN, KUBISTA & RYAN LLP

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

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

WILLIAM G SATTERLEE & SONS, INC.:

Plaintiff :

vs. :

No. 2008-997-CD

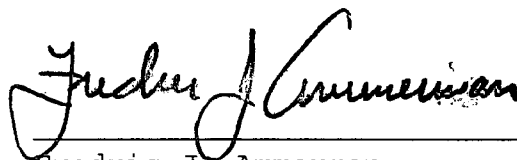
LJF, INC. and LEO J. FRAILEY :

Defendants :

ORDER

NOW THIS 25th day of November, 2009, upon consideration of Defendant's Motion For Continuance, it is hereby ORDERED and DECREED that said Motion is granted and the evidentiary hearing currently scheduled for December 7, 2009 at 9:00 A.M. is rescheduled for March 10, 2010 at 9:00 A. M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



Fredric J. Ammerman
President Judge

FILED

9:44am
DEC 01 2009

3cc
Aly
Bell

William A. Shaw
Prothonotary/Clerk of Courts

(610)

#17

DATE: 12-1-2009

☒ 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:

FILED

DEC 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G SATTERLEE & SONS, INC.:
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY :
Defendant :

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:

Motion For Continuance

Filed on Behalf of:

Defendants LJF, Inc. and Leo

C. Frailey

Counsel of Record for This

Party:

F. Cortez Bell, III, Esq.

I.D. #30183

P. O. Box 1088

Clearfield, PA 16830

Telephone: (814) 765-5537

FILED 4CC
9/15/2009
NOV 24 2009
William A. Shaw
Prothonotary/Clerk of Courts
Bell
(610)

#110

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

WILLIAM G SATTERLEE & SONS, INC.:

Plaintiff :

:

vs. : No. 2008-997-CD

:

LJF, INC. and LEO J. FRAILEY :

Defendants :

MOTION FOR CONTINUANCE

NOW comes the Defendants, LJF, Inc., and Leo C. Frailey, by and through their attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Motion for Continuance:

1. That the above captioned matter was before the Court for hearing on Monday, September 21, 2009 at which time testimony was taken for a significant portion of the day.

2. That upon the introduction of certain exhibits intended to be introduced by the Plaintiff, the Defendants through Counsel requested a continuance of the matter so that the proposed exhibits might be examined and as the exhibits dealt with billing issues between the parties such that the Defendants might attempt to examine the individual billings represented by the proposed exhibits.

3. The Court by Order dated September 21, 2009 granted the continuance request such that the matter was to be scheduled in no

less than 60 days from the date of the continuance.

4. That the matter was rescheduled for November 25, 2009.

5. That upon Motion for a Continuance by the Plaintiff for medical reasons the matter was and is rescheduled to be heard on Monday, December 7, 2009.

6. That the Plaintiff throughout the continuance period has continued to supply the Defendants with additional information and exhibits which they intend to introduce at time of hearing.

7. That some of those exhibits that were intended to be introduced at the time of the original hearing are now to be withdrawn and new exhibits are being proposed.

8. That the Plaintiff has Recapitulated the Account Balances such that the amounts alleged to be due and owing are different that those amounts contained on former exhibits and proposed exhibits which have been presented. The most recent additional information and account balances were supplied by letter and proposed exhibits dated November 20, 2009

9. That in light of the changing information, the Defendants are in need of additional time in which to review the original

records and exhibits as well as the additional information and exhibits that have been supplied since the date of the last hearing.

10. That additionally, the Defendant has been in contact with Attorney , David K. Rudov, Esquire from Pittsburgh who specializes in Bankruptcy matters to discuss the options available in regard to a Chapter 11 filing. The Defendants need additional time in order to investigate the requirements for such a filing and the holding of any additional hearings in Clearfield County, if the matter is to proceed to Bankruptcy, would appear to be an inefficient use of the Court's time. Counsel for the Defendants has written verification of the contact with Attorney Rudov should the Court require such verification. Verification has been provided to Counsel for the Plaintiff.

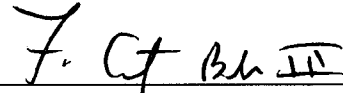
11. That the Defendants estimate that they will need a period of 90 days to complete the review as well as discuss the options noted above.

WHEREFORE the Defendants LJF, Inc. and Leo C. Frailey respectfully request that your Honorable Court grant a continuance

in the above captioned matter for a period of 90 days.

Respectfully submitted,

By,

A handwritten signature in cursive script, reading "F. Cortez Bell, III". The signature is written in dark ink and is positioned above a horizontal line.

F. Cortez Bell, III, Esquire
Attorney for Defendants

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

WILLIAM G SATTERLEE & SONS, INC.:

Plaintiff :

:

vs.

: No. 2008-997-CD

:

LJF, INC. and LEO J. FRAILEY :

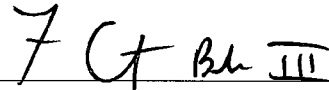
Defendants :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the
foregoing Motion For Continuance upon the following person
addressed as follows by the following means of service :

First class mail postage prepaid

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830



F. Cortez Bell, III, Esquire
Attorney for Defendants

Date: November 24, 2009

CM

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

No. 08 - 997 - CD


vs.

LJF, INC., and LEO J. FRAILEY,
Individually,
Defendants

ORDER

NOW THIS 12th, day of October, 2009, upon Movant's Motion for Continuance, it is hereby ORDERED and DECREED that said Motion is granted and the evidentiary hearing scheduled for November 25, 2009, at 9:00 A.M., is rescheduled for December 7, 2009, at 9:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



Judge

5
FILED
01/31/32/01
OCT 12 2009
2cc
Amy Belin

William A. Shaw
Prothonotary/Clerk of Courts

#15

FILED

OCT 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/12/09

X 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
CIVIL ACTION

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY,
Individually,
Defendants

:
:
: No. 08 - 997 - CD
:
: MOTION FOR CONTINUANCE
:
:
:

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED

OCT 08 2004
0 10:45 a.m. 6K

S William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty

(60)

#14

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	No. 08 - 997 - CD
vs.	:	
	:	
LJF, INC., and LEO J. FRAILEY,	:	
Individually,	:	
Defendants	:	

MOTION FOR CONTINUANCE

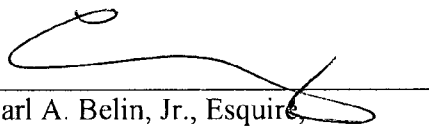
NOW COMES, William G. Satterlee & Sons, Inc., by and through its attorneys, Belin, Kubista & Ryan LLP, and sets forth the following Motion for Continuance, and in support thereof would aver as follows:

1. That Movant is William G. Satterlee & Sons, Inc., Plaintiff in the above-captioned matter.
2. That Respondents are LJF, Inc., and Leo J. Frailey, Defendants in the above-captioned matter.
3. A hearing was held on September 21, 2009, and the parties agreed that Defendants would be given an opportunity to review exhibits to be submitted by Plaintiff at hearing, which resulted in an evidentiary hearing being scheduled on November 25, 2009, at 9:00 A.M.
4. That Movant has scheduled a vacation commencing November 23rd through December 6, 2009, and has a doctor's appointment with the surgeon who did Movant's hip resurfacing during the vacation.

5. That as a result of the scheduling conflict, Movant would request that the evidentiary hearing scheduled in the above set forth matter be rescheduled.

WHEREFORE, Movant requests Your Honorable Court to reschedule the evidentiary hearing.

BELIN, KUBISTA & RYAN LLP



Carl A. Belin, Jr., Esquire,
Attorney for Movant

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY,
Individually,
Defendants

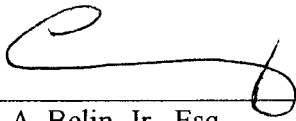
No. 08 - 997 - CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a true and correct copy of Plaintiff's Motion For Continuance, in the above-captioned matter to the following party by postage prepaid United States first class mail on the 7th day of October, 2009:

F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiff

UP

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff
vs.
LJF, INC. and LEO J. FRAILEY
Defendants
vs.

*
*
*
*
*

No. 08-997-CD

ORDER

NOW, this 5th day of October, 2009, it is the ORDER of this Court that
an evidentiary hearing in the above-captioned matter be and is hereby **scheduled** for
the **25th day of November, 2009 at 9:00 a.m.** in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

One-half day has been reserved for this proceeding.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

01/31/14
OCT 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

2CC Atty's!
Belin
F. Cortez
Bell

(610)

#13

FILED

OCT 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/6/09

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, :
INC. :

-VS-

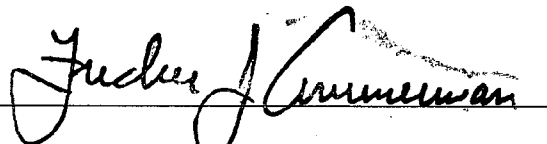
No. 08-997-CD

LJF, INC. and LEO J. FRAILEY :

O R D E R

AND NOW, this 21st day of September, 2009, with the majority of testimony having been completed but the Defendant is requesting additional time to review certain financial documents which have been provided this date by the Plaintiff, it is the ORDER of this Court that the matter be and is hereby continued. The Court Administrator shall cause the hearing to be rescheduled for one-half (1/2) day in length, with the said hearing to be held no less than sixty (60) days from this date.

BY THE COURT,



President Judge

FILED

0/11:42am
SEP 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

2cc Alys:
Belin
Cortez

610

#12

DATE: 9-24-2009

☐ 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:

FILED

SEP 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs

LJF, INC. and LEO J. FRAILEY, Individually
Defendants

NO. 08-997-CD

ORDER

NOW, this 2nd day of September, 2009, the being in receipt of a letter from Carl A. Belin, Jr., Esquire, requesting that a hearing be scheduled in the above-captioned matter (attached), in conformance with this Court's Order of November 13, 2008; it is the ORDER of this Court that hearing on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution be and is hereby scheduled for the 21st day of September, 2009 at 10:30 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

FILED

SEP 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

610

11

DATE: 9/4/09

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

FILED

SEP 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

BELIN, KUBISTA & RYAN LLP

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

August 25, 2009

HAND DELIVER

Honorable Frederic J. Ammerman
President Judge
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

In re: William G. Satterlee & Sons, Inc. v. LJF, Inc. and Leo J. Frailey
No. 08-997-CD

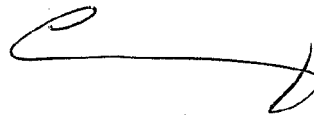
Dear Judge Ammerman:

This is to advise you that the parties were unable to resolve the issues in the above-captioned matter. As a result, we have filed an answer to the petition to strike judgment on behalf of William G. Satterlee & Sons, Inc.

We herein request that the hearing be rescheduled per your Order of November 13, 2008.

Very truly yours,

BELIN, KUBISTA & RYAN LLP



Carl A. Belin, Jr.

CABjr:smh

cc: F. Cortez Bell, III, Esquire

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY,
Individually,
Defendants

No. 08 - 997 - CD

ANSWER TO MOTION TO
STRIKE JUDGMENT
ENTERED BY CONFESSION
MOTION TO DISMISS
PETITION AND MOTION TO
STAY PROCEEDINGS AND
EXECUTION

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED 4cc
012:40/BN
AUG 25 2009
Atty
Belin
William A. Shaw
Prothonotary/Clerk of Courts
cd

#10

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY,
Individually,

Defendants

No. 08 - 997 - CD

**ANSWER TO MOTION TO STRIKE JUDGMENT ENTERED
BY CONFESSION**

AND NOW COMES Plaintiff, William G. Satterlee & Sons, Inc. ("SATTERLEE") and files the following answer and motion to strike judgment entered by confession, and in support thereof avers as follows:

Answer to Petition To Strike Off Judgment Entered

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied and it is averred that following an exchange of information, including accounts and accounting by Satterlee and checks by LJF and Frailey, and an audit of the checks submitted by attorney of LJF, Inc. ("LJF"), and Leo J. Frailey ("Frailey"), it was determined that a balance was owing and due to Satterlee of principal and interest for the note account.

5. Paragraph 5 is denied and it is averred that LJF and Frailey made certain payments on the Note but did not pay said Installment Note in full. Upon audit of all the checks presented by LTF's and Frailey's attorney, and on the basis that LJF and Frailey had multiple existing accounts with Satterlee, it was determined that many checks submitted by LJF and Frailey were directed by LJF and Frailey to be applied to one of the other existing accounts rather than the note account. After that account had been paid in full by the checks directed to be applied to that account, and absent any further directions, Satterlee applied the remaining checks directed to that account to the other existing accounts; and after the application of those checks to the more senior accounts, while the balances were reduced, outstanding balances on those amount remained. In any event, all of the checks directed to the note were applied per LJF and Frailey's direction, however that note account was never paid in full.

6. Paragraph 6 is denied and in further answer thereto, Paragraphs 3, 4, and 5, of this Answer are hereby incorporated by reference and made a part hereof.

7. Paragraph 7 is admitted but it is averred that Defendants, by the designation of their petition, seek to strike off the judgment in the matter before the Court.

Motion To Dismiss Petition

8. Defendants have denominated their motion a petition to strike the judgment and under the case law of Pennsylvania, a petition to strike to be successful requires that a defect be specified which is apparent on the record which would warrant that said judgment be stricken.

9. That Defendants LJF and Frailey have not set forth any defects that appear of record which would warrant the Court entering an order to strike said judgment.

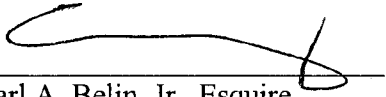
10. That all of the allegations set forth in the petition of LJF and Frailey are facts *dehors* the record, and consequently do not constitute a basis for striking the judgment entered in this record.

Motion To Stay Proceedings And Execution

11. In the event the Court proceeds to take testimony and enter an order in this case, then Satterlee consents to the stay, but in that event only. If the court dismisses the Petition To Strike, then the stay should be dissolved.

WHEREFORE, Satterlee requests Your Honorable court to dismiss said petition to strike off the judgment.

