

08-1561-CD

Ronald Boose vs Ryan Horchen et al

Edward P. Seeber, Esquire  
Attorney I.D. #76084  
JAMES, SMITH, DIETTERICK & CONNELLY, LLP  
Suite C-400  
555 Gettysburg Pike  
Mechanicsburg, PA 17055  
(717)533-3280  
Attorneys for Ronald J. Boose

RONALD J. BOOSE, : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
v. :  
RYAN HORCHEN and : NO. 08-1561-CD  
PENN-WEST COMMODITIES, INC., :  
Defendants : CIVIL ACTION - LAW

**PRAECIPE**

TO THE PROTHONOTARY:

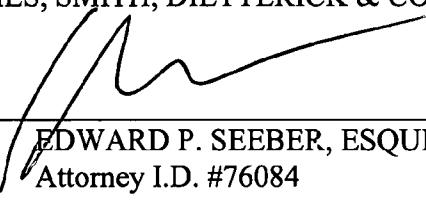
Enter judgment against Ryan Horchen and Penn-West Commodities, Inc. Certified copies of all filings with the Court of Common Pleas of Cumberland County, Pennsylvania regarding this matter are attached hereto and made a part hereof.

Respectfully submitted,

JAMES, SMITH, DIETTERICK & CONNELLY, LLP

Date: 8/13/08

By:

  
EDWARD P. SEEBER, ESQUIRE  
Attorney I.D. #76084

Suite C-400  
555 Gettysburg Pike  
Mechanicsburg, PA 17055  
(717) 533-3280

Attorneys for Plaintiff  
Ronald J. Boose

**FILED** Atty pd. \$20.00  
m/11/08 6:21  
AUG 21 2008 1CC Statement +  
to Atty Seeber  
Notice to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts

*WAD*  
*20*

IN THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY  
CARLISLE, PENNSYLVANIA

CERTIFIED RECORD FROM THE APPEARANCE DOCKETS OF  
CUMBERLAND COUNTY, PENNSYLVANIA

RONALD J. BOOSE  
129 FIELDSTONE DR  
CARLISLE, PA 17013

VS.

NO. 07-4756 CIVIL TERM

RYAN HORCHEN  
429 1<sup>ST</sup> STREET  
DEBOISE, PA 17801

PENN-WEST COMMODITIES, INC  
301 ASPEN WAY  
DUBOISE, PA 17801

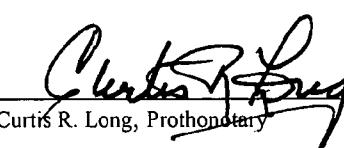
**CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT**

The undersigned Prothonotary of the Court of Common Pleas of Cumberland County, Pennsylvania, do hereby certify that attached hereto is a full, true and correct copy of the docket entries in the above captioned case.

I further certify that judgment was entered in favor of RONALD J. BOOSE and against RYAN HORCHEN & PENN-WEST COMMODITIES, INC. on the 10<sup>TH</sup> day of AUGUST A.D. 2008, in the amount of \$95,622.42.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Court, on the 24TH day of JULY A.D., 2008.

(SEAL)

  
\_\_\_\_\_  
Curtis R. Long, Prothonotary

\_\_\_\_\_  
Deputy

No.07-4756 CIVIL Term

RONALD J. BOOSE

VERSUS

RYAN HORCHEN and  
PENN-WEST COMMODITIES, INC.

**CERTIFIED RECORD**

From CUMBERLAND County

Debt, .....\$ 95,622.42

Int. from \$

Costs \$ 27.50

Paid This Record \$ 16.00

  
\_\_\_\_\_  
Carter R. Long  
Prothonotary

2007-04756 BOOSE RONALD J (vs) HORCHEN RYAN ET AL

Reference No...: Case Type.....: CONFESSION OF JUDGMENT  
 Judgment.....: 95622.42  
 Judge Assigned:  
 Disposed Desc.: ----- Case Comments -----

Filed.....: 8/10/2007  
 Time.....: 2:01  
 Execution Date: 0/00/0000  
 Jury Trial...:  
 Disposed Date: 0/00/0000  
 Higher Crt 1.:  
 Higher Crt 2.:

\*\*\*\*\*  
General Index\*\*\*\*\*  
Attorney InfoBOOSE RONALD J  
129 FIELDSTONE DR  
CARLISLE PA 17013

PLAINTIFF

HORCHEN RYAN  
429 1ST ST  
DEBOISE PA 17801

DEFENDANT

PENN-WEST COMMODITIES INC  
301 ASPEN WAY  
DUBOISE PA 17801

DEFENDANT

\*\*\*\*\*  
Judgment Index

Amount Date Desc

HORCHEN RYAN	95,622.42	8/10/2007	CONFESSION OF JUDG
PENN-WEST COMMODITIES INC	95,622.42	8/10/2007	CONFESSION OF JUDG

\*\*\*\*\*  
\* Date Entries

8/10/2007 FIRST ENTRY - - - - -  
 CONFESS OF JUDGMENT AND COMPLAINT ENTERED IN THE AMOUNT OF  
 \$95622.42 BY EDWARD P SEEBER ESQ

8/10/2007 NOTICE MAILED TO DEFENDANTS

7/24/2008 EXEMPLIFIED RECORD FOR CLEARFIELD CO - BY CHERYL L BAKER/CERT  
 PARALEGAL FOR JAMES SMITH DIETTERICK & CONNELLY LLP FOR PLFF  
 - - - - - LAST ENTRY - - - - -

\*\*\*\*\*  
 \* Fees & Debits Escrow Information \*  
 Beg Bal Pymts/Adj End Bal \*  
 \*\*\*\*\*

JDMT/CONFESS	14.00	14.00	.00
TAX ON CONFESS	.50	.50	.00
SATISFACTION	8.00	8.00	.00
AUTOMATION FEE	5.00	5.00	.00
EX RECORD	16.00	16.00	.00
	43.50	43.50	.00

\*\*\*\*\*  
 \* End of Case Information  
 \*\*\*\*\*

TRUE COPY FROM RECORD  
 In Testimony whereof, I here unto set my hand  
 and the seal of said Court at Carlisle, Pa.

the 24<sup>th</sup> day of July, 2008  
 Debra L. Burt, Deputy  
 Prothonotary

RONALD J. BOOSE, : IN THE COURT OF COMMON PLEAS  
 Plaintiff : CUMBERLAND COUNTY, PENNSYLVANIA  
 :  
 v. : NO. 07-4756 Civil Term  
 :  
 RYAN HORCHEN and :  
 PENN-WEST COMMODITIES, INC., :  
 Defendants : CIVIL ACTION - LAW

**CONFESSTION OF JUDGMENT**

Pursuant to the authority contained in the warrants of attorney contained in the aforesaid \$13,000.00 Note and \$69,000.00 Note, the originals or copies of which are attached to the Complaint filed in this action, I appear for the Defendants and confess judgment in favor of Plaintiff and against Defendants as follows:

Principal Sum	\$13,000.00
Interest to July 27, 2007	\$283.39
Principal Sum	\$69,000.00
Interest to July 31, 2007	\$1,039.03
Attorneys' Fees (15% of unpaid balance)	<u>\$12,300.00</u>
<b>TOTAL</b>	<b>\$95,622.42</b>

plus interest from July 27, 2007 for the \$13,000.00 Note at the rate of \$1.43 per diem and interest from July 31, 2007 for the \$69,000.00 Note at the rate of \$7.57 per diem.

Respectfully submitted,

PECHT & ASSOCIATES, PC

By:

EDWARD P. SEEBER, ESQUIRE

Attorney I.D. #76084

Suite 200

1205 Manor Drive

Mechanicsburg, PA 17055

(717) 766-9426

Attorneys for Plaintiff

Ronald J. Boose

TRUE COPY FROM RECORD  
 In Testimony whereof, I here unto set my hand  
 and the seal of said Court at Carlisle, Pa.  
 the 24<sup>th</sup> day of July 2008

Debra K. Burch, Deputy  
 Prothonotary

Date: 8/8/07

Pecht & Associates, PC  
Edward P. Seeber, Esquire  
Attorney I.D. #76084  
Suite 200  
1205 Manor Drive  
Mechanicsburg, PA 17055  
(717)766-9426  
Attorneys for Ronald J. Boose

RONALD J. BOOSE, Plaintiff	:	IN THE COURT OF COMMON PLEAS
	:	CUMBERLAND COUNTY, PENNSYLVANIA
	:	
v.	:	NO.
	:	
RYAN HORCHEN and PENN-WEST COMMODITIES, INC., Defendants	:	
	:	CIVIL ACTION - LAW

### **COMPLAINT IN CONFESSION OF JUDGMENT**

AND NOW, comes Ronald Boose, Plaintiff, by and through his attorneys, Pecht & Associates, PC, and files this Complaint in Confession of Judgment as follows:

1. Ronald J. Boose, Plaintiff, is an adult individual residing at 129 Fieldstone Drive, Carlisle, Pennsylvania 17013.
2. Defendant, Ryan Horchen, an adult individual residing at 429 1<sup>st</sup> Street, DuBois, Pennsylvania 17801, is the owner of Penn-West Commodities, Inc. Defendant, Penn-West Commodities, Inc., a corporation with its principal place of business previously located at 301 Aspen Way, DuBois, Pennsylvania 17801. (Defendant Horchen and Defendant Penn-West Commodities, Inc. shall be collectively referred to as the "Defendants").
3. On or about June 27, 2006, Defendants executed and delivered a document entitled "Installment Judgment Note" ("1<sup>st</sup> Note") in favor of Plaintiff in the original principal amount of Thirteen Thousand Dollars (\$13,000.00), which authorized the confession of judgment against Defendants. A copy of said 1<sup>st</sup> Note, which copy is a true and correct

reproduction of the original 1<sup>st</sup> Note, is marked as Exhibit "A", attached hereto and made a part hereof.

4. On or about August 1, 2006, Defendants executed and delivered a second and separate document also entitled "Installment Judgment Note" ("2<sup>nd</sup> Note") in favor of Plaintiff in the original principal amount of Sixty-nine Thousand Dollars (\$69,000.00), which authorized the confession of another judgment against Defendants unrelated to the sum contained in the 1<sup>st</sup> Note. A copy of said 2<sup>nd</sup> Note, which copy is a true and correct reproduction of the original 2<sup>nd</sup> Note, is marked as Exhibit "B", attached hereto and made a part hereof.

5. To date, Defendants have made no payments as promised to Plaintiff in the 1<sup>st</sup> Note and 2<sup>nd</sup> Note.

6. Judgment is not being entered by confession against a natural person in connection with a consumer credit transaction.

7. The aforesaid Notes have not been released, transferred or assigned.

8. The aforesaid Notes stipulate that if the principal sums of each note are not paid by July 27, 2006 and October 31, 2006 respectively, and collection of said sums are placed in the hands of an attorney, Defendants agree to pay attorneys' fees in the amount of 15% of the unpaid balance.

9. Judgment has not been entered against the Defendants on the aforesaid Notes in any jurisdiction.

10. The aforesaid Notes authorize the entry of judgment without default thereon or the occurrence of a condition precedent.

11. The itemization of the amount due, including interest and attorneys' fees as authorized by the Notes is as follows:

Principal Sum (1 <sup>st</sup> Note)	\$13,000.00
Interest on 1 <sup>st</sup> Note to July 27, 2007	\$283.39
Principal Sum (2 <sup>nd</sup> Note)	\$69,000.00
Interest on 2 <sup>nd</sup> Note to July 31, 2007	\$1,039.03
Attorneys' Fees (15% of unpaid balance)	<u>\$12,300.00</u>
<b>TOTAL</b>	<b>\$95,622.42</b>

plus interest from July 27, 2007 for the 1<sup>st</sup> Note at the rate of \$1.43 per diem and interest from July 31, 2007 for the 2<sup>nd</sup> Note at the rate of \$7.57 per diem.

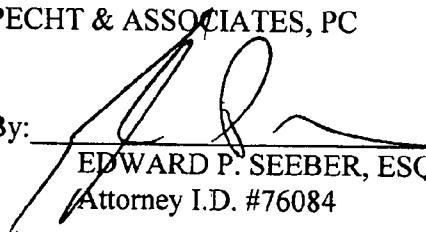
WHEREFORE, Plaintiff, as authorized by the Warrants of Attorney contained in the Notes, demands judgments against Defendants in the total sum of \$95,622.42, with interest on the principal sum of the 1<sup>st</sup> Note (\$13,000.00) from July 27, 2007 at the rate of \$1.43 per diem and with interest on the principal sum of the 2<sup>nd</sup> Note (\$69,000.00) from July 31, 2007 at the rate of \$7.57 per diem, and brings said instrument to Court to recover the said sum.

Respectfully submitted,

PECHT & ASSOCIATES, PC

Date: 8/8/07

By:

  
EDWARD P. SEEBER, ESQUIRE  
Attorney I.D. #76084

Suite 200  
1205 Manor Drive  
Mechanicsburg, PA 17055  
(717) 766-9426

Attorneys for Plaintiff  
Ronald J. Boose

\$10,000.00

June 27, 2006

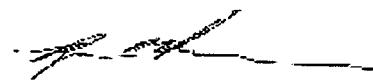
### INSTALLMENT JUDGMENT NOTE

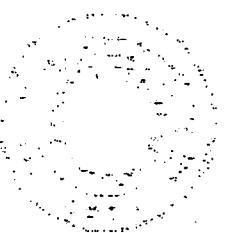
FOR THE VALUE RECEIVED, **RYAN M. HORCHEN, AND PENN-WEST COMMODITIES, INC.**, Hereinafter collectively referred to as "Horchen/Penn-West", promise to pay to the order of **RONALD BOOSE** the principal sum of \$13,000.00 USD (Thirteen Thousand United States Dollars ) on July 27<sup>th</sup> 2006.

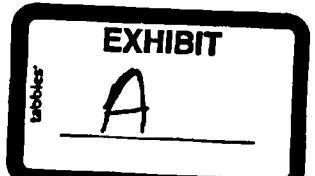
If this note is placed in the hands of an attorney for collection After July 27<sup>th</sup> 2006, Horchen/Penn-West agrees to pay a reasonable attorney's fee in the amount of 15% (Fifteen Percent) of the unpaid balance for collection.

To Secure payment of this note, Horchen/Penn-West hereby authorizes, irrevocably, the Prothonotary, Clerk of Court, or any Attorney of the Court of Records to appear for them in such Court, at any time before or after default and confess judgment against them in favor of any holder of this Note with or without the filling of an Averment of Default, with release of errors, without stay of execution, and for such amount as may appear to be unpaid thereon, together with charges, attorney's fees and costs as herein provided. Horchen/Penn-West hereby waives and releases all errors in said proceedings and the right to object to or appeal therefrom and from all benefit and relief from any and all appraisement, stay, or exemption laws of any State, now in force or hereafter to be passed.

  
(Ryan M Horchen ) Horchen/Penn-West

  
President / Secretary Penn-West Commodities, Inc.  
(Ryan M Horchen )

  
(Penn-West Commodities, Inc. Seal )



\$60,000.00

August 1, 2006

**INSTALLMENT JUDGMENT NOTE**

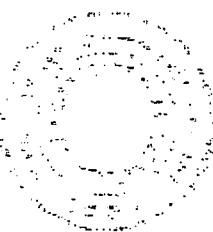
FOR THE VALUE RECEIVED, **RYAN M. HORCHEN, AND PENN-WEST COMMODITIES, INC.**, Hereinafter collectively referred to as "Horchens/Penn-West", promise to pay to the order of **RONALD BOOSE** the principal sum of \$69,000.00 USD on Oct 31<sup>st</sup> 2006.

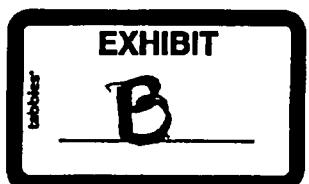
If this note is placed in the hands of an attorney for collection After Oct 31<sup>st</sup> 2006, Horchen/Penn-West agrees to pay a reasonable attorney's fee in the amount of 15% (Fifteen Percent) of the unpaid balance for collection.

To Secure payment of this note, Horchen/Penn-West hereby authorizes, irrevocably, the Prothonotary, Clerk of Court, or any Attorney of the Court of Records to appear for them in such Court, at any time before or after default and confess judgment against them in favor of any holder of this Note with or without the filling of an Averment of Default, with release of errors, without stay of execution, and for such amount as may appear to be unpaid thereon, together with charges, attorney's fees and costs as herein provided. Horchen/Penn-West hereby waives and releases all errors in said proceedings and the right to object to or appeal therefrom and from all benefit and relief from any and all appraisement, stay, or exemption laws of any State, now in force or hereafter to be passed.

  
(Ryan M Horchen ) Horchen/Penn-West

  
President / Secretary Penn-West Commodities, Inc.  
(Ryan M Horchen )

  
(Penn-West Commodities, Inc. Seal )



IN THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY, PENNSYLVANIA

RONALD J. BOOSE, : IN THE COURT OF COMMON PLEAS  
Plaintiff : CUMBERLAND COUNTY, PENNSYLVANIA  
:  
v. : NO.  
:  
RYAN HORCHEN and :  
PENN-WEST COMMODITIES, INC., :  
Defendants : CIVIL ACTION - COMPLAINT IN  
: CONFESION OF JUDGMENT

I hereby certify that the address of Plaintiff is

**129 Fieldstone Drive  
Carlisle, PA 17013**

The last known addresses of Defendants are:

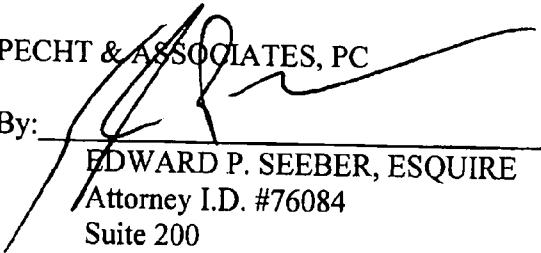
**Ryan Horchen  
429 1<sup>st</sup> Street  
DuBois, PA 17801**

**Penn-West Commodities, Inc.  
429 1<sup>st</sup> Street  
DuBois, PA 17801**

Respectfully submitted,

PECHT & ASSOCIATES, PC

By:

  
**EDWARD P. SEEBER, ESQUIRE**  
Attorney I.D. #76084  
Suite 200  
1205 Manor Drive  
Mechanicsburg, PA 17055  
(717) 766-9426  
Attorneys for Plaintiff  
Ronald J. Boose

Date: 8/8/07

FILED-OFFICE  
OF THE PROSECUTOR

2007 AUG 10 PM 2:01

CUMBERLAND COUNTY  
PROSECUTOR'S OFFICE

\$27.50 pd attorney

CK # 2980

ER# 196687

Notice mailed

RONALD J. BOOSE, : IN THE COURT OF COMMON PLEAS  
Plaintiff : CUMBERLAND COUNTY, PENNSYLVANIA  
:  
v. : NO.  
:  
RYAN HORCHEN and :  
PENN-WEST COMMODITIES, INC., :  
Defendants : CIVIL ACTION - LAW

**NOTICE OF ORDER, DECREE OR JUDGMENT**

TO: Ryan Horchen  
429 1<sup>st</sup> Street  
DuBois, PA 17801

Penn-West Commodities, Inc.  
429 1<sup>st</sup> Street  
DuBois, PA 17801

(  ) Plaintiff  
( X ) Defendant  
( X ) Additional Defendant

You are hereby notified that an Order, Decree or Judgment was entered  
in the above captioned proceeding on 8/0/07.

(  ) A copy of the Order or Decree is enclosed,

or

( X ) The judgment is as follows: **\$95,622.42**

plus interest from July 27, 2007 for the \$13,000.00 Note at the rate of \$1.43 per diem and interest  
from July 31, 2007 for the \$69,000.00 Note at the rate of \$7.57 per diem.

1/ Currie R. Long o/s  
Deputy

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Ronald J. Boose

Vs.

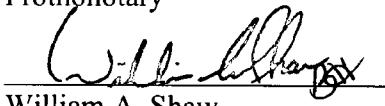
No. 2008-01561-CD

Ryan Horchen and Penn-West Commodities, Inc.

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$95,622.42 on August 20, 2008.

William A. Shaw  
Prothonotary

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

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

Ronald J. Boose  
Plaintiff(s)

No.: 2008-01561-CD

Real Debt: \$95,622.42

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Ryan Horchen  
Penn-West Commodities, Inc.  
Defendant(s)

Entry: \$20.00

Instrument: Transferred Judgment from  
Cumberland County, PA

Date of Entry: August 20, 2008

Expires: August 20, 2013

Certified from the record this 20th day of August, 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