

08-2451-CD

Nicholas Chorak vs Swan Biomass Co.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NICHOLAS M. CHORAK,

Plaintiff

vs.

SWAN BIOMASS COMPANY,

Defendant

) CIVIL DIVISION

)

) No. 2008-2451-CD

)

)

) COMPLAINT

)

)

) Filed on behalf of:

) NICHOLAS M. CHORAK

)

) Counsel of Record for

) this Party:

)

) Richard J. Parks, Esquire

) Pa. I.D. No. 40477

)

) PIETRAGALLO, GORDON, ALFANO

) BOSICK & RASPANTI, LLP

)

)

) 54 Buhl Boulevard

) Sharon, PA 16146

)

) (724) 981-1397

) (724) 981-1398 - FAX

^S
FILED

pd \$95.00 Aty

m/10:50am

2cc Aty.

DEC 26 2008

(M)

William A. Shaw

Prothonotary/Clerk of Courts

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)
) CIVIL ACTION - LAW
)
)
) NO.

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Daniel J. Nelson
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,

Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)
) CIVIL ACTION - LAW
)
)
) NO.

COMPLAINT

AND NOW comes the Plaintiff, Nicholas M. Chorak., by and through its attorneys, PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP, and hereby makes this its Complaint in Civil Action, the following of which are statements:

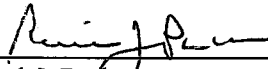
1. Nicholas M. Chorak is an individual whose last known address is 1061 Poppyfield Place, Schererville, Indiana 46375 (hereinafter referred to as "Plaintiff").
2. Swan Biomass Company is believed to be a Delaware corporation with its principle offices located at 22W261 Ahlstrand Road, Glen Ellyn, Illinois 60137-7103 (hereinafter referred to as "Defendant").
3. From approximately June through August 2007, Plaintiff, as an independent contractor, was employed by the Defendant to supervise and assist with the construction of a Bio-energy Plant in Clearfield County, Pennsylvania on behalf of Swan Biomass.
4. Under the terms and conditions of the parties, Plaintiff provided to the Defendant services having a value of \$18,000.00 and has incurred expenses in furtherance of the Defendant's business totaling \$6,980.22.
5. There remains due and owing to the Plaintiff by the Defendant for services and expenses a total sum of \$24,980.22 together with interest at the legal rate from August 1, 2007.

6. Defendant is in default under the terms and conditions of the agreement between the parties by failing to reimburse the Plaintiff for his expenses and by failing to pay Plaintiff for his wage services in the amount of \$18,000.00.

7. Despite numerous demands for payment, Defendant has failed or refused to pay the Plaintiff the sum of \$24,980.22 together with interest from August 1, 2007.

WHEREFORE, Plaintiff respectfully requests judgment against the Defendant in the amount of \$24,980.22 together with interest at the legal rate of six (6%) percent per annum from August 1, 2007, the cost of this action together with such other relief and damages that this Court deems appropriate and permitted in conformity with Pennsylvania Law.

Respectfully submitted,



Richard J. Parks
Pa. Supreme Court I.D. No. 40477
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397

Attorneys for Plaintiff
Nicholas M. Chorak

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY,
) PENNSYLVANIA
)
)
) CIVIL ACTION - LAW
)
) NO.

VERIFICATION

I, **NICHOLAS M. CHORAK**, having read the foregoing COMPLAINT aver that it is accurate and correct to the best of my personal knowledge, information and belief.

This statement of verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities which provides that if I knowingly make false statements, I may be subject to criminal penalties.

DATE: 12/17/08

Nicholas M. Chorak
NICHOLAS M. CHORAK

FILED

DEC 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

NICHOLAS M. CHORAK

Plaintiff

v.

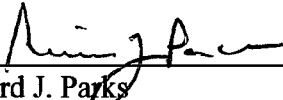
SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)
) CIVIL ACTION - LAW
)
)
) NO. 2008 - 02451 - CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF MERCER)

Before me, the undersigned authority, a notary public in and for said County and State, personally appeared Richard J. Parks, who, being duly sworn according to law, deposes and states that a true and attested copy of the Notice and Complaint filed at the above term and number was served upon the defendant, Swan Biomass Company, on January 29, 2009, by Certified Mail at the address of 22W261 Ahlstrand Road, Glen Ellyn, Illinois 60137-7103 and Swan Biomass Company at c/o The Corporation Trust Co., Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as evidenced by the Postal Service Forms 3811 attached hereto as Exhibit A.