BELIN, KUBISTA & RYAN LLP

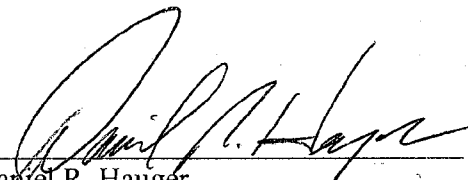
By 
Carl A. Belin, Jr., Esquire
Attorney for William G. Satterlee &
Sons, Inc.

COMMONWEALTH OF PENNSYLVANIA


SS.

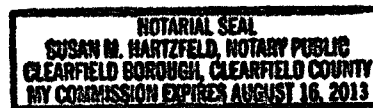
COUNTY OF CLEARFIELD

Before me the undersigned officer, personally appeared DANIEL R. HAUGER, who deposes and says he is the Credit Manager of WILLIAM G. SATTERLEE & SONS, INC., and as such Credit Manager being authorized to do so, and being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer to Motion to Strike Judgment Entered by Confession and Motion to Dismiss Petition are true and correct to the best of his knowledge, information and belief.

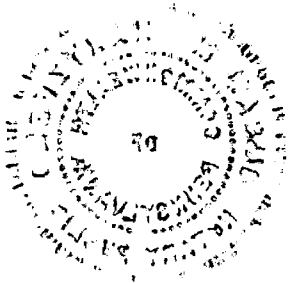

Daniel R. Hauger

Sworn and subscribed before me this 24th day of August, 2009.


Notary Public



NOTARIAL SEAL
JAMES W. WATSON, JEFFERSON COUNTY
CLERK OF COURT, JEFFERSON COUNTY
MISSOURI, COMMISSION EXPIRES AUGUST 18, 2015



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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY,
Individually,
Defendants

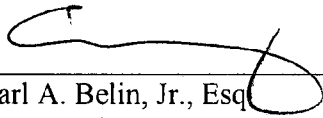
No. 08 - 997 - CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a true and correct copy of Plaintiff's Answer to Motion To Strike Judgment Entered By Confession, Motion To Dismiss Petition and Motion to Stay Proceedings And Execution, in the above-captioned matter to the following party by postage prepaid United States first class mail on the 25th day of August, 2009:

F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiff

CR

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

ORDER

NOW, this 13th day of November, 2008 upon consideration of the Joint Motion For Continuance filed by Counsel for both parties with regard to the above-captioned matter, it is the Order of this Court that said Motion be and is hereby granted and the matter is indefinitely continued. It is the further Order of this Court that hearing will be rescheduled upon the request of either one of the parties.

BY THE COURT,



Fredric J. Ammerman
President Judge

FILED
019:2761
NOV 13 2008

William A. Shaw
Prothonotary/Clerk of Courts
4 CC Amy F. Bell III
(will serve)

(610)

(X9)

CA

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Joint Motion For Continuance

Counsel of Record for these Parties:

Carl A. Belin, Jr., Esquire
PA I.D. # 06805

Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830

F. Cortez Bell, III, Esquire
PA. I.D. #30183

318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830

FILED^{NO CC}
09:27 AM
NOV 13 2008 (612)

William A. Shaw
Prothonotary/Clerk of Courts

#8

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

JOINT MOTION FOR CONTINUANCE

AND NOW, comes Carl A. Belin, Jr., Esquire, Counsel for the Plaintiff, William G. Satterlee & Sons, Inc., and F. Cortez Bell, III, Esquire, Counsel for the Defendants, LJF, Inc., and Leo Frailey, who jointly aver as follows:

1. That the Plaintiff, William G. Satterlee & Sons, Inc., on or about May 30, 2008, filed a Complaint for Judgment by Confession as to the Defendants LJF, Inc. and Leo Frailey, individually.
2. That the Defendants, LJF, Inc. and Leo Frailey in response thereto filed a Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution as well a Motion for Protective Order.
3. That hearing as to all matters has been scheduled for Monday, November 17, 2008 at 10:00 A.M.
4. That Counsel for the parties have agreed to seek a continuance of the scheduled hearing such that Counsel jointly might have a chance to review the various accounts of the Plaintiff, William G. Satterlee & Sons, Inc. and the checks paid on

said accounts by the Defendant, LJF, Inc. in order to determine the status of the accounts and whether funds are still due and owing.

5. That in order to allow the review of the accounts and yet preserve the status quo of the matter, the Defendants have extended to the Plaintiff an Extension of Time in which to file responsive pleadings to the Petitions that have been filed and which are scheduled for hearing.

WHEREFORE, the Plaintiff, William G. Satterlee & Sons, Inc., and the Defendants, LJF, Inc. and Leo Frailey would jointly respectfully request that your Honorable Court grant a continuance in the matters currently scheduled for hearing in order to allow the parties to review the matter.

Respectfully Submitted,



Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan LLP
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830
PA. I.D. 06805



F. Cortez Bell III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA. 16830
PA. I.D. No. 30183

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

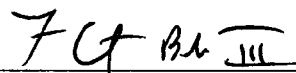
WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing Joint Motion For
Continuance upon the following persons by personal hand delivery addressed as follows:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830

F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA. 16830



F. Cortez Bell, III, Esquire
Attorney for Defendants, LJF, Inc.,
and Leo Frailey

Date: November 10, 2008

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

vs.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

NO. 08-997-CD

ORDER

AND NOW, this 17th day of October, 2008, it is the ORDER of this Court that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for October 24, 2008 be and is hereby **rescheduled** to the **17th day of November, 2008 at 10:00 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse. This Motion will be heard at the same time as the Rule on the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

OCT 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

(210)

#7

FILED

OCT 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/20/08

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

RULE RETURNABLE

NOW, this 10th day of October, 2008, upon consideration of the Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey, a Rule is hereby granted on the Plaintiff, William G. Satterlee & Sons, Inc. to show cause why said Motion should not be granted. Rule Returnable for Answer by the Plaintiff, William G. Satterlee & Sons, Inc. and hearing on said Motion to be held on the 24th day of October, 2008, at 1:30 o'clock P M, in Courtroom Number 1 of the Clearfield County Courthouse.

BY THE COURT,

Frederick J. Zimmerman
Judge

FILED
OCT 13 2008

SCC
Atty F. Bell

William A. Shaw
Prothonotary/Clerk of Courts

(60)

FILED

OCT 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/13/08

X 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
CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

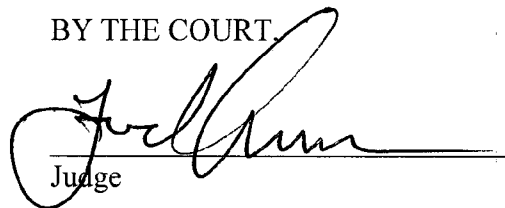
LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

RULE RETURNABLE

NOW, this 10 day of October, 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a Rule is hereby granted on the Plaintiff, William G. Satterlee & Sons, Inc. to show cause why said Motion should not be granted. It is the further Order of this Court that pursuant to the provisions of the Pennsylvania Rules of Civil Procedure, Rule 2959(b), a Stay of all Proceedings is entered pending determination of the merits by the Court. Rule Returnable for Answer by the Plaintiff, William G. Satterlee & Sons, Inc. and hearing on said Petitions to be held on the 17th day of November, 2008, at 10:00 o'clock A M, in Courtroom Number 1 of the Clearfield County Courthouse.

BY THE COURT.


Judge

FILED

OCT 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

(#5)

DATE: 10/13/08

X You are responsible for serving all appropriate parties.

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

FILED

OCT 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

RULE RETURNABLE

NOW, this _____ day of October, 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a Rule is hereby granted on the Plaintiff, William G. Satterlee & Sons, Inc. to show cause why said Motion should not be granted. Rule Returnable for Answer by the Plaintiff, William G. Satterlee & Sons, Inc. and hearing on said Petitions to be held on the _____ day of _____, 2008, at _____ o'clock __ M, in Courtroom Number ____ of the Clearfield County Courthouse.

BY THE COURT,

Judge

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Petition to Strike Off Judgement
Entered by Confession and
Petition to Stay Proceedings and
Execution

Filed on Behalf of:
LJF, Inc. and Leo Frailey,
Defendants

Counsel of Record for these Parties:
F. Cortez Bell, III, Esquire
I.D. #30183

318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830
Telephone: (814)765-5537

7
FILED 5cc
09/44/08 Atty Bell
OCT 09 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

#4

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

PETITION TO STRIKE OFF JUDGMENT ENTERED BY CONFESSION
AND PETITION TO STAY PROCEEDINGS AND EXECUTION

AND NOW, comes the Defendants, LJF, Inc. and Leo Frailey, by and through their attorney, F. Cortez Bell, III, Esquire, and files the foregoing Petition to Strike Off Judgement Entered by Confession and Petition to Stay Proceedings and Execution and respectfully avers as follows:

PETITION TO STRIKE OFF JUDGMENT ENTERED BY CONFESSION

1. That the Plaintiff, William G. Satterlee & Sons, Inc., on or about May 30, 2008, filed a Complaint for Judgment by Confession as to the Defendants LJF, Inc. and Leo Frailey, individually.
2. That said Complaint sets forth a total amount being sought by Confession of Judgement in the amount of Two Hundred Forty-Five Thousand Nine Hundred Forty-Two and 87/100 (\$245,942.87) Dollars. Said amount being made of Principal in the amount of \$164,510.29, Interest in the amount of \$49,353.08 and Attorney Collection Fee in the amount of \$32,079.50.

3. That the basis for said Complaint for Judgment by Confession was an Installment Note dated April 7, 2003 calling for payment of the principal amount of \$197,278.90. with interest at the rate of 8% per annum, calling for monthly payments in the amount of \$4000.00 per month commencing on the first day of May, 2003 and continuing thereafter until the balance was paid in full.
4. That there is no basis for the Complaint for Judgment by Confession as all amounts due and owing including applicable interest have been paid in full.
5. That the Defendants LJF, Inc. and Leo Frailey commenced payment of the sums due under the Installment Note on April 18, 2003 and continued to pay according to the terms of the Note up thorough and including April 4, 2008. A total of \$197,278.90 has been paid in Principal and \$49,654.45 has been paid in Interest for a total balance amount paid on the account of \$246,933.35. Attached hereto and incorporated herein by reference as Exhibit "A" is a copy of the Installment Agreement Balance Sheet maintained by LJF, Inc. setting forth a full accounting of the account showing each individual date of payment, the check number, the amount of each check and the balance due after each payment. Copies of each individual check will be introduced at the time of trial or hearing on the instant Petition.
6. That as the Judgment by Confession has been improperly entered as to an account which has been paid in full, the Plaintiff should be responsible to reimburse the Defendants for all Counsel fees, costs and expenses incurred in seeking to have

the record corrected and the Confession of Judgment stricken.

7. That this Petition is filed pursuant to the provisions of the Pennsylvania Rules of Civil Procedure, Rule 2959

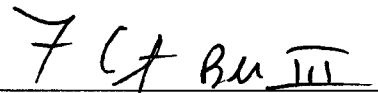
WHEREFORE, Defendants, LJF, Inc. and Leo Frailey would respectfully request that your Honorable Court enter, pursuant to the provisions of the Pennsylvania Rules of Civil Procedure, Rule 2959, an Order Striking off with Prejudice the Judgment that has been entered against the Defendants as well as that the Court Order that as the Confession of Judgment was improperly entered when there is clear evidence of payment in full that the Plaintiff pay all Counsel fees, cost and expenses incurred by the Defendants.

PETITION TO STAY PROCEEDINGS AND EXECUTION

8. Paragraphs One through Seven of the Petition to Strike Off Judgment Entered by Confession would be incorporated herein by reference as if set forth in full at this point.
9. That the Pennsylvania Rules of Civil Procedure, Rule 2959(b) provides that "If the petition states prima facie grounds for relief the court shall issue a rule to show cause and may grant a stay of proceedings."
10. That in the instant matter, the Defendants assert that the Judgment entered by Confession is improper as all amounts due and owing have been paid in full with interest and that all terms of the Installment Note have been fully satisfied and complied with.
11. That as such the Defendants have set forth prima facie grounds for relief.

WHEREFORE, Defendants, LJF, Inc. and Leo Frailey would respectfully request that your Honorable Court enter, pursuant to the provisions of the Pennsylvania Rules of Civil Procedure, Rule 2959(b), an Order staying all proceedings in this matter including any Execution as to said Judgment entered by Confession.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "F. Cortez Bell, III", written over a horizontal line.

