

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08-1639-CD

Type of Pleading:
COMPLAINT

Filed on behalf of
PLAINTIFF: Michael P. Malloy

Counsel of record for
this party:

LAW OFFICES OF DWIGHT L.
KOERBER, JR.

Dwight L. Koerber, Jr., Esquire
PA I. D. 16332

Eric E. Cummings, Esquire
PA I.D. No. 206194

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

013:1701
AUG 29 2008

5cc
Atty Koerber

(15) Atty pd.
\$95.00

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08- -CD

COMPLAINT

COMES NOW, Plaintiff, Michael P. Malloy, by and through The Law Offices of
Dwight L. Koerber, Jr., and files the within Complaint and in support thereof would aver
as follows:

(1) Plaintiff is Michael P. Malloy, individual resident, with his residence located
at 946 Reas Lane, New Millport, Pennsylvania, 16861.

(2) Plaintiff, in his individual capacity, was President and sole shareholder of
the former Houtzdale True Value, Inc., which traded and did business in the
Commonwealth of Pennsylvania, with its facilities and offices at 757 Emery Avenue,
Houtzdale, PA 16651. Plaintiff, in his individual capacity, attaches hereto as Exhibit A,
his Statement of Successor in Interest and incorporates the terms of said statement
herein by reference.

(3) Defendant, Robert J. Berzonsky, is a Pennsylvania individual resident, who resides at R. R. Box 22, 72 Colorado Drive, Houtzdale, Pennsylvania, 16651.

(4) Defendant, Louise M. Berzonsky, is a Pennsylvania individual resident, who resides at R. R. Box 22, 72 Colorado Drive, Houtzdale, Pennsylvania, 16651, and is the wife of Robert J. Berzonsky.

(5) Defendant, Berzonsky Enterprises, Inc., is a Pennsylvania corporation, trading and doing business as Houtzdale True Value from its facilities and offices at 72 Colorado Drive, Houtzdale, Pennsylvania, 16651, with current address of R. R. Box 22 Houtzdale, PA 16551.

COUNT I
BREACH OF CONTRACT

(6) Paragraphs 1-5 of this pleading are incorporated herein by reference as though set forth in full.

(7) On September 24, 2001, Defendants executed a Promissory Note (hereinafter referred to as "The Note") wherein the Defendants agreed to pay Plaintiff \$174,338.81, with interest at a rate of seven (7%) percent per annum, until full payment was made. Attached hereto as Exhibit B and incorporated herein by reference is a true and correct copy of The Note.

(8) The Note, together with all interest due, was payable as follows:

(a) One Thousand Sixteen and Ninety-seven One-hundredths (\$1,016.97) Dollars per month which is interest only for each and every month for a two (2) year period with the first payment due October 15, 2001, and the second payment due

November 1, 2001, and continuing on the first day of each and every month thereafter until September 1, 2003.

(b) On September 4, 2003, a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(c) Eight Hundred Seventy One and Fourteen One-hundredths (\$871.14) Dollars per month which is interest only on the remaining principal for each and every month for one (1) year commencing October 1, 2003, and continuing on the first day of each month until September 1, 2004.

(d) On September 24, 2004, a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(e) Seven Hundred Twenty-five and Thirty-one One-hundredths (\$725.31) Dollars per month which is interest only on the remaining principal for each and every month for one (1) year commencing on October 1, 2004, and continuing on the first day of each month until September 1, 2005.

(f) On September 24, 2005, a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(g) Five Hundred Seventy-nine and Forty-seven One-hundredths (\$579.47) Dollars per month which is interest only on the remaining principal for each and every month commencing October 1, 2005, and continuing on the first day of each month until the installment Promissory Note under (h) below is tendered and executed by the undersigned parties.

(h) When either the undersigned's payoff in full of the first lien with First Commonwealth Bank or upon the reaching of September 24, 2011, whichever occurs first, the undersigned parties agree to execute a new promissory note on the remaining principal balance due under this note to be structured into monthly payments of interest and principal amortized over five (5) years at seven (7%) percent interest.

(9) The terms of default were specifically addressed on pages three (3) and four (4) of The Note, as it stated:

Failure to pay any part of the principal or interest of this note when due, or failure to carry out any of the terms, covenants, or conditions of the Security Agreement shall authorize the holder of this note to declare as immediately due and payable the then unpaid principal and to exercise any and all the rights and remedies provided by the Uniform Commercial Code of Pennsylvania as well as all other rights and remedies either at law or in equity possessed by the holder of this note.

(10) Defendants have defaulted per the terms of The Note in the following fashions:

(a) Defendants have failed to fulfill the obligation of making payment on interest, amounting to \$2,897.35, at a rate of seven (7%) percent as of July 31, 2008.

(b) Defendants have failed to make timely payments on the remaining outstanding principal balance due of \$99,338.81.

(11) Pursuant to The Note, the failure to make the payment described above constitutes a default and the full remaining amount of principal and accrued interest becomes due and payment and if not paid accrues interest at the rate of seven (7%)

percent per annum. As such, Plaintiff's computation and demand for damages is as follows:

Total principal balance due:	\$ 99,338.81
Total interest due at 7% as of July 31, 2008:	<u>\$ 2,897.35</u>
TOTAL	\$102,236.16

(12) The actions of Defendants constitute breach of The Note and as a result thereof, Plaintiff has suffered damages totaling \$102,236.16, together with interest accruing from August 1, 2008, at a the rate of seven (7%) percent per annum.

(13) Plaintiff is also entitled to attorney's fees, as the third full paragraph, on page 3, of The Note states the following:

If this note is placed in an attorney's hands for collection, or collected by a suit or through a bankruptcy, probate, or other court proceeding, either before or after maturity, there shall be paid to the holder of this note reasonable attorney's fees, costs and other expenses incurred by the holder in enforcing the terms of this note.

(14) In accordance with the immediately above referenced language, Plaintiff additionally seeks the award of attorney's fees amounting to \$2,500.00, at this time, along with any and all additional and reasonable fees incurred hereafter.

(15) The total amount due pursuant to The Note, as of July 31, 2008, is \$104,736.16.

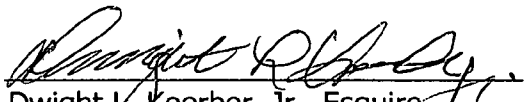
(16) All three (3) Defendants are jointly and severally liable for \$104,736.16.

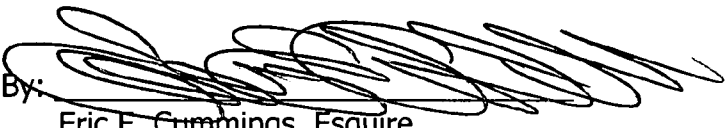
WHEREFORE, Plaintiff prays that judgment be entered in his favor against Robert J. Berzonsky, Louise M. Berzonsky and Berzonsky Enterprises, Inc., in the

amount of \$104,736.16, plus costs and continuing interest from July 31, 2008 at seven (7%) percent, along with additional attorney's fees if they accrue.

Respectfully submitted,

THE LAW OFFICES OF DWIGHT L.
KOERBER, JR.

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff: Michael P. Malloy

By: 
Eric E. Cummings, Esquire
Attorney for Plaintiff: Michael P. Malloy

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08- -CD

VERIFICATION

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

Date: 8/25/08

Michael P Malloy
Michael P. Malloy

EXHIBIT A

Attached hereto as Exhibit A is a true and correct of the form of Statement Filed by Voluntary Succession.

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and t/d/b/a
HOUTZDALE TRUE VALUE, a
Corporation
Defendants

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Docket No. 08- -CD

STATEMENT FILED BY VOLUNTARY SUCCESSOR

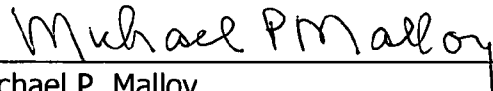
VOLUNTARY SUBSTITUTION OF MICHAEL P. MALLOY AS A PARTY PLAINTIFF

(1) I, Michael P. Malloy, am the successor in interest of Houtzdale True Value, Inc., which is a Plaintiff herein, and desire to substitute myself for Houtzdale True Value, Inc., as a Plaintiff herein.

(2) The material facts in which my right of succession and substitution are based are as follows:

By my election as the former President of Houtzdale True Value, Inc. and as sole Shareholder of said corporation which has been dissolved maintain the right to move forward accordingly on its behalf.

(3) I do hereby voluntarily substitute myself as Plaintiff herein in the place and stead of Houtzdale True Value, Inc.



Michael P. Malloy
946 Reas Lane
New Millport, PA 16861

Date: 8/25/08

EXHIBIT B

Attached hereto as Exhibit B is a true and correct copy of the Promissory Note dated September 24, 2001.

NOTE I

September 24, 2001

\$174,338.81

FOR VALUE RECEIVED, the undersigned parties, herein called "Makers", promise to pay to the order of Houtzdale True Value, Inc., at 211 Chester Street, Clearfield County, Pennsylvania, 16830, or at any other place designated in writing by the holder of this note, the sum of One Thousand Seventy-Four Three Hundred Thirty-eight and Eighty-one one-hundredths (\$174,338.81)

Dollars with interest, from the date written above until paid, at the rate of seven (7%) percent interest per annum.

This note, together with all interest due on it, is due and payable as follows:

(a) One Thousand Sixteen and Ninety-seven one-hundredths (\$1,016.97) Dollars per month which is interest only for each and every month for a two (2) year period with the first payment due October 15, 2001 and the second payment due November 1, 2001 and continuing on the first day of each and every month thereafter until September 1, 2003.

(b) On September 24, 2003, a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(c) Eight Hundred Seventy-one and Fourteen one-hundredths (\$871.14) Dollars per month which is interest only on the

remaining principal for each and every month for one (1) year commencing October 1, 2003 and continuing on the first day of each month until September 1, 2004.

(d) On September 24, 2004 a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(e) Seven Hundred Twenty-five and Thirty one-hundredths (\$725.30) Dollars per month which is interest only on the remaining principal for each and every month for one (1) year commencing October 1, 2004 and continuing on the first day of each month until September 1, 2005.

(f) On September 24, 2005 a payment of principal in the amount of Twenty-five Thousand (\$25,000.00) Dollars shall be made.

(g) Five Hundred Seventy-Nine and Forty-seven one-hundredths (\$579.47) Dollars per month which is interest only on the remaining principal for each and every month commencing October 1, 2005 and continuing on the first day of each month until the installment promissory note under (h) below is tendered and executed by the undersigned parties.

(h) When the Maker's payoff in full the first lien with First Commonwealth Bank, t/a NBOC Bank or on September 24, 2011, whichever occurs first, the undersigned parties agree to execute a new promissory note on the remaining principal balance

due under this note to be structured into monthly payments of interest and principal amortized over five (5) years at seven (7%) percent interest.

i). The Makers may make additional accelerated payments without penalty or premium at any time which shall be a credit to the principal due. The accelerated payments will reduce the monthly interest payments under Paragraphs (a), (c), (e), and (g) above, if made by the Makers and depending on the date the accelerated payments are made.

The payment of this note is secured by a Security Agreement of this date from Robert J. Berzonsky, Berzonsky Enterprises, Inc., t/d/b/a Houtzdale True Value to Houtzdale True Value, Inc. granting a security interest in and to the property described in said Security Agreement and by mortgage of Robert J. Berzonsky and Louise M. Berzonsky to Houtzdale True Value, Inc.

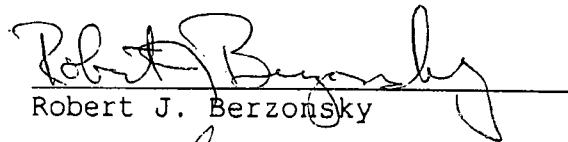
If this note is placed in an attorney's hands for collection, or collected by a suit or through a bankruptcy, probate, or other court proceeding, either before or after maturity, there shall be paid to the holder of this note reasonable attorney's fees, costs, and other expenses incurred by the holder in enforcing the terms of this note.

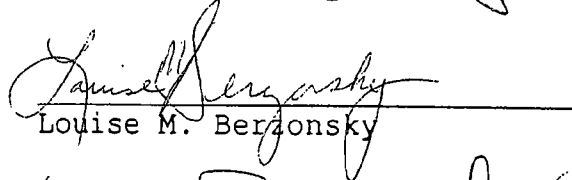
Failure to pay any part of the principal or interest of this note when due, or failure to carry out any of the terms, covenants, or conditions of the Security Agreement shall

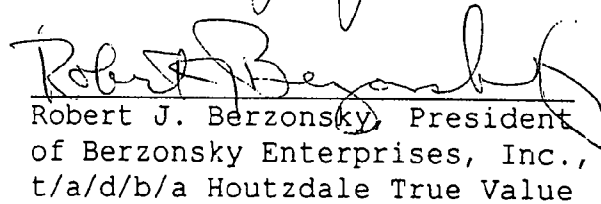
authorize the holder of this note to declare as immediately due and payable the then unpaid principal and to exercise any and all the rights and remedies provided by the Uniform Commercial Code of Pennsylvania as well as all other rights and remedies either at law or in equity possessed by the holder of this note.

The Makers, signers, and endorsers of this note severally waive demand, presentment, notice of dishonor, diligence in collection, and notice of protest, and agree to all extensions and partial payments before or after maturity, without prejudice to the holder.

MAKERS:


Robert J. Berzonsky


Louise M. Berzonsky


Robert J. Berzonsky, President
of Berzonsky Enterprises, Inc.,
t/a/d/b/a Houtzdale True Value

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1639-CD

MICHAEL P. MALLOY

vs

SERVICE # 3 OF 3

ROBERT J. BERZONSKY and LOUISE M. BERZONSKY indiv. and BERZONSKY ENTERPRISES, INC.
and BERZONSKY ENTERPRISES, INC. t/d/b/a HOUTZDALE TRUE VALUE
COMPLAINT

SERVE BY: 09/28/2008

HEARING:

PAGE: 104596

DEFENDANT: BERZONSKY ENTERPRISES INC. t/d/b/a HOUTZDALE TRUE VALUE

ADDRESS: RD#1 BOX 22, 72 COLORADO DRIVE
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

9-8-08-10:34 AM N/H

FILED

09:36 AM
SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 9-10-08 AT 11:09 AM/PM SERVED THE WITHIN

COMPLAINT ON BERZONSKY ENTERPRISES INC. t/d/b/a HOUTZDALE TRUE VALUE, DEFENDANT

BY HANDING TO Louise Berzonsky, PART OWNER

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM/HER THE CONTENTS THEREOF.

