

County of Medina)
State of Ohio) SS.

FILED
2006 APR -3 PM 3:07
CLEVELAND DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

AFFIDAVIT OF KIRK BECK

NOW COMES KIRK BECK, being of legal age and duly sworn according to law and deposeth and sayeth as follows:

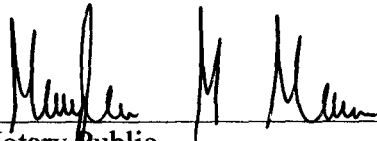
- 1.) At all times relevant to this Affidavit affiant was the lead manager of Horizon Propane, the successor to Level Propane Gases, Inc.;
- 2.) Affiant went to the Horizon Propane Loudonville, Ohio plant in April of 2003. At that time affiant met Chris Reclus, the owner of C&R Recyclers. Said Chris Reclus had just finished loading a transport truck with thirty (30) 500 gallon liquefied propane (LP) tanks. .
3. Affiant says further that he questioned said Chris Reclus as to what he was doing with the LP tanks. He responded that he had just purchased the LP tanks from **Amerigas**. Affiant then called Ron LeMaster, the manager of equipment for Horizon Propane, to verify this statement, at which time he advised me it was true. Affiant then permitted said Chris Reclus to take the tanks.
- 3.) Affiant says further that at the time and place above-said four (4) other Horizon Propane employees were present with affiant. Among those Horizon Propane employees present was Tom Watkins. Said Tom Watkins had just returned to work, having recovered from a heart attack. At said time and place said Tom Watkins stated to me he was quitting his employment with Horizon Propane, because he would not work

for Amerigas. He left the employment of Horizon Propane on the spot and went to work for another propane company.

FURTHER AFFIANT SAYETH NAUGHT.


KIRK BECK

Sworn and subscribed before me, a Notary Public in and for the State of Ohio this
3rd day of April, 2006, by Kirk Beck.


Notary Public
MARYANNE M. MANASAN
Notary Public, State of Ohio
My Commission Expires July 26, 2009

37300 Royalton Road
Grafton, Ohio 44044
440-748-3578

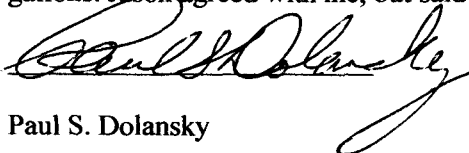
4/2/2006

Statement made under penalty of perjury.

I was the chief operating officer of Level Propane and in charge of all field personnel, dispatch, and had a higher understanding of the computer system than anyone in the company including John Verbos. At the push of a button I could tell how many customers we had, where they were located, and the serial number on the tank in the customers yard. (other than myself or John Verbos there was no one else that could operate the system.) Except Advanced Digital Data Systems out of New Jersey who would do it for free as part of their service and training that was prepaid. (Contact person at Advanced Digital Data Systems: Bruce Bott)

On April 2002, John Rudd had me transferred to our Columbia Station facility without any notice. I was stationed there until June 14, 2002. On June 14, 2002 John Verbos had two county sheriffs at the Columbia Station location to escort me off the property, and terminating my employment. This left only himself with the ability to do queries on the Advanced Digital Data System.

Several months later, I received a call from Jason Dimachia one my old of dispatchers asking for my history reports on gallons delivered. I told him where they were kept, but he told me that they weren't there anymore. I also said I had copies in my old desk, but he said they were also gone. I told him I don't understand why they would have gotten rid of them if they had to do projections on gallons. Jason agreed with me, but said he wasn't surprised.


Paul S. Dolansky

County of Medina)
State of Ohio) SS.

AFFIDAVIT OF KIRK BECK

NOW COMES KIRK BECK, being of legal age and duly sworn according to law and deposeth and sayeth as follows:

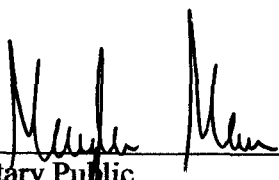
- 1.) Affiant at all times relevant was an employee of Amerigas, as the successor to Horizon Propane.
- 2.) Affiant says further that he was in attendance at the first meeting for managers of the former Horizon Propane after Amerigas took over. During said meeting, a speaker introduced as a Vice President of Amerigas stated that at first they believed they had purchased 90,000 customers, then lowered their estimate to 70,000 customers, finally they thought it was more like 40,000 customers "but we don't know." Said remarks clearly inferred that there were no customer records.
- 3.) Affiant says further that the other field managers attending the meeting will verify that this Amerigas executive made these statements concerning the number of customers if asked.

FURTHER AFFIANT SAYETH NAUGHT.



KIRK BECK

Sworn and subscribed before me, a Notary Public in and for the State of Ohio this 3rd day of April, 2006, by Kirk Beck.



Notary Public

MARYANNE M. MANASAN
Notary Public, State of Ohio
My Commission Expires July 28, 2009