F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA. 16830
PA. I.D. No. 30183

VERIFICATION

I, Leo Frailey, both as President of LJF, Inc. and individually, verify that the statements made within the foregoing Petition to Strike Off Judgement Entered by Confession and Petition to Stay Proceedings and Execution are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 6-13-2008

Leo Frailey Pres
Leo Frailey, President

Leo Frailey
Leo Frailey, individually

W.G. SATTERLEE & SONS

Installment Agreement

Date	Check #	Check Amount	Balance
4/7/2003			197278.90
4/18/2003	24037	1000.00	196278.90 Installment
4/25/2003	24112	1000.00	195278.90 Installment
5/2/2003	24219	1000.00	194278.90 Installment
5/9/2003	24319	1000.00	193278.90 Installment
5/16/2003	24402	1000.00	192278.90 Installment
5/23/2003	24483	1000.00	191278.90 Installment
5/30/2003	24557	1000.00	190278.90 Installment
6/6/2003	24672	1000.00	189278.90 Installment
6/18/2003	24786	1000.00	188278.90 Installment
6/27/2003	24883	2000.00	186278.90 Installment
7/18/2003	25123	1000.00	185278.90 Installment
8/1/2003	25292	2000.00	183278.90 Installment
8/15/2003	25443	2000.00	181278.90 Installment
8/29/2003	25642	1000.00	180278.90 Installment
9/5/2003	25723	1000.00	179278.90 Installment
9/19/2003	25913	1000.00	178278.90 Installment
9/26/2003	25983	1000.00	177278.90 Installment
10/3/2003	26085	1000.00	176278.90 Installment
10/17/2003	26253	1000.00	175278.90 Installment
10/24/2003	26334	1000.00	174278.90 Installment
11/3/2003	26444	1000.00	173278.90 Installment
11/14/2003	26596	2000.00	171278.90 Installment
11/21/2003	26680	1000.00	170278.90 Installment
12/5/2003	26860	2000.00	168278.90 Installment
12/12/2003	26946	1000.00	167278.90 Installment
12/19/2003	27060	1000.00	166278.90 Installment
1/9/2004	27276	1000.00	165278.90 Installment
1/16/2004	27348	1000.00	164278.90 Installment
1/23/2004	27427	1000.00	163278.90 Installment
1/30/2004	27523	1000.00	162278.90 Installment
2/13/2004	27675	1000.00	161278.90 Installment
2/20/2004	27756	1000.00	160278.90 Installment
3/5/2004	27964	2000.00	158278.90 Installment
3/12/2004	28027	1000.00	157278.90 Installment
3/19/2004	28111	1000.00	156278.90 Installment
4/2/2004	28285	1000.00	155278.90 Installment
4/9/2004	28359	1000.00	154278.90 Installment
4/16/2004	28463	1000.00	153278.90 Installment
4/30/2004	28642	1000.00	152278.90 Installment
5/14/2004	28813	1000.00	151278.90 Installment
5/28/2004	28985	1000.00	150278.90 Installment
7/9/2004	29508	2000.00	148278.90 Installment
8/12/2004	29973	2000.00	146278.90 Installment
8/26/2004	30165	2000.00	144278.90 Installment

Exhibit "A"

9/13/2004	30387	708.38	143570.52	200050
9/15/2004	30442	754.24	142816.28	200050
9/22/2004	30510	1346.76	141469.52	200050
9/24/2004	30554	926.55	140542.97	200050
9/29/2004	30626	2099.00	138443.97	200050
10/1/2004	30662	612.91	137831.06	200050
10/7/2004	30749	1307.40	136523.66	200050
10/12/2004	30804	2268.64	134255.02	200050
10/15/2004	30862	1119.50	133135.52	200050
10/20/2004	30921	1119.50	132016.02	200050
10/27/2004	31005	1129.50	130886.52	200050
11/1/2004	31081	1309.21	129577.31	200050
11/5/2004	31138	1490.30	128087.01	200050
11/15/2004	31248	1069.50	127017.51	200050
11/19/2004	31316	531.41	126486.10	200050
11/24/2004	31401	1089.50	125396.60	200050
12/8/2004	31588	1004.50	124392.10	200050
12/15/2004	31690	1019.50	123372.60	200050
12/17/2004	31715	1001.15	122371.45	200050
12/22/2004	21780	1039.50	121331.95	200050
12/29/2004	31864	1004.50	120327.45	200050
1/5/2005	31951	1004.50	119322.95	200050
1/12/2005	32044	1015.09	118307.86	200050
1/20/2005	32134	1039.50	117268.36	200050
1/26/2005	32187	1054.50	116213.86	200050
2/2/2005	32332	1044.50	115169.36	200050
2/9/2005	32418	1019.50	114149.86	200050
2/16/2005	32511	623.70	113526.16	200050
2/23/2005	32568	1064.50	112461.66	200050
3/2/2005	32687	783.65	111678.01	200050
3/11/2005	32775	1159.50	110518.51	200050
3/16/2005	32861	1159.50	109359.01	200050
3/24/2005	32946	1152.85	108206.16	200050
3/30/2005	33037	1154.50	107051.66	200050
4/6/2005	33132	1204.50	105847.16	200050
4/13/2005	33217	1154.50	104692.66	200050
4/20/2005	33286	1124.50	103568.16	200050
4/27/2005	33395	1159.50	102408.66	200050
5/4/2005	33496	1119.50	101289.16	200050
5/11/2004	33581	1119.50	100169.66	200050
5/11/2005	33584	167.93	100001.73	200050
5/19/2005	33680	1094.50	98907.23	200050
5/25/2005	33764	1094.50	97812.73	200050
6/1/2005	33822	1144.50	96668.23	200050
6/8/2005	33966	1230.34	95437.89	200050
6/15/2005	34053	1224.50	94213.39	200050
6/22/2005	34100	1219.50	92993.89	200050
6/29/2005	34233	1219.50	91774.39	200050
7/6/2005	34307	619.75	91154.64	200050
7/20/2005	34513	1194.50	89960.14	200050
7/28/2005	34599	963.60	88996.54	200050
8/3/2005	34695	1214.50	87782.04	200050

8/10/2005	34788	1249.50	86532.54	200050
8/25/2005	34967	1294.50	85238.04	200050
8/31/2005	35054	1329.50	83908.54	200050
9/9/2005	35139	1454.50	82454.04	200050
9/22/2005	35307	1389.50	81064.54	200050
9/29/2005	35400	1424.50	79640.04	200050
10/6/2005	35495	1444.50	78195.54	200050
10/13/2005	35584	1155.60	77039.94	200050
10/20/2005	35672	860.70	76179.24	200050
10/28/2005	35774	1369.40	74809.84	200050
11/10/2005	35905	1294.50	73515.34	nothing
11/18/2005	36034	1239.50	72275.84	200050
11/23/2005	36116	1269.50	71006.34	200050
12/1/2005	36200	1229.50	69776.84	200050
12/8/2005	36282	1254.50	68522.34	200050
12/15/2005	36383	1324.50	67197.84	200050
12/22/2005	36471	1249.19	65948.65	200050
12/30/2005	36570	995.60	64953.05	200050
1/9/2006	36667	1284.50	63668.55	200050
1/16/2006	36748	1255.00	62413.55	200050
1/23/2006	36833	1279.50	61134.05	200050
1/31/2006	36934	1294.50	59839.55	200050
2/10/2006	37098	1249.50	58590.05	200050
2/17/2006	37167	1244.50	57345.55	200050
2/23/2007	37234	1000.00	56345.55	200050
2/28/2006	37272	1000.00	55345.55	200050
3/7/2006	37354	1000.00	54345.55	200050
3/15/2006	37480	1000.00	53345.55	nothing
3/22/2006	37550	1000.00	52345.55	200050
3/31/2006	37654	1000.00	51345.55	200050
4/5/2006	37725	1000.00	50345.55	200050
4/12/2006	37806	1000.00	49345.55	200050
4/20/2006	37886	1000.00	48345.55	200050
4/26/2006	37960	1000.00	47345.55	200050
5/11/2006	38128	1000.00	46345.55	200050
5/18/2006	38203	1000.00	45345.55	200050
5/24/2006	38300	1000.00	44345.55	200050
6/1/2006	38390	1000.00	43345.55	200050
6/8/2006	38449	1000.00	42345.55	200050
6/15/2006	38532	1000.00	41345.55	200050
6/22/2006	38614	1000.00	40345.55	200050
6/29/2006	38714	1000.00	39345.55	200050
7/6/2006	38781	1000.00	38345.55	200050
7/13/2006	38859	1000.00	37345.55	200050
7/20/2006	38945	1000.00	36345.55	200050
7/27/2006	39033	1000.00	35345.55	200050
8/3/2006	39110	1000.00	34345.55	200050
8/10/2006	39191	1000.00	33345.55	200050
8/17/2006	39270	1000.00	32345.55	200050
8/24/2006	39353	1000.00	31345.55	200050
8/31/2006	39446	1000.00	30345.55	200050
9/11/2006	39552	1000.00	29345.55	200050

9/18/2006	39637	1000.00	28345.55	200050
9/25/2006	39718	1000.00	27345.55	200050
10/4/2006	39869	1000.00	26345.55	200050
10/11/2006	39893	1000.00	25345.55	200050
10/17/2006	40009	1000.00	24345.55	200050
10/24/2006	40049	1000.00	23345.55	200050
11/1/2006	40181	1000.00	22345.55	200050
11/7/2006	40207	1000.00	21345.55	200050
11/14/2007	40295	1000.00	20345.55	200050
11/20/2006	40390	1000.00	19345.55	200050
11/27/2006	40467	1000.00	18345.55	200050
12/5/2006	40548	1000.00	17345.55	200050
12/11/2006	40630	1000.00	16345.55	200050
12/19/2006	40715	1000.00	15345.55	200050
12/26/2006	40802	1000.00	14345.55	200050
1/2/2007	40865	1000.00	13345.55	200050
1/9/2007	40945	1000.00	12345.55	200050
1/15/2007	41034	1000.00	11345.55	200050
1/22/2007	41114	1000.00	10345.55	200050
1/29/2007	41198	1000.00	9345.55	200050
2/5/2007	41267	1000.00	8345.55	200050
2/13/2007	41367	1000.00	7345.55	200050
2/19/2007	41428	1000.00	6345.55	200050
2/27/2007	41506	1000.00	5345.55	200050
3/6/2007	41581	1000.00	4345.55	200050
3/13/2007	41659	1000.00	3345.55	200050
3/20/2007	41728	1000.00	2345.55	200050
3/27/2007	41811	1000.00	1345.55	200050
4/4/2007	41935	1000.00	345.55	200050
4/11/2007	42010	1000.00	-654.45	200050
4/17/2007	42051	1000.00	-1654.45	200050
4/24/2007	42119	1000.00	-2654.45	200050
5/2/2007	42256	1000.00	-3654.45	200050
5/9/2007	42300	1000.00	-4654.45	200050
5/16/2007	42427	1000.00	-5654.45	200050
5/23/2007	42502	1000.00	-6654.45	200050
5/30/2007	42582	1000.00	-7654.45	200050
6/6/2007	42678	1000.00	-8654.45	200050
6/13/2007	42771	1000.00	-9654.45	200050
6/20/2007	42857	1000.00	-10654.45	200050
6/27/2007	42939	1000.00	-11654.45	200050
7/4/2007	43014	1000.00	-12654.45	200050
7/11/2007	43100	1000.00	-13654.45	200050
7/18/2007	43187	1000.00	-14654.45	200050
7/25/2007	1047	1000.00	-15654.45	200050
8/1/2007	1143	1000.00	-16654.45	200050
8/8/2007	1222	1000.00	-17654.45	200050
8/15/2007	1311	1000.00	-18654.45	200050
8/22/2007	1352	1000.00	-19654.45	200050
8/29/2007	1473	1000.00	-20654.45	200050
9/14/2007	1630	1000.00	-21654.45	200050
9/26/2007	1790	1000.00	-22654.45	200050

10/3/2007	1868	1000.00	-23654.45	200050
10/10/2007	1937	1000.00	-24654.45	200050
10/17/2007	2023	1000.00	-25654.45	200050
10/24/2007	2108	1000.00	-26654.45	200050
10/31/2007	2182	1000.00	-27654.45	200050
11/7/2007	2262	1000.00	-28654.45	200050
11/14/2007	2338	1000.00	-29654.45	200050
11/21/2007	2414	1000.00	-30654.45	200050
11/28/2007	2484	1000.00	-31654.45	200050
12/6/2007	2568	1000.00	-32654.45	200050
12/12/2007	2641	1000.00	-33654.45	200050
12/19/2007	2720	1000.00	-34654.45	200050
12/26/2007	2758	1000.00	-35654.45	200050
1/2/2008	2832	1000.00	-36654.45	200050
1/9/2008	2945	1000.00	-37654.45	200050
1/16/2008	3012	1000.00	-38654.45	200050
1/24/2008	3092	1000.00	-39654.45	200050
1/30/2008	3174	1000.00	-40654.45	200050
2/7/2008	3265	1000.00	-41654.45	200050
2/13/2008	3336	1000.00	-42654.45	200050
2/20/2008	3412	1000.00	-43654.45	200050
2/29/2008	3494	1000.00	-44654.45	200050
3/6/2008	3562	1000.00	-45654.45	200050
3/14/2008	3645	1000.00	-46654.45	200050
3/21/2008	3715	1000.00	-47654.45	200050
3/28/2008	3795	1000.00	-48654.45	200050
4/4/2008	3885	1000.00	-49654.45	200050

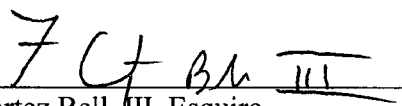
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Petition to Strike Off Judgement Entered by Confession and Petition to Stay Proceedings and Execution upon the following persons by personal hand delivery addressed as follows:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830


F. Cortez Bell, III, Esquire
Attorney for Defendants, LJF, Inc.,
and Leo Frailey

Date: October 9, 2008

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Motion for Protective Order

Filed on Behalf of:
LJF, Inc. and Leo Frailey,
Defendants

Counsel of Record for these Parties:
F. Cortez Bell, III, Esquire
I.D. #30183

318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830
Telephone: (814)765-5537

FILED *SCC*
0/4:42 PM
OCT 09 2008 *Atty Bell*

WAS
William A. Shaw
Prothonotary/Clerk of Courts

#3

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

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

MOTION FOR PROTECTIVE ORDER AS TO INTERROGATORIES IN AID OF
EXECUTION ADDRESSED TO DEFENDANT LEO FRAILEY

AND NOW, comes the Defendants, LJF, Inc. and Leo Frailey, by and through their attorney, F. Cortez Bell, III, Esquire, and files the foregoing Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and respectfully avers as follows:

1. That the Plaintiff, William G. Satterlee & Sons, Inc., on or about May 30, 2008, filed a Complaint for Judgment by Confession as to the Defendants LJF, Inc. and Leo Frailey, individually.
2. That said Complaint sets forth a total amount being sought by Confession of Judgement in the amount of Two Hundred Forty-Five Thousand Nine Hundred Forty-Two and 87/100 (\$245,942.87) Dollars. Said amount being made of Principal in the amount of \$164,510.29, Interest in the amount of \$49,353.08 and Attorney Collection Fee in the amount of \$32,079.50.
3. That the Plaintiff, William G. Satterlee & Sons, Inc. through Counsel has served

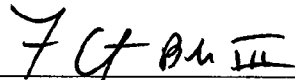
upon the Defendant, Leo Frailey, Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey.