ADDRESS SERVED R.L.#1 Box 22, 72 Colorado Drive
Houtzdale, Pa 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR BERZONSKY ENTERPRISES INC. t/d/b/a HOUTZDALE TRUE VALUE

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BERZONSKY ENTERPRISES INC. t/d/b/a HOUTZDALE TRUE VALUE

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

FILED

SEP 10 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1639-CD

MICHAEL P. MALLOY

vs

SERVICE # 1 OF 3

ROBERT J. BERZONSKY and LOUISE M. BERZONSKY indiv. and BERZONSKY ENTERPRISES, INC.
and BERZONSKY ENTERPRISES, INC. t/d/b/a HOUTZDALE TRUE VALUE
COMPLAINT

SERVE BY: 09/28/2008

HEARING:

PAGE: 104596

DEFENDANT: ROBERT J. BERZONSKY
ADDRESS: RR#1 BOX 22, 72 COLORADO DRIVE
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED

09:34
SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

9-8-08-10:34-12/14

SHERIFF'S RETURN

NOW, 9-10-08 AT 11:09 AM PM SERVED THE WITHIN

COMPLAINT ON ROBERT J. BERZONSKY, DEFENDANT

BY HANDING TO Louise Berzonsky 1 Wife

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM (HER) THE CONTENTS THEREOF.

ADDRESS SERVED R.R.#1 Box 22, 72 Colorado Drive
Houtzdale, Pa. 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ROBERT J. BERZONSKY

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO ROBERT J. BERZONSKY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

James C. Davis
Deputy Signature
James F. Davis
Print Deputy Name

FILED

SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1639-CD

MICHAEL P. MALLOY

VS

SERVICE # 2 OF 3

ROBERT J. BERZONSKY and LOUISE M. BERZONSKY indiv. and BERZONSKY ENTERPRISES, INC.
and BERZONSKY ENTERPRISES, INC. t/d/b/a HOUTZDALE TRUE VALUE
COMPLAINT

SERVE BY: 09/28/2008 HEARING: PAGE: 104596

DEFENDANT: LOUISE M. BERZONSKY
ADDRESS: RR#1 BOX 22, 72 COLORADO DRIVE
HOUTZDALE, PA 6651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 9-8-08-10:04 AM/PM

SHERIFF'S RETURN

NOW, 9-10-08 AT 11:09 AM/PM SERVED THE WITHIN

COMPLAINT ON LOUISE M. BERZONSKY, DEFENDANT

BY HANDING TO Louise M. Berzonsky, Def.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM, HER THE CONTENTS THEREOF.

ADDRESS SERVED R.R.#1 Box 22, 72 Colorado Drive
Houtzdale, Pa. 16651

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR LOUISE M. BERZONSKY

AT (ADDRESS)

NOW AT AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO LOUISE M. BERZONSKY

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

FILED

SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Michael P. Malloy,
Plaintiff

Vs.

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

Docket No. 08-1639-CD

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff:
Michael P. Malloy

Counsel of record for this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

OCT 21 2008

S. 0/3:30/5
William A. Shaw
Prothonotary/Clerk of Courts

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ATTN

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

Michael P. Malloy,
Plaintiff

*

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Vs.

Docket No. 08-1639-CD

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Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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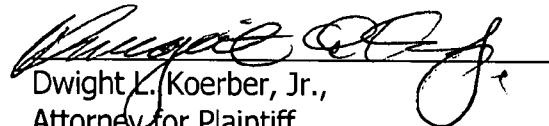
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CERTIFICATE OF SERVICE

This is to certify that on the 20th day of October, 2008, the undersigned served a DEFAULT NOTICE in the above captioned matter upon Defendants. Such documents were served by United States First Class Mail upon the following:

Robert J. Berzonsky and Louise M. Berzonsky
Berzonsky Enterprises, Inc., and
Berzonsky Enterprises, Inc., t/d/b/a Houtzdale True Value
R.R. 1, Box 22
72 Colorado Drive
Houtzdale, PA 16651


Dwight L. Koerber, Jr.,
Attorney for Plaintiff,
Michael P. Malloy

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Michael P. Malloy,
Plaintiff

Vs.

Robert J. Berzonsky and Louise M.
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Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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Docket No. 08-1639-CD

Type of Pleading:
PRAECIPE

Filed on behalf of:
Plaintiff:
Michael P. Malloy

Counsel of record for this party:
Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED *WCC*
013:30 PM
Att. Koerber
OCT 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Michael P. Malloy,
Plaintiff

Vs.

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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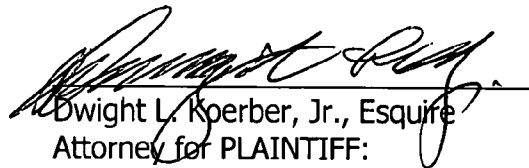
*

Docket No. 08-1639-CD

PRAECIPE

Please affix the attached Notice to Defend to the Complaint we filed on Friday,
August 29, 2008, as the Notice to Defend was inadvertently omitted.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for PLAINTIFF:
Michael P. Malloy

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08- 1639 -CD

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing 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 claims 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
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

Michael P. Malloy,
Plaintiff

*

*

Vs.

