

83-30  
83-81  
83-116  
83-133

1st Replevin

83-30 (1) 1/25/83

Bank of N.Y.

Issue Right of  
Bank to force  
any default

Fredly Arnett, Ada Marie Arnett,  
Wilma Jean Arnett & Clinton Arnett.

(I) Δs loan to Polan

(a) Certain lands in Loyaltan - Seeding

(b)

who assigned int to IT -

Question of default by Polan to  
Arnetts - with Bank denying  
notice of default which prejudices  
their security.

Does Arnetts  
have some notes  
to Bank

II Royalties pd

III Warned by Arnetts failed to enforce  
simply.

IV Marcus Mann agreed to accept  
payment - estopped

V Tender of sum due

VI Request for New loan

Motion to Consolidate w/  
other cases



83-81 - 3/3/83

Bank of N. Y.  
vs:

Wm. O. Polan & Letty - Suser.

Crest Coal Co.

Admiral - Mining

W J M P. Mining

Brenden

Ky Machinery

Whayne Supply

East Ky Mechs

Mason, Barrows & Teanette

East Ky Explosives

Com of Ky

I R B.

Ann Howard & Cisco Howard

Maggoffen County

Bank of Josephine

Cent. Holston Credit Corp

Westinghouse Credit Corp

Hart

Mack Financial

C. I. T.

Applied Machinery

General Coal Co

Associated Commercial Corp

1st Penn. Bank

Susan E. Polan

(Diversity?) T

Δ Polan & Crest executed Note and  
security agreement for \$2,450,000.00  
also . . . \$35,000.00



II  $\Delta$  mining, Crest and Admirel  
executed Note for 2,750,000.00  
Gene Security Int.

III  $\Delta$  Crest, Admirel and mining executed  
Note for \$750,000.00

IV  $\Delta$  Crest + Polan executed Note  
for \$2,500,000.00

V  $\Delta$  Crest, Admirel and mining  
executed Note for \$1,000,000.00

VI  $\Delta$  Crest, Polan and Admirel executed  
Note for \$457,000.00

VII Ky Coal Partners executed note for  
\$1,260,000.00

VIII Ewin Sec. Int in Ks set forth in  
Counts V & VI.



IX deed to property (upon which mty given) has been altered with intent to defraud. (Change name to wife instead of Wm. Polson)

X Request appointment of Receiver to control assets

XI Assertion of Security Int.

XII all named defs to assert their claims or be barred

Answer.;

① G. E. Credit has no interest in and to the Collateral Security held by T1 - See also dismissal.



Answer  
Ind Motor Credit

w/o suffic information I denies

has judgment vs. Polan - Jeff. Circuit  
Cl. - 76,555.00 w/ent +  
169,906.00 w/ent - + 138,928.00  
w/ent.

Also has Claim vs: Crest Coll Co.  
reserves right to Cross-Claim etc.

③ Associates Comm. Corp

with out suff. def I denies

Δ has no interest in any Collateral  
request dismissed

④ Wayne Supply

I w/o suffic knowledge

II Has judgment vs Crest Co Co  
132,163.58



Borders dismissed by Agreed  
order

(8)  $\Delta$  East by Eye

I W/o suffic knowledge

II How Judgment vs: ~~W/~~ <sup>Crest Conf</sup> 9/16/81

164,354.37 - 7/21/81

III Judgment Polar + Howard Russell 9/17/81  
78,953.30

(9) Comm of by Revenue

Answer + Cross claim

(I) W/o suff expen

II Fraud

Cross-claim

Various Taxes due from  
Various Companies

(10)

$\Delta$  Mack Financial Corp

dismissed by agreement



(11)

Wm. J. m. Polen, Susan Polen,

Crest Coal Co, Admired Mining

2/6/a. WJm P. Mining

Motion to dismiss

Monday J. K. Wells.

Motion for time to file  
memo in support of motion  
to dismiss

(12)

Harvester Credit Corp

deferency judgment 80-29  
\$426, 565.29. 6/8/72

(13)

First Huntington National Bank

Has security interest in Certain  
assets? for loan to Polen & Crest



(14) Motion to dismiss Cross claim  
of Corn of the

(1) look of your over  
person + subject matter

(2) Items must be pursued  
in State Court

(3) leave to file memo in  
support of motion

(15) 1<sup>st</sup> Penn. Bank

I w/o suff knowledge

Affirmative Defense

I. Statute of Limitation

II. Laches Waiver + Est.

III. Notes.

3/21/79 - \$1,000,000

3/17/88 - 494,597.26

solely adm man for Polan  
etc.

Judgment 81-231 Ed of Ky <sup>U.S.</sup> Ct

" 82-1005 Ed of Fla <sup>U.S.</sup> Ct

" 82-9-13 Ed of W. Va <sup>U.S.</sup> Ct



(16) Westinghouse Credit Corp.

No interest except  
judgment vs. Crest, however  
its claim is in proceeds over  
and above security debt of TT.