4. That the Defendants LJF, Inc. and Leo Frailey has filed a Petition to Strike Off Judgement Entered by Confession and Petition to Stay Proceedings and Execution based upon an assertion that the amount claimed as Principle and Interest was paid in full as of April 4, 2008.
5. That there is no basis for the Complaint for Judgment by Confession as all amounts due and owing have been paid and therefore there is no basis for the Defendants to respond to Interrogatories in Aid of Execution.
6. That the Defendants, LJF, Inc. and Leo Frailey are seeking a Protective Order such that the Interrogatories in Aid of Execution need not be answered pending a determination of the merits of the matter as to the Petition to Strike Off Judgement Entered by Confession and Petition to Stay Proceedings and Execution.
7. That a stay of all proceedings pending a determination on the Petition to Strike Off Judgment Entered by Confession is appropriate and allowed for by the Pennsylvania Rules of Civil Procedure, Rule 2959(b).

WHEREFORE, Defendants, LJF, Inc. and Leo Frailey would respectfully request that your Honorable Court enter a Protective Order directing that the Defendants, LJF, Inc. and Leo Frailey not be required to file responses to the Interrogatories in Aid of Execution that have been

served. Pending determination by the Court as to the Petition to Strike Off Judgement Entered by
Confession and Petition to Stay Proceedings and Execution .

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'F. Cortez Bell, III', written over a horizontal line.

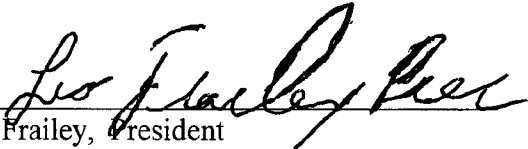
F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA. 16830
PA. I.D. No. 30183

Date: October 9, 2008


VERIFICATION

I, Leo Frailey, both as President of LJF, Inc. and individually, verify that the statements made within the foregoing Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 10-8-2008



Leo Frailey, President



Leo Frailey, individually

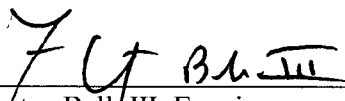
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey upon the following persons by personal hand delivery addressed as follows:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830



F. Cortez Bell III, Esquire
Attorney for Defendants, LJF, Inc.,
and Leo Frailey

Date: October 9, 2008

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

Type of Case: Civil

Type of Pleading:
Entry of Appearance

Filed on Behalf of:
LJF, Inc. and Leo Frailey,
Defendants

Counsel of Record for these Parties:
F. Cortez Bell, III, Esquire
I.D. #30183

318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830
Telephone: (814)765-5537

FILED ^{2cc}
018:30/301 Amy Bell
SEP 29 2008 (GK)
William A. Shaw
Prothonotary/Clerk of Courts

(#2)

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

WILLIAM G. SATTERLEE & SONS, INC.,
Plaintiff

v.

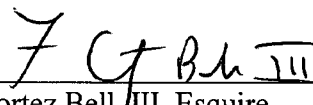
LJF, INC., and LEO J. FRAILEY, Individually,
Defendants

No. 2008-997-CD

ENTRY OF APPEARANCE

Kindly enter my appearance on behalf of LJF, Inc., and Leo Frailey, Defendants in the
above captioned matter.

Respectfully Submitted,



F. Cortez Bell, III, Esquire
318 East Locust Street
P.O. Box 1088
Clearfield, PA. 16830
PA. I.D. No. 30183

Date: September 29, 2008

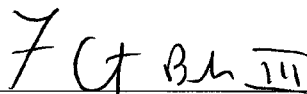
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM G. SATTERLEE & SONS, INC.,	:	
Plaintiff	:	
	:	
v.	:	No. 2008-997-CD
	:	
LJF, INC., and LEO J. FRAILEY, Individually,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Entry of
Appearance upon the following persons by first class mail, postage pre-paid addressed as
follows:

Carl A. Belin, Jr., Esquire
Belin, Kubista & Ryan
15 North Front Street
P.O. Box 1
Clearfield, PA. 16830



F. Cortez Bell, III, Esquire
Attorney for Defendants, LJF, Inc.,
and Leo Frailey

Date: September 29, 2008

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

WILLIAM G. SATTERLEE & SONS, INC., :
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY, :
Individually, :
Defendants :

No. 08 - 997 - CD

COMPLAINT

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED 300
01/30/04/04
MAY 30 2008
William A. Shaw
Prothonotary/Clerk of Courts
Att'y Belin
Att'y pd. \$95.00
Notice to Defs.
Statement to
Att'y Belin

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

WILLIAM G. SATTERLEE & SONS, INC., :
Plaintiff :
vs. : No. 08 - - CD
LJF, INC., and LEO J. FRAILEY, :
Individually, :
Defendants :

COMPLAINT

Plaintiff files this complaint pursuant to Pa. R.C.P. No. 2951(b) for judgment by confession and avers the following:

1. That Plaintiff William G. Satterlee & Sons, Inc. is a Pennsylvania corporation with an office and place of business at 12475 Route 119 Highway North, Rochester Mills, PA 15771.

2. That Defendant LJF, Inc., is a Pennsylvania corporation with its office at 1223 Parks Road, Irvona, Clearfield County, Pennsylvania 16656, and Defendant Leo J. Frailey is an individual with a mailing address of 1223 Parks Road, Irvona, Clearfield County, Pennsylvania 16656.

3. Attached as **Exhibit "A"** is a true and correct copy of the original instrument authorizing confession duly executed by Defendants.

4. The attached instrument has not been assigned.

5. Judgment has not been entered in any jurisdiction on the attached instrument authorizing confession.

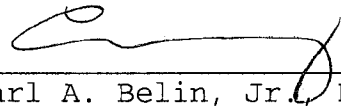
6. Default was made by the Defendants in the payment of the installment of Four Thousand and no/100 (\$4,000.00) Dollars, due on October 1, 2004, and in the payment of all subsequent installments, whereby under the instrument the entire sum is in default and immediately payable.

7. Consequently, the Defendants are liable to Plaintiff as follows:

Unpaid balance of instrument	\$ 164,510.29
Interest from October 1, 2004 (8%)	49,353.08
Attorney's collection fee (15%)	<u>32,079.50</u>
TOTAL	\$ 245,942.87

WHEREFORE, Satterlee demands judgment against LJF, Inc., and Leo J. Frailey, individually, for Two Hundred Forty-Five Thousand Nine Hundred Forty-Two and 87/100 (\$245,942.87) Dollars, as authorized by the warrant of attorney appearing in the attached instrument.

BELIN, KUBISTA & RYAN LLP

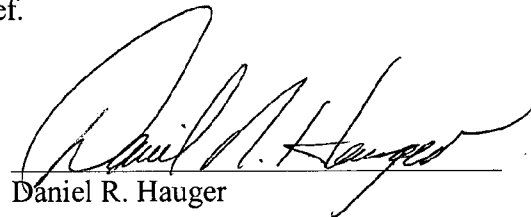
By 
Carl A. Belin, Jr., Esquire

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

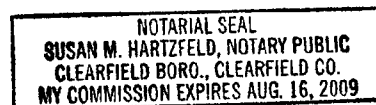
SS.

Before me the undersigned officer, personally appeared DANIEL R. HAUGER, who deposes and says he is the Credit Manager of WILLIAM G. SATTERLEE & SONS, INC., and as such Credit Manager being authorized to do so, and being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Daniel R. Hauger

Sworn and subscribed before me this 30th day of may, 2008.


Notary Public



INSTALLMENT NOTE

\$197,278.90

April 7, 2003

LJF, Inc., a Pennsylvania corporation with its office at R. D. 1 Box 60-F, Irvona, Pennsylvania, 16656, Leo J. Frailey, individually (collectively "borrower") do hereby promise to pay to William G. Satterlee & Sons, Inc., (Satterlee) a Pennsylvania corporation with its office at 12475 Route 119 Highway North, Rochester Mills, Pennsylvania, 15771, one hundred ninety-seven thousand two hundred seventy-eight and 90 /100 (\$197,278.90) dollars together with interest at the rate of eight percent per annum, payable at the rate of four thousand and no/100 (\$4000.00) dollars per month beginning on the first day of May, 2003, and on the first day of each month there after until the principal and interest are paid in full.

In any circumstance this note is required to be paid in full on or before April 1, 2009.

The proceeds of this note will be applied to as follows:

Bulk Plant account #200050	\$ 67,864.05
Bulk Plant account #200051	\$ 7,067.32
Cardlock account # 3933	\$ 85,897.95
Cardlock account # 1696	\$36,449.58

AND FURTHER, in the event of default in the above payment for a period of thirty days, borrower hereby authorizes and empowers any attorney of any Court of Record of Pennsylvania to appear for and to enter judgment against them, in favor of Satterlee for the above sum plus cost of suit, without stay of execution, and with fifteen percent added as a reasonable attorney's fee, and they hereby waive and release all benefit and relief from any and all appraisalment, stay or exemption laws of the Commonwealth of Pennsylvania.

THIS IS AN INSTALLMENT NOTE FOR COMMERCIAL PURPOSES ONLY.

LJF, Inc

by Leo Frailey
Leo J. Frailey, President

Leo Frailey
Leo J. Frailey, individually

Exhibit "A"

COPY

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

WILLIAM G. SATTERLEE & SONS, INC., :
Plaintiff :
vs. : No. 08 - 997 - CD
LJF, INC., and LEO J. FRAILEY, :
Individually, :
Defendants :

NOTICE OF CONFESSED JUDGMENT
PURSUANT TO PA. R.C.P. NO. 236

To: Leo J. Frailey
1223 Parks Road
Irvona, PA 16656

Pursuant to Pa. R.C.P. No. 236, you are hereby notified
that judgment by confession has been entered against you in the
above-captioned matter.

Date: May 30, 2008

William G. Satterlee
Prothonotary

If you have any questions concerning this notice, please
call Carl A. Belin, Jr., attorney for Plaintiff, at this
telephone number: 814-765-8972.

COPY

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

WILLIAM G. SATTERLEE & SONS, INC., :
Plaintiff :

vs. :

LJF, INC., and LEO J. FRAILEY, :
Individually, :
Defendants :

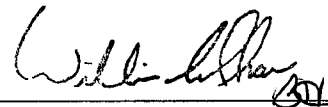
No. 08 - 997 - CD

NOTICE OF CONFESSED JUDGMENT
PURSUANT TO PA. R.C.P. NO. 236

To: LJF, Inc.
1223 Parks Road
Irvington, PA 16656

Pursuant to Pa. R.C.P. No. 236, you are hereby notified
that judgment by confession has been entered against you in the
above-captioned matter.

Date: May 30, 2008



Prothonotary

If you have any questions concerning this notice, please
call Carl A. Belin, Jr., attorney for Plaintiff, at this
telephone number: 814-765-8972.

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

William G. Satterlee & Sons, Inc.
Plaintiff(s)

No.: 2008-00997-CD

Real Debt: \$245,942.87

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

LJF, Inc.
Leo J. Frailey
Defendant(s)

Entry: \$20.00

Instrument: Confession of Judgment

Date of Entry: May 30, 2008

Expires: May 30, 2013

Certified from the record this 30th day of May, 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



Superior Court of Pennsylvania
Western District

Karen Reid Bramblett, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
(412) 565-7592
www.superior.court.state.pa.us

CERTIFICATE OF REMITTAL/REMAND OF RECORD

TO: Mr. Shaw
Prothonotary

RE: William G. Satterlee & Sons, Inc. v. LJF, Inc.
1774 WDA 2010
Trial Court: Clearfield County Court of Common Pleas
Trial Court Docket No: No 2008-997-CD

FILED
m/15061
SEP 08 2011
William A. Shaw
Prothonotary/Clerk of Courts
GIL

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

Original Record contents:

Item	Filed Date	Description
Original Record	January 20, 2011	1 Part
Transcripts	January 20, 2011	3
Exhibits	January 20, 2011	2 Sets

Additional Item(s): CERTIFIED COPY OF DISCONTINUANCE

Remand/Remittal Date: 09/06/2011

ORIGINAL RECIPIENT ONLY - Please acknowledge receipt by signing, dating, and returning the enclosed copy of this certificate to our office. Copy recipients (noted below) need not acknowledge receipt.

Very truly yours,

Eleanor R. Valecko
Eleanor R. Valecko
Deputy Prothonotary

/bnl

Enclosure

cc: The Honorable Fredric J. Ammerman, President Judge
Carl A. Belin Jr., Esq.
Earle David Lees Jr., Esq.
Leanne Ruth Nedza, Esq.

William G. Satterlee & Sons, Inc. v. LJF, Inc.
1774 WDA 2010

Letter to: Mr. William A. Shaw

Acknowledgement of Certificate of Remittal/Remand of Record (to be returned):



Signature

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

Printed Name

September 8, 2011
Date

CA

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

FILED

MAY 19 2011

D/11:00/C
William A. Shaw
Prothonotary/Clerk of Courts

3 Cent to

Att

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO C. FRAILEY, individually,

Defendants.

MOTION FOR COMPLIANCE

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO C. FRAILEY, individually,

Defendants.

MOTION FOR COMPLIANCE

AND NOW comes the Plaintiff, William G. Satterlee & Sons, Inc., by and through its attorneys, Kubista & Ryan LLP, and files the following motion for compliance based upon the following allegations:

1. Your Honorable Court entered the following Order regarding a judgment confessed in the above-captioned matter:

“AND NOW, this 19th day of October, 2010, it is the ORDER of this Court as follows:

1. Defendants’ Petition to Strike Confessed Judgment is hereby DENIED.

2. The stay entered on or about October 10, 2008, is hereby lifted.

3. The caption shall be amended to reflect ‘Leo C. Frailey, individually’ as defendant.”

2. That while an appeal to the Superior Court was filed, no application for a supersedeas was filed as a result of which under Rule 1731 of the Pa.R.A.P. the appeal does not act as a supersedeas to the judgment.

3. Pursuant to Rule 1701(b)(2) of the Pa.R.A.P. Your Honorable Court can enforce the judgment, unless the judgment has been superseded as prescribed in the Pa.R.A.P.

4. That Plaintiff served interrogatories and notices to produce for copying in aid of execution under Rule 3117(a) of the Pa.R.C.P. to the Defendants LJF, Inc. and Leo C. Frailey by service on their attorney, Earle F. Lees, by letter dated January 21, 2011 (Leo C. Frailey) and January 19, 2011 (LJF, Inc.). Copies of the letters and interrogatories are attached hereto.

