

A-00107365F1

APPLICATION

F1 AMA

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KIMBERLY J. ALBRIGHT

*ALSO ADMITTED TO THE FLORIDA BAR
**ADMITTED TO THE FLORIDA BAR ONLY

*A. 107365
F.I., AM-A*

Re: Application of H. Fred Barefoot Trucking, Inc.

March 26, 1991

RECEIVED

MAR 28 1991

SECRETARY'S OFFICE
Public Utility Commission

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Attention: Jerry Rich, Secretary

Dear Secretary Rich:

Enclosed you will please find for filing the application of H. Fred Barefoot Trucking, Inc. together with a check made payable to the Pennsylvania Public Utility Commission in the amount of \$350.

Very truly yours,

RHOADS & SINON

By: *JBW*
J. Bruce Walter

JBW/dah

Enclosure

cc: H. Fred Barefoot Trucking, Inc.

4/4

DOCUMENT
FOLDER

MAR 28 1991
Pa. P.U.C.
Bureau of Transportation

X

J
P
W

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 28 1991

SECRETARY'S OFFICE
Public Utility Commission

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

CC-620443

In re: Application of

APPLICATION DOCKET

H. Fred Barefoot, Trucking, Inc.

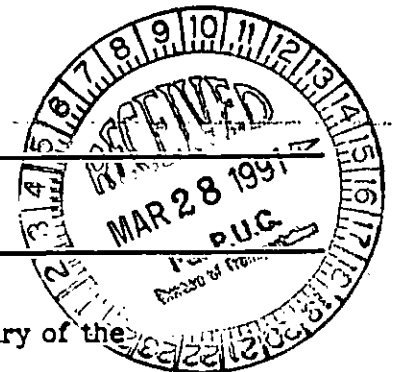
No. 107365

Folder No. 1, Am-A

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of **PROPERTY**.

R

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:



1. H. Fred Barefoot, Trucking, Inc.
(Full and correct name of applicant)

2. _____
(Trade name, if any)

The trade name _____ been registered with the Secretary of the
(has or has not)

Commonwealth on _____ (attach copy of stamped registration form).
(date)

3. _____ Box 25
(Business Street Address) (P.O. Box, if any)
Alum Bank Bedford PA 15521 (814) 839-2193
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:
J. Bruce Walter, Rhoads & Sinon, One South Market Square,
P.O. Box 1146, Harrisburg PA 17108-1146 (717) 233-5731
(Name) (Address) (Telephone)

5. Any notice, process or order of the PUC should be served upon:
J. Bruce Walter, Rhoads & Sinon, One South Market Square,
P.O. Box 1146, Harrisburg, PA 17108-1146
(Name) (Address)

6. Applicant _____ does _____ hold Pa. PUC authority under Docket No. _____
(does or does not)

DOCKETED
APR 4 1991
fan

DOCUMENT
FOLDER

and operates as a _____ contract _____ carrier.
(common or contract)
AMENDMENT A

7. Applicant does hold Interstate Commerce Commission authority
(does or does not)

at Docket No. MC 196057.

8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

(Name)

(Address)

Corporation. Organized under the laws of the State of PA and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on _____ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. Attach the following, as appropriate (check those attached):

- A Partnership Agreement.
- B Trade Name registration certificate.
- C Certificate of Incorporation or Authority.
- D Statement of corporate charter purpose.
- E List of corporate officers and stockholders.

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
_____ County : ss:

_____, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 _____
My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
Bedford _____ County : ss:

TRUDY K. BAREFOOT, SEC., being duly sworn (affirmed) according to law, deposes and says that he is _____ of _____
(Office of Affiant)

H. Fred Barefoot Trucking, Inc.; that he is authorized to and does make this
(Name of Corporation)
affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said
H. Fred Barefoot Trucking, Inc. to be able to prove the same
(Name of Corporation)
at the hearing hereof.

✓ Judy K Barefoot, Sec.
Signature of Affiant

Sworn and subscribed before me this 18th
day of MARCH 19 91
My Commission Expires _____

NOTARIAL SEAL
DEBBY D. BOWMAN, Notary Public
Maple Twp., Bedford County, Pa.
My Commission Expires Oct. 19, 1992

Debbly D. Bowman
Signature of Official Administering Oath

13-1-78:29 791

Filed this 2nd day of June, 1978
Commonwealth of Pennsylvania
Department of State

PLANNING STATIONERY CO., WILLIAMSPORT, PA.

DSCB:BCL-373 (Rev. B-72)

Filing Fee: \$75
A19-7

(Line for numbering)

Articles of Incorporation—
Domestic Business Corporation
Close Corporation

COMMONWEALTH OF PENNSYLVANIA-
DEPARTMENT OF STATE
CORPORATION BUREAU

Barton A. Fields
Secretary of the Commonwealth

6/7/78

(Box for Certification) dag

H. FRED BAREFOOT TRUCKING, INC.

(NAME OF CORPORATION)

A CLOSE CORPORATION

In compliance with the requirements of section 373 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1373) the undersigned, desiring to be incorporated as a business corporation which is a close corporation, hereby certifies (certify) that:

1. The name of the corporation is:

H. Fred Barefoot Trucking, Inc.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

Box 25 State Highway Route 56

(NUMBER)

none

(STREET)

Alum Bank,

(CITY)

Pennsylvania

15521

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

Engaging in the operation of a trucking business and any or all lawful business for which corporations may be incorporated under the business corporation law.

