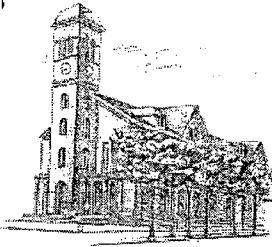


08-1354-CD
Harry Price vs Lynn's Motorsports al

COPY



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

FILED

0194374
JUL 13 2009

July 13, 2009

William A. Shaw
Prothonotary/Clerk of Courts

Kay Koons
Huntingdon County Prothonotary
223 Penn Street
Huntingdon, PA 16652

Re: Harry D. Price vs. Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway
Clearfield Co. Case 08-1354-CD

Dear Ms. Koons:

Enclosed, please find the above captioned case, transferred to your county per the Honorable President Judge Fredric J. Ammerman's Order of June 29, 2009. Please acknowledge your receipt of the case by signing the copy of the letter enclosed and returning it to me in the self-addressed stamped envelope I have provided. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

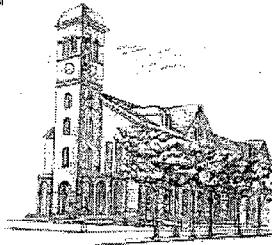
Sincerely,

William A. Shaw
Prothonotary

08-1354-CD

Harry D. Price vs. Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway

On _____, 200____, I have received the above-captioned case,
transferred to Huntingdon County.



COPY

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

July 13, 2009

James A. Naddeo, Esq.
PO Box 552
207 E. Market Street
Clearfield, PA 16830

Joseph L. Orszukak, II, Esq.
Adam S. Auchey, Esq.
707 Grant Street, Ste. 3200
Pittsburgh, PA 15219

Re: Harry D. Price vs. Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway
Clearfield County Case No. 08-1354-CD

Dear Counsel:

Please be advised the above-captioned case has been transferred to Huntingdon County this date, pursuant to the Honorable President Judge Fredric J. Ammerman's Order of June 29, 2009, and Attorney James A. Naddeo, Esq.'s Praecipe to Transfer filed July 8, 2009.

Sincerely,

William A. Shaw
Prothonotary

Cc: Honorable President Judge Fredric J. Ammerman

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

Harry D. Price, an individual

Vs.

CASE #2008-01354-CD

Lynn's Motorsports, Inc., a
Pennsylvania Corporation,
t/d/b/a Hesston Speedway

CERTIFICATION OF DOCKET ENTRIES

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Court, on the 13th day of July, 2009.

William A. Shaw

Prothonotary

BY: _____



Deputy

Date: 7/13/2009

Time: 09:04 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2008-01354-CD

Current Judge: Fredric Joseph Ammerman

Harry D. Price vs. Lynn's Motorsports, Inc.