5. That neither Defendant has answered the interrogatories or the notices to produce referred to above.

6. That the interrogatories demanded that Defendant serve answers to the interrogatories within thirty (30) days of the service of the interrogatories which they have failed to do.

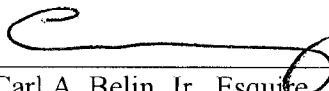
7. That Plaintiff seeks an Order for Compulsion from the Court pursuant to Rule 4019 (g)(1) to direct compliance that an answer to the interrogatories be served upon Satterlee filed within thirty (30) days of the Order of Court or such time as the Court shall direct.

WHEREFORE, Plaintiff requests Your Honorable Court to issue a rule to show cause why the motion should not be granted and the following Order be entered.

Respectfully submitted,

KUBISTA & RYAN LLP

By


Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

KUBISTA & RYAN LLP

ATTORNEYS AT LAW
202 SOUTH FRONT STREET
P.O. Box 1
CLEARFIELD, PA 16830

KIMBERLY M. KUBISTA
JOHN R. RYAN

TELEPHONE (814) 765-8972

OF COUNSEL:
CARL A. BELIN, JR.

FACSIMILE (814) 765-9893

January 21, 2011

Earle D. Lees, Esquire
P.O. Box 685
DuBois, PA 15801

RE: Satterlee v. Frailey; No. 2008-997-CD

Dear Earle:

Enclosed find interrogatories and request for production of documents to be completed by LJF, Inc.

Very truly yours,

KUBISTA & RYAN LLP

Carl A. Belin, Jr.

CABjr/lgb

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO: LJF, INC.
c/o Earle Lees, Esquire

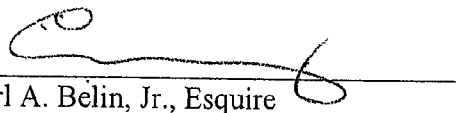
You are hereby requested to produce, pursuant to Pennsylvania Rule of Civil Procedure 4009, the following documents, writings, photographs or tangible things. Said documents, writings, photographs, or tangible things are to be produced for the purpose of inspecting, photographing and copying, at the law offices of Carl A. Belin, Jr., Kubista & Ryan LLP, at 202 South Front Street, Clearfield, Pennsylvania, thirty (30) days from the date of the service of this Request For Production. In lieu thereof, these documents can be photocopied and forwarded to Carl A. Belin, Jr., Kubista & Ryan LLP, at 202 South Front Street, Clearfield, Pennsylvania 16830, within thirty (30) days of the date of the service of this Request for Production. The documents to be produced are as follows:

1. Each and every document which you have identified in your answers to Plaintiff's Interrogatories to Defendants.

2. Each and every document whose identification was requested in Plaintiff's Interrogatories.

This request is deemed to be continuing insofar as if any of the requested documents items are discovered or secured subsequent to the date herein for the production of the same, said documents items are to be provided to said Plaintiff's counsel immediately upon the receipt of the same.

KUBISTA & RYAN LLP

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

DATE: January 21, 2011

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

**INTERROGATORIES PROPOUNDED BY PLAINTIFF
AND DIRECTED TO DEFENDANT
LJF, INC. IN AID OF EXECUTION**

The plaintiff is seeking to collect on the judgment which it has secured against it in this case and needs information about its assets. It are required under Pa. R. C.P . Nos. 3117 and 4006 to file answers under oath or verification to the following Interrogatories within 30 days after their service upon you:

DEFINITIONS

A. As used herein, the words "it" and "its" refer to defendant and defendant's agents, representatives, attorneys and all other persons acting or purporting to act on behalf of defendant.

B. As used herein, the word "document" shall mean the original and any copy, regardless of origin or location, or any book, pamphlet, periodical, letter, memorandum, telegram, report, study, handwritten note, working paper, or any other written, recorded, punched, or taped matter, however produced, to which it have or have had access.

C. As used herein, "corporation," "company" or "entity" shall mean any corporation,

partnership, sole proprietorship, company, entity or business operation.

D. As used herein, "communication" shall mean all conversations, whether oral or written, all telephone calls, telegrams, letters, memoranda, documents, discussions or any other form of communication.

E. As used herein, "identify" or "identity" used in reference to an individual or person means to state his full name, present business and private addresses and telephone numbers, his present or last known occupation, his employer, and employer's address.

F. As used herein, "identify" or "identity" when used in reference to a corporation, company, entity or institution means to state its full name and present address and telephone numbers, any fictitious names under which it operates, and the present owners, officers and directors thereof with their current addresses.

G. As used herein, "identify" or "identity" when used in reference to a document or communication means to state the date, author, type of document or communication (*e.g.*, letter, memorandum, telegram, chart, etc.) or any other means of identifying it, its present location, and the name and address of its custodian. If any such document or communication was, but is no longer, in its possession or subject to its control, state what disposition was made of it and who presently has it.

H. If a precise value amount or date cannot be supplied in response to an Interrogatory, provide an approximate value, amount or date.

I. If additional space is required to answer any questions, please attach a separate sheet identifying the answer to the interrogatories.

INTERROGATORIES

To: LJF, Inc., Defendant

1. State the name of the corporation, its address, telephone number and Federal tax identification number.

ANSWER:

2. Does it use any fictitious names?

ANSWER:

3. State the principal business of the corporation.

ANSWER:

4. State the name of the principal customers of the corporation, their address and telephone numbers.

ANSWER:

5. State whether the corporation is the principal of any other corporation, partnership or proprietorship. If so, state the name, address, and telephone number of the corporation, partnership or proprietorship.

ANSWER:

6. State the gross taxable income of the corporation as shown by its Federal Income Tax returns for the years 2005 through 2009.

ANSWER:

7. What is its present average monthly income from all sources?

ANSWER:

8. Does the corporation pay rent for its offices and/or place of business? If so, state the name and address of its landlord and the amount of rent it pays per month.

ANSWER:

9. Does it own any interest in any other real estate in this state or elsewhere either individually or jointly with another individual or entity? If so, as to each such interest state:

(a) The full address and location of the real estate; (b) The market value of the real estate;

(c) The nature and extent of its interest in the real estate, including joint, reversionary, remainder, leasehold, contingent or beneficial interest;

(d) The name, address and telephone number of any joint owner;

(e) The date it acquired its interest;

(f) The amount and source of the funds which it paid to acquire such interest;

(g) The identity of all documents which relate to its interest in the real estate and the source of funds used to purchase the interest (including statements, passbooks, check registers, etc.);

(h) If there are any mortgages on such real estate, state as to each mortgage:

(i) The identities of the mortgagee, the mortgagor and the real owner;

(ii) The identity of all documents relating to the mortgage and the underlying obligation;

(iii) The amount of the original mortgage obligation; (iv) The outstanding obligation of the mortgage;

(v) The date on which the mortgage was executed; and

(vi) The date on which and the office in which the mortgage was recorded.

(i) If an interest is held in trust for you, identify the trustor, trustee and identify any documents relating thereto.

ANSWER:

10. Has it, or has anyone on its behalf, conveyed or transferred any interest in any real estate to anyone within the last five (5) years? If so, as to each conveyance or transfer state:

- (a) The description of the real estate;
- (b) The interest which it conveyed or transferred;
- (c) The identity of the person to whom it conveyed or transferred that interest;
- (d) The consideration which it received;
- (e) The reason for the conveyance or transfer;
- (f) The fair market value of its interest in the property at the time of its conveyance or transfer by it.

ANSWER:

11. Does it hold a mortgage on or other security interest in any real estate? If so, as to each such mortgage or other security interest state:

- (a) The description of the real estate;
- (b) The date when it acquired the mortgage or other security interest;
- (c) The identity of the assignor of the mortgage or other security interest, if any;
- (d) The outstanding balance due on the note or obligation which the mortgage or other security interest secures;
- (e) The identities of the mortgagor(s), or party(ies) granting the security interest, and the real owner(s),
- (f) The identity of any documents which relate to the mortgage or other security interest; and
- (g) The priority of the mortgage or other security interest.

ANSWER:

12. Does it receive rent for any property it owns from any source? If so, as to each property state:

- (a) the name of the lessee;

- (b) the amount of the rent;
- (c) whether the rent is current;
- (d) how long is the lease;
- (e) identify the property by deed.
- (f) state when the property was acquired;
- (g) describe the property rented.

ANSWER:

13. Does it own any motor vehicle or any interest in a motor vehicle either individually or jointly with another person or entity? If so, state as to each such vehicle:

- (a) The make, model, year, color, and serial number of the motor vehicle;
- (b) Whose name appears on the registration or title certificate;
- (c) The location and current custodian of the motor vehicle;
- (d) The purchase price of the motor vehicle;
- (e) The balance due on any outstanding purchase money security interest in the motor vehicle, and the name and address of the secured party;
- (f) Each person who paid any part of the purchase price or who has repaid or is repaying any part of a purchase money loan, and the amount and source of the funds paid;
- (g) The market value of the motor vehicle;
- (h) The identity of all documents relating to purchase of the motor vehicle, evidence of title or registration of ownership;
- (i) The nature and value of its interest in the motor vehicle.

ANSWER:

14. Identify all items of tangible personal property having a value of \$500 or more which it owns either individually or jointly with another person or entity including, but not limited to, jewelry, furs, furniture, office equipment, television sets, radios, record players, electrical appliances, power tools, photographic equipment, works of art, musical instruments, coin or stamp collections, silver or china; and for each item state the purchase price and date of

purchase; the approximate value of each item; the seller of each item; by whom each item was purchased; the source of funds used to purchase each item; the nature and extent of its interest in each item; the name, address and telephone number of any joint owner; the location of each item; the amount due on any outstanding purchase money security interest, conditional sales agreement, lease / sale agreement, or other encumbrance; the name and address of the secured party, conditional seller or lessor; and all documents relating to the purchase and ownership of each item.

ANSWER:

15. Does it own or have any interest in any corporate stocks, bonds; or other investment contracts, including any option to purchase or sell a security, either individually or jointly with another individual or entity or in the name of any entity in which it have any ownership interest or other involvement? If so, as to each such interest state:

- (a) The identity of such stock, bond or security;
- (b) The name in which such stock, bond or security is held;
- (c) The par or face value of such stock, bond or security;
- (d) The market value of such stock, bond or security;
- (e) The name, address and telephone of the custodian of such stock, bond or security;
- (f) By whom such stock, bond or security was purchased and the source of funds used to purchase such stock, bond or security;
- (g) The name, address and telephone number of any joint owner;
- (h) The date(s) on which interest is payable on any bonds;
- (i) The maturity date of any bond; and
- (j) The identity of any documents which relate to the purchase and ownership of such stock, bond or security including the actual stock, bond and securities certificates.

ANSWER:

16. Does it own or maintain any savings or checking accounts, certificates of deposit, money market accounts or mutual fund accounts, either individually or jointly with another individual or entity or in the name of any entity in which it have any ownership interest or other involvement? If so, as to each such account or certificate state:

- (a) The identity of the institution in which it has the account;
- (b) The title and number or identifying reference of the account or certificate;
- (c) The identity of any joint owner of the account or certificate and the nature of its joint ownership;
- (d) The nature of the account or certificate; and
- (e) The purchase price of the certificate;
- (f) The dates and amounts of its deposits or contributions for the last three (3) years;
- (g) The dates and amounts of its withdrawals for the last three (3) years;
- (h) The current balance of the account or value of the certificate.

ANSWER:

17. Does it have any safe deposit box or other similar storage facility in its name (either individually or jointly with another individual or entity), in the name of any entity in which it have any ownership or other involvement (either alone or jointly with another entity or individual) or in which it have contained personal property with a value in excess of \$500? If so, as to each such box or facility state:

- (a) The identity of the institution in which it rent or maintain such safe deposit box or facility;
- (b) The number under which such safe deposit box or facility is rented;
- (c) The name under which such safe deposit box or facility is rented; and
- (d) The contents of such safe deposit box or facility.

ANSWER:

18. Identify any seat owned by it either individually or jointly with another person or entity in any stock commodity or other exchange; the estimated value of the seat; by whom the seat was purchased and the source of the funds used to purchase the seat; the name in which the seat is held; the name of the joint owner; and all documents relating to the purchase and ownership of the seat, and membership rules of the exchange.

ANSWER:

19. Does it have any interest in any patent, copyright, or royalties or in any patentable invention or copyrightable material? If so, identify:

- (a) The patent, copyright, or royalties or the patentable invention or copyrightable material;
- (b) The nature of its interest;
- (c) The dollar amount or value of its interest;
- (d) The identity of any documents relating to its interest.

ANSWER:

20. Does the corporation have any uncollected debts, accounts receivable, or other monies that are due it? If so, for each please state.

- (a) The identity of the debtors;
- (b) The date the debt was created;
- (c) The amount of the remaining debt;
- (d) The terms of repayment, including the date on which the debt is due;
- (e) The identity of any document which creates, evidences, or refers to the debt.

ANSWER:

21. Are there any unsatisfied judgments of record in its favor in any action or have any judgments been assigned to it by anyone? If so, for each please state:

- (a) The identity of the judgment debtor;

- (b) The identity of the suit, action, or legal proceedings relating to the judgment, including the caption, the court in which it is filed, and the court term and number;
- (c) The identity of the assignor, if any;
- (d) The nature of the judgment;
- (e) The status of the judgment and any execution proceedings.

ANSWER:

22. Do it hold any security interest in or lien on personal property? If so, as to each such security interest or lien, state:

- (a) The description of the personal property, including the identity of present owner;
- (b) The nature and amount of the security interest or lien, including the identification of any court action involved;
- (c) The date when it acquired the security interest or lien;
- (d) The obligation secured by such security interest or lien;
- (e) The identity of any documents which relate to the security interest or lien.

ANSWER:

23. Does the corporation have any right, interest, financial advantage or prospect thereof under any contract, insurance or other claim, cause of action or pending lawsuit in the courts of this or any other state or in the federal courts? If so, for each please state:

- (a) The identity of the contract, insurance claim, cause of action or pending lawsuit, and any documents relating thereto;
- (b) The identity of the other party or parties involved;
- (c) The nature and current status of the contract, claim, cause of action, or lawsuit;
- (d) The known or estimated value of the same.

ANSWER:

24. Is the corporation the beneficiary of any trust? If so, identify the name, address and telephone number of the trustee, the duration of the trust and its interest therein, the amount of income it receive from the trust annually, the amount of principal to which it are entitled upon distribution, the date of distribution, and the identity of all documents relating to the creation of the trust.

ANSWER:

25. Have the corporation received any money, or interest in real or personal property under any will or inheritance, or have it been notified of any interest in any decedent's estate since 2008? If so, identify the decedent, the executor or administrator, the nature and value of its bequest, devise, legacy or distributive share, and the date of distribution or expected distribution.

ANSWER:

26. Does the corporation have any title insurance, casualty insurance, collision insurance, homeowners insurance or other insurance against loss or damage to property? If so, identify each policy, the issuer, and the property, real or personal, which is insured thereby.

ANSWER:

27. Is the corporation the beneficiary under an insurance policy on the life of any person? If so, identify the policy, the issuer, the insured, the amount of the policy, the current value of the policy and any other beneficiaries.

ANSWER:

28. Does the corporation own or have an interest in any other assets not already disclosed? If so, please identify the same and the current location.

ANSWER:

29. Identify each item of tangible personal property which the corporation has in pawn; the name and address of the pawn broker; the value of the item; the amount of the pawn; and the terms of redemption.

ANSWER:

30. Identify each item of tangible or intangible personal property owned by the corporation either individually or jointly with another person or entity which is subject to any outstanding security interest; the name and address of the secured party; the security agreement; the balance due on the underlying obligation.

ANSWER:

31. Has the corporation sold, assigned, given or traded any tangible or intangible personal property or interest in personal property with a value of \$500 or more to anyone within the last five (5) years? If so, as to each transfer, please state:

- (a) The description of the property;
- (b) The interest which it transferred;
- (c) The identity of the person to whom it transferred the property or interest therein;
- (d) The date of the transfer;
- (e) The consideration it received for each transfer; (f) The reason for such transfer;
- (g) The fair market value of the interest at the time of its transfer.

ANSWER:

32. What money has the corporation received and what money has it spent since January 1, 2008?

ANSWER:

33. Does the corporation owe any federal, state or local taxes? If so, identify each taxing authority, the period for which taxes are due, and the amount of taxes due.

ANSWER:

34. Is the corporation owed any federal, state or local tax refund? If so, identify each taxing authority, the period for which taxes are due it and the exact or estimated amount of the refund.

ANSWER:

35. Does the corporation owe anyone money? If so, identify each creditor by name and address, the amount due, and the terms of repayment.

ANSWER:

36. Is the corporation a member of any clubs? If so, identify each club, the amount of club dues, and whether the dues have been paid and by whom.

ANSWER:

37. Are there any pending suits, actions, legal proceedings or claims of any kind against it or any interest it holds? If so, as to each state the following:

- (a) The identity of the suit, action or legal proceeding including the title, the court in which it was filed, and the court term and number;
- (b) The identity of the other party or claimant;
- (c) The nature of the suit, action, proceeding or claim;
- (d) The known or estimated value of the same;
- (e) The current status of the suit, action, proceeding or claim.

ANSWER:

38. Other than the judgment in this case, are there any judgments on record against it or any company or entity in which it has an interest? If so, for each judgment please state:

- (a) The identity of the suit, action or legal proceedings relating to the judgment, including the title, the court in which it is filed, and the court term and number;
- (b) The amount and date of the judgment;
- (c) The identity of the individual or entity in whose favor the judgment exists;
- (d) Have payments been made on account thereof by it or by any third party, person or entity for you?
- (e) If the answer to item (d) is yes, please identify amounts paid and the party, person or entity who paid them.
- (f) Was the judgment satisfied and the satisfaction recorded?
- (g) If answer to (f) is no, state why.

ANSWER:

39. Is any judgment creditor currently attempting to execute on any judgment or secure information to aid in execution of any judgment? If so, as to each creditor, please specify:


- (a) The identity of the judgment creditor;
- (b) Amount of judgment;
- (c) Nature of the current activities by the judgment creditor.

ANSWER:

40. List any other liabilities or obligations not already disclosed.

ANSWER:

KUBISTA & RYAN LLP

By: 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiff

Date: January 21, 2011

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

WILLIAM G. SATTERLEE & SONS, INC.,:

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Plaintiff's Interrogatories Propounded by Plaintiff and Directed to Defendant LJF, Inc. in Aid of Execution and Plaintiff's First Request for Production of Documents was sent first-class mail to the following on January 21, 2011:

Leo C. Frailey
c/o Earle D. Lees, Jr., Esquire
P.O. Box 685
DuBois, PA 15801

KUBISTA & RYAN LLP

BY: _____

Carl A. Belin, Jr.,
Attorney for Plaintiff

KUBISTA & RYAN LLP

ATTORNEYS AT LAW
202 SOUTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

KIMBERLY M. KUBISTA
JOHN R. RYAN

TELEPHONE (814) 765-8972

OF COUNSEL:
CARL A. BELIN, JR.

FACSIMILE (814) 765-9893

January 19, 2011

Earle D. Lees, Esquire
P.O. Box 685
DuBois, PA 15801

RE: Satterlee v. Frailey; No. 2008-997-CD

Dear Earle:

Enclosed find interrogatories and request for production of documents to be completed by Leo C. Frailey. We will be sending additional interrogatories directed to LJB, Inc.

Very truly yours,

KUBISTA & RYAN LLP

Carl A. Belin, Jr.

CABjr/lgb

P.S. You delivered to us three years of tax returns. This means that we are seeking the additional two years.

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

**INTERROGATORIES PROPOUNDED BY PLAINTIFF
AND DIRECTED TO DEFENDANT
LEO C. FRAILEY IN AID OF EXECUTION**

The plaintiff is seeking to collect on the judgment which it has secured against you in this case and needs information about your assets. You are required under Pa. R. C.P. Nos. 3117 and 4006 to file answers under oath or verification to the following Interrogatories within 30 days after their service upon you:

DEFINITIONS

A. As used herein, the words "you" and "your" refer to defendant and defendant's agents, representatives, attorneys and all other persons acting or purporting to act on behalf of defendant.

B. As used herein, the word "document" shall mean the original and any copy, regardless of origin or location, or any book, pamphlet, periodical, letter, memorandum, telegram, report, study, handwritten note, working paper, or any other written, recorded, punched, or taped matter, however produced, to which you have or have had access.

C. As used herein, "corporation," "company" or "entity" shall mean any corporation,

partnership, sole proprietorship, company, entity or business operation.

D. As used herein, "communication" shall mean all conversations, whether oral or written, all telephone calls, telegrams, letters, memoranda, documents, discussions or any other form of communication.

E. As used herein, "identify" or "identity" used in reference to an individual or person means to state his full name, present business and private addresses and telephone numbers, his present or last known occupation, his employer, and employer's address.

F. As used herein, "identify" or "identity" when used in reference to a corporation, company, entity or institution means to state its full name and present address and telephone numbers, any fictitious names under which it operates, and the present owners, officers and directors thereof with their current addresses.

G. As used herein, "identify" or "identity" when used in reference to a document or communication means to state the date, author, type of document or communication (*e.g.*, letter, memorandum, telegram, chart, etc.) or any other means of identifying it, its present location, and the name and address of its custodian. If any such document or communication was, but is no longer, in your possession or subject to your control, state what disposition was made of it and who presently has it.

H. If a precise value amount or date cannot be supplied in response to an Interrogatory, provide an approximate value, amount or date.

I. If additional space is required to answer any questions, please attach a separate sheet identifying the answer to the interrogatories.

INTERROGATORIES

To: Leo C. Frailey, Defendant

1. State your full name, address, age, telephone number and Social Security number.

ANSWER:

2. What other names do you use, if any?

ANSWER:

3. State the name(s), address(es) and age(s) of your present and/or former spouse and your children, if any.

ANSWER:

4. With whom do you live?

ANSWER:

5. Identify each of your dependents, if any.

ANSWER:

6. What is your occupation?

ANSWER:

7. If you work for someone else, state the name of your employer, the address where you work, the type of work you do, your gross pay per week and your take-home pay per week. If you receive commissions from your employer, state the average amount of such commissions you receive each week.

ANSWER:

8. If you are self-employed, state the nature of your self-employment; the address of your office or place of business; the fictitious name under which you trade, if any; your average gross annual earnings; and your average net annual earnings.

ANSWER:

9. Are you associated in a business or professional partnership or joint venture? If so, identify the partnership or joint venture and the members thereof; the nature of the business; the percentage of your interest; the estimated value of your interest; your average gross and net annual compensation; all documents relating to the formation and governance of the partnership or joint venture.

ANSWER:

10. Are you a principal of a closely held corporation? If so, identify the corporation; the stockholders, directors and officers, and their relationship to you, if any; the nature of the business; the number of shares and par value of the stock held by you and each of your fellow stockholders; any restrictions on the transfer of your stock; the market or repurchase value of your interest in the corporation; all documents relating to your purchase and ownership of stock in the corporation; all documents relating to incorporation of the corporation, bylaws and stockholders agreements.

ANSWER:

11. State your gross taxable income as shown by your Federal Income Tax returns for the years 2005 through 2009.

ANSWER:

12. What is your present average monthly income from all sources?

ANSWER:

13. What is the present average monthly income of your household from all sources?

ANSWER:

14. Do you pay rent for your present living quarters? If so, state the name and address of your landlord and the amount of rent you pay per month.

ANSWER:

15. Do you own the home in which you now live? If so, state:

a. Who has title to the home in which you now live?

b. When was the property purchased, what was the purchase price, by whom was it paid and what was the source of the funds used?

c. Is there a mortgage on the property? If so, state the name and address of the mortgagee, the amount of the original mortgage, the amount of the current mortgage balance, and the monthly mortgage payments.

d. What is the current market value of the home in which you live?

ANSWER:

16. Do you own any interest in any other real estate in this state or elsewhere either individually or jointly with another individual or entity? If so, as to each such interest state:

(a) The full address and location of the real estate; (b) The market value of the real estate;

(c) The nature and extent of your interest in the real estate, including joint, reversionary, remainder, leasehold, contingent or beneficial interest;

(d) The name, address and telephone number of any joint owner;

(e) The date you acquired your interest;

(f) The amount and source of the funds which you paid to acquire such interest;

(g) The identity of all documents which relate to your interest in the real estate and the source of funds used to purchase the interest (including statements, passbooks, check registers, etc.);

(h) If there are any mortgages on such real estate, state as to each mortgage:

(i) The identities of the mortgagee, the mortgagor and the real owner;

(ii) The identity of all documents relating to the mortgage and the underlying obligation;

- (iii) The amount of the original mortgage obligation; (iv) The outstanding obligation of the mortgage;
- (v) The date on which the mortgage was executed; and
- (vi) The date on which and the office in which the mortgage was recorded.
- (i) If an interest is held in trust for you, identify the trustor, trustee and identify any documents relating thereto.

ANSWER:

17. Have you, or has anyone on your behalf, conveyed or transferred any interest in any real estate to anyone within the last five (5) years? If so, as to each conveyance or transfer state:

- (a) The description of the real estate;
- (b) The interest which you conveyed or transferred;
- (c) The identity of the person to whom you conveyed or transferred that interest;
- (d) The consideration which you received;
- (e) The reason for the conveyance or transfer;
- (f) The fair market value of your interest in the property at the time of its conveyance or transfer by you.

ANSWER:

18. Do you hold a mortgage on or other security interest in any real estate? If so, as to each such mortgage or other security interest state:

- (a) The description of the real estate;
- (b) The date when you acquired the mortgage or other security interest;

- (c) The identity of the assignor of the mortgage or other security interest, if any;
- (d) The outstanding balance due on the note or obligation which the mortgage or other security interest secures;
- (e) The identities of the mortgagor(s), or party(ies) granting the security interest, and the real owner(s),
- (f) The identity of any documents which relate to the mortgage or other security interest; and
- (g) The priority of the mortgage or other security interest.

ANSWER:

19. Do you receive rent for any property you own from any source? If so, as to each property state:

- (a) the name of the lessee;
- (b) the amount of the rent;
- (c) whether the rent is current;
- (d) how long is the lease;
- (e) identify the property by deed.
- (f) state when the property was acquired;
- (g) describe the property rented.

ANSWER:

20. Do you own a motor vehicle or any interest in a motor vehicle either individually or jointly with another person or entity? If so, state as to each such vehicle:

- (a) The make, model, year, color, and serial number of the motor vehicle;
- (b) Whose name appears on the registration or title certificate;
- (c) The location and current custodian of the motor vehicle;
- (d) The purchase price of the motor vehicle;
- (e) The balance due on any outstanding purchase money security interest in the motor vehicle, and the name and address of the secured party;
- (f) Each person who paid any part of the purchase price or who has repaid or is repaying any part of a purchase money loan, and the amount and source of the funds paid;

- (g) The market value of the motor vehicle;
- (h) The identity of all documents relating to purchase of the motor vehicle, evidence of title or registration of ownership;
- (i) The nature and value of your interest in the motor vehicle.

ANSWER:

21. Identify all items of tangible personal property having a value of \$100 or more which you own either individually or jointly with another person or entity including, but not limited to, jewelry, furs, furniture, office equipment, television sets, radios, record players, electrical appliances, power tools, photographic equipment, works of art, musical instruments, coin or stamp collections, silver or china; and for each item state the purchase price and date of purchase; the approximate value of each item; the seller of each item; by whom each item was purchased; the source of funds used to purchase each item; the nature and extent of your interest in each item; the name, address and telephone number of any joint owner; the location of each item; the amount due on any outstanding purchase money security interest, conditional sales agreement, lease / sale agreement, or other encumbrance; the name and address of the secured party, conditional seller or lessor; and all documents relating to the purchase and ownership of each item.

ANSWER:

22. Do you own or have any interest in any corporate stocks, bonds; or other investment contracts, including any option to purchase or sell a security, either individually or jointly with another individual or entity or in the name of any entity in which you have any ownership interest or other involvement? If so, as to each such interest state:

- (a) The identity of such stock, bond or security;
- (b) The name in which such stock, bond or security is held;
- (c) The par or face value of such stock, bond or security;

- (d) The market value of such stock, bond or security;
- (e) The name, address and telephone of the custodian of such stock, bond or security;
- (f) By whom such stock, bond or security was purchased and the source of funds used to purchase such stock, bond or security;
- (g) The name, address and telephone number of any joint owner;
- (h) The date(s) on which interest is payable on any bonds;
- (i) The maturity date of any bond; and
- (j) The identity of any documents which relate to the purchase and ownership of such stock, bond or security including the actual stock, bond and securities certificates.

ANSWER:

23. Identify any pension or 401(k) plan in which you have an interest; the nature of your interest; the dollar amount or value of your interest; and all documents relating thereto.

ANSWER:

24. Do you own or maintain any savings or checking accounts, certificates of deposit, money market accounts, mutual fund accounts, or IRA or Keogh accounts, either individually or jointly with another individual or entity or in the name of any entity in which you have any ownership interest or other involvement? If so, as to each such account or certificate state:

- (a) The identity of the institution in which you have the account;
- (b) The title and number or identifying reference of the account or certificate;
- (c) The identity of any joint owner of the account or certificate and the nature of your joint ownership;
- (d) The nature of the account or certificate; and
- (e) The purchase price of the certificate;

- (f) The dates and amounts of your deposits or contributions for the last three (3) years;
- (g) The dates and amounts of your withdrawals for the last three (3) years;
- (h) The current balance of the account or value of the certificate.

ANSWER:

25. Do you have any safe deposit box or other similar storage facility in your name (either individually or jointly with another individual or entity), in the name of any entity in which you have any ownership or other involvement (either alone or jointly with another entity or individual) or in which you have contained personal property with a value in excess of \$100? If so, as to each such box or facility state:

- (a) The identity of the institution in which you rent or maintain such safe deposit box or facility;
- (b) The number under which such safe deposit box or facility is rented;
- (c) The name under which such safe deposit box or facility is rented; and
- (d) The contents of such safe deposit box or facility.

ANSWER:

26. Identify any seat owned by you either individually or jointly with another person or entity in any stock commodity or other exchange; the estimated value of the seat; by whom the seat was purchased and the source of the funds used to purchase the seat; the name in which the seat is held; the name of the joint owner; and all documents relating to the purchase and ownership of the seat, and membership rules of the exchange.

ANSWER:

27. Do you have any interest in any patent, copyright, or royalties or in any patentable invention or copyrightable material? If so, identify:

- (a) The patent, copyright, or royalties or the patentable invention or copyrightable material;
- (b) The nature of your interest;
- (c) The dollar amount or value of your interest;
- (d) The identity of any documents relating to your interest.

ANSWER:

28. Have you any uncollected debts, accounts receivable, or other monies that are due you? If so, for each please state.

- (a) The identity of the debtors;
- (b) The date the debt was created;
- (c) The amount of the remaining debt;
- (d) The terms of repayment, including the date on which the debt is due;
- (e) The identity of any document which creates, evidences, or refers to the debt.

ANSWER:

29. Are there any unsatisfied judgments of record in your favor in any action or have any judgments been assigned to you by anyone? If so, for each please state:

- (a) The identity of the judgment debtor;
- (b) The identity of the suit, action, or legal proceedings relating to the judgment, including the caption, the court in which it is filed, and the court term and number;
- (c) The identity of the assignor, if any;
- (d) The nature of the judgment;
- (e) The status of the judgment and any execution proceedings.

ANSWER:

30. Do you hold any security interest in or lien on personal property? If so, as to each such security interest or lien, state:

- (a) The description of the personal property, including the identity of present owner;
- (b) The nature and amount of the security interest or lien, including the identification of any court action involved;
- (c) The date when you acquired the security interest or lien;
- (d) The obligation secured by such security interest or lien;
- (e) The identity of any documents which relate to the security interest or lien.

ANSWER:

31. Have you any right, interest, financial advantage or prospect thereof under any contract, insurance or other claim, cause of action or pending lawsuit in the courts of this or any other state or in the federal courts? If so, for each please state:

- (a) The identity of the contract, insurance claim, cause of action or pending lawsuit, and any documents relating thereto;
- (b) The identity of the other party or parties involved;
- (c) The nature and current status of the contract, claim, cause of action, or lawsuit;
- (d) The known or estimated value of the same.

ANSWER:

32. Are you the beneficiary of any trust? If so, identify the name, address and telephone number of the trustee, the duration of the trust and your interest therein, the amount of income you receive from the trust annually, the amount of principal to which you are entitled upon distribution, the date of distribution, and the identity of all documents relating to the creation of the trust.

ANSWER:

33. Have you received any money, or interest in real or personal property under any will or inheritance, or have you been notified of any interest in any decedent's estate since 2008? If so, identify the decedent, the executor or administrator, the nature and value of your bequest, devise, legacy or distributive share, and the date of distribution or expected distribution.

ANSWER:

34. Do you have a will? If so, identify the property, real or personal, which is specifically devised, bequeathed or otherwise disposed of by your will, and the person named as executor.

ANSWER:

35. Do you have any title insurance, casualty insurance, collision insurance, homeowners insurance or other insurance against loss or damage to property? If so, identify each policy, the issuer, and the property, real or personal, which is insured thereby.

ANSWER:

36. Are you the beneficiary under an insurance policy on the life of any other person? If so, identify the policy, the issuer, the insured, the amount of the policy, the current value of the policy and any other beneficiaries.

ANSWER:

37. Do you have any insurance on your own life? If so, identify the policy, the issuer, the amount of the policy, and the amount of premiums remaining to be paid.

ANSWER:

38. Do you own or have an interest in any other assets not already disclosed? If so, please identify the same and the current location.

ANSWER:

39. Identify each item of tangible personal property which you have in pawn; the name and address of the pawn broker; the value of the item; the amount of the pawn; and the terms of redemption.

ANSWER:

40. Identify each item of tangible or intangible personal property owned by you either individually or jointly with another person or entity which is subject to any outstanding security interest; the name and address of the secured party; the security agreement; the balance due on the underlying obligation.

ANSWER:

41. Have you sold, assigned, given or traded any tangible or intangible personal property or interest in personal property with a value of \$100 or more to anyone within the last five (5) years? If so, as to each transfer, please state:

- (a) The description of the property;
- (b) The interest which you transferred;
- (c) The identity of the person to whom you transferred the property or interest therein;
- (d) The date of the transfer;
- (e) The consideration you received for each transfer; (f) The reason for such transfer;
- (g) The fair market value of the interest at the time of your transfer.

ANSWER:

42. What money have you received and what money have you spent since January 1, 2008?

ANSWER:

43. Do you owe any federal, state or local taxes? If so, identify each taxing authority, the period for which taxes are due, and the amount of taxes due.

ANSWER:

44. Are you owed any federal, state or local tax refund? If so, identify each taxing authority, the period for which taxes are due you and the exact or estimated amount of the refund.

ANSWER:

45. Do you make, or are you under obligation or order to make, any child or spousal support payments? If so, please specify for each such payment obligation:

- (a) The identity of the recipient;
- (b) The identity of any court action relating such payments or obligations;
- (c) The amount of such payments or obligation;
- (d) The payment and delinquency history of such payments in, the last two years.

ANSWER:

46. Do you owe anyone money? If so, identify each creditor by name and address, the amount due, and the terms of repayment.

ANSWER:

47. Are you a member of any clubs? If so, identify each club, the amount of club dues, and whether the dues have been paid and by whom.

ANSWER:

48. Are there any pending suits, actions, legal proceedings or claims of any kind against you or any interest you hold? If so, as to each state the following:

- (a) The identity of the suit, action or legal proceeding including the title, the court in which it was filed, and the court term and number;
- (b) The identity of the other party or claimant;
- (c) The nature of the suit, action, proceeding or claim;
- (d) The known or estimated value of the same;
- (e) The current status of the suit, action, proceeding or claim.

ANSWER:

49. Other than the judgment in this case, are there any judgments on record against you or any company or entity in which you have an interest? If so, for each judgment please state:

- (a) The identity of the suit, action or legal proceedings relating to the judgment, including the title, the court in which it is filed, and the court term and number;
- (b) The amount and date of the judgment;
- (c) The identity of the individual or entity in whose favor the judgment exists;
- (d) Have payments been made on account thereof by you or by any third party, person or entity for you?
- (e) If the answer to item
- (d) is yes, please identify amounts paid and the party, person or entity who paid them.
- (f) Was the judgment satisfied and the satisfaction recorded?
- (g) If answer to (f) is no, state why.

ANSWER:

50. Is any judgment creditor currently attempting to execute on any judgment or secure information to aid in execution of any judgment? If so, as to each creditor, please specify:


- (a) The identity of the judgment creditor;
- (b) Amount of judgment;
- (c) Nature of the current activities by the judgment creditor.

ANSWER:

51. List any other liabilities or obligations not already disclosed.

ANSWER:

KUBISTA & RYAN LLP

By: 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiff

Date: January 19, 2011

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO: LEO C. FRAILEY
c/o Earle Lees, Esquire

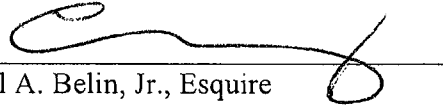
You are hereby requested to produce, pursuant to Pennsylvania Rule of Civil Procedure 4009, the following documents, writings, photographs or tangible things. Said documents, writings, photographs, or tangible things are to be produced for the purpose of inspecting, photographing and copying, at the law offices of Carl A. Belin, Jr., Kubista & Ryan LLP, at 202 South Front Street, Clearfield, Pennsylvania, thirty (30) days from the date of the service of this Request For Production. In lieu thereof, these documents can be photocopied and forwarded to Carl A. Belin, Jr., Kubista & Ryan LLP, at 202 South Front Street, Clearfield, Pennsylvania 16830, within thirty (30) days of the date of the service of this Request for Production. The documents to be produced are as follows:

1. Each and every document which you have identified in your answers to Plaintiff's Interrogatories to Defendants.

2. Each and every document whose identification was requested in Plaintiff's Interrogatories.

This request is deemed to be continuing insofar as if any of the requested documents items are discovered or secured subsequent to the date herein for the production of the same, said documents items are to be provided to said Plaintiff's counsel immediately upon the receipt of the same.

KUBISTA & RYAN LLP

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiff

DATE: January 19, 2011

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

WILLIAM G. SATTERLEE & SONS, INC.,:

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY, individually,

Defendants.

No. 08-997-CD

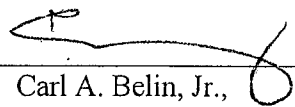
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Plaintiff's Interrogatories Propounded by Plaintiff and Directed to Defendant Leo C. Frailey in Aid of Execution and Plaintiff's First Request for Production of Documents was sent first-class mail to the following on January 19, 2011:

Leo C. Frailey
c/o Earle D. Lees, Jr., Esquire
P.O. Box 685
DuBois, PA 15801

KUBISTA & RYAN LLP

BY:



Carl A. Belin, Jr.,
Attorney for Plaintiff

FILED

MAY 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

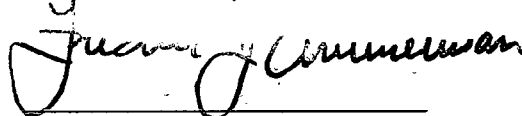
WILLIAM G. SATTERLEE & SONS, INC.,	*	NO. 08-997-CD
Plaintiff	*	
vs	*	
LJF, INC. and LEO C. FRAILEY, individually,	*	
Defendants	*	

RULE TO SHOW CAUSE

AND NOW, this 20th day of May, 2011, the Court being in receipt of the Motion for Compliance filed by Carl A. Belin, Jr., Esquire, a Rule is hereby granted to Show Cause why the Motion for Compliance should not be approved and ordered by this Court. Said Rule is returnable on the 23rd day of JUNE, 2011 at 2:00 P.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Thirty minutes has been reserved for this proceeding.

BY THE COURT, . /



FREDRIC J. AMMERMAN
President Judge

5
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MAY 20 2011
William A. Shaw
Prothonotary/Clerk of Courts
2cc
Amy Belin

FILED

MAY 20 2011

William A. Shaw
Protector/Clerk of Courts

DATE: 5/20/11

X You are responsible for serving all appropriate parties.

The Probationary'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
CIVIL ACTION

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

LJF, INC., and LEO C. FRAILEY, individually,

Defendants.

No. 08-997-CD

CERTIFICATE OF SERVICE

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893 (fax)

FILED No
010:593d CC
MAY 24 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM G. SATTERLEE & SONS, INC.,

Plaintiff,

v.

No. 08-997-CD

LJF, INC., and LEO C. FRAILEY, individually,

Defendants.

CERTIFICATE OF SERVICE

This is to certify that a certified copy of Motion for Compliance and Rule was sent
first-class mail to the following on May 23, 2011:

Earle D. Lees, Jr., Esquire
P.O. Box 685
DuBois, PA 15801

Leanne Nedza, Esquire
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801

KUBISTA & RYAN LLP

BY: 

Carl A. Belin, Jr.,
Attorney for Plaintiff/Movant

FILED No CC

9 2:45 PM
JUN 24 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

WILLIAM G. SATTERLEE & SONS,
INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY

Defendants.

: No. 2008-997 - C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading:
: PRAECIPE FOR ENTRY OF
: APPEARANCE
:
: Filed on behalf of:
: DEFENDANT
:
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III
: Supreme Court I.D. # 26331
:
: LEANNE NEDZA
: Supreme Court I.D. #89383
:
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: DuBois, PA 15801
: (814) 371-2730

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

WILLIAM G. SATTERLEE & SONS,
INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY

Defendants.

No. 2008-997- C.D.

Type of Case: CIVIL

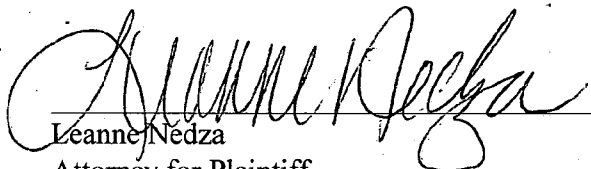
PRAECIPE FOR ENTRY OF APPEARANCE

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Kindly enter my appearance on behalf of the Defendants, LJF, Inc., and Leo J. Frailey in
the above captioned matter.

