

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ADAM GALLAN, an individual

ANNA BURNOSKY, an individual

Plaintiffs

vs.

TIM IRACA, an individual

IRACA LUMBER COMPANY,
a corporation

RUSSELL BALL, an individual

No. 08- 2066-CD

TYPE OF CASE:

Civil Action - Law

FILED
0/12:11Zm
OCT 29 2008
William A. Shaw
Prothonotary/Clerk of Courts
Pd \$95.00
Atty
LCC Atty
Thompson

TYPE OF PLEADING:

Complaint

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ADAM GALLAN, an individual

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ANNA BURNOSKY, an individual

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No. 08-

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Plaintiffs

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vs.

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TYPE OF CASE:
Civil Action - Law

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TIM IRACA, an individual

*

TYPE OF PLEADING:
Complaint

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IRACA LUMBER COMPANY,
a corporation

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RUSSELL BALL, an individual

*

*

Defendants

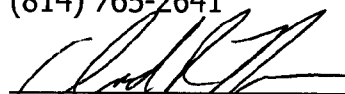
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NOTICE

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 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 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
Clearfield, PA 16830
(814) 765-2641


David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION - LAW

ADAM GALLAN, an individual	:	Case No. 08-
	:	
ANNA BURNOSKY, an individual	:	
	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
TIM IRACA, an individual	:	
	:	
IRACA LUMBER COMPANY, a corporation	:	
	:	
RUSSELL BALL, an individual	:	
	:	
Defendants	:	

COMPLAINT

AND NOW come the Plaintiffs, Adam Gallan and Anna Burnosky, by and through their attorney David R. Thompson Esq. and aver the following:

1. The Plaintiff Adam Gallan, an individual, resides at 1313 North Stewart Street, Arlington, Virginia.
2. The Plaintiff Anna Burnosky (nee Gallan), an individual, resides at 12464 Kronos Court, Strongsville, Ohio.
3. The Defendant Tim Iraca, an individual, resides at 41 North Hill Street, Coalport, PA 16627.

4. The Defendant Iraca Lumber Company, is believed to be a Pennsylvania corporation, with its principal place of business in Coalport, Pennsylvania.

5. The Defendant Russell Ball, an individual, resides at RR 1 Box 500, Olanta, Pennsylvania.

6. It is believed that Defendant Tim Iraca is the owner of Iraca Lumber Company.

7. It is believed that at all relevant times herein Defendant Ball was working as a sub-contractor for timber removal. By way of further pleading, at all relevant times herein Russell Ball was acting under contract from: Defendant Tim Iraca or Defendant Iraca Lumber Company.

COUNT I

ACTION FOR THE CONVERSION OF TIMBER

Paragraphs 1 - 7 are incorporated by reference as though the same were set forth at length herein:

8. Plaintiffs Adam Gallan and Anna Burnosky are the joint owners of a 42.5 acre farm in Decatur Township, Clearfield County, Pennsylvania. (Hereinafter referred to as: The Gallan property).

9. On or about March 12, 2008, Adam Gallan received a telephone call from a property owner in Decatur Township, Clearfield County, Pennsylvania.

10. At that time, Adam Gallan was informed that property belonging to him and Anna Burnosky was being logged.

11. Neither Adam Gallan nor Anna Burnosky has authorized the taking of any timber from the Gallan property.

12. It is believed that around January of 2008, Defendant Russell Ball began the removal of timber from an adjoining property to the Gallan property. (Hereinafter referred to as: The Nevling property).

13. It is believed that on or about January of 2008, Defendant Ball began the removal of timber from the Gallan property.

14. It is believed that Defendant Ball removed or oversaw the removal of approximately one hundred fifty trees of 15" or greater diameter from the Gallan property. Photographs attached hereto as exhibit "A".

15. It is believed that Defendant Ball deliberately crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber. In the alternative, it is believed that Defendant Ball negligently crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber.

16. Pursuant to 42 Pa.C.S. § 8311 - Damages in Actions for Conversion of Timber, Plaintiff is entitled to three times the market value of the timber cut or removed by the Defendant's intentional acts. In the alternative, Plaintiff is entitled to two times the market value of the timber cut or removed by the Defendant's negligent acts.

17. The lumber removed had a market value of \$2,529.42.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$7,588.26, plus interest and costs of suit.