Civil Other-COUNT

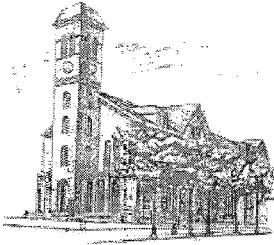
Date	Judge
7/24/2008	New Case Filed. No Judge
	Filing: Praeclipe to Issue Writ of Summons. Paid by: Naddeo, James A. (attorney for Price, Harry D.) Receipt number: 1925093 Dated: 7/24/2008 No Judge
	Amount: \$95.00 (Check) 1CC & Writ to Shff.
9/19/2008	Sheriff Return, July 29, 2008, Sheriff of Huntingdon County was deputized. No Judge July 31, 2008 at 11:10 am Served the within Summons on Lynn's Motorsports Inc t/d/b/a Hesston Speedway. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$31.00 Huntingdon Co. costs pd by Naddeo \$29.70
4/23/2009	Complaint, filed on behalf of Plaintiff, filed by s/James A. Naddeo, Esq. Twc No Judge CC Attorney Naddeo
5/12/2009	Filing: Praeclipe to Reinstate Complaint Paid by: Naddeo, James A. (attorney for Price, Harry D.) Receipt number: 1929422 Dated: 5/12/2009 No Judge
	Amount: \$7.00 (Check) For: Price, Harry D. (plaintiff) filed by s/James A. Naddeo, Esq. One CC Attorney Two Complaints Reinstated to Sheriff
6/10/2009	Entry of Appearance, on behalf of Defendant, Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway, enter appearance of Joseph L. Orszulak, II, Esquire, Adam G. Anderson, Esquire, Adam S. Auchey, Esquire and Marks, O'Neil, O'Brien & Courtney, P.C. Filed by s/ intelligible. No CC No Judge
6/17/2009	Praeclipe for Argument filed. By s/ Adam S. Auchey, Esquire. no CC No Judge
	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by s/ Adam S. Auchey, Esquire. No CC No Judge
6/18/2009	Order, this 18th day of June, 2009, upon consideration of Defendant's Preliminary Objections and Brief in Support, argument is scheduled for the 28th day of August, 2009, at 1:30 p.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Auchey Fredric Joseph Ammerman
6/30/2009	Stipulation and Order, this 29th day of June, 2009, this matter shall be transferred to Huntingdon County Court of Common Pleas, Proth. to transfe the file. Costs to be divided equally between the parties. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo Fredric Joseph Ammerman
7/2/2009	Certificate of Service, filed. That a certified copy of Stipulation and Order wa Fredric Joseph Ammerman served on the 2nd day of July 2009 by first class mail to Adam S. Auchey Esq., filed by s/ Trudy G. Lumadue Esq. No CC.
7/8/2009	Filing: Exemplified Record Paid by: Naddeo, James A. (attorney for Price, Fredric Joseph Ammerman Harry D.) Receipt number: 1930189 Dated: 7/8/2009 Amount: \$15.00 (Check) For: Price, Harry D. (plaintiff)
	Praeclipe to Transfer, Pursuant to Stipulation and Order of Court entered Ju: Fredric Joseph Ammerman 29, 2009, please transfer the case to the Huntindon Co. Court of Common Pleas. Filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo

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

JUL 13 2009

Attest.

William L. Brown
Prothonotary/
Clerk of Courts



COPY

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

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FILED

July 13, 2009

JUL 16 2009

7/12/10

William A. Shaw
Prothonotary/Clerk of Courts

Kay Koons
Huntingdon County Prothonotary
223 Penn Street
Huntingdon, PA 16652

Re: Harry D. Price vs. Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway
Clearfield Co. Case 08-1354-CD

Dear Ms. Koons:

Enclosed, please find the above captioned case, transferred to your county per the Honorable President Judge Fredric J. Ammerman's Order of June 29, 2009. Please acknowledge your receipt of the case by signing the copy of the letter enclosed and returning it to me in the self-addressed stamped envelope I have provided. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

08-1354-CD

Harry D. Price vs. Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway

On July 14, 2009, I have received the above-captioned case, transferred to Huntingdon County.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105663
NO: 08-1354-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: HARRY D. PRICE

vs.

DEFENDANT: LYNN'S MOTORSPORTS, INC. a Pennsylvania Corporation t/d/b/a HESSTON SPEEDWAY

SHERIFF RETURN

NOW, May 13, 2009, SHERIFF OF HUNTINGDON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY.

NOW, May 20, 2009 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY, DEFENDANT. THE RETURN OF HUNTINGDON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
08/40/09
JUL 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105663
NO: 08-1354-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: HARRY D. PRICE

VS.

DEFENDANT: LYNN'S MOTORSPORTS, INC. a Pennsylvania Corporation t/d/b/a HESSTON SPEEDWAY

SHERIFF RETURN

NOW, May 20, 2009, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY.

NOW, May 28, 2009 AT 9:28 AM SERVED THE WITHIN COMPLAINT ON LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY, DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105663
NO: 08-1354-CD
SERVICES 2

COMPLAINT

PLAINTIFF: HARRY D. PRICE

vs.