Respectfully submitted,

BLAKLEY & JONES


Leanne Nedza
Attorney for Plaintiff

Date: 6/24/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

WILLIAM G. SATTERLEE & SONS,
INC.,

Plaintiff,

v.

LJF, INC., and LEO J. FRAILEY

Defendants.

No. 2008-997 - C.D.

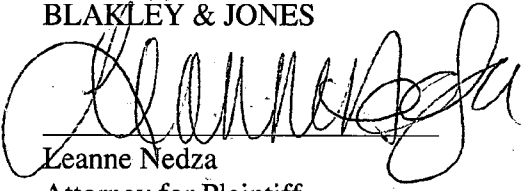
Type of Case: CIVIL

CERTIFICATE OF SERVICE

I, **LEANNE NEDZA**, hereby certify that I served a true and correct copy of the Praecipe
for Entry of Appearance on counsel for the Plaintiff on the 24th day of June, 2011,
by depositing the same with the United States Postal Service via First-Class Mail, postage pre-
paid, addressed as follows:

Carl A. Belin, Jr., Esquire
Kubista & Ryan, LLP
202 South Front Street
Clearfield, PA 16830

BLAKLEY & JONES



Leanne Nedza
Attorney for Plaintiff

FILED

JUN 24 2011

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

FILED

4 JUN 24 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

Case No. 2008-997-CD
Plaintiff
vs.
Defendant

WILLIAM G. SATTERLEE and
SONS, INC.

VS.

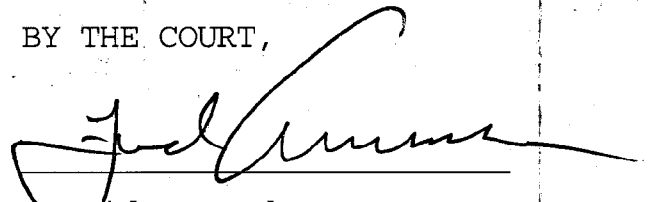
NO. 2008-997-CD

LJF, INC., AND LEO C.
FRAILEY, individually

ORDER

NOW this 23rd day of June, 2011, following argument on Plaintiff's Motion for Compliance in Regard to Providing Answers to Interrogatories, it is the ORDER of this Court that the Defendants have no more than ninety (90) days from this date in which to submit full and complete answers to the Plaintiff's Interrogatories. The Court notes that the Plaintiff has withdrawn Interrogatory No. 42.

BY THE COURT,


President Judge

FILED

JUN 24 2011

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

In the Superior Court of Pennsylvania

Sitting at Pittsburgh

NO. 1774 WDA 2010

William G. Satterlee & Sons, Inc.

v.

LJF, Inc., and Leo C. Frailey,
Appellant

Appeal from the Order entered on
October 19, 2010, by the Hon. Frederic
J. Ammerman, P.J., Court of Common
Pleas Civil Division of the County of
Clearfield at No. 2008-997-CD

CERTIFIED FROM THE RECORD

FILED
MT:47/OL
SEP 08 2011
William A. Shaw
Prothonotary/Clerk of Courts
6K

SEPTEMBER 6, 2011 – Praecipe for Discontinuance filed. (Appeal
Discontinued)

Testimony Whereof, I have hereunto set my hand and the seal of said Court at
Pittsburgh, PA this 6th day of September 2011.

Eleanore K. Valech
DEPUTY PROTHONOTARY

Judgment

Date		Judge
5/30/2008	New Case Filed.	No Judge
	Filing: Complaint, filed. Paid by: Belin, Carl A. Jr. (attorney for William G. Satterlee & Sons, Inc.) Receipt number: 1924294 Dated: 5/30/2008 8	No Judge
	① Amount: \$95.00 (Check)	
	Judgment entered in favor of the Plaintiff and against the defendant in the amount of \$245,942.87. Notice to defts and Statement to Atty Belin.	
9/29/2008	② Entry of Appearance, on behalf of LJF, Inc., and Leo Frailey, Defendants, enter appearance of F. Cortez Bell, III, Esquire. 2CC Atty. Bell 3	No Judge
10/9/2008	③ Motion for Protective Order, filed by s/F. Cortez Bell, III, Esq. Five CC. Attorney Bell 6	No Judge
	④ Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell 12	No Judge
10/13/2008	⑤ Rule Returnable, this 10th day of Oct., 2008, upon consideration of the Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution, a rule is granted on the Plaintiff to show why said Motion should not be granted. A Stay of all Proceedings is entered pending determination of the merits by the Court. Rule Returnable for Answer by the Plaintiff and hearing on said Petitions to be held on the 17th day of Nov., 2008 at 10:00 a.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Bell 2	Fredric Joseph Ammerman
	⑥ Rule, this 10th day of Oct., 2008, upon consideration of the Motion for Protective Order as to Interrogatories in Aid of Execution addressed to Defendant Leo Frailey, a Rule is granted on the Plaintiff. Rule Returnable for Answer by the Plaintiff, and hearing on said Motion to be held on the 24th day of Oct., 2008, at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. judge. 5CC Atty. F. Bell 1	Fredric Joseph Ammerman
10/20/2008	⑦ Order, this 17th day of Oct., 2008, it is Ordered that the Rule on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey scheduled for Oct 24, 2008 is rescheduled to the 17th day of Nov. 2008 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Bell 1	Fredric Joseph Ammerman
11/13/2008	⑧ Joint Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire, and F. Cortez Bell, III, Esquire. No CC 4	Fredric Joseph Ammerman
	⑨ Order, this 13th day of Nov., 2008, Joint Motion for Continuance is granted and the matter is indefinitely continued. Hearing will be rescheduled upon the request of either one of the parties. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. F. Bell III (will serve) 1	Fredric Joseph Ammerman
8/25/2009	⑩ Answer to Motion to Strike Judgment entered by Confession Motion to Dismiss Petition And Motion to Stay Proceedings and Execution, filed by s/ Carl A. Belin, Jr., Esquire. 4CC Atty. Belin 6	Fredric Joseph Ammerman
9/4/2009	⑪ Order, this 2nd day of Sept., 2009, it is Ordered that hearing on the Defendants' Motion for Protective Order as to Interrogatories in Aid of Execution Addressed to Defendant Leo Frailey and the Defendants' Petition to Strike Off Judgment Entered by Confession and Petition to Stay Proceedings and Execution is scheduled for the 21st day of Sept., 2009 at 10:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, Bell 2	Fredric Joseph Ammerman

Judgment

Date		Judge
9/24/2009	Order, this 21st day of Sept., 2009, it is Ordered that the matter is continued. The Court Administrator shall cause the hearing to be rescheduled for 1/2 day in length, with the said hearing to be held no less than 60 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Belin, Cortez	Fredric Joseph Ammerman
10/6/2009	Order, this 5th day of Oct., 2009, it is Ordered that an evidentiary hearing is scheduled for the 25th of Nov., 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Belin, F. Cortez Bell	Fredric Joseph Ammerman
10/8/2009	Motion For Continuance, filed by s/ Carl A. Belin, Esquire. 2CC Atty.	Fredric Joseph Ammerman
10/13/2009	Order, filed. 2 Cert. to Atty Beer	Fredric Joseph Ammerman
	NOW, this 12th day of October, 2009, RE: Movant's Motion for Continuance, rescheduled for Dec. 7, 2009	
11/24/2009	Motion for Continuance, filed by s/ F. Cortez Bell, III, Esquire. 4CC Atty. Bell	Fredric Joseph Ammerman
12/1/2009	Order, this 25th day of Nov., 2009, Defendant's Motion for Continuance is granted and the evidentiary hearing scheduled for Dec. 7, 2009 is rescheduled for March 10, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Bell	Fredric Joseph Ammerman
3/9/2010	Motion for Continuance, filed by s/ Carl A. Belin, Jr., Esquire. 2CC Atty. Belin	Fredric Joseph Ammerman
	Order, this 9th day of March, 2010, Motion for Continuance is granted and the hearing scheduled for March 10, 2010 at 9:00 a.m. is rescheduled for the 27th of May, 2010, at 1:30 p.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Belin	Fredric Joseph Ammerman
6/1/2010	Order, this 27th of May, 2010, following the conclusion of taking of testimony relative the Petition to Strike Confess Judgment, it is Ordered that counsel for both parties have no more than 45 days from this date in which to submit appropriate brief. In the event the Plff. believes that the record needs to be reopened, a petition to reopen the record shall be filed within no more than 15 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Belin, F. Bell.	Fredric Joseph Ammerman
6/9/2010	Petition to Reopen the Record, filed by Atty. Belin 3 Cert. to Atty.	Fredric Joseph Ammerman
6/14/2010	Order this 11 day of June 2010, upon consideration of Plaintiff's Motion to Reopen the Record, it is the ORDER of this Court that (the Petition is hereby granted) and the record is hereby reopened to consider the admission of Exhibit "P" and testimony by Michael Matten, if necessary, regarding Exhibit "P". BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Belin (will serve)	Fredric Joseph Ammerman
6/21/2010	Motion for Continuance, filed by s/F. Cortez Bell, III, Esq. Five CC Attorney Bell	Fredric Joseph Ammerman
	Order, this 21st of June, 2010, Motion for Continuance is GRANTED. Evidentiary hearing scheduled for June 24, 2010 is rescheduled for August 30, 2010 at 10:30 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. F. Bell	Fredric Joseph Ammerman
7/12/2010	Certificate of Service, filed. That a true and correct copy of Plaintiff's brief was hand-delivered on July 12, 2010 to F. Cortez Bell III Esq., filed by s/ Carl A. Belin Jr Esq. No CC.	Fredric Joseph Ammerman

Judgment

Date		Judge
7/13/2010	(26) Motion For Continuance of Briefing Schedule, filed by s/ F. Cortez Bell, III, Esquire. 5CC Atty. Bell	4 Fredric Joseph Ammerman
7/15/2010	(27) Answer to Motion For Continuance of Briefing Schedule, filed by s/ Carl A. Belin, Jr, Esquire. 1CC Atty. Belin	4 Fredric Joseph Ammerman
	(28) Order, this 14th of July, 2010, Def.'s Motion for Continuance of Briefing Schedule is granted and the briefs of the parties will be due to the Court on or before Sept. 30th, 2010. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Bell	1 Fredric Joseph Ammerman
	(29) Certificate of Service, a copy of Plaintiff's Answer to Motion for Continuance of Briefing Schedule was hand-delivered to F. Cortez Bell, III, Esquire on July 15, 2010. filed by s/ Carl A. Belin, Jr., Esquire. No CC	2 Fredric Joseph Ammerman
8/4/2010	(30) Transcript of Proceedings I of II, filed by Thomas Snyder, C/R RE: Hearing of Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay, on Monday Sept. 21, 2009.	SC Fredric Joseph Ammerman
	(31) Transcript of Proceedings II of II, filed by Thomas Snyder, C/R RE: Hearing of Defendants' Motion for Protective Order and Petition to Strike Off Judgment and Petition to Stay with Exhibits Label Respondent's and Petitioner's Exhibits. Labeled	SC Fredric Joseph Ammerman Thurs, May 27, 2010
8/30/2010	(32) Praecipe to Withdraw Appearance and Entry of Appearance, filed by Atty. Bell Withdraw appearance of Atty. Bell and Enter Appearance of Atty Lees, Jr. on behalf of Defendats. 5 Cert. to Atty. Bell	3 Fredric Joseph Ammerman
9/10/2010	(33) Transcript of Proceedings, Plaintiff's Petition to Reopen Record held before the Honorable Fredric J. Ammerman, P.J. on Monday, August 30, 2010, filed.	SC Fredric Joseph Ammerman
10/20/2010	(34) Opinion and Order, NOW, this 19th of Oct., 2010, it is Ordered: 1. Defs' Petition to Strike Confessed Judgment is DENIED. 2. The stay entered on or about Oct. 10, 2008 is lifted. 3. The caption shall be amended to reflect "Leo C. Frailey, individually" as a defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees; 1CC Law Library & D. Mikesell (without memo)	8 Fredric Joseph Ammerman
11/17/2010	(35) Filing: Appeal to High Court, filed by Atty. Lees Paid by: LJF, Inc. (defendant) Receipt number: 1937662 Dated: 11/17/2010 Amount: \$50.00 (Check) For: LJF, Inc. (defendant) 1 cert. with \$73.50 check to Superior Court and 7 Cert. copies to Atty. Lees.	14 Fredric Joseph Ammerman
11/18/2010	(36) Order, this 17th of Nov., 2010, it is Ordered that Appellants LFJ, Inc. and Leo J. Frailey file a concise statement of the matters complained of on Appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belin, Lees	1 Fredric Joseph Ammerman
11/29/2010	(37) Appeal Docket Sheet, 1774 WDA 2010, filed.	2 Fredric Joseph Ammerman
12/8/2010	(38) Concise Statement of Matters Complained of on Appeal, filed by Atty. Lees	4 Fredric Joseph Ammerman

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

William G. Satterlee & Sons, Inc.
Plaintiff(s)

No.: 2008-00997-CD

Real Debt: \$245,942.87

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

LJF, Inc.
Leo J. Frailey
Defendant(s)

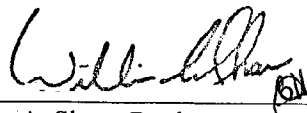
Entry: \$20.00

Instrument: Confession of Judgment

Date of Entry: May 30, 2008

Expires: May 30, 2013

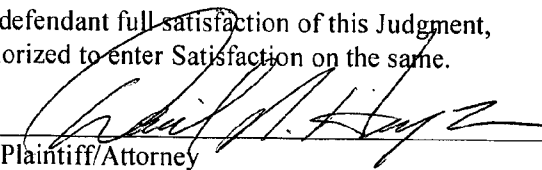
Certified from the record this 30th day of May, 2008.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on August 31, 2015 of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.



Plaintiff/Attorney

FILED

0 2:09 P.M. 6L
5 AUG 31 2015

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

166 PIFF.

Piff pd. 7.00

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