COUNT II

ACTION FOR TRESPASS

Paragraphs 1 - 17 are incorporated by reference as though the same were set forth at length herein:

18. Upon entering the Gallan property, Defendants caused vegetation to be removed, temporary roads to be made, and generally reduced the aesthetic appeal of the Gallan property.

19. While on the Gallan property, Defendants caused the destruction of a well housing and possibly contaminated or made otherwise useless the spring thereupon.

20. The removal of the trees from the Gallan property has irreparably altered the character and value of the Gallan property.

21. In actions which concern Trespass and Conversion of Timber, the Trial Court may determine that the damage suffered is irreparable and that the proper measure of damages is the diminution of value of the property plus any monies received by Defendant for the sale of such trees. *Christian v. Yanoviak*, 945 A.2d 220 (Pa. Super. 2008).

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$10,000, plus interest and costs of suit.

COUNT III
UNJUST ENRICHMENT

Paragraphs 1 - 21 are hereby incorporated by reference as though the same were set forth at length herein:

22. The Plaintiffs have been unjustly deprived of the value of their timber, aesthetic value of their property, and the enjoyment thereof.

23. The Defendants have profited from this deprivation by selling said timber at a price of \$2,529.42.

24. If Plaintiffs are not compensated for this loss, the Defendants will have been unjustly enriched.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$2,529.42, plus interest and costs of suit.

COUNT IV
ATTORNEY FEES AND COSTS

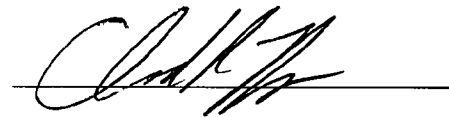
Paragraphs 1 - 24 are hereby incorporated by reference as though the same were set forth at length herein:

25. Plaintiffs have had to hire legal counsel to assist them in the prosecution of this action and are paying said counsel at a rate of \$125.00 per hour.

26. Plaintiffs have had to commission an expert estimate for the value of the timber removed totaling \$328.40, excluding costs of testimony.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against the Defendants for the payment of reasonable attorney fees and costs to be determined by hearing of the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. R. Thompson', is written over a horizontal line.

David R. Thompson, Esquire
Attorney for Plaintiffs

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

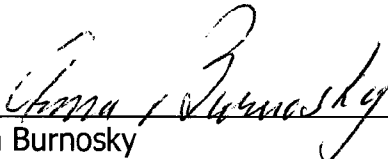
Dated: OCTOBER 13, 2008 Adam Gallan
Adam Gallan

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated:

Oct 14, 2008



Anna Burnosky

William Amick
ADAM TESTER
127 Woodcut Rd.
P.O. Box 138
Conse, Pa 15849
814-345-5924

October 6, 2008

SUBJECT: Stumpage Value of Timber Removed from the Adam Gallan Property Located in Decatur Twp., Clearfield County. Tax Map# M-13, Parcel# 19.

EQUIPMENT USED: 100 Tape, Calipers, Hypsometer, and GPS.

PROCEDURE: All stumps on the property were measured, and converted to diameter at breast height. Taking the heights of trees that were cut and left laying, and the tree still standing on the property I was able to determine the average height and volume of trees removed from the property.

Volume Tables used to determine Volumes and Values of Timber Logged from the Gallan Property.

U.S. Department of Agriculture
Northeastern Forest Experiment Station
Relation of Tree-Stump Diameter to Diameter Breast Height
by Cunningham, Filip, And Feree

Tables for Estimating Board-Foot Volume of Timber
Scribner Log Rule-Girard Form Class
United States Department of Agriculture

Timber Market Report
First Quarter 2008 January-March
Penn State University-School of Forest Resources

100

Pulpwood Trees:

#of Trees	Species	Tons	Value
7	Aspen	1.9	\$5.70
27	Red Maple	3.8	\$11.40
17	Birch	2.2	\$6.60
4	Ash	.6	\$2.01

\$3.00/ton

Totals: 55 Trees

8.5 Tons

Value \$25.50

Log Trees:

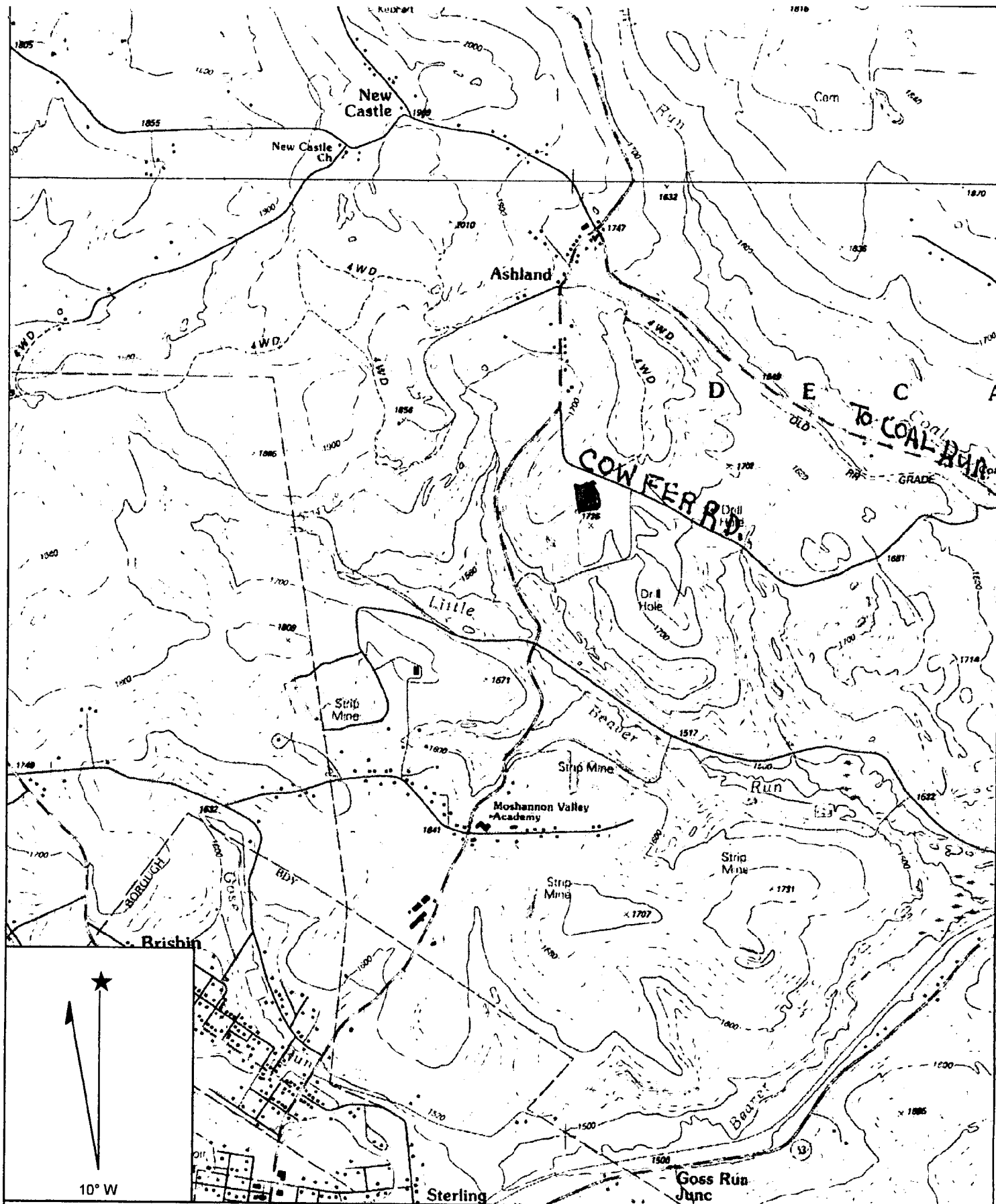
#of Trees	Species	Bd. Ft. Volume	Value/M	Total Value
35	Aspen	5226	\$118	\$616.66
8	Red Maple	1320	\$251	\$331.32
9	Black Cherry	991	\$748	\$741.27
1	Birch	44	\$94	\$4.14
1	Red Oak	148	\$281	\$41.59
13	Ash	2961	\$190	\$562.59
2	White Oak	391	\$278	\$108.70
1	Tulip Poplar	450	\$217	\$97.65

Totals: 70 Trees

11,531 Bd. Ft.

Value \$2503.92

TOTAL VALUE OF TIMBER TAKEN FROM GALLAN PROPERTY: \$2529.42



Name: HOUTZDALE
 Date: 10/6/2008
 Scale: 1 inch equals 2000 feet

**TIMBER
 TRESPASS
 AREA**

Location: 040° 51' 23.33" N 078° 20' 14.91" W
 Caption: 3 Acres of Timber Removed From the Allen Gallan Property
 Decatur Twp., Clearfield Co.