Richard J. Parks
Pa. I.D. No. 40477
PIETRAGALLO GORDON ALFANO
BOSICK & GORDON LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397
Attorneys for Plaintiff, Nicholas M. Chorak

Sworn to and subscribed before me
this 4th day of February, 2009.



Notary Public

NOTARIAL SEAL
KIMBERLY A. SIEGEL, NOTARY PUBLIC
ERIE, ERIE COUNTY, PENNA.
MY COMMISSION EXPIRES ON AUGUST 27, 2009

5
FILED NO CC
7/2:43 PM
FEB 06 2009
William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Swan Biomass Company
22W261 Ahlstrand Road
Glen Ellyn, IL 60137-7103

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

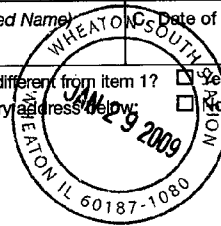
☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0220 0002 7495 7677

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Swan Biomass Company
c/o The Corporation Trust Co.
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

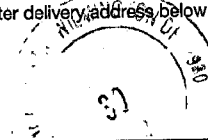
C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

JAN 29 2009



3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0220 0002 7495 7769

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT A

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)

) CIVIL ACTION - LAW
)
)

) NO. 2008 - 02451 - CD

NOTICE OF ENTRY OF JUDGMENT, ORDER OR DECREE

To: THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY NOTIFIED that a judgment has been entered against you in the amount of \$24,980.22 together with interest at the legal rate of six (6%) percent per annum from August 1, 2007, the cost of this action, together with such other relief and damages that this Court deems appropriate and permitted in conformity with Pennsylvania law, at the above term and number on MARCH 5, 2009

CLERK OF RECORDS
PROTHONOTARY DIVISION

By



Deputy Clerk

Dated: MARCH 5, 2009

If you have any questions regarding this Notice, please contact the filing party:

NAME: Richard J. Parks

ADDRESS: 54 Buhl Boulevard
Sharon, PA 16146

TELEPHONE: (724) 981-1397

(This Notice is given in accordance with Pa.R.C.P. 236.)

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)

) CIVIL ACTION - LAW
)

) NO. 2008 - 02451 - CD
)

FILED

MAR 05 2009

M 12:15/W

William A. Shaw

Prothonotary/Clerk of Courts

CASE TO DATE

AT 12:15

AND 12:15

+

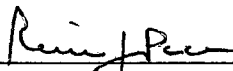
Any

PRAECIPE FOR ENTRY OF JUDGMENT BY DEFAULT

To: Prothonotary of Clearfield County:

Please enter judgment in favor of the plaintiff and against the above-named defendant, Swan Biomass Company, for failure to file an answer in the above captioned matter in the amount claimed in the Complaint of \$24,980.22 together with interest at the legal rate of six (6%) percent per annum from August 1, 2007, the costs of this action together with such other relief and damages that this Court deems appropriate and permitted in conformity with Pennsylvania law.

It is hereby certified that a written notice of intention to file a praecipe for entry of judgment upon default was mailed to the defendant, Swan Biomass Company, against whom judgment is to be entered at least ten (10) days prior to the date of filing this praecipe. A true and correct copy of the written notice is attached hereto.



Richard J. Parks

PIETRAGALLO GORDON ALFANO

BOSICK & RASPANTI, LLP

54 Buhl Boulevard

Sharon, PA 16146

(724) 981-1397

Attorneys for Plaintiff,

Nicholas M. Chorak

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)
) CIVIL ACTION - LAW
)
) NO. 2008 - 02451 - CD

To: Swan Biomass Company
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Swan Biomass Company
22W261 Ahlstrand Road
Glen Ellyn, IL 60137-7103

Date of Notice: February 19, 2009

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 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 NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

Daniel J. Nelson
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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.


Richard J. Parks

PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397

Attorneys for Plaintiff, Nicholas M. Chorak



Certificate Of Mailing

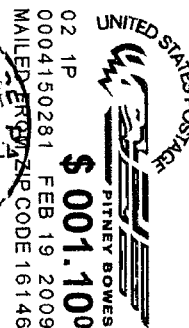
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

From:

Pietragallo Gordon Alfano
Bosick & Raspanti, LLP
54 Buhl Blvd.
Sharon, PA 16146

To:

Swan Biomass Company
22W261 Ahlstrand Road
Glen Ellyn, IL 60137-7103



PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

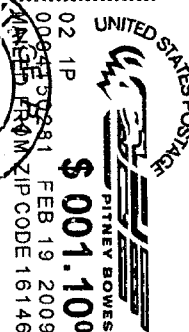
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

From:

Pietragallo Gordon Alfano
Bosick & Raspanti, LLP
54 Buhl Blvd.
Sharon, PA 16146

To:

Swan Biomass Company
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801



PS Form 3817, April 2007 PSN 7530-02-000-9065

FILED
MAR 05 2009
William A. Shaw
Prothonotary/Clerk of Courts

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA

)

) CIVIL ACTION - LAW

) NO. 2008-02451-CD

)

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)))


To the Prothonotary of Clearfield County:

Please issue a writ of execution upon a judgment entered in the above matter directed to the Sheriff of Clearfield County against defendant, Swan Biomass Company and Commonwealth of Pennsylvania, Department of Community and Economic Development and Clearfield County Commissioners, Garnishees, and index this writ against defendant, Swan Biomass Company and

4 FILED Atty pd. 20.00
APR 12 5 50 PM '09
APR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts
icc Sheriff
Q writes to Sheriff

Commonwealth of Pennsylvania, Department of Community and Economic Development and
Clearfield County Commissioners, as follows:

Judgment	\$24,980.22
Interest from: August 1, 2007, to April 20, 2009 at the rate of \$4.11 per diem	\$ 2,576.97
Costs (to be added)	\$ _____
TOTAL	<u>\$27,557.19</u>
	135.00 Prothonotary costs



Richard J. Parks
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397

Attorneys for Plaintiff, Nicholas M. Chorak

FILED

APR 23 2009

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

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

COPY

Nicholas M. Chorak

Vs.

NO.: 2008-02451-CD

Swan Biomass Company

Commonwealth of Pennsylvania, Dept. of Community and Economic Development
and Clearfield County Commissioners
Garnishees

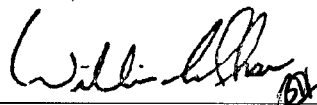
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against NICHOLAS M. CHORAK, Plaintiff(s) from SWAN BIOMASS COMPANY, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Commonwealth of Pennsylvania, Dept. of Community and Economic Development and Clearfield County Commissioners as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL:.....\$24,980.22
INTEREST FROM August 1, 2007 to
April 20, 2009, at the rate of \$4.11 per diem:.....\$2,576.97
ATTY'S COMM: \$
DATE: 4/23/2009

PROTH. COSTS PAID: \$135.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Richard J. Parks, Esq.
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397

Sheriff

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,
Defendant

AND

COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
COMMUNITY AND ECONOMIC
DEVELOPMENT

AND

CLEARFIELD COUNTY
COMMISSIONERS,
Garnishees

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)

) CIVIL ACTION - LAW
)

) NO. 2008 - 02451 - CD
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APR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

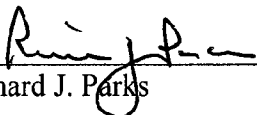
AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA)

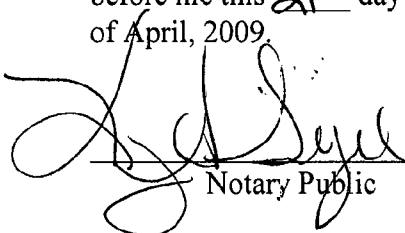
) SS:
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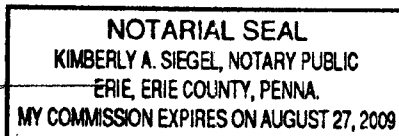
COUNTY OF MERCER)

I, Richard J. Parks, Esquire, being duly sworn according to law, depose and say that the defendant, Swan Biomass Company, is not engaged in the military service of the United States of America, based upon information and belief.


Richard J. Parks

Sworn to and subscribed
before me this 21st day
of April, 2009.


Notary Public



FILED

APR 23 2009

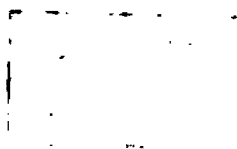
**William A. Shaw
Prothonotary/Clerk of Courts**

2009
APR 23

FILED

APR 23 2009

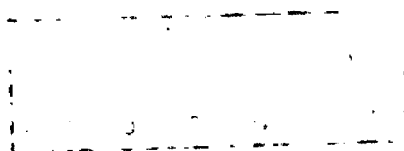
William A. Shaw
Prothonotary/Clerk of Courts



FILED

APR 23 2009

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



NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,

Defendant

AND

COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
COMMUNITY AND ECONOMIC
DEVELOPMENT

AND

CLEARFIELD COUNTY
COMMISSIONERS,
Garnishees

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)

) CIVIL ACTION - LAW
)

) NO. 2008 - 02451 - CD
)
)

4 FILED 3cc
M/12:50 PM Sheriff
APR 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

INTERROGATORIES TO GARNISHEE

To: Clearfield County Commissioners
230 East Market Street
Clearfield, PA 16830

**YOU ARE REQUIRED TO FILE ANSWERS TO THE FOLLOWING
INTERROGATORIES WITHIN TWENTY (20) DAYS AFTER SERVICE UPON YOU.
FAILURE TO DO SO MAY RESULT IN JUDGMENT AGAINST YOU:**

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed defendant(s) any money or were liable to defendant(s) for any reason?

ANSWER:

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant(s)?

ANSWER:

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant(s) or in which defendant(s) held or claimed any interest?

ANSWER:

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant(s) had an interest?

ANSWER:

5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefore?

ANSWER:

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant(s) or to any person or place pursuant to defendant's(s') direction or otherwise discharge any claim of the defendant(s) against you?

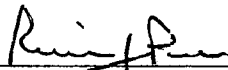
ANSWER:

7. At the time you were served or at any subsequent time, did you have or share any safe-deposit boxes, pledges, documents of title, securities, notes, coupons, receivables, or collateral in which there was an interest claimed by defendant(s)?

ANSWER:

8. Identify every account not previously noted, having a credit balance, including the account balance, titled in the name of defendant(s) or in which you believe defendant(s) have an interest in whole or in part, whether or not styled as a payroll account, individual retirement account, tax account, lottery account, partnership account, joint or tenants by entirety account, or otherwise.

ANSWER:



Richard J. Parks
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397

Attorneys for Nicholas M. Chorak

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA

)

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Dated: _____, 2009

FILED

APR 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

NICHOLAS M. CHORAK

Plaintiff

v.

SWAN BIOMASS COMPANY,

Defendant

AND

COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
COMMUNITY AND ECONOMIC
DEVELOPMENT

AND

CLEARFIELD COUNTY
COMMISSIONERS,
Garnishees

) IN THE COURT OF COMMON PLEAS
) OF CLEARFIELD COUNTY, PENNSYLVANIA
)
)

) CIVIL ACTION - LAW
)
)

) NO. 2008 - 02451 - CD
)
)

' FILED 3cc
M/12:50 PM Sheriff
APR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

INTERROGATORIES TO GARNISHEE

To: Commonwealth of Pennsylvania
Department of Community and Economic Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120

**YOU ARE REQUIRED TO FILE ANSWERS TO THE FOLLOWING
INTERROGATORIES WITHIN TWENTY (20) DAYS AFTER SERVICE UPON YOU.
FAILURE TO DO SO MAY RESULT IN JUDGMENT AGAINST YOU:**

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed defendant(s) any money or were liable to defendant(s) for any reason?

ANSWER:

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant(s)?

ANSWER:

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant(s) or in which defendant(s) held or claimed any interest?

ANSWER:

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant(s) had an interest?

ANSWER:

5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefore?

ANSWER:

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant(s) or to any person or place pursuant to defendant's(s') direction or otherwise discharge any claim of the defendant(s) against you?

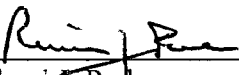
ANSWER:

7. At the time you were served or at any subsequent time, did you have or share any safe-deposit boxes, pledges, documents of title, securities, notes, coupons, receivables, or collateral in which there was an interest claimed by defendant(s)?

ANSWER:

8. Identify every account not previously noted, having a credit balance, including the account balance, titled in the name of defendant(s) or in which you believe defendant(s) have an interest in whole or in part, whether or not styled as a payroll account, individual retirement account, tax account, lottery account, partnership account, joint or tenants by entirety account, or otherwise.

ANSWER:



Richard J. Parks
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
54 Buhl Boulevard
Sharon, PA 16146
(724) 931-1397

Attorneys for Nicholas M. Chorak

FILED

APR 23 2009

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

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

NICHOLAS M. CHORAK

Plaintiff

Vs.

SWAN BIOMASS COMPANY,

Defendant

AND

COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
COMMUNITY AND ECONOMIC
DEVELOPMENT

AND

CLEARFIELD COUNTY
COMMISSIONERS

No. 2008-2451-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:
CLEARFIELD COUNTY
COMMISSIONERS

Counsel of Record for This Party:

Kim C. Kesner, Esquire
Supreme Court No. 28307
212 South Second Street
Clearfield, PA 16803
(814) 765-1706

FILED 1cc
6/12/08 3:48 PM
JUN 18 2009
William A. Shaw
Prothonotary/Clerk of Courts
Anty Kesner
LM

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

NICHOLAS M. CHORAK	:	No. 2008-2451-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
SWAN BIOMASS COMPANY,	:	
Defendant	:	
	:	
AND	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT OF	:	
COMMUNITY AND ECONOMIC	:	
DEVELOPMENT	:	
	:	
AND	:	
	:	
CLEARFIELD COUNTY	:	
COMMISSIONERS	:	


CERTIFICATE OF SERVICE

I do hereby certify that on the 16 day of June, 2009, I served a true and correct copy of Answers to Interrogatories by first class mail, postage prepaid, on the following:

Richard J. Parks, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
54 Buhl Boulevard
Sharon, PA 16146

Pennsylvania Department of Community & Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

6/16/09
Date


Kim C. Kesner, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20965
NO: 08-2451-CD

PLAINTIFF: NICHOLAS M. CHORAK
vs.
DEFENDANT: SWAN BIOMASS COMPANY

Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 4/23/2009

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 10/20/2011

FILED
0/3:51/61
OCT 20 2011
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED SWAN BIOMASS COMPANY

DEPUTIES UNABLE TO LEVY OR SERVE SWAN BIOMASS COMPANY, DEFENDANT, BUILDING WAS LOCKED
NO ONE WAS AROUND AND THERE WAS NOTHING OUTSIDE TO LEVY.

@ SERVED COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
SHERIFF'S OFFICE NEVER RECEIVED A RETURN FROM DAUPHIN COUNTY.

5/13/2009 @ 8:30 AM SERVED CLEARFIELD COUNTY COMMISSIONERS
SERVED CLEARFIELD COUNTY COMMISSIONERS, BY HANDING TO JOAN MCMILLEN, COMMISSIONER, AT
HER PLACE OF EMPLOYMENT CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET, CLEARFIELD
COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE.

@ SERVED

NOW, OCTOBER 20, 2011 RETURN WRIT AS UNABLE TO LEVY, TIME EXPIRED.

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Nicholas M. Chorak

Vs.

NO.: 2008-02451-CD

Swan Biomass Company

Commonwealth of Pennsylvania, Dept. of Community and Economic Development
and Clearfield County Commissioners
Garnishees

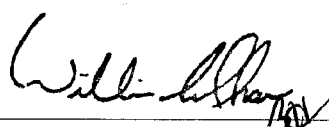
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against NICHOLAS M. CHORAK, Plaintiff(s) from SWAN BIOMASS COMPANY, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
Commonwealth of Pennsylvania, Dept. of Community and Economic Development and Clearfield County Commissioners as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL:.....\$24,980.22
INTEREST FROM August 1, 2007 to
April 20, 2009, at the rate of \$4.11 per diem:.....\$2,576.97
ATTY'S COMM: \$
DATE: 4/23/2009

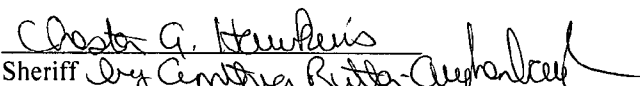
PROTH. COSTS PAID: \$135.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 23rd day
of April A.D. 2009
At 3:00 A.M./P.M.

Requesting Party: Richard J. Parks, Esq.
54 Buhl Boulevard
Sharon, PA 16146
(724) 981-1397


Sheriff Chester G. Hawken

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME SWAN BIOMASS COMPANY

NO. 08-2451-CD

NOW, October 20, 2011, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Swan Biomass Company to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	2.00
LEVY	
MILEAGE	
POSTING	
HANDBILLS	
COMMISSION	0.00
POSTAGE	1.68
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	9.00
COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$50.68

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	24,980.22
INTEREST @ %	0.00
FROM 08/01/2007 TO	

PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$25,205.90

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	

SHERIFF COSTS	50.68
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	

TOTAL COSTS	\$185.68
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TOTAL COSTS	\$25,205.90
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COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff