

00-156-CD  
/ 'BLOOM ELECTRIC', HEATING & PLUMBING, INC. -vs- 'OMAS  
etux



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

BLOOM ELECTRIC, HEATING  
& PLUMBING, INC.

Plaintiff

\*

\*

vs.

No. 00-  
-CD

THOMAS E. FOSTER and CAROLYN  
J. FOSTER, husband and wife,

Defendants

\*

\*

\*

**PRAECIPE FOR ENTRY OF JUDGMENT BY CONFESSION**

TO THE PROTHONOTARY:

Please enter judgment by confession on the attached note against Thomas E. Foster and Carolyn J. Foster and in favor of Bloom Electric, Heating & Plumbing, Inc., in the amount of twenty four thousand dollars (\$24,000.00).

I hereby certify that the precise residence of Plaintiff and Defendants is as follows:

Plaintiff - R.D. #4, Box 91  
Clearfield, PA 16830

Defendants - 211 State Street  
Curwensville, PA 16833

  
Michael S. Marshall, Esquire

Attorney for Plaintiff

Date: 2/9/00

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

BLOOM ELECTRIC, HEATING  
& PLUMBING, INC.

Plaintiff

vs.

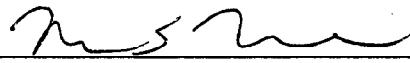
\* No. 00- -CD

THOMAS E. FOSTER and CAROLYN  
J. FOSTER, husband and wife,

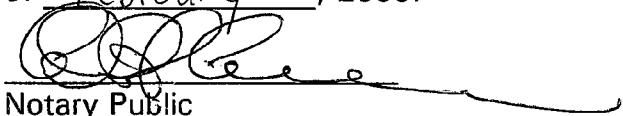
Defendants

AFFIDAVIT

NOW, this 8th day of February, 2000, the undersigned being duly  
sworn according to law, deposes and says that he is the attorney for the  
within Plaintiff and makes this Affidavit on behalf of said Plaintiff being  
authorized to do so; that judgment in the above captioned case is not being  
entered by confession against a natural person in connection with a  
consumer credit transaction.

  
Michael S. Marshall, Esquire  
Attorney for Plaintiff

SWORN to and SUBSCRIBED  
before me this 8th day  
of February, 2000.

  
Notary Public

NOTARIAL SEAL  
DAVID S. AMMERMAN, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO., PA.  
MY COMMISSION EXPIRES NOV. 20, 2000

**JUDGMENT NOTE**

**AMOUNT:** \$24,000.00

**DATE:** January 31, 2000

One day after date, the undersigned do hereby promise to pay to the order of Bloom Electric Heating & Plumbing, Inc., of R.D., Clearfield, Pennsylvania, without offset, for the value received, the sum of Twenty-four Thousand (\$24,000.00) Dollars.

The undersigned does hereby empower any attorney of any court of record within the United States of America, or elsewhere, to appear for the undersigned and, with or without complaint filed, confess judgment, or a series of judgments, against the undersigned in favor of any holder hereof, as of any term for the unpaid balance of the principal debt, costs of suit and an attorney's commission for collection of ten (10%) percent of the total indebtedness, or \$500.00, whichever is the larger amount, on which judgment or judgments, with one or more executions may issue forthwith upon failure to comply with any of the terms and conditions of this note. No attorney's commission shall be owed or collectible unless execution is issued on the note. The undersigned hereby forever waives and releases all errors in said proceedings and waives all exemptions for levy and sale of any property that now is or hereafter may be exempted by law.

**WITH INTENT TO BE LEGALLY BOUND**, the undersigned do hereby execute the within instrument on the day and year first above written.

**WITNESS:**

Sandra A. Diven  
Sandra A. Diven

Mr. Thomas E. Foster  
Thomas E. Foster  
Carolyn Foster  
by Mr. Thomas E. Foster  
Thomas E. Foster, Attorney-in-Fact  
for Carolyn J. Foster

FILED

100-40141  
FEB 9 2000  
William A. Shaw  
Prothonotary  
pd \$20.00

Notice to Ds.  
Statement to City Marshall  
acc city Marshall

**COPY**

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

BLOOM ELECTRIC, HEATING  
& PLUMBING, INC.

Plaintiff

vs.

