

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

HARRY C. NEEL, MICHAEL JENKINS, :
and LEE CAVANAUGH, Individually :
and Derivatively on Behalf of THE :
STONYCREEK VALLEY :
DEVELOPMENT CORPORATION, :

Plaintiffs, :

vs. :

DANIEL DIVELY, and THE :
STONYCREEK VALLEY :
DEVELOPMENT CORPORATION, :

Defendants. :

No. 275 Civil 2019

Affidavit of Daniel Dively

AND NOW comes the Counterclaim Plaintiff, Daniel Dively, who swears to the following facts:

1. While on the Board of Stoney Valley Development Corporation ("SVDC") at no time did I self-deal or breach my fiduciary duty to SVDC.
2. I verify that the attached Exhibits labeled as Exhibits A1-6 have accurate figures in terms of the service that I, and Dirt Bottom Excavating, Inc., did for SVDC for the relevant time period.
3. Any funds that SVDC ever paid to me or Dirt Bottom were below fair market value for the services provided.
4. Since my involvement with SVDC and the Lake Stonycreek Community, I have donated time and materials in excess of fifty thousand (\$50,000.00) to the SVDC.



(Should Have Been
L)

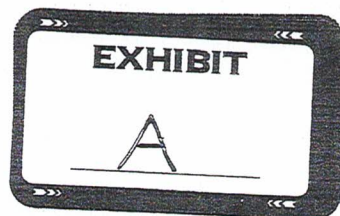
Relevant Time Period: April 17, 2017-October 13, 2020

Invoices Submitted by Dively or Dirt Bottom Excavating to SVDC:

1. Attachment 1: Donation of \$1,001.00 of materials and service
2. Attachment 2: Donation of \$2,071.01 of materials and service
3. Attachment 3: Donation of \$100.00 of materials and service
4. Attachment 4: Donation of \$100.00 of materials and service
5. Attachment 5: Amount Paid \$2,300.00

Donations Total in Relevant Time Period: \$3,272.01

One Invoice Paid in Relevant Time Period: \$2,300.00



Dirt Bottom Excavating INC.

162 Sunset RD
Friedens, PA 15541
(814) 483-6275

dirtbottomexcavating@yahoo.com

Invoice

Date	Invoice #
7/30/2018	401



Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville.PA.15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
2	Mob & Demob per piece of large equipment. 85 and skid loader	100.00	200.00
2	SK 85 Excavator 18K LB. with Tilt Rotator	120.00	240.00
1	Large Track Skid Loader per. hr.	85.00	85.00
1	Large Track Skid Loader with Roller per. hr.	100.00	100.00
2	Labor per hr.	40.00	80.00
1	Utility Truck per. hr.	70.00	70.00
	repair road and berm as per Musser Engineering dam inspection report.		
	Materials 2RC modified	226.00	226.00
	Donation	-1.001.00	-1.001.00
<p>Make checks payable to Dirt Bottom Excavating INC Thank you for your business!</p>		Total	\$0.00



Dirt Bottom Excavating INC.

162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275
 dirtbottomexcavating@yahoo.com

Invoice

Date	Invoice #
11/6/2018	448

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project
		Valve Box Repair

Quantity	Description	Rate	Amount
	Remove Box Off Of Valve 10/28/2018		
2	Utility Truck per. hr.	70.00	140.00
6.5	Labor per hr.	40.00	260.00
	Dismantle Box & Degrease 10/29/2018		
	Shop supplies	113.23	113.23
2	Shop Rate	80.00	160.00
1	Utility Truck per. hr. (Take Box to SMS)	70.00	70.00
	Reassemble & Reinstall Valve 10/31/2018		
3	Utility Truck per. hr.	70.00	210.00
9	Labor per hr.	40.00	360.00
2	Shop Rate	80.00	160.00
	Materials: New bolts, nuts, washers, and loctite	97.78	97.78
	Materials: SMS (New Gear)	500.00	500.00
	donation	-2,071.01	-2,071.01
<p>Make checks payable to Dirt Bottom Excavating INC Thank you for your business!</p>		Total	\$0.00



Dirt Bottom Excavating INC.

162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275
 dirtbottomexcavating@yahoo.com

Invoice

Date	Invoice #
2/21/2019	480

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
1	Plowed, salt and anti-skid church parking lot for the February Meeting	100.00	100.00
1	Donation from Dirt Bottom Excavating Inc.	-100.00	-100.00

Make checks payable to Dirt Bottom Excavating INC
 Thank you for your business!

Total

\$0.00



Dirt Bottom Excavating INC.

162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275
 dirtbottomexcavating@yahoo.com

Invoice

Date	Invoice #
12/19/2019	592

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Plow, salt, and anti-skid for December 2019 Meeting	100.00	100.00
	Donation from Dirt Bottom Excavating Inc	-100.00	-100.00

Make checks payable to Dirt Bottom Excavating INC
 Thank you for your business!

Total

\$0.00



Dirt Bottom Excavating INC.

162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275
 dirtbottomexcavating@yahoo.com

Invoice

Date	Invoice #
4/26/2017	224

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Removal of 3 stumps and 1 telephone pole	2,300.00	2,300.00
Make checks payable to Dirt Bottom Excavating INC. Thank you for your business!		Total	\$2,300.00

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