DEFENDANT: LYNN'S MOTORSPORTS, INC. a Pennsylvania Corporation t/d/b/a HESSTON SPEEDWAY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	2506	10.00
SHERIFF HAWKINS	NADDEO	2506	33.00
HUNTINGDON CO.	NADDEO	2505	23.00
BLAIR CO.	NADDEO	2529	31.00

Sworn to Before Me This

So Answers,

Day of _____ 2009


Chester A. Hawkins
Sheriff



SHERIFF'S OFFICE

HUNTINGDON COUNTY, PENNSYLVANIA

241 Mifflin Street
Huntingdon, PA 16652

Telephone: 814-643-0880

William G. Walters, Sheriff

Harry D. Price

No. 1354-CD

Term: 2009

Vs.

Lynn's Motorsports, Inc. a Pennsylvania Corporation, t/d/b/a Hesston Speedway

Rr 1 Box 54 B

Hesston, PA 16647

Now, this 20th day of May, 2009, I am unable to locate the within named defendant, Lynn's Motorsports, Inc. a Pennsylvania Corporation, t/d/b/a Hesston Speedway, within my bailiwick, return this Notice and Complaint in Civil Action "NOT FOUND." Reason unable to serve: defendant is no longer the owner of Hesston Speedway, address is possibly:

Rr 3 Box 183, Hollidaysburg, PA 16648

So Answers,

William G. Walters

William G. Walters, Sheriff

Nicole L. Erwin
Nicole L. Erwin, Office Secretary

Chief Deputy/Deputy

Costs:

Sworn and subscribed to
before me this 20th
day of May
2009, A.D.

Tammy S. Foor
Prothonotary/Notary Public

NOTARIAL SEAL
Tammy S. Foor, Notary Public
Huntingdon Borough, Huntingdon County
My commission expires October 21, 2010

Rec. & Doc.	\$9.00
Return Not Found	\$5.00
Mileage/Postage	\$4.00
Surcharge	---
Affidavit	\$5.00
Miscellaneous	---
Total Costs	\$23.00 Paid



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 105663

TERM & NO. 08-1354-CD

HARRY D. PRICE

COMPLAINT

VS.

LYNN'S MOTORSPORTS, INC. a Pennsylvania Corporation t/d/b/a HESSTON SPEEDWAY

SERVE BY: 06/11/09
COURT DATE:

MAKE REFUND PAYABLE TO NADDEO & LEWIS, LLC

SERVE: LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY

ADDRESS: RD#1 BOX 54B, HESSTON, PA 16647

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF HUNTINGDON COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 13, 2009.

RESPECTFULLY,

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

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

HARRY D. PRICE, an
individual,
Plaintiff,

v.

LYNN'S MOTORSPORTS, INC., a
Pennsylvania Corporation,
t/d/b/a HESSTON SPEEDWAY,
Defendant.

No. 08-1354-CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: April 23, 2009

Shaloy Document
Reinstated/Resigned to Sheriff/Amber
for service.

Willie Shaloy
Prothonotary

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

HARRY D. PRICE, an
individual,
Plaintiff,

v.

LYNN'S MOTORSPORTS, INC., a
Pennsylvania Corporation,
t/d/b/a HESSTON SPEEDWAY,
Defendant.

*
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*
*
*
*

No. 08-1354-CD

NOTICE

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

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

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

HARRY D. PRICE, an *
individual, *
Plaintiff, *
*
v. * No. 08-1354-CD
*
LYNN'S MOTORSPORTS, INC., a *
Pennsylvania Corporation, *
t/d/b/a HESSTON SPEEDWAY, *
Defendant. *

COMPLAINT

NOW COMES the Plaintiff, Harry D. Price, and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Harry D. Price, an adult individual, who resides at 18 Bills Road, Clearfield, Pennsylvania 16830.
2. That the Defendant, Lynn's Motorsports, Inc. t/d/b/a Hesston Speedway (hereinafter "Speedway"), is a Pennsylvania corporation with a principle place of business located at R.D. #1 Box 54B, Hesston, Pennsylvania 16647.
3. At all times relevant hereto the Defendant, Speedway, was in the control, possession and/or was the owner of the premises known as Hesston Speedway located at Huntington, Pennsylvania 16647, including but not limited to, the parking lot, pit, bleacher and "stands" area and it was the duty of the Defendant, Speedway, to keep and maintain safe conditions at the premises for its lawful business invitees.