\* No. 99-156 -CD

THOMAS E. FOSTER and CAROLYN  
J. FOSTER, husband and wife,

Defendants

NOTICE OF ENTRY OF JUDGMENT BY CONFESSION

TO: THOMAS E. FOSTER and CAROLYN J. FOSTER

You are hereby notified that on February 9, 2000, judgment by  
confession was entered against you in favor of Bloom Electric, Heating & Plumbing, in the  
amount of twenty four thousand dollars (\$24,000.00) in the above captioned case.

Date: February 9, 2000



WILLIAM A. SHAW, PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
STATEMENT OF JUDGMENT

BLOOM ELECTRIC, HEATING & PLUMBING

*COPY*

Plaintiff

No. 00-156-CD

vs.

Real Debt \$24,000.00

THOMAS E. FOSTER and CAROLYN J.

Atty's Comm \_\_\_\_\_

FOSTER, husband and wife,

Defendant

Costs \_\_\_\_\_

Int. From \_\_\_\_\_

Entry \$ 20.00

Instrument Confession Judgment

Date of Entry February 9, 2000

Expires February 9, 2005

Certified from the record this 9th day of February, 2000

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, 20\_\_\_\_, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

BLOOM ELECTRIC, HEATING  
& PLUMBING, INC.,

Plaintiff

vs.

THOMAS E. FOSTER and CAROLYN  
J. FOSTER, husband and wife,

Defendants

\* No. 00- 156 -CD

\* Type of Case: Confession of  
\* Judgment for Money

\* Type of Pleading: Interrogatories  
\* directed to Garnishee

\* Filed on behalf of: Plaintiff

\* Counsel of record for this party:

\* Michael S. Marshall, Esquire  
\* 310 East Cherry Street  
\* Clearfield, Pennsylvania 16830  
\* (814) 765-1701

\* Supreme Court No.: 64087

**FILED**

MAR 13 2001

William A. Shaw  
Prothonotary

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

BLOOM ELECTRIC, HEATING	*
& PLUMBING, INC.	*
Plaintiff	*
	*
vs.	No. 00- 156 -CD
	*
THOMAS E. FOSTER and CAROLYN	*
J. FOSTER, husband and wife,	*
Defendants	*

**INTERROGATORIES IN ATTACHMENT**

TO: Clearfield Bank & Trust Company, Garnishee  
11 North Second Street  
Clearfield, Pennsylvania 16830

You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you:

1. At the time you were served or at any subsequent time did you owe the defendants any money or were you liable to them on any negotiable or other written instrument, or did they claim that you owed them any money or were liable to them for any reason?

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control yourself and one or more other persons any property of any nature owned solely or in part by the defendants?

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendants or in which defendants held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendants had an interest?

5. At any time before or after you were served did the defendants transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefor?

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendants or to any person or place pursuant to their direction or otherwise discharge any claim of the defendants against you?

7. With regard to any money or property referred to above, identify:

(1) the names and addresses of persons taking part in any transaction.

(2) the specific amount of any debt.

(3) the value and location (including account numbers) of any money or property.

(4) the nature and amount of consideration given for any transfer of property.

M.S.M.  
Michael S. Marshall, Esquire  
Attorney for Plaintiff

COPY

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay a judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

WRIT OF EXECUTION

Commonwealth of Pennsylvania  
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against Thomas E. Foster and Carolyn J. Foster, husband and wife, Defendants,

(1) You are directed to levy upon the following property of the defendants and to sell their interest therein:

Any and all personal property of the defendants, including furnishings, furniture, appliances and motor vehicles, found at their residence and place of business, Angels & Unicorns Bed & Breakfast, 211 State Street, Curwensville, PA, or elsewhere.

