

STATE OF MINNESOTA
COUNTY OF SHERBURNE } SS.
FILED

STATE OF MINNESOTA
COUNTY OF SHERBURNE

JAN 19 2011

DISTRICT COURT
TENTH JUDICIAL DISTRICT
Case Type: CONTRACT
Court File No. CV-11-94

PATRICIA A. KUKA
COURT ADMINISTRATOR
By Kinda M. Well Deputy

Beacon Sales Acquisition, Inc., f/k/a Shelter
Distributiond/b/a Roof Depot,

Plaintiff,

COMPLAINT

v.

Kieran's Contracting, LLC, and Israel
McKinney,

Defendants.

COMES NOW the Plaintiff and for its cause of action against the Defendants, states and alleges:

1. That Plaintiff is a corporation with offices located at 1860 East 28th Street, Minneapolis, MN 55407.
2. That Defendant Kieran's Contracting, LLC (hereinafter "Kieran's") is a Minnesota limited liability company with registered offices at 500 North Pine Street, #301, Chaska, MN 55318.
3. That Defendant Israel McKinney is a Minnesota resident.
4. That Kieran's owes Plaintiff on a stated account the sum of \$4,508.36, as well as service charges accruing thereon.
5. That although Plaintiff has duly demanded payment on said account, Kieran's has failed and refused to do so.
6. That Plaintiff has delivered products to Kieran's having a reasonable value, less

payments and credit memos, of \$4,508.36 as of March 22, 2010, all as set forth on Exhibit "A" attached hereto.

7. That Kieran's has entered into a Credit Application (attached hereto as Exhibit "B") which provides for the payment of a service charge of 18% APR on the accrued unpaid balance of any bill not paid within thirty (30) days. That for the period April 21, 2010, through November 30, 2010, total service charges have accrued in the amount of \$500.41 all as set forth on Exhibit "C" attached hereto.

8. That the aforementioned credit application provides for Kieran's to pay Plaintiff's reasonable attorneys' fees up to 25% of the outstanding principal and service charges.

9. That Plaintiff has and will continue to incur attorneys' fees in connection with this proceeding, the reasonable value of which will be determined at the trial of this matter.

10. That Israel McKinney entered into a Personal Guarantee dated June 9, 2008 (attached hereto as Exhibit B), in which he personally guaranteed any and all indebtedness incurred by Kieran's.

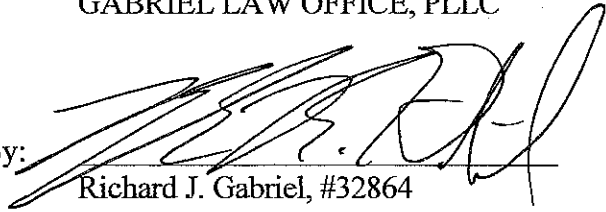
WHEREFORE, Plaintiff prays the judgment and decree of this Court as follows:

1. Awarding Plaintiff judgment against Defendants Kieran's, Inc., and Israel McKinney, jointly and severally, in the amount of \$5,008.77, together with Plaintiff's reasonable attorneys' fees, additional services charges accruing after November 30, 2010, costs, disbursements and such other and further relief as the Court may deem to be just and equitable.

Dated this 30th day of November, 2010.

GABRIEL LAW OFFICE, PLLC

By:



Richard J. Gabriel, #32864
Kyle R. Gabriel, #0389302
Attorneys for Plaintiff
Beacon Sales Acquisition, Inc.
Suite 114 Riverwood Place
880 Sibley Memorial Highway
Mendota Heights, MN 55118
(651) 554-9159

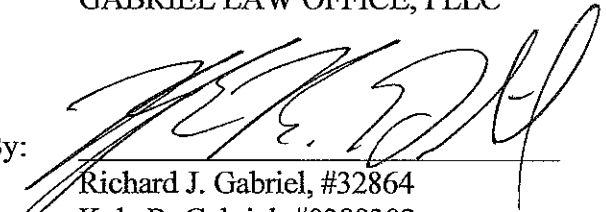
ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. §549.211.

Dated this 30th day of November, 2010.

GABRIEL LAW OFFICE, PLLC

By:



Richard J. Gabriel, #32864
Kyle R. Gabriel, #0389302
Attorneys for Plaintiff
Beacon Sales Acquisition, Inc.
Suite 114 Riverwood Place
880 Sibley Memorial Highway
Mendota Heights, MN 55118
(651) 554-9159



A Beacon Roofing Supply Company



WAREHOUSE	MINNEAPOLIS BRANCH
	ROOF DEPOT
	1860 East 28Th St.
	Minneapolis, MN 55407
	Telephone: 612-721-1904

REMYT	SHELTER DISTRIBUTION - MW
	14374 COLLECTIONS CENTER DRIVE
	CHICAGO, IL 60693

INVOICE No.	E867783
INVOICE DATE	3/19/10
DUE DATE	4/18/10
CUSTOMER NO.	650615

PAGE NO. 1

SOLD TO	KIERAN'S CONTRACTING
	14701 PIONEER TRAIL
	SUITE 205
	EDEN PRAIRIE, MN
	55347

SHIP TO	KIERAN'S CONTRACTING
	4134 POLK ST NE
	COLUMBIA HEIGHTS, MN 55421
	55421

INVOICE

CUSTOMER NUMBER	SLS	SHIP VIA	TERMS
650615	1JF	Our Truck	2% TEN DAYS; NET 30 DAYS

CUSTOMER PURCHASE ORDER NO.	TAX RATE	JOB # and NAME	ORDERED BY
4134 POLK ST NE	7.275		DREW

PRODUCT	DESCRIPTION	U/M	QUANTITY	UNIT PRICE	EXTENSION
GAFTP30MNSGMSH	GAF MN TP30 HD SG M SHAKWOOD ELK MINNEAPOLIS METRIC 3BDL/SQ TIMBERLN/PRESTIQUE BLUE WRAPPER	BDL	90	28.6500	2,578.50
GAFTTSH	GAF ML TIMBERTEX SHAKWOOD ELK TIMBERLN PREST 20 LF/BDL	BDL	10	42.9500	429.50
GAFPSSS	GAF PROSTART STARTER STRIP 1116000TU PERFORATED 120.33LFT WHEN SPLIT IN HALF	BDL	3	28.1300	84.39
RFDDD2	RFD DEPOT DRI 2SQ RL 20RL/PLT	RL	5	48.2900	241.45
TARPRO15	TARCO PRO-15 FELT UNDERLAYMENT 4SQ ROLL	RL	5	20.5400	102.70
ARCRWR5BR	ARC REGLET W/R 5"FACE MANSARD B 5"X10' W/RETURN MANSARD BROWN	PC	2	13.8500	27.72
ARCPV24BR	ARC PAINTED VALLEY 24" BROWN 24" 28GA PAINTED HEAVY DUTY	PC	2	17.9500	35.90
LOM750GSBR	LOM 750 GALV RF LOUV BRN W/SCRN 750-S GALVANIZED SLANT BACK (BROWN BOX) BROWN	EA	7	11.5600	80.92
BROV634	BRO 634/845BL ROOF CAP - BLACK FITS 6" TO 8" & 3 1/4" X 10" PI	EA	1	26.4500	26.45
FJMSSSP2BR	FJM SOIL STACK SP 2" MANS BROWN STANDARD PITCH 1SM	PC	1	20.8800	20.88

RECEIVED BY	SUB-TOTAL	TAX	Handling/Restock	Shipping	TOTAL AMOUNT

ALL SALES ARE SUBJECT TO THE ACCOMPANYING OR PRE-APPROVED TERMS AND CONDITIONS, INCLUDING WARRANTY, DISCLAIMER AND LIMITATION OR REMEDIES

CONTINUED



A Beacon Roofing Supply Company



MINNEAPOLIS BRANCH
 ROOF DEPOT
 1860 East 28Th St.
 Minneapolis, MN 55407
 Telephone: 612-721-1904

SHELTER DISTRIBUTION - MW
 14374 COLLECTIONS CENTER DRIVE
 CHICAGO, IL 60693

INVOICE No.	E867783
INVOICE DATE	3/19/10
DUE DATE	4/18/10
CUSTOMER NO.	650615

PAGE NO. 2

KIERAN'S CONTRACTING
 14701 PIONEER TRAIL
 SUITE 205
 EDEN PRAIRIE, MN
 55347

KIERAN'S CONTRACTING
 4134 POLK ST NE
 COLUMBIA HEIGHTS, MN 55421
 55421

INVOICE

CUSTOMER NUMBER	SLS	SHIP VIA	TERMS
650615	1JF	Our Truck	2% TEN DAYS; NET 30 DAYS

CUSTOMER PURCHASE ORDER NO.	TAX RATE	JOB # and NAME	ORDERED BY
4134 POLK ST NE	7.275	I	DREW

PRODUCT	DESCRIPTION	U/M	QUANTITY	UNIT PRICE	EXTENSION
IPSGB34BR	IPS 3-4 GALV BASE FLSH BROWN 12"X16"BASE FOR 3" OR 4" 81856	EA	1	13.9900	13.99
NLSR114	NLS COIL ROOFING NAIL 1-1/4" 60 COILS/BOX 120 NAILS/COIL	CTN	2	31.7600	63.52
DUO516S	DUO FAST 5/16" STAPLES 5M/BX 5010C/E	BX	2	4.4400	8.88
GEO23BR	GEOCEL 2300 BROWN 10/OZ 24 TUBES/CTN	TB	2	5.5600	11.12
SMWDEL	SMW DELIVERY CHARGE	EA	1	15.0000	15.00
Deduct 74.82 and pay 3970.44 if paid by 3/29/10 Otherwise 4045.26 is due in full by 4/18/10 SEE YOUR TERRITORY SALES REP FOR CURRENT DEALS AND TO LEARN MORE ABOUT MFG ANNOUNCED INCREASES					

RECEIVED BY	SUB-TOTAL	TAX	Handling/Restock	Shipping	TOTAL AMOUNT
	3740.92	274.34	30.00	.00	4045.26

ALL SALES ARE SUBJECT TO THE ACCOMPANYING OR PRE-APPROVED TERMS AND CONDITIONS, INCLUDING WARRANTY, DISCLAIMER AND LIMITATION OR REMEDIES

End of Invoice



A Beacon Roofing Supply Company www.beaconroofing.com



INVENTORY USE	MINNEAPOLIS BRANCH ROOF DEPOT 1860 East 28Th St. Minneapolis, MN 55407 Telephone: 612-721-1904
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REMIT TO	SHELTER DISTRIBUTION - MW 14374 COLLECTIONS CENTER DRIVE CHICAGO, IL 60693
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INVOICE No	E883017
INVOICE DATE	3/22/10
DUE DATE	4/21/10
CUSTOMER NO	650615

PAGE NO. 1

SOLD TO	KIERAN'S CONTRACTING 14701 PIONEER TRAIL SUITE 205 EDEN PRAIRIE, MN 55347
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SHIP TO	Customer Pickup
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INVOICE

CUSTOMER NUMBER	SLS	SHIP VIA	TERMS
650615	1JF	Pickup	2% TEN DAYS; NET 30 DAYS

CUSTOMER PURCHASE ORDER NO.	TAX RATE	JOB # and NAME	ORDERED BY
4134 POLK STREET	7.775	4134 POLK ST	ISRAEL

PRODUCT	DESCRIPTION	U/M	QUANTITY	UNIT PRICE	EXTENSION
GAFTTSH	GAF ML TIMBERTEX SHAKEWOOD ELK TIMBERLN PREST 20 LF/BDL	BDL	2	42.9500	85.90
GAFTP30MNSGMSH	GAF MN TP30 HD SG M SHAKEWOOD ELK MINNEAPOLIS METRIC 3BDL/SQ TIMBERLN/PRESTIQUE BLUE WRAPPER	BDL	12	28.6500	343.80
Deduct 8.60 and pay 454.50 if paid by 4/01/10 Otherwise 463.10 is due in full by 4/21/10 SEE YOUR TERRITORY SALES REP FOR CURRENT DEALS AND TO LEARN MORE ABOUT MFG ANNOUNCED INCREASES					

RECEIVED BY	SUB-TOTAL	TAX	Handling/Restock	Shipping	TOTAL AMOUNT
	429.70	33.40	.00	.00	463.10

ALL SALES ARE SUBJECT TO THE ACCOMPANYING OR PRE-APPROVED TERMS AND CONDITIONS, INCLUDING WARRANTY, DISCLAIMER AND LIMITATION OR REMEDIES

End of Invoice

EXHIBIT C

<i>Invoice Number</i>	<i>Invoice Due</i>	<i>Days Outstanding</i>	<i>Invoice Amount Due</i>	<i>Payments Applied</i>	<i>Adjusted Balance</i>	<i>Service Charges Thru 11/30/2010</i>
E867783	4/18/2010	226	\$ 4,045.26	\$ 4,045.26	\$	449.62
E883017	4/21/2010	223	\$ 463.10	\$ 463.10	\$	50.79
TOTAL SERVICE CHARGES =					\$	<u>500.41</u>
TOTAL AMOUNTS OWED =					\$	<u>5,008.77</u>