4. The term for which the corporation is to exist is: Perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:

Common - 1,000
Par Value - \$1.00

3-1-78:29 792

DSCB:BCL-373 (Rev. 8-72)-2

6. The following provisions shall regulate the status of the corporation as a close corporation:

(a) (Strike out (i) or (ii) below, whichever is not applicable.)

~~(i) All of the issued shares of the corporation of all classes, exclusive of treasury shares, shall be held of record by not more than the smaller of ten "shareholders" within the meaning of Subchapter S of the Internal Revenue Code of 1954, as amended, or 30 persons.~~

(ii) All of the issued shares of the corporation of all classes, exclusive of treasury shares, shall be held of record by not more than the smaller of ten "shareholders" within the meaning of Subchapter S of the Internal Revenue Code of 1954, as amended, or 30 persons.

(b) All of the issued shares of all classes of the corporation shall be subject to one or more of the restrictions on transfer permitted by section 613.1 of the Business Corporation Law (15 P. S. §1613.1).

(c) The corporation shall make no offering of any of its shares of any class which would constitute a "public offering" within the meaning of the Securities Act of 1933, as amended.

7. (Optional: BCL §372B) A person (other than an estate) who is not an "individual" or who is a "non-resident alien," in either case within the meaning of the Internal Revenue Code of 1954, as amended ("Code"), shall not be entitled to be a holder of record of shares of the corporation. Only a person whose consent is currently in effect to the election of the corporation to be treated as an electing small business corporation under Subchapter S of the Code shall be entitled to be a holder of record of shares of the corporation.

8. (Optional: BCL §382) The business and affairs of the corporation shall be managed by the shareholders of the corporation rather than by a board of directors.

9. (Optional: BCL §376B) The status of the corporation as a "close corporation" within the meaning of the Business Corporation Law shall not be terminated without the affirmative vote or written consent of (all holders of) (shareholders holding _____ of the) shares of all classes of the corporation. (FRACTION, AT LEAST TWO-THIRDS)

10. (Optional: BCL §384B) (Any shareholder) (shareholders holding _____ of the shares) (FRACTION) of the corporation may apply for the appointment of a provisional director of the corporation in the manner and upon the circumstances provided by statute.

11. (Optional: BCL §386) (Any shareholder) (shareholders holding _____ of the shares) (FRACTION) of the corporation shall have the right at will to cause the corporation to be dissolved by proceeding in the manner provided by statute.

12. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME	ADDRESS (Including street and number, if any)	NUMBER AND CLASS OF SHARES
H. Fred Barefoot	P. O. Box 25, Alum Bank, PA., 15521	250 - common

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed and sealed these Articles of Incorporation this 3, 2 day of May, 1978.

(SEAL) H. Fred Barefoot (SEAL)
H. Fred Barefoot (SEAL)

The following shareholders were present in person:

Name	H. Fred Barefoot	Number of Shares - 125
	Alma Barefoot	Number of Shares - 125

being the only shareholders of the corporation.

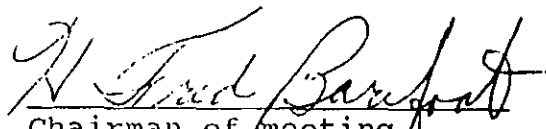
Upon motion H. Fred Barefoot was elected chairman and Trudy Barefoot was appointed secretary of the meeting.

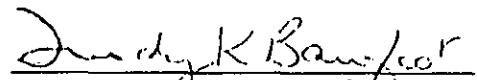
The chairman stated that the next business before the meeting was the election of board of directors:

H. Fred Barefoot, *Pres.*
Rick Barefoot, *V. Pres*
Alma Barefoot, *Tres.*
Trudy Barefoot, *Sec.*

were nominated for directors of the corporation, to hold office for the ensuing year and until others are chosen and qualified in their stead. No other nominations having been made, the vote was taken and the aforesaid nominees declared duly elected.

Upon motion, duly made, seconded and carried, the meeting thereupon adjourned.


Chairman of meeting


Secretary of meeting

April 19, 1991

IN REPLY PLEASE
REFER TO OUR FILE

J. Bruce Walter
Attorney at Law
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

In re: A-00107365, F. 1, Am-A - Application of H. Fred Barefoot
Trucking, Inc.

Dear Sir:

The application of H. Fred Barefoot Trucking, Inc. has been captioned as attached and will be submitted for review provided no protests are filed on or before May 13, 1991. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of April 20, 1991.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:kmb

cc: Applicant
Box 25
Alum Bank, PA 15221

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 22 1991
ENTRY No. <u> </u>

A-00107365, Folder 1, Am-A H. FRED BAREFOOT TRUCKING, INC. (Box 25, Alum Bank, Bedford County, PA 15221), a corporation of the Commonwealth of Pennsylvania - contract carrier - property, for Mayfair Creamery, from its facilities located in the borough of Somerset, Somerset County, to points in Pennsylvania, and vice versa. Attorney: J. Bruce Walter, One South Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

APR 20 1991

BUREAU OF TRANSPORTATION
CONTRACT CARRIER
APRIL 1991

A-00107365
F. 1
Am-A

Application of H. Fred Barefoot Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its contract carrier permit, to transport, by motor vehicle, property, for Mayfair Creamery, from its facilities located in the borough of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

FW:kmb
4/9/91

Application received: 3/28/91
Application docketed: 4/4/91

NA

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 22 1991
ENTRY No. *NR*

MAY 13 1991

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.