(2) You are also directed to attach the property of the defendants not levied upon in the possession of Clearfield Bank & Trust Company, 11 N. Second Street, Clearfield, PA, as garnishee, as follows:

All sums due defendants from garnishee. All property of defendants possessed by garnishee. All accounts, including all savings, checking and other accounts, certificates of deposit, notes, receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes.

and to notify the garnishee that

- (a) An attachment has been issued;
- (b) the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount Due	\$ 24,000.00
Attorneys' fees	\$ 2,400.00
[Costs to be added]	\$ <u>40.00</u>
Total	\$ _____

*William L. Hause*  
dated 3/13/01

Prothonotary

SEAL OF THE COURT

By: \_\_\_\_\_  
Deputy

MAJOR EXEMPTIONS UNDER PENNSYLVANIA  
AND FEDERAL LAW

1. \$300.00 statutory exemption;
2. Bibles, school books, sewing machines, uniforms and equipment;
3. Most wages and unemployment compensation;
4. Social Security benefits;
5. Certain retirement funds and accounts;
6. Certain veteran and armed forces benefits;
7. Certain insurance proceeds;
8. Such other exemptions as may be provided by law.

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*

Plaintiff \*

vs.

No. 00- 156 -CD

THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*

Defendants \*

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300.00 statutory exemption be

[ ] (i) set aside in kind (specify property to be set aside in kind):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
;

[ ] (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
;

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300.00 statutory exemption: [ ] in cash;  
[ ] in kind (specify property):

\_\_\_\_\_  
;

(b) Social Security benefits on deposit in the amount of \$ \_\_\_\_\_;

(c) Other (specify amount and basis of exemption):  
\_\_\_\_\_  
\_\_\_\_\_;

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to at:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

THIS CLAIM TO BE FILED WITH  
THE OFFICE OF THE SHERIFF  
OF CLEARFIELD COUNTY:

Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

NOTICE UNDER RULE 2958.3 OF JUDGMENT  
AND EXECUTION THEREON

NOTICE OF DEFENDANT'S RIGHTS

TO: THOMAS E. FOSTER and CAROLYN J. FOSTER, husband and wife, DEFENDANTS

A judgment in the amount of \$24,000.00 has been entered against you and in favor of the Plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The court has issued a writ of execution which directs the sheriff to take your money or other property owned by you to pay the judgment.

If your money or property has been taken, you have the right to get the money or property back if you did not voluntarily, intelligently and knowingly give up your constitutional right to notice and hearing prior to the entry of judgment or if you have defenses or other valid objections to the judgment.

You have a right to a prompt court hearing if you claim that you did not voluntarily, intelligently and knowingly give up your rights to notice and hearing prior to the entry of the judgment. If you wish to exercise this right, you must immediately fill out and sign the petition to strike the judgment which accompanies the writ of execution and deliver it to the Sheriff of Clearfield County at Clearfield, Pennsylvania.

IT IS IMPORTANT THAT YOU ACT PROMPTLY. IT WILL BE TOO LATE TO REGAIN YOUR PROPERTY IF YOU WAIT UNTIL AFTER THE PROPERTY HAS BEEN SOLD BY THE SHERIFF OR TURNED OVER TO THE PLAINTIFF.

YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO THE JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

  
Michael S. Marshall, Esquire  
Attorney for Plaintiff  
310 East Cherry Street  
Clearfield, Pennsylvania 16830  
(814) 765-1701

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

PETITION TO STRIKE JUDGMENT

REQUEST FOR PROMPT HEARING

I hereby certify that I did not voluntarily, intelligently and knowingly give up my right to notice and hearing prior to the entry of judgment. I petition the court to strike the judgment on this ground and request a prompt hearing on this issue.

I verify that the statements made in this Request for hearing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

Notice of the hearing should be given to me at:

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Telephone Number

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

BLOOM ELECTRIC, HEATING  
& PLUMBING, INC.,

Plaintiff

vs.

THOMAS E. FOSTER and CAROLYN  
J. FOSTER, husband and wife,

Defendants

\*  
\*  
\*  
\*  
\* No. 00- 156 -CD

\*  
\*  
\* Type of Case: Confession of  
\* Judgment for Money

\*  
\*  
\* Type of Pleading: Praeclipe for  
\* Writ of Execution

\*  
\*  
\* Filed on behalf of: Plaintiff

\*  
\*  
\* Counsel of record for this party:

\*  
\*  
\* Michael S. Marshall, Esquire  
\* 310 East Cherry Street  
\* Clearfield, Pennsylvania 16830  
\* (814) 765-1701

\*  
\*  
\* Supreme Court No.: 64087

FILED

MAR 13 2001

William A. Shaw  
Prothonotary

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

**PRAECIPE FOR WRIT OF EXECUTION UPON A CONFESSED JUDGMENT**

TO THE PROTHONOTARY:

Issue a writ of execution upon a judgment entered by confession in the above matter,

- (1) directed to the sheriff of Clearfield County;
- (2) against defendants Thomas E. Foster and Carolyn J. Foster, husband and wife, and
- (3) against Clearfield Bank & Trust Company, garnishee;
- (4) and index this writ against defendants Thomas E. Foster and Carolyn J. Foster, husband and wife.

(5) Amount due	\$24,000.00
Attorneys' fees	\$2,400.00
(Costs to be added)	<u>40.00</u>
Total	\$ _____

Certification

I certify that this praecipe is based upon a judgment entered by confession, and notice will be served with the writ of execution pursuant to Rule 2958.3

Date: 3/13/01

M.S.  
Michael S. Marshall, Esquire  
Attorney for Plaintiff

FILED

500  
MAR 13 2001  
Court of Appeals

William A. Shaw  
Prothonotary

6 wcrts sheet \$20.00

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

Bloom Electric, Heating & Plumbing, Inc.  
PLAINTIFF

VS.

NO. 00-156-CD

Thomas E. Foster and Carolyn J. Foster, Husband and Wife,  
DEFENDANTS

AND

CLEARFIELD BANK & TRUST COMPANY  
GARNISHEE

To: The Prothonotary of Clearfield County

The Clearfield Bank & Trust Company, Garnishee, files answers to plaintiff's interrogatories as follows:

The answer to the plaintiff's interrogatories to #1 is No.

The answer to the plaintiff's interrogatories to #2 is Yes.

The answer to the plaintiff's interrogatories to #3 is Yes.

The answer to the plaintiff's interrogatories to #4 is No.

The answer to the plaintiff's interrogatories to #5 is No.

To the best of our knowledge

The answer to the plaintiff's interrogatories to #6 is No.

The answer to the plaintiff's interrogatories to #7 is:

1) N/A

2) \$112,922.17

3) Administration Fee - \$50.00

Personal Checking - Account # 12396699 - \$1,698.51

Mortgage Loan #s -

30409580 - \$88,440.92

30410876 - \$24,592.28

Appraised Value - \$160,000.00

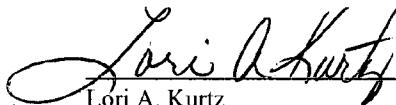
4) N/A

**FILED**

**MAR 30 2001**

**William A. Shaw  
Prothonotary**

Date: March 29, 2001

  
\_\_\_\_\_  
Lori A. Kurtz  
Collection Manager  
Clearfield Bank & Trust Company

No. 00-156-CD

Bloom Electric, Heating & Plumbing  
Inc. vs. Plaintiff

Thomas E. Foster and Carolyn J.  
Foster, Husband and Wife,  
Defendants

AND  
Clearfield Bank & Trust Co.  
Garnishee

**FILED**

MAR 30 2001

011-4613cc CBT

William A. Shaw  
Prothonotary



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 10811

**BLOOM ELECTRIC, HEATING & PLUMBING, INC.**

**00-156-CD**

**VS.**

**FOSTER, THOMAS E. 00-156-CD**

**WRIT OF EXECUTION**

**REAL ESTATE**

**SHERIFF RETURNS**

---

**NOW, MARCH 21, 2001, AT 9:20 AM O'CLOCK A LEVY WAS TAKEN ON PROPERTY  
OF THE DEFENDANT.**

**NOW, MARCH 21, 2001, AT 9:20 AM O'CLOCK SERVED WRIT OF EXECUTION AND  
COPY OF LEVY ON THOMAS E. FOSTER, DEFENDANT, AT HIS PLACE OF  
RESIDENCE, 211 STATE STREET, CURWENSVILLE, CLEARFIELD COUNTY,  
PENNSYLVANIA, 16833, BY HANDING TO THOMAS E. FOSTER, DEFENDANT, A  
TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY  
OF LEVY AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

**NOW, MARCH 21, 2001, AT 9:20 AM O'CLOCK SERVED WRIT OF EXECUTION AND  
COPY OF LEVY ON THOMAS E. FOSTER, CO DEFENDANT-FOR CAROLYN J.  
FOSTER, DEFENDANT, AT HIS PLACE OF RESIDENCE, 211 STATE STREET,  
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, 16833, BY HANDING  
TO THOMAS E. FOSTER, CO DEFENDANT - FOR CAROLYN J. FOSTER, DEFENDANT,  
A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY  
OF LEVY AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

**NOW, MARCH 21, 2001, AT 1:35 PM O'CLOCK SERVED WRIT OF EXECUTION AND  
INTERROGATORIES TO GARNISHEE, ON WILLIAM SHINER, SENIOR VICE-  
PRESIDENT OF CLEARFIELD BANK & TRUST COMPANY, GARNISHEE, AT HIS  
PLACE OF EMPLOYMENT, 11 NORTH SECOND STREET, CLEARFIELD, CLEARFIELD  
COUNTY, PENNSYLVANIA, 16830, BY HANDING TO WILLIAM SHINER, SENIOR  
VICE PRESIDENT OF CLEARFIELD BANK & TRUST COMPANY, GARNISHEE, A TRUE  
AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND  
INTERROGATORIES TO GARNISHEE AND MADE KNOWN TO HIM THE CONTENTS**

**FILED**

**APR 29 2002**

**William A. Shaw  
Prothonotary**

**FILED**

**APR 29 2002**

**William A. Shaw  
Prothonotary**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10811

BLOOM ELECTRIC, HEATING & PLUMBING, INC.

00-156-CD

VS.

FOSTER, THOMAS E. 00-156-CD

WRIT OF EXECUTION

REAL ESTATE

**SHERIFF RETURNS**

---

THEREOF.

NOW, APRIL 29, 2002, RETURN WRIT AS NO SALE HELD, TIME EXPIRED. PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO THE ATTORNEY.

SHERIFF HAWKINS \$64.60

SURCHARGE \$50.00

PAID BY ATTORNEY

---

Sworn to Before Me This

29 Day of April 2002

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

by Marie Grant N. Potts  
Chester A. Hawkins  
Sheriff

## PERSONAL PROPERTY

## **SCHEDULE OF DISTRIBUTION**

FOSTER 00-156-CD

NOW, \_\_\_\_\_, by virtue of the writ hereunto attached, after having given due and legal Notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the day of \_\_\_\_\_ 2001, the defendant's personal property for and made the following appropriations.

## **SHERIFF COSTS:**

## DEBT & INTEREST:

RDR	\$ 9.00	DEBT	\$ 24,000.00
SERVICE	9.00	INTEREST	
MILEAGE	3.12		
LEVY	20.00	<b>TOTAL DEBT &amp; INTEREST</b>	\$
MILEAGE	3.12		
POSTING	<u>9.00</u>	<b>COSTS:</b>	
HANDBILLS	<u>9.00</u>	ATTORNEY PAID	\$
COMMISSION		ATTORNEY FEES	<del>2,400.00</del>
UNABLE TO LEVY		COSTS TO PROTHONOTARY	\$ <del>40.00</del>
POSTAGE	1.36	SHERIFF'S COSTS	<del>64.60</del>
ADD'L SERVICE	18.00	REFUND OF ADVANCE	
ADD'L MILEAGE	1.00	REFUND OF SURCHARGE	
ADD'L POSTING			
COPIES			
BID		<b>TOTAL COSTS</b>	\$ 64.60
RETURN OF INTERROGATORIES			
<b>TOTAL SHERIFF COSTS</b>	\$ 641.10		

Commission 2% on the first \$100,000.00 and 1/2% on all over that. Distribution will be made in accordance with the above schedule unless exceptions are filed with this office within ten (10) days from this date.

**Chester A. Hawkins, Sheriff**

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay a judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
\*  
vs. \* No. 00- 156 -CD  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

WRIT OF EXECUTION

Commonwealth of Pennsylvania }  
County of Clearfield }  
}

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against Thomas E. Foster and Carolyn J. Foster, husband and wife, Defendants,

(1) You are directed to levy upon the following property of the defendants and to sell their interest therein:

Any and all personal property of the defendants, including furnishings, furniture, appliances and motor vehicles, found at their residence and place of business, Angels & Unicorns Bed & Breakfast, 211 State Street, Curwensville, PA, or elsewhere.

(2) You are also directed to attach the property of the defendants not levied upon in the possession of Clearfield Bank & Trust Company, 11 N. Second Street, Clearfield, PA, as garnishee, as follows:

All sums due defendants from garnishee. All property of defendants possessed by garnishee. All accounts, including all savings, checking and other accounts, certificates of deposit, notes, receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes.

and to notify the garnishee that

(a) An attachment has been issued;

(b) the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount Due	\$ 24,000.00
Attorneys' fees	\$ 2,400.00
[Costs to be added]	\$ <u>40.00</u>
Total	\$ _____

Dated 3/13/01



Prothonotary

SEAL OF THE COURT

By: \_\_\_\_\_  
Deputy

RECEIVED MAR 13 2001

@ 1:22 PM

Chester A. Hawkins  
by Margaret N. Pitt

MAJOR EXEMPTIONS UNDER PENNSYLVANIA  
AND FEDERAL LAW

1. \$300.00 statutory exemption;
2. Bibles, school books, sewing machines, uniforms and equipment;
3. Most wages and unemployment compensation;
4. Social Security benefits;
5. Certain retirement funds and accounts;
6. Certain veteran and armed forces benefits;
7. Certain insurance proceeds;
8. Such other exemptions as may be provided by law.

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*

Plaintiff \*

vs. \* No. 00- 156 -CD

THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*

Defendants \*

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300.00 statutory exemption be

[ ] (i) set aside in kind (specify property to be set aside in kind):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
;

[ ] (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300.00 statutory exemption: [ ] in cash; [ ] in kind (specify property):

\_\_\_\_\_  
;

(b) Social Security benefits on deposit in the amount of \$ \_\_\_\_\_;

(c) Other (specify amount and basis of exemption):  
\_\_\_\_\_  
\_\_\_\_\_;

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to at:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

THIS CLAIM TO BE FILED WITH  
THE OFFICE OF THE SHERIFF  
OF CLEARFIELD COUNTY:

Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

NOTICE UNDER RULE 2958.3 OF JUDGMENT  
AND EXECUTION THEREON

NOTICE OF DEFENDANT'S RIGHTS

TO: THOMAS E. FOSTER and CAROLYN J. FOSTER, husband and wife, DEFENDANTS

A judgment in the amount of \$24,000.00 has been entered against you and in favor of the Plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The court has issued a writ of execution which directs the sheriff to take your money or other property owned by you to pay the judgment.

If your money or property has been taken, you have the right to get the money or property back if you did not voluntarily, intelligently and knowingly give up your constitutional right to notice and hearing prior to the entry of judgment or if you have defenses or other valid objections to the judgment.

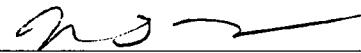
You have a right to a prompt court hearing if you claim that you did not voluntarily, intelligently and knowingly give up your rights to notice and hearing prior to the entry of the judgment. If you wish to exercise this right, you must immediately fill out and sign the petition to strike the judgment which accompanies the writ of execution and deliver it to the Sheriff of Clearfield County at Clearfield, Pennsylvania.

IT IS IMPORTANT THAT YOU ACT PROMPTLY. IT WILL BE TOO LATE TO REGAIN YOUR PROPERTY IF YOU WAIT UNTIL AFTER THE PROPERTY HAS BEEN SOLD BY THE SHERIFF OR TURNED OVER TO THE PLAINTIFF.

YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO THE JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

  
Michael S. Marshall, Esquire  
Attorney for Plaintiff  
310 East Cherry Street  
Clearfield, Pennsylvania 16830  
(814) 765-1701

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

BLOOM ELECTRIC, HEATING \*  
& PLUMBING, INC. \*  
Plaintiff \*  
\*  
vs. \* No. 00- 156 -CD  
\*  
THOMAS E. FOSTER and CAROLYN \*  
J. FOSTER, husband and wife, \*  
Defendants \*

PETITION TO STRIKE JUDGMENT

REQUEST FOR PROMPT HEARING

I hereby certify that I did not voluntarily, intelligently and knowingly give up my right to notice and hearing prior to the entry of judgment. I petition the court to strike the judgment on this ground and request a prompt hearing on this issue.

I verify that the statements made in this Request for hearing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

Notice of the hearing should be given to me at:

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Telephone Number

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)