William Amick
Forester
127 Viaduct Rd
P O Box 138
Lanse Pa 16849
814 745-5924

David R. Thompson
Attorney At Law
308 Walton Street, Suite 4
Philpsburg, Pa. 16866

Determine Volume of Timber Taken from the Adam Gallan Property:

:

.

September 26, 2008 2 Hours
 18 Miles

September 30, 2008 8 Hours
 53 Miles

TOTAL: 10 hours@ \$30.00= \$300.00
 71 Miles@ .40= \$28.40

\$328.40

Send to: William Amick
 P.O. Box 138
 Lanse, Pa. 16849





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual

vs

TIM IRACA, an individual

SERVICE # 2 OF 3

COMPLAINT

SERVE BY: 11/28/2008

HEARING:

PAGE: 104837

DEFENDANT: IRACA LUMBER COMPANY, a corporation

ADDRESS: 41 NORTH HILL STREET

COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

ATTEMPTS

5
FILED
0/8:30am
DEC 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

OCCUPIED

SHERIFF'S RETURN

NOW, 11-17-08 AT 10:35 AM PM SERVED THE WITHIN

COMPLAINT ON IRACA LUMBER COMPANY, a corporation, DEFENDANT

BY HANDING TO Diane Iraca 1 WIFE

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

ADDRESS SERVED 41 North Hill St, Coalport, Pa 16627

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR IRACA LUMBER COMPANY, a corporation

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO IRACA LUMBER COMPANY, a corporation

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Dominic R Morgillo
Deputy Signature

Dominic L. Morgillo
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual
vs
TIM IRACA, an individual

SERVICE # 1 OF 3

COMPLAINT

SERVE BY: 11/28/2008 HEARING: PAGE: 104837

DEFENDANT: TIM IRACA, an individual
ADDRESS: 41 NORTH HILL STREET
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED
0/8:30Lm
DEC 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 11-17-08 AT 10:35 AM PM SERVED THE WITHIN

COMPLAINT ON TIM IRACA, an individual, DEFENDANT

BY HANDING TO Diane Iraca 1 WIFE

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

ADDRESS SERVED 41 North Hill Street, Coalport, Pa. 16627

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR TIM IRACA, an individual

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO TIM IRACA, an individual

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dominic L. Morgillo
Deputy Signature

Dominic L. Morgillo
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual
vs
TIM IRACA, an individual

SERVICE # 3 OF 3

COMPLAINT

SERVE BY: 11/28/2008 HEARING: PAGE: 104837

DEFENDANT: RUSSELL BALL, an individual
ADDRESS: RR 1, BOX 500
OLANTA, PA 16863
ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

S
FILED
0/8:30pm
DEC 15 2008
(15)
OCCUPIED
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON RUSSELL BALL, an individual, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR RUSSELL BALL, an individual

AT (ADDRESS) _____

NOW 11-14-08 AT 10:42 (AM) AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO RUSSELL BALL, an individual

REASON UNABLE TO LOCATE Def. NOT living at Above Address
Moved almost
10 yrs. Ago

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ADAM GALLAN, an individual

ANNA BURNOSKY, an individual

Plaintiffs

VS.

TIM IRACA, an individual

IRACA LUMBER COMPANY,
a corporation

RUSSELL BALL, an individual

No. 08-2066-CD

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Complaint

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ADAM GALLAN, an individual

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ANNA BURNOSKY, an individual

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No. 08-

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Plaintiffs

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vs.

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TYPE OF CASE:
Civil Action - Law

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TIM IRACA, an individual

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TYPE OF PLEADING:
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IRACA LUMBER COMPANY,
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RUSSELL BALL, an individual

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Defendants

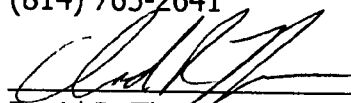
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Clearfield, PA 16830
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David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION - LAW

ADAM GALLAN, an individual	:	Case No. 08-
	:	
ANNA BURNOSKY, an individual	:	
	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
TIM IRACA, an individual	:	
	:	
IRACA LUMBER COMPANY, a corporation	:	
	:	
RUSSELL BALL, an individual	:	
	:	
Defendants	:	

COMPLAINT

AND NOW come the Plaintiffs, Adam Gallan and Anna Burnosky, by and through their attorney David R. Thompson Esq. and aver the following:

1. The Plaintiff Adam Gallan, an individual, resides at 1313 North Stewart Street, Arlington, Virginia.
2. The Plaintiff Anna Burnosky (nee Gallan), an individual, resides at 12464 Kronos Court, Strongsville, Ohio.
3. The Defendant Tim Iraca, an individual, resides at 41 North Hill Street, Coalport, PA 16627.

4. The Defendant Iraca Lumber Company, is believed to be a Pennsylvania corporation, with its principal place of business in Coalport, Pennsylvania.

5. The Defendant Russell Ball, an individual, resides at RR 1 Box 500, Olanta, Pennsylvania.

6. It is believed that Defendant Tim Iraca is the owner of Iraca Lumber Company.

7. It is believed that at all relevant times herein Defendant Ball was working as a sub-contractor for timber removal. By way of further pleading, at all relevant times herein Russell Ball was acting under contract from: Defendant Tim Iraca or Defendant Iraca Lumber Company.

COUNT I

ACTION FOR THE CONVERSION OF TIMBER

Paragraphs 1 - 7 are incorporated by reference as though the same were set forth at length herein:

8. Plaintiffs Adam Gallan and Anna Burnosky are the joint owners of a 42.5 acre farm in Decatur Township, Clearfield County, Pennsylvania. (Hereinafter referred to as: The Gallan property).

9. On or about March 12, 2008, Adam Gallan received a telephone call from a property owner in Decatur Township, Clearfield County, Pennsylvania.

10. At that time, Adam Gallan was informed that property belonging to him and Anna Burnosky was being logged.

11. Neither Adam Gallan nor Anna Burnosky has authorized the taking of any timber from the Gallan property.

12. It is believed that around January of 2008, Defendant Russell Ball began the removal of timber from an adjoining property to the Gallan property. (Hereinafter referred to as: The Nevling property).

13. It is believed that on or about January of 2008, Defendant Ball began the removal of timber from the Gallan property.

14. It is believed that Defendant Ball removed or oversaw the removal of approximately one hundred fifty trees of 15" or greater diameter from the Gallan property. Photographs attached hereto as exhibit "A".

15. It is believed that Defendant Ball deliberately crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber. In the alternative, it is believed that Defendant Ball negligently crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber.

16. Pursuant to 42 Pa.C.S. § 8311 - Damages in Actions for Conversion of Timber, Plaintiff is entitled to three times the market value of the timber cut or removed by the Defendant's intentional acts. In the alternative, Plaintiff is entitled to two times the market value of the timber cut or removed by the Defendant's negligent acts.

17. The lumber removed had a market value of \$2,529.42.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$7,588.26, plus interest and costs of suit.

COUNT II

ACTION FOR TRESPASS

Paragraphs 1 - 17 are incorporated by reference as though the same were set forth at length herein:

18. Upon entering the Gallan property, Defendants caused vegetation to be removed, temporary roads to be made, and generally reduced the aesthetic appeal of the Gallan property.

19. While on the Gallan property, Defendants caused the destruction of a well housing and possibly contaminated or made otherwise useless the spring thereupon.

20. The removal of the trees from the Gallan property has irreparably altered the character and value of the Gallan property.

21. In actions which concern Trespass and Conversion of Timber, the Trial Court may determine that the damage suffered is irreparable and that the proper measure of damages is the diminution of value of the property plus any monies received by Defendant for the sale of such trees. *Christian v. Yanoviak*, 945 A.2d 220 (Pa. Super. 2008).

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$10,000, plus interest and costs of suit.

COUNT III
UNJUST ENRICHMENT

Paragraphs 1 - 21 are hereby incorporated by reference as though the same were set forth at length herein:

22. The Plaintiffs have been unjustly deprived of the value of their timber, aesthetic value of their property, and the enjoyment thereof.

23. The Defendants have profited from this deprivation by selling said timber at a price of \$2,529.42.

24. If Plaintiffs are not compensated for this loss, the Defendants will have been unjustly enriched.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$2,529.42, plus interest and costs of suit.

COUNT IV
ATTORNEY FEES AND COSTS

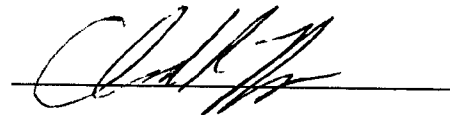
Paragraphs 1 - 24 are hereby incorporated by reference as though the same were set forth at length herein:

25. Plaintiffs have had to hire legal counsel to assist them in the prosecution of this action and are paying said counsel at a rate of \$125.00 per hour.

26. Plaintiffs have had to commission an expert estimate for the value of the timber removed totaling \$328.40, excluding costs of testimony.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against the Defendants for the payment of reasonable attorney fees and costs to be determined by hearing of the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. R. Thompson', is written over a horizontal line.

David R. Thompson, Esquire
Attorney for Plaintiffs

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: OCTOBER 13, 2008 Adam Gallan
Adam Gallan

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated:

Oct 14, 2008


Anna Burnosky

William Amick
FORESTER
127 Vinoduct Rd
P O Box 138
Lansie Pa 16849
814 345 6974

October 6, 2008

SUBJECT: Stumpage Value of Timber Removed from the Adam Gallan Property Located in Decatur
Twp., Clearfield County. Tax Map# M-13, Parcel# 19.

EQUIPMENT USED: 100 Tape, Calipers, Hypsometer, and GPS.

PROCEDURE: All stumps on the property were measured, and converted to diameter at breast height.
Taking the heights of trees that were cut and left laying, and the tree still standing on the
property I was able to determine the average height and volume of trees removed from the
property.

Volume Tables used to determine Volumes and Values of Timber Logged from the Gallan Property.

U.S. Department of Agriculture
Northeastern Forest Experiment Station
Relation of Tree-Stump Diameter to Diameter Breast Height
by Cunningham, Filip, And Feree

Tables for Estimating Board-Foot Volume of Timber
Scribner Log Rule-Girard Form Class
United States Department of Agriculture

Timber Market Report
First Quarter 2008 January-March
Penn State University-School of Forest Resources

October 6, 2008

Species, Volumes, and Stumpage Values of Timber Logged From the Allen Gallan Property. All log volumes Scribner Log Scale.

Pulpwood Trees:

#of Trees	Species	Tons	Value
7	Aspen	1.9	\$5.70
27	Red Maple	3.8	\$11.40
17	Birch	2.2	\$6.60
4	Ash	.6	\$2.01

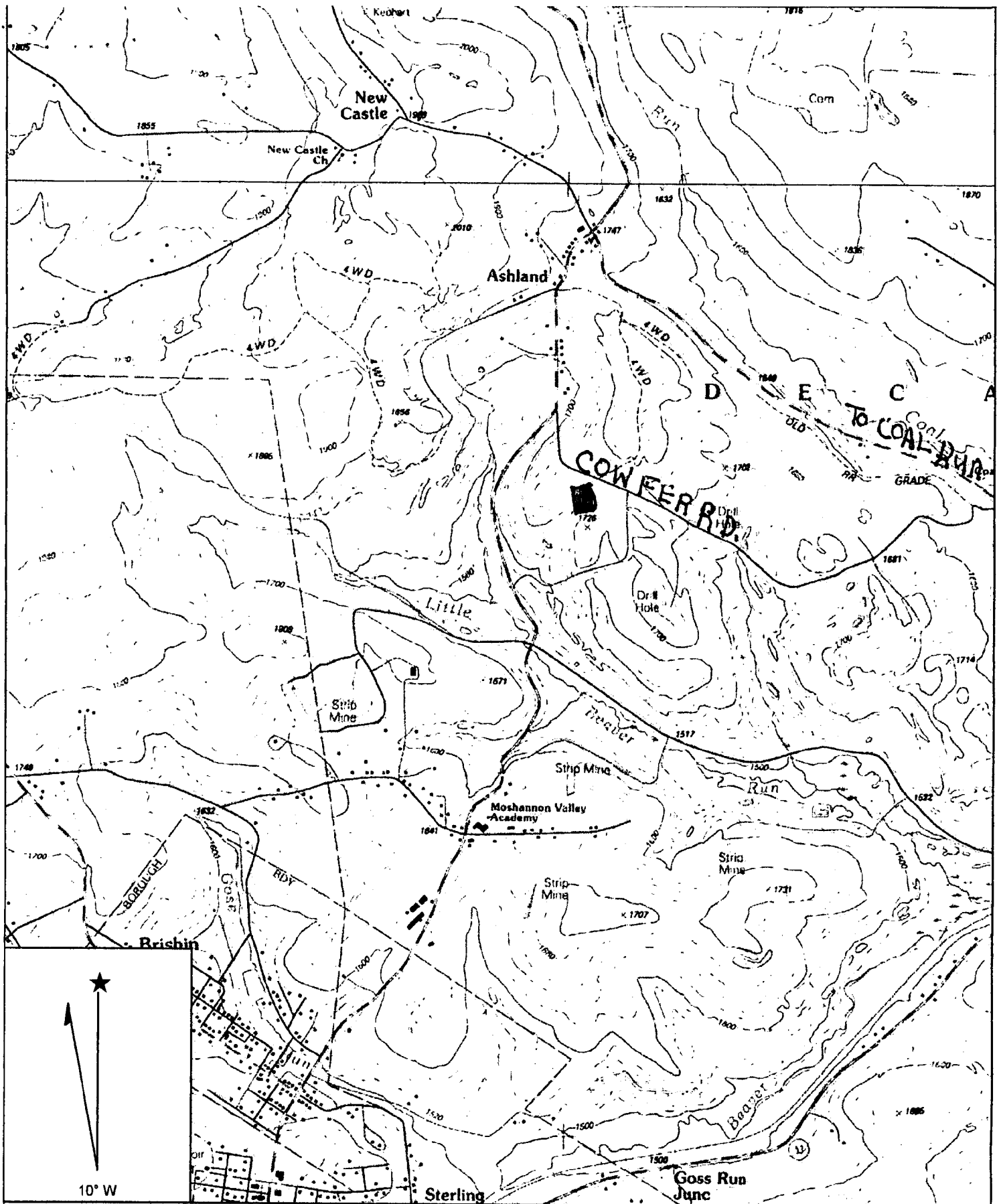
\$3.00/ton	Totals: 55 Trees	8.5 Tons	Value \$25.50
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Log Trees:

#of Trees	Species	Bd. Ft. Volume	Value/M	Total Value
35	Aspen	5226	\$118	\$616.66
8	Red Maple	1320	\$251	\$331.32
9	Black Cherry	991	\$748	\$741.27
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13	Ash	2961	\$190	\$562.59
2	White Oak	391	\$278	\$108.70
1	Tulip Poplar	450	\$217	\$97.65

Totals: 70 Trees	11,531 Bd. Ft.	Value \$2503.92
------------------	----------------	-----------------

TOTAL VALUE OF TIMBER TAKEN FROM GALLAN PROPERTY: \$2529.42



Name: HOUTZDALE
 Date: 10/6/2008
 Scale: 1 inch equals 2000 feet

**TIMBER
 TRESPASS
 AREA**

Location: 040° 51' 23.33" N 078° 20' 14.91" W
 Caption: 3 Acres of Timber Removed From the Allen Gallan Property
 Decatur Twp., Clearfield Co.

William Amick

10031st
127 Meadow Rd
P O Box 138
Lanse Pa. 16849
814 345-5924

David R. Thompson
Attorney At Law
308 Walton Street, Suite 4
Philpsburg, Pa. 16866

Determine Volume of Timber Taken from the Adam Gallan Property:

:
.

September 26, 2008 2 Hours
18 Miles

September 30, 2008 8 Hours
53 Miles

TOTAL: 10 hours@ \$30.00= \$300.00
71 Miles@ .40= \$28.40

\$328.40

Send to: William Amick
P.O. Box 138
Lanse, Pa. 16849





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104837
NO: 08-2066-CD
SERVICES 3
COMPLAINT

PLAINTIFF: ADAM GALLAN, an individual & ANNA BURNOSKY, an individual
vs.

DEFENDANT: TIM IRACA, an individual, IRACA LUMBER CO., a corporation, RUSSELL BALL, an individual

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	18015	30.00
SHERIFF HAWKINS	THOMPSON	18015	70.00

FILED
013:45LM
FEB 11 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

Adam Gallan, an individual

Anna Burnosky, an individual

Plaintiffs

vs.

TIM IRACA,
an individual

IRACA LUMBER COMPANY,
a corporation

RUSSELL BALL,
an individual

Defendants

No. 08-2066-CD

TYPE OF CASE:
Civil Action - Law

5 FILED SCC
0/2:36cm AH
AUG 24 2009 Thompson

William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF PLEADING:
Praecipe to Settle and Discontinue

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esquire
Supreme Court I.D. No. 73053
Attorney at Law
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

~~David R. Thompson, Esquire~~