4. At all times relevant hereto Defendant knew or had reason to know that its invitees and patrons consumed alcoholic beverages near to and upon the premises of Defendant and as a result became visibly intoxicated upon the premises of Defendant during its events which were open to the public.

5. At all times relevant hereto Defendant knew or had reason to know of prior occasions on which patrons had consumed alcoholic beverages upon the premises and became aggressive and a danger to others.

6. In particular, Defendant knew or had reason to know that numerous altercations had occurred upon the premises of Defendant during the time when the Speedway was open to the public for race events and Defendant knew or had reason to know that the consumption of alcohol was the primary cause of altercations among patrons.

7. At all times relevant hereto there were no signs at the premises of Defendant prohibiting the consumption of alcohol.

8. At all times relevant hereto there was limited or no security provided by Defendant at its premises to ensure safe conditions for its invitees.

9. On or about May 19, 2007, Plaintiff came upon the premises of Defendant to attend a scheduled racing event at the Speedway.

10. On or about the same date at approximately 10:00 P.M. Plaintiff left the pit area where he had been working as a crew

chief and went to the stands to sit with a friend and share food and drink.

11. While Plaintiff was in the stands with a friend and family members he witnessed an assailant, namely, Travis Cook, about to assault his son, Dustin Price.

12. Plaintiff requested that Mr. Cook move away from his family and he would move his family away as well.

13. Immediately Mr. Cook assaulted Plaintiff from behind and struck Plaintiff's leg with his own leg.

14. As a result of the strike from Mr. Cook, Plaintiff fell striking his face on the bleachers.

15. While Plaintiff was lying on the bleachers/platform area unconscious Mr. Cook jumped upon Plaintiff.

16. As a result of the violent assault by Mr. Cook Plaintiff has suffered severe injuries including but not limited to: bruising, marks, scrapes to his face and body, a broken tibia and fibula with resulting and ongoing pain and swelling to his ankle and leg.

17. Plaintiff's injuries were the direct and proximate result of the carelessness and negligence of Defendant, Speedway, its agents, servants, employees and workers as follows:

(a) Failing to keep the premises safe and in a safe condition for the use of lawful patrons and business invitees;

- (b) Failing to provide adequate security and protection for business invitees on the premises of Defendant;
- (c) Failing to monitor the consumption of alcoholic beverages by patrons;
- (d) Failing to monitor the activity and behavior of its patrons and business invitees;
- (e) Failing to hire, employ or retain personnel sufficiently qualified and in sufficient number to supervise the safety of the premises;
- (f) Failing to give adequate warning to enable business invitees and patrons to avoid harm or otherwise protect themselves against such harm; and
- (g) Such other negligence as may be revealed through discovery.

18. Defendant, Speedway, was at all times relevant hereto in exclusive possession and control of the Speedway premises including the bleacher and stands area and by its failure to exercise reasonable care to protect Plaintiff from the acts of third persons on its premises is responsible for Plaintiff's injuries.

19. The incident was caused solely by the carelessness, negligence and/or recklessness of Defendant, Speedway, and Plaintiff's injuries were in no manner or part whatsoever due to

any failure or failure to act on the part of Plaintiff who had no notice or knowledge of the dangerous condition of the premises.

20. As a result of Defendant's negligence and this incident Plaintiff has suffered the following:

- (a) A spiral fracture through his distal fibula of his right leg;
- (b) fracture of right tibia, medial ankle mortise widened, talus rotated laterally, fracture of lateral malleolus, disruption of the syndesmosis of right ankle, more generally, he suffered a complex fracture of the right ankle;
- (c) contusions, scrapes, swelling;
- (d) continuous and ongoing swelling and pain of the right ankle and leg;
- (e) injuries to his ankle and leg which may be in full or in part permanent, irreparable and severe;
- (f) severe physical pain, mental anguish, loss of life's pleasures, inability to attend to his social engagements and may in the future continue to suffer the same or similar injuries or damages;
- (g) Plaintiff has been obliged and may still be obliged to receive and undergo medical attention and care and to expend various sums of money or to incur various expenses for an indefinite period of time in the future; and

(h) a severe loss of his earnings and/or impairment of his earning capacity and power.

WHEREFORE, Plaintiff, Harry D. Price, demands judgment against Defendant, Speedway, in an amount in excess of \$25,000, exclusive of interests and costs.

Respectfully submitted,

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

V E R I F I C A T I O N

I, Harry D. Price, Plaintiff, verify that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:

Harry D. Price
Harry D. Price
Plaintiff

Dated:

4-17-09

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

HARRY D. PRICE, an
individual,
Plaintiff,

*
*
*
*
*

v.

No. 08-1354-CD

LYNN'S MOTORSPORTS, INC., a
Pennsylvania Corporation,
t/d/b/a HESSTON SPEEDWAY,
Defendant.

*
*
*
*
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Complaint was served on the following and in the
following manner on the 23rd day of April, 2009:

First-Class Mail, Postage Prepaid

Lynn's MotorSports, Inc. t/d/b/a Hesston Speedway
R.R. #1 Box 54B
Hesston, Pennsylvania 16647

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

DATE RECEIVED

RT. 22 TO
CAMPBELL HILL

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S /

Harry D. Price

3. DEFENDANT / S /

Lynn's motorsports t/a Hesson speedway

SERVE



Ryan Lynn

5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

AT

183 RR3 Hollidaysburg, Pa 16648

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, I, SHERIFF OF BLAIR COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

Deputized by Clearfield

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Nodder and Lewis

 PLAINTIFF
 DEFENDANT

10. TELEPHONE NUMBER

11. DATE

12. I acknowledge receipt of the writ or complaint as indicated above.

Signature of Authorized BCSD Deputy or Clerk and Title
Im. Vnglish

13. Date Received

14. Expiration/Hearing date

5-12-09

6-11-09

15. I hereby CERTIFY and RETURN that I have personally served. have served person in charge. have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing/or Posting a TRUE and ATTESTED COPY thereof.16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Same

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

20. Date of Service

21. Time

5-28-09 0928

22. ATTEMPTS	Date	Miles	Dep. Int.												
--------------	------	-------	-----------	------	-------	-----------	------	-------	-----------	------	-------	-----------	------	-------	-----------

23. Advance Costs	24	25. Sht	26. S	27. Total Costs	28. COST DUE OR REFUND
150.00	137.729	21.00	10.00	31.00	110.00

30. REMARKS

15497

SO ANSWER.

AFFIRMED and subscribed to before me this

24th

By (Sheriff/Dep. Sheriff) (Please Print or Type)

Date

5-28-09

day of June, 2009

Signature of Sheriff

Date

6/24/09

COMMONWEALTH OF PENNSYLVANIA

NOTARY PUBLIC

Brandi L. Campbell, Notary Public

MY COMMISSION EXPIRES MAY 15, 2010

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED ATTORNEY AND NOTARY

39. Date Received

SHERIFF'S RETURN OF SERVICE

() (1) The within _____ upon _____, the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid _____ on the _____ a true and attested copy thereof at _____

The return receipt signed by _____ defendant on the _____ is hereto attached and made part of this return.

() (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____ in the following manner.

() (a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____ said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

() (3) By publication in a daily publication of general circulation in the County of Blair Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

() (4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, _____ on the _____ a true and attested copy thereof at _____

The _____ returned by the Postal Authorities marked _____ is hereto attached.

() (5) Other _____



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 105663

TERM & NO. 08-1354-CD

HARRY D. PRICE

COMPLAINT

VS.

LYNN'S MOTORSPORTS, INC. a Pennsylvania Corporation t/d/b/a HESSTON SPEEDWAY

SERVE BY: 06/11/09
COURT DATE:

MAKE REFUND PAYABLE TO NADDEO & LEWIS, LLC

SERVE: LYNN'S MOTORSPORTS, INC. a Pennsylvania Corp. t/d/b/a HESSTON SPEEDWAY

ADDRESS: c/o Ryan Lynn, 183 RR3, HOLLIDAYSBURG, PA 16648

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF BLAIR COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 20, 2009.

RESPECTFULLY,

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

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUL 30 2009

William A. Shaw
Prothonotary/Clerk of Courts