(17) Need order for briefing  
schedule on motion to dismiss

(18) Request for production <sup>1st Book</sup>  
notes to take deposition <sup>7</sup>  
Hartinger

(19) (95) Response of Key to motion to dismiss

(20) Agreed order dismissing East Key Mech

(21) Agreed order dismissing Dept of Highway

(22) ~~Agreed~~ Briefing schedule on motion to  
dismiss cross claim of Key



(23)  $\Delta$  General Electric dismissed  
Agreed order

(24) Agreed order dismissing  
Associates Comm. Corp.

(25) motion for Extension of time  
U.S. D.

(26)  $\Delta$  General Coal Co.

I w/o Supp. Knowledge

Pending Action in U.S. District Ct  
SD of N.Y. 83-921

Bank of N.Y. v. General

Wants right to share in pari passu.

(27) Memo of  $\Delta$ s in support of motion to  
dismiss  $\nabla$ 's Complaint

- (a) Poulson Citizen of Fla
- (b) Failed to state residence of Parties
- (c) Failed to join indispensable parties
- (d) Actions pending in other Courts  
over same parties & subj matter
- (e) Failed to state w/particularly the fraud
- (f) Receiver already appointed in  
Mag of Fed Circuit Ct.



... grounds to dismiss Cross-claim  
of Key

① No joinder of parties & Sub  
matters

② Cross claim not ancillary  
matters and doesn't arise from  
anything related to action &  
therefore should file in state  
court or new action.

③ Need to bring in Howard  
and Russell Coal Co as 3<sup>rd</sup>  
Party def.

⑲ Response of Com of Key

⑳ Reply of Ds Polen, Crest, Admiral  
and W. J. M. P. Mining to Cross-claim  
of General Coal Co

㉑ Motion to Consolidate by Brook

㉒ Answer of D Int. How. Credit to  
Cross-claim of General Coal Co  
General Denial



(32) Answer of  $\Delta$  in reply to cross claim  
of  $\Delta$  General Coal Co  
General denial

(33) Reply of Ply to Counterclaim  
of  $\Delta$  General Coal Co  
- General denial -

(34) Objection of 1<sup>st</sup> Huntington  
Bank to request for production  
of documents  
Need hearing on this motion?  
+ objection

(35) Motion to take depositions may need  
protective order apply to U.S.  
District Ct. West Va.

(36) Agreed order dismissing  
Hert z. Com. Leasing Corp



(37) - No item number assigned  
Tendered Answer + Cross Claim ?  
Comply Unemployment Ins.  
Answer denied but  
admitting it claims priority  
Cross claim - Contributions  
for which notice of claim was filed

(38) leave for TT to file memos in  
response to  $\Delta$  Polans motion to dismiss

(39) Answer + Cross Claim of U.S. (IRS)  
Various Federal Tax Issues

(40) objection to Motion to Consolidate

(41) memo in support of objection

(42) motion to Intervene  
J. B. Holbrook & Betty Sue  
Holbrook



(43) motion to dismiss by  $\Delta$  Co.I.T.  
no interest.

(44) Tended Answer, Cross-claim  
and Counter claim of Holbrooke

Answer  
denial -

Cross claim v/s: Polan's  
Co. of Ky - I.R.S. McGuffey Co.

1. option breached for failure to pay

2. Deed is forgery

3. Ky claim of tax is cloud upon

title  
Mey County claim is cloud upon

title  
IRS claim is cloud upon

title

Counter claim  
mtg of Bank is

cloud

Property should be sold

+ Holbrooke get 1/2, 100



(45) Order dismissing Westinghouse  
Credit.

(46) motion extension of time, Anne Howard

(47) Memo of TT in opposition to D's  
motion to dismiss

(48) Answers of TT. - Boring Wg - to  
intervene. Ambs claim



Civil Action 83-116

Finley Arnetts et al  
vs.

Bank of N. Y.  
Trust Co.  
Wm. Tom Polan.

1-29-83 Complaint and application for

appointment of Receiver - in

Magoffin Circuit Court

Lease by TT to A Polan &

Q Cross operated on premises:  
got behind on royalties

3-30-83 - Receiver appointed  
motion to disburse by Polan & Cross

Q Petition for removal

4-4-83

ground Cross & Polan's  
only to defeat lease



(2) Answer of def - Branch of N.Y

(3) TT motion to amend

(4) Memo in support of motion to amend

(5) Amended memo in support of motion to amend

(6) motion in opposition to motion to amend

(7) Motion for production of documents

(8) Motion of Compliance

(9) motion to Consolidate

Need hearing on motion to  
amend

~~\*~~



Civil Action § 3 ~~133~~ 133

Boone Coal and Timber Co

vs;  
Polan, Great Coal Co. Brook of NY.

(1) Petition for removal  
Action filed in Magistrate  
Court of

(2) Answer motion & Court's claim  
of Brook of NY.

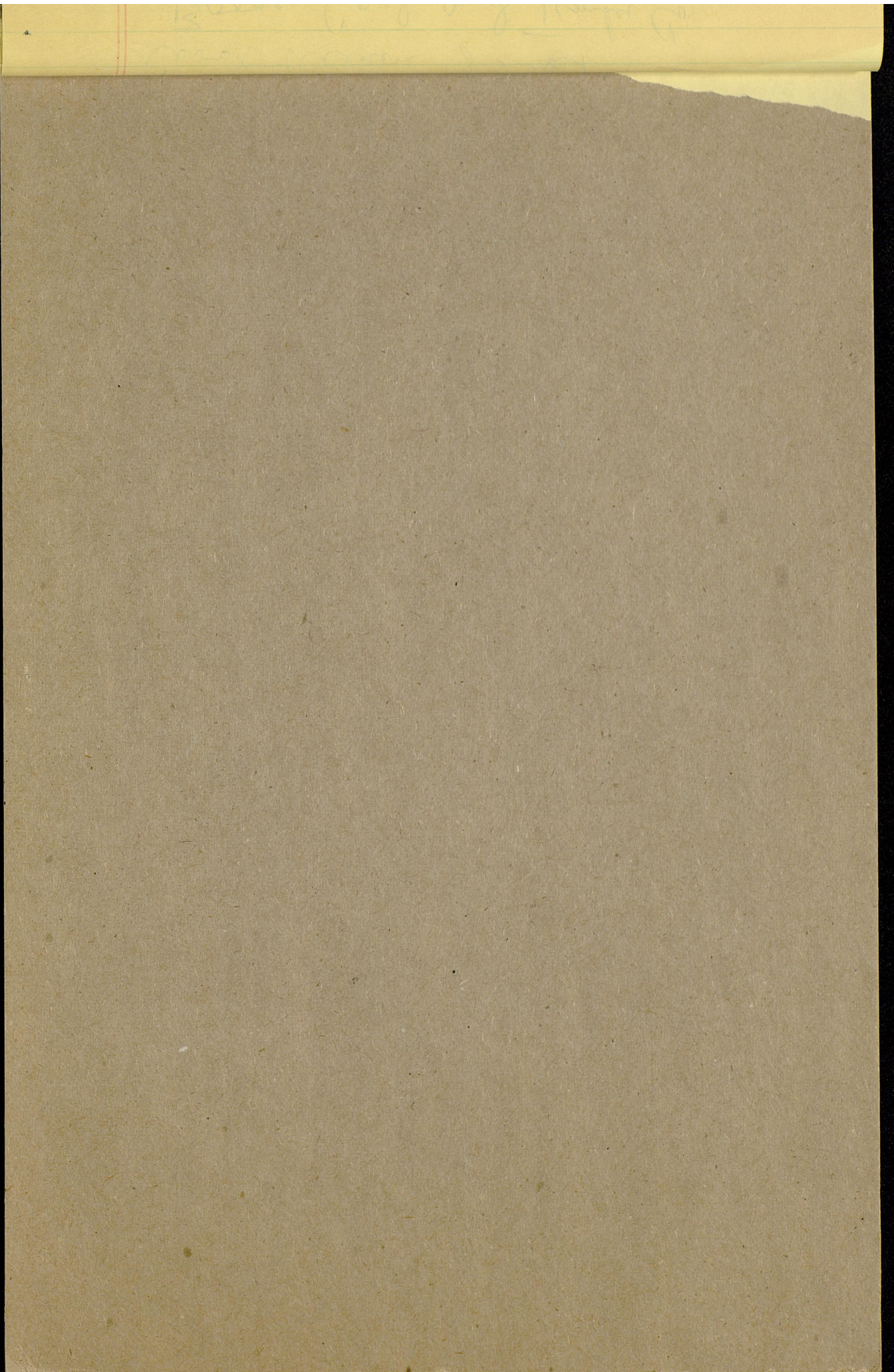
(3) motion to amend

(4) Reply to Court's claim  
p/c memo's, to motion to amend

(5) memo in opp

(6) motion to Amend facts

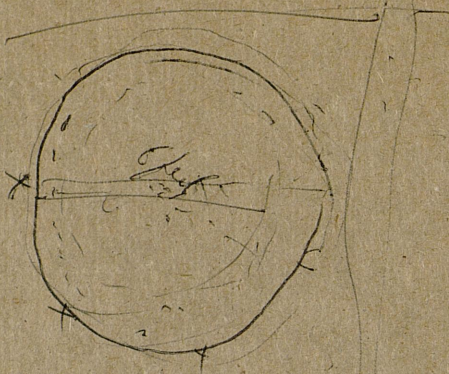






$$\frac{22}{7} \times \frac{36}{1}$$

$$\begin{array}{r} 36 \\ 22 \\ \hline 7 \end{array} \times \frac{113}{2}$$



$$\frac{22}{7} \times \frac{6}{1}$$