Docket No. 08-1639-CD

*

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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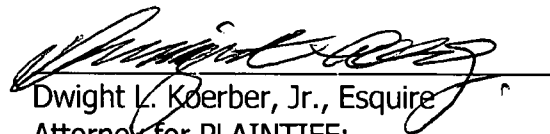
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CERTIFICATE OF SERVICE

This is to certify that on the 28th day of October 2008, the undersigned served a
certified copy of the Praeceptum in the above-captioned matter upon counsel for Defendants.

Such document was served via United States First Class Mail upon the following:

Girard Kasubick, Esquire
LAW OFFICES OF LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651


Dwight L. Koerber, Jr., Esquire
Attorney for PLAINTIFF:
Michael P. Malloy

FILED

OCT 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL P. MALLOY,
Plaintiff

-VS-

ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY,
Individuals; and
BERZONSKY ENTERPRISES, INC. and
BERZONSKY ENTERPRISES, INC.,
t/d/b/a HOUTZDALE TRUE VALUE,
Defendants

Docket No. 08-1639-CD

5
FILED ICC Atty
0/3:19cm Koerber
NOV 10 2008
William A. Shaw
Prothonotary/Clerk of Courts

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
PLAINTIFF, Michael P. Malloy

Counsel of record for this party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

MICHAEL P. MALLOY,
Plaintiff

-VS-

ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY,
Individuals; and
BERZONSKY ENTERPRISES, INC. and
BERZONSKY ENTERPRISES, INC.,
t/d/b/a HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08-1639-CD

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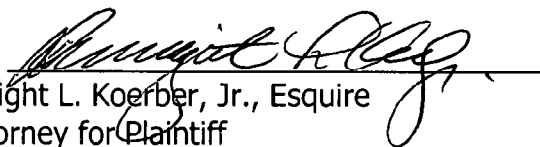
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CERTIFICATE OF SERVICE

I certify that on the 5th day of November, 2008, a certified copy of the
Complaint, with Notice to Defend, filed in this matter was served upon defendants, as
shown by the Acceptance of Service, attached hereto.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff
DATE: November 10, 2008

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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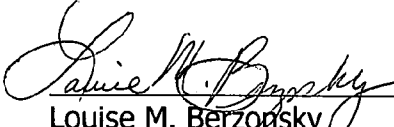
Docket No. 08-1639-CD

ACCEPTANCE OF SERVICE

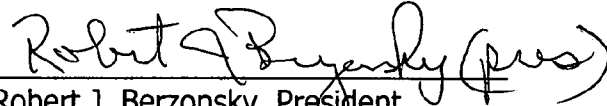
We hereby accept service of the complaint filed in this matter where the Notice
to Defend has been affixed to the Complaint originally filed on August 29, 2008.


Robert J. Berzonsky

Date: 11-5-08


Louise M. Berzonsky

Date: 11-5-08


Robert J. Berzonsky, President,
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc., t/d/b/a
Houtzdale True Value

Date: 11-5-08

FILED

DEC 10, 2008

to whom it may concern:

DEC 15 2008

11:15 AM
William A. Shaw
Prothonotary/Clerk of Courts

610

I am writing this in response to the letter I received from the law office of Dwight L. Koerber Jr. dated 12-2-2008 pertaining to Docket # 08-1639 C.D.

I have a few comments.

I spoke with Mr. Koerber on 12-10-08 by telephone, and told him my financial situation at this time. This followed an E-mail I sent him on 12-9-08 that summarized that situation. I relayed to him as much information as possible about my financial status. My concern is that my first obligation is to First Commonwealth Bank, and that my obligation to Michael P. Malloy is secondary. I am attempting to fulfill all obligations to all parties concerned but it was necessary to close the Hartsdale True Value Store in August of 2008 due to economic conditions. I am also concerned that I don't have any documentation stating that Michael P. Malloy was the sole shareholder of the now dissolved corporation known as Hartsdale True Value Inc. that the original loan was received from.

Sincerely Yours,
Robert J. Bernard

RECEIVED
PROTHONOTARY'S OFFICE
12/12/08
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

FILED
DEC 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104596
NO: 08-1639-CD
SERVICES 3
COMPLAINT

PLAINTIFF: MICHAEL P. MALLOY

vs.

DEFENDANT: ROBERT J. BERZONSKY and LOUISE M. BERZONSKY indiv. and BERZONSKY ENTERPRISES, INC.
and BERZONSKY ENTERPRISES, INC. t/d/b/a HOUTZDALE TRUE VALUE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KOERBER	3606	30.00
SHERIFF HAWKINS	KOERBER	3606	72.54

S
FILED
01/3:45 PM
JAN 08 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

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

MICHAEL P. MALLOY,
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

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Docket No. 08-1639-CD

Type of Pleading:
MOTION FOR JUDGMENT ON THE
PLEADINGS

Filed on behalf of
PLAINTIFF: Michael P. Malloy

Counsel of record for
this party:

LAW OFFICES OF DWIGHT L.
KOERBER, JR.

Dwight L. Koerber, Jr., Esquire
PA I. D. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

500
e/3:32/01
JAN 16 2009

Atty Koerber

CD

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL P. MALLOY,
Plaintiff/Movant

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants/Respondents

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Docket No. 08-1639-CD

MOTION FOR JUDGMENT ON THE PLEADINGS

COMES NOW, Plaintiff, Michael P. Malloy, by and through his attorney, Dwight

L. Koerber, Jr., Esquire, and files the within Motion for Judgment on the Pleadings.

(1) Movant is Michael P. Malloy, who is the Plaintiff in this action.

(2) Respondents are Robert J. Berzonsky and Louise M. Berzonsky,
Individuals, and Berzonsky Enterprises, Inc., and Berzonsky Enterprises, Inc., t/d/b/a
Houtzdale True Value, who are the Defendants in this action.

(3) On October 28, 2008, Plaintiff filed a Complaint for Breach of Contract,
seeking to recover the sum of \$104,736.16, plus interest, costs and attorney's fees,
representing the unpaid purchase price for the business which Defendants
purchased/guaranteed from Movant's corporation, Houtzdale True Value, Inc.

(4) After being served with a Default Notice in this case, Respondent, Robert
Berzonsky sent a letter to the Courthouse entitled "To Whom It May Concern" which

was filed with the Prothonotary's Office . This letter, which is unverified and not responsive to the specific allegations that were set forth in the Complaint, essentially admits that the Defendants owed the sum explained herein, but point out that they do not have the money to make payment.

(5) Attached hereto as Exhibit A is a copy of Defendant's letter.

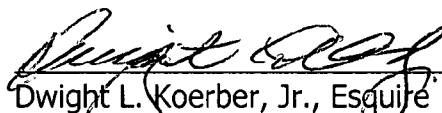
(6) Plaintiff filed a Praecipe to Enter Default Judgment, and the Prothontary's Office determined that the letter written by Mr. Berzonsky was a sufficient pleading to prevent the Default Judgment to be entered. Attached hereto as Exhibit B is a true and correct copy of the Praecipe which was attempted to be filed.

(7) Plaintiff now files this Motion for Judgment on the Pleadings, as the Respondents acknowledge that the debt is due and owing.

(8) Pursuant to the provisions of Pa.R.C.P. 1034, Plaintiff requests that judgment be entered in his favor and against Defendants.

WHEREFORE, Plaintiff, Michael P. Malloy prays that judgment be entered in his favor and against Defendants, Robert J. Berzonsky and Louise M. Berzonsky, Individuals and Berzonsky Enterprises, Inc., and Berzonsky Enterprises, Inc., t/d/b/a Houtzdale True Value, for the amount of \$104,736.00, plus interest and costs.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff/Movant: Michael P. Malloy

EXHIBIT A

Attached hereto as Exhibit A is a true and correct copy of the letter written by Mr. Robert J. Berzonsky and filed with the Clearfield County Prothonotary's Office on December 15, 2008.

DEC 10, 2008

to whom it may concern;

DEC 11 2008
11:15 AM
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

I am writing this in response to the letter I received from the law office of Dwight L. Koerber Jr. dated 12-2-2008 pertaining to Docket # 08-1639, CD.

I have a few comments.

I spoke with Mr. Koerber on 12-10-08 by telephone, and told him my financial situation at this time. This followed an E-mail I sent him on 12-9-08 that summarized that situation. I relayed to him as much information as possible about my financial status. My concern is that my first obligation is to First Commonwealth Bank, and that my obligation to Michael P. Malloy is secondary. I am attempting to fulfill all obligations to all parties concerned but it was necessary to close the Hartzdale True Value Store in August of 2008 due to economic conditions. I am also concerned that I don't have any documentation stating that Michael P. Malloy was the sole shareholder of the now dissolved corporation known as Hartzdale True Value Inc. that the original loan was made to him.

Sincerely Yours,
D.L. + B. Smith

EXHIBIT B

Attached hereto as Exhibit B is a true and correct copy of the Praecipe to Enter Judgment, which was attempted to be filed with the Court.

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

Michael P. Malloy,
Plaintiff

vs.

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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Docket No. 08-1639-CD

Type of Pleading:
PRAECIPE TO ENTER JUDGMENT

Filed on behalf of:
Michael P. Malloy, Plaintiff

Counsel of record for this party:
Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

Michael P. Malloy,
Plaintiff

*

*

vs.

Docket No. 08-1639-CD

*

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

*

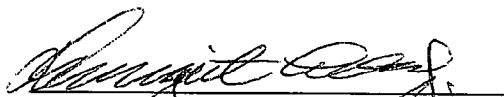
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PRAECIPE TO ENTER JUDGMENT

Please enter judgment in favor of Plaintiff and against all three Defendants in the amount of \$104, 736.16 plus costs. Attached hereto is a copy of the three separate default notices that were served upon the three separate defendants.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for PLAINTIFF:
Michael P. Malloy

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

Michael P. Malloy,
Plaintiff

vs.

Robert J. Berzonsky and Louise M.
Berzonsky, Individuals, and
Berzonsky Enterprises, Inc. and
Berzonsky Enterprises, Inc. t/d/b/a
Houtzdale True Value,
Defendants

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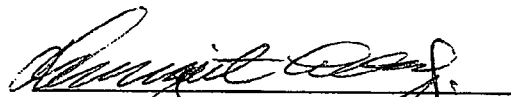
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Docket No. 08-1639-CD

PRAECIPE TO ENTER JUDGMENT

Please enter judgment in favor of Plaintiff and against all three Defendants in the amount of \$104, 736.16 plus costs. Attached hereto is a copy of the three separate default notices that were served upon the three separate defendants.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for PLAINTIFF:
Michael P. Malloy

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

**MICHAEL P. MALLOY,
Plaintiff**

*

-vs-

*

Docket No. 08-1639-CD

**ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY,
Individuals; and
BERZONSKY ENTERPRISES, INC. and
BERZONSKY ENTERPRISES, INC.,
t/d/b/a HOUTZDALE TRUE VALUE,
Defendants**

*

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**TO: ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY and
ROBERT J. BERZONSKY, President of
BERZONSKY ENTERPRISES, INC. AND
BERZONSKY ENTERPRISES, INC., t/d/b/a
HOUTZDALE TRUE VALUE
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 16651**

DATE OF NOTICE: December 2, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982**

**By:  Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff
PA I.D. No. 16332**

**110 N. Second St., P.O. Box 1320
Clearfield, PA 16830
814-765-9611**

COPY

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

**MICHAEL P. MALLOY,
Plaintiff**

*

-vs-

*

Docket No. 08-1639-CD

**ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY,
Individuals; and
BERZONSKY ENTERPRISES, INC. and
BERZONSKY ENTERPRISES, INC.,
t/d/b/a HOUTZDALE TRUE VALUE,
Defendants**

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**TO: ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY and
ROBERT J. BERZONSKY, President of
BERZONSKY ENTERPRISES, INC. AND
BERZONSKY ENTERPRISES, INC., t/d/b/a
HOUTZDALE TRUE VALUE
72 Colorado Drive
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Houtzdale, PA 16651**

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**Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982**

By:  Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff
PA I.D. No. 16332

**110 N. Second St., P.O. Box 1320
Clearfield, PA 16830
814-765-9611**

COPY

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

**MICHAEL P. MALLOY,
Plaintiff**

*

-vs-

*

Docket No. 08-1639-CD

**ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY,
Individuals; and
BERZONSKY ENTERPRISES, INC. and
BERZONSKY ENTERPRISES, INC.,
t/d/b/a HOUTZDALE TRUE VALUE,
Defendants**

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**TO: ROBERT J. BERZONSKY and
LOUISE M. BERZONSKY and
ROBERT J. BERZONSKY, President of
BERZONSKY ENTERPRISES, INC. AND
BERZONSKY ENTERPRISES, INC., t/d/b/a
HOUTZDALE TRUE VALUE
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 16651**

DATE OF NOTICE: December 2, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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**Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982**

By:  **Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff
PA I.D. No. 16332**

**110 N. Second St., P.O. Box 1320
Clearfield, PA 16830
814-765-9611**

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

MICHAEL P. MALLOY,
Plaintiff/Movant

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants/Respondents

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Docket No. 08-1639-CD

CERTIFICATE OF SERVICE

This is to certify that on the ~~16~~^{18th} day of January, 2009, the undersigned served a certified copy of the Motion for Judgment on the Pleadings in the above-captioned matter at the names and addresses via United States First Class Mail upon the following:

Mr. Robert J. Berzonsky
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 166651

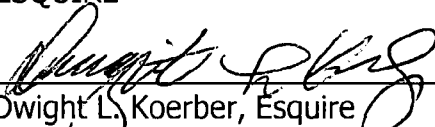
Mrs. Louise M. Berzonsky
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 16651

Robert J. Berzonsky, President
Berzonsky Enterprises, Inc., and
Berzonsky Enterprises, Inc., t/d/b/a
Houtzdale True Value
72 Colorado Drive,
R. R. Box 22
Houtzdale, PA 16651

Respectfully submitted,

LAW OFFICES OF DWIGHT L. KOERBER,
JR., ESQUIRE

By: _____


Dwight L. Koerber, Esquire
Attorney for Plaintiff/Movant:
Michael P. Malloy

FILED

JAN 16 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

10

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

MICHAEL P. MALLOY,
Plaintiff/Movant

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants/Respondents

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Docket No. 08-1639-CD

ORDER

AND NOW, this 19th day of January, 2009, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff pursuant to Pa.R.C.P. 1034, it is the ORDER and DECREE of this Court that the Defendants show cause why the Motion should not be granted.

Argument is hereby scheduled for the 11th day of February, 2009, at 9:00 A.M., in Courtroom # 1 of the Clearfield County Courthouse.

By the Court:



Judge

FILED

019:52304
JAN 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

SOC
Amy Kester
(61)

FILED

JAN 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/20/09

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:

FILED

JAN 27 2009

William A. Shaw

Notary/Clerk of Courts

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

MICHAEL P. MALLOY
Plaintiff

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants

Docket No. 08-1639-CD

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on behalf of
PLAINTIFF: Michael P. Malloy

Counsel of record for
this party:

LAW OFFICES OF DWIGHT L.
KOERBER, JR.

Dwight L. Koerber, Jr., Esquire
PA I. D. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

MICHAEL P. MALLOY,
Plaintiff/Movant

v.

ROBERT J. BERZONSKY and LOUISE M.
BERZONSKY, Individuals, and
BERZONSKY ENTERPRISES, INC., and
BERZONSKY ENTERPRISES, INC. t/d/b/a
HOUTZDALE TRUE VALUE,
Defendants/Respondents

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Docket No. 08-1639-CD

CERTIFICATE OF SERVICE

I certify that on the 16th day of January, 2009, the undersigned served a certified copy of the Motion for Judgment on the Plaintiff, and on the 27th day of January, 2009, the undersigned served a certified copy of the Order Scheduling Argument, dated January 19, 2009, in the above-captioned matter at the names and addresses shown below via United States First Class Mail upon the following:

Mr. Robert J. Berzonsky
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 16651

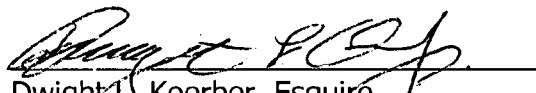
Mrs. Louise M. Berzonsky
72 Colorado Drive
R. R. Box 22
Houtzdale, PA 16651

Robert J. Berzonsky, President
Berzonsky Enterprises, Inc., and
Berzonsky Enterprises, Inc., t/d/b/a
Houtzdale True Value
72 Colorado Drive,
R. R. Box 22
Houtzdale, PA 16651

Respectfully submitted,

LAW OFFICES OF DWIGHT L. KOERBER,
JR., ESQUIRE

By:


Dwight L. Koerber, Esquire
Attorney for Plaintiff/Movant:
Michael P. Malloy

Prothonotary/Clerk of Courts
William A. Stone

JAN 27 1999

FILED

United States Bankruptcy Court
WESTERN DISTRICT OF PENNSYLVANIA

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 02/10/2009 at 3:39 PM and filed on 02/10/2009.

Robert J. Berzonsky
72 Colorado Drive
Houtzdale, PA 16651
SSN / ITIN: xxx-xx-7451
aka
Bob Berzonsky

Louise M. Berzonsky
72 Colorado Drive
Houtzdale, PA 16651
SSN / ITIN: xxx-xx-8864
aka
Louise M. Beirlair

The case was filed by the debtor's attorney:

Jason J. Mazzei
Mazzei & Associates
432 Boulevard of the Allies
Professional Office Building
Pittsburgh, PA 15219
412-765-3606

The case was assigned case number 09-70141.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <https://ecf.pawb.uscourts.gov> or at the Clerk's Office, U.S. Bankruptcy Court, 5414 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.



FILED
02/10/2009
FEB 11 2009
William A. Shaw
Prothonotary/Clerk of Courts
NO CC
GLO

John J. Horner
Clerk, U.S. Bankruptcy
Court

PACER Service Center			
Transaction Receipt			
02/10/2009 15:41:34			
PACER Login:	ma1179	Client Code:	
Description:	Notice of Filing	Search Criteria:	09-70141
Billable Pages:	1	Cost:	0.08

FILED

FEB 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

Filed per Judge Ammerman

UA

FILED
014:0060
FEB 11 2009

2cc Arty
Koerber/Cumming

2cc Defs.-

William A. Shaw
Prothonotary/Clerk of Courts
72 Colorado Drive
Houtzdale, PA

(610) 16651

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

MICHAEL P. MALLOY

VS.

NO. 08-1639-CD

ROBERT J. BERZONSKY AND
LOUISE M. BERZONSKY, Individ-
uals, and BERZONSKY ENTER-
PRISES, INC., and BERZONSKY
ENTERPRISES, INC., t/d/b/a
HOUTZDALE TRUE VALUE

O R D E R

NOW this 11th day of February, 2009, with the Court noting that Dwight L. Koerber, Jr., Esquire, appeared on behalf of the Plaintiff, while Robert J. Berzonsky appeared as president of Berzonsky Enterprises, Inc; following discussion and the Court's review of the pleadings or lack thereof, it is the ORDER of this Court that the Motion for Judgment on the Pleadings be and is hereby granted against Berzonsky Enterprises, Inc., t/d/b/a Houtzdale True Value.

The Prothonotary is directed to enter judgment

for principal due in the amount of \$99,338.81; interest at 7 percent from July 31, 2008, in the amount of \$2,897.35; and attorney's fees in the amount of \$2,500, for a total of \$104,736.16.

The Court notes that judgment was not entered against Robert J. Berzonsky and Louise M. Berzonsky, individual Defendants, due to them filing for bankruptcy protection on or about February 10, 2009.

BY THE COURT,


President Judge

FILED

FEB 11 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE 2/11/09

 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

 X Defendant(s) Defendant(s) Attorney

 Special Instructions: