

00-1168-CD

Bernd Bierbach vs Eileen Smith

8

CD-9911-00
BERND BIERBACH

VS
EILEEN SMITH

30001

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

14
BERND BIERBACH
Plaintiff

NO. 00-1168-CO

vs.

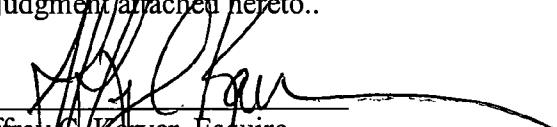
ATTORNEY I.D. #32384

32
EILEEN SMITH
Defendant

PRAECIPE FOR JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment in the amount of \$5,141.00 in favor of the Plaintiff and against the Defendant, pursuant to the certified docket entries and judgment attached hereto..


Jeffrey C. Karver, Esquire
Attorney for Plaintiff
7 East Philadelphia Avenue
Boyertown, PA 19512
610-367-2148

Dated: September 14, 2000

FILED

SEP 18 2000

17/4:wmws
William A. Shaw PD
Prothonotary 20-
NOTICE & CERT TO DEF
CERT TO ATT

PROTHONOTARY, MONTGOMERY COUNTY, PA
CASE INFORMATION

DATE 09/08/00

BIERBACH BERND

VERSUS SMITH EILEEN

CASE # 00-18431 DATE COMMENCED 09/07/00 JUDGE
CASETYPE JUDGMENT FROM DISTRICT JUSTICE \$5,141.00
PARCEL # = - - -

PLAINTIFF BIERBACH BERND ATTORNEY *UNREPRESENTED*
16 DRUMHELLER DR READING PA 19606

DEFENDANT SMITH EILEEN ATTORNEY *UNREPRESENTED*
BUNDY RD, BOX 29C, RURAL RT 1 PENFIELD PA 15849

DOCKET INFORMATION

09/07/00 CERTIFICATION OF ADDRESSES
09/07/00 236 NOTICE/JUDGT REQ DOC MAILED
END OF DATA

September 8, 2000

JUDGMENT CERTIFIED IN THE AMOUNT OF \$5,141.00 IN FAVOR OF
THE PLAINTIFF, BERN BIERBACH, AND AGAINST THE DEFENDANT,
EILEEN SMITH.

CERTIFIED FROM THE RECORDS OF THE
PROTHONOTARY, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY, PA.

WILLIAM E. DONNELLY, PROTHONOTARY

DATE: Julie A. Dunn CLERK

9/8/00

Montgomery County

Case Document Listing

<u>Case Number</u>	<u>Description</u>	<u>Date</u>
200018431/0000	38-Judgement from District Justice	09/07/2000 08:46 AM
200018431/0001	91-Notice 236 / Judgt Req Doc Mailed	09/07/2000 08:47 AM
200018431/0002	46-Certification of Addresses	09/07/2000 08:47 AM

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

BERND BIERBACH : NO. 00-1168-C0
Plaintiff :

vs. : ATTORNEY I.D. #32384

EILEEN SMITH :
Defendant :

NOTICE IS GIVEN THAT A JUDGMENT IN THE ABOVE CAPTIONED MATTER
HAS BEEN ENTERED AGAINST YOU. IN THE AMOUNT OF \$5,141.00.

W.H. 9-18-06
Prothonotary

If you have any questions concerning the above, please contact:

Jeffrey C. Karver, Esquire
7 East Philadelphia Avenue
Boyertown, PA 19512
610-367-2148

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

BERND BIERBACH
Plaintiffs (s)

Docket: 282

No.: 00-1168-CD

Real Debt: \$5,141.00

Atty's Comm:

Vs.

Costs: \$

Int. From:

EILEEN SMITH
Defendant (s)

Entry: \$20.00

Instrument: DISTRICT JUSTICE TRANSFER

Date of Entry: SEPTEMBER 18, 2000

Expires: SEPTEMBER 18, 2005

Certified from the record this 18TH day of SEPTEMBER,2000.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

PRAECIPE FOR WRIT OF EXECUTION—(MONEY JUDGMENTS)
P.R.C.P. 3101 to 3149

BERND BIERBACH.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 00-1168-CD Term 19

vs.

EILEEN SMITH.....

PRAECIPE FOR WRIT OF EXECUTION
(MONEY JUDGMENT)

To the Prothonotary: ISSUE WRIT OF EXECUTION IN THE ABOVE MATTER.

(1) Directed to the Sheriff of Clearfield County, Penna.;

(2) against EILEEN SMITH Defendant(s)

(3) and against Garnishee(s)

(4) and index this writ

(a) against EILEEN SMITH Defendant(s) and

(b) against Garnishee(s).

as a lis pendens against the real property of the defendant(s) in the name of the Garnishee(s) as follows: (Specifically describe property)

FILED

APR 04 2003

William A. Shaw
Prothonotary

(5) Amount due	\$5,141.00....
Interest from 9/18/00 to 4/02/03	..703.87....
Atty. Com. Prothonotary costs \$40.00
Total	5,844.87 Plus costs. \$

Inquisition and Exemption (is) (is not) Waived.

Dated April 2, 2003.....

Jeffrey O. Karver, Esquire

NOTE

Under paragraph (1) when the writ is directed to the sheriff of another county as authorized by Rule 3103(b), the county should be indicated.

Under Rule 3103(c) a writ issued on a transferred judgment may be directed only to the sheriff of the county in which issued.

Paragraph (3) above should be completed only if a named garnishee is to be included in the writ.

Paragraph (4) (a) should be completed only if indexing of the execution in the county of issuance, is desired as authorized by Rule 3104(a).

When the writ issues to another county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4) (b) should be completed only if real property in the name of a garnishee is attached and indexing as a lis pendens is desired.

See Rule 3104(c).

No. 09-1168-CD..... Term, 19.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BERND BIERBACH.....

.....
vs.
.....

EILEEN SMITH.....

.....

PRAECIPE FOR WRT OF EXECUTION

(Money Judgments)

P.R.C.P. 3101 to 3149 etc.

FILED *Any J. Kasper*
M 3/14/03 *Pd 20.00*

APR 04 2003

William A. Shaw *ESQ*
Prothonotary

...Jeffrey C. Karver, Esquire.....
Attorney for Plaintiff(s)

Address of Defendant(s) R.D. #1, Box 29C, Bundy Road
Penfield, PA 15849

Where papers may be served.

WRIT OF EXECUTION--(MONEY JUDGMENTS) Rules P.R.C.P. 3101 to 3149

No. 00-1168-CD Term 19

CD COPY Ter

**WRIT OF EXECUTION
(MONEY JUDGMENTS)**

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD CIVIL ACTION-LAW

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNA.

To satisfy the judgment interest and costs against EILEEN SMITH

..... Defendant(s);
(1) You are directed to levy upon the property of the defendant(s) and to sell his, her (or their) interest therein; (Inquisition and Exemption Laws (are) (are not) waived.
(2) You are also directed to attach the property of the defendant not levied upon in the possession of Garnishee(s)
(Specifically describe property)

and to notify the Garnishee(s) that

(a) an attachment has been issued;

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

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

Amount due	\$ 5,141.00
Interest from 9/18/00 to 4/02/03	... 703.87
Attys. Comm.
Total	5,844.87
Plus costs	Prothonotary costs 40.00 \$

Dated April 2, 2003
(SEAL)

WILLIAM A. SHAW

..... Prothonotary, Court of Common Pleas of
Clearfield County, Penna.

By Deputy

SERVICE ATTEMPTED

No. 00-1168-CD..... Term, 19....

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

vs

EILEEN SMITH

WRIT OF EXECUTION

(Money Judgments)

Claim \$	Costs
Interest from	Prothly Paid \$
Atty. Comm.	Judgment Fee \$
	Attorney \$
	Writ, Ret. & Sat. \$
	Total Cost \$
 Attorney for Plaintiff(s).....
	Address of Defendant(s)
	R.D. #1, Box 29C, Bundy Road
	Penfield PA 15849
	Where papers may be served



In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13907

BIERBACH, BERND

00-1168-CD

VS.

SMITH, EILEEN

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

NOW, JUNE 9, 2003 @ 1:45 P.M. SERVED WRIT OF EXECUTION ON THOMAS SMITH, HUSBAND OF THE DEFENDANT, AT HER PLACE OF RESIDENCE R D #1, BOX 293, BUNDY ROAD, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO THOMAS SMITH, HUSBAND OF THE DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, JUNE 9, 2003 @ 1:45 P.M. ATTEMPTED TO LEVY ON THE PERSONAL PROPERTY OF THE DEFENDANT. INFORMED NOTHING OF VALUE IN THE DEFENDANT'S NAME.

NOW, JUNE 24, 2003 RECEIVED A LETTER FROM THE PLAINTIFF'S ATTORNEY TO WITHDRAW THE LEVY AND CANCEL THE SHERIFF SALE DUE TO A PREVIOUS BANKRUPTCY FILING IN WITH THE PLAINTIFF'S DEBT WAS DISCHARGED.

NOW, AUGUST 25, 2003 PAID COSTS FROM THE ADVANCE AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY.

NOW, AUGUST 25, 2003 RETURN WRIT AS NO SALE HELD ON THE PERSONAL PROPERTY OF THE DEFENDANT. THE SALE WAS CANCELED BY THE PLAINTIFF'S ATTORNEY.

SHERIFF HAWKINS \$104.28

SURCHARGE \$20.00

PAID BY ATTORNEY

FILED

AUG 25 2003

**William A. Shaw
Prothonotary**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13907

BIERBACH, BERND

00-1168-CD

VS.

SMITH, EILEEN

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

Sworn to Before Me This

25 Day Of August 2003

Chester A. Hawkins

EHD

So Answers,

Chester A. Hawkins
By Cynthia Butter Augerday
Chester A. Hawkins
Sheriff

ACHILLE, ELLERMAYER & FRENCH
Attorneys at Law

379 Main Street
Brookville, PA 15825-1221

(814) 849-6701
Fax: (814) 849-2889

WRIT OF EXECUTION—(MONEY JUDGMENTS) Rules P.R.C.P. 3101 to 3149

BERND BIERBACH
.....
VS
EILEEN SMITH
.....

No. 00-1168-CD Term 19

WRIT OF EXECUTION
(MONEY JUDGMENTS)

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD CIVIL ACTION-LAW

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNA.

To satisfy the judgment, interest and costs against EILEEN SMITH

18 satisfy the judgment, interest and costs against

Defendant(s);

(1) You are directed to levy upon the property of the defendant(s) and to sell his, her (or their) interest therein; (Inquisition and Exemption Laws (are) (are not) waived.

(2) You are also directed to attach the property of the defendant not levied upon in the possession of

..... Garnishee(s)
(Specifically describe property)

and to notify the Garnishee(s) that

(a) an attachment has been issued;

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

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

Amount due \$5,141.00

Interest from 9/18/00 to ...7.03.87.
4/02/03

Atty's Comm.

Total 5,844.87

Plus costs Prothonotary costs 40.00

Prothonotary costs 40.00

WILLIAM A. SHAW

Dated April 2, 2003
(SEAL)

Prothonotary, Court of Common Pleas of
Clearfield County, Penna.

By Willis L. Thor (cont.)

Received 4-7-03 @ 11:30 a.m.

Chesler A. Hauf

By Cynthia Bitter-Aughenbaugh

SERVICE ATTEMPTED

No. 00-1168-CD..... Term, 19.....

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

vs

EILEEN SMITH

WRIT OF EXECUTION

(Money Judgments)

Claim \$	Costs
Interest from	Prothly Paid \$
Atty. Comm.	Judgment Fee \$
	Attorney \$
	Writ, Ret. & Sat. \$
	Total Cost \$

..... Attorney for Plaintiff(s)

Address of Defendant(s)

R.D. #1, Box 29C, Bundy Road
Penfield PA 15849
Where papers may be served

PERSONAL PROPERTY

SCHEDULE OF DISTRIBUTION

NAME: SMITH NO. 00-1168-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 2002, the defendant's personal property for and made the following appropriations.

SHERIFF COSTS:		DEBT & INTEREST	
RDR	9.00	DEBT	5,141.00
SERVICE	9.00	INTEREST	703.87
MILEAGE	10.40		
LEVY	20.00	TOTAL DEBT & INTEREST	5,844.87
MILEAGE	10.40		
POSTING	9.00		
HANDBILLS	10.00	COSTS:	
COMMISSION		ATTORNEY PAID	
UNABLE TO LEVY (9.00)		ATTORNEY FEES	
POSTAGE	1.48	COSTS TO PROTHONOTARY	40.00
ADD'L SERVICE		SHERIFF'S COSTS	104.28
ADD'L ,MILEAGE-DEPUTIZE		REFUND OF ADVANCE	
ADD'L POSTING		REFUND OF SURCHARGE	
COPIES/BILLING	15.00		
BID			
RETURN OF INTERROGATORIES		COSTS	
PHONE CALLS	10.00	OTHER COSTS-PREVIOUS	
ADJOURNED SALE			
TOTAL SHERIFF COSTS	104.28	TOTAL COSTS	144.28
		TOTAL DEBT AND COSTS	5,989.15

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

BOYD & KARVER
Attorneys and Counselors at Law

CRAIG S. BOYD
JEFFREY C. KARVER
JEFFREY R. BOYD

7 EAST PHILADELPHIA AVENUE, BOYERTOWN, PA 19512
TELEPHONE (610) 367-2148
FAX (610) 367-5406

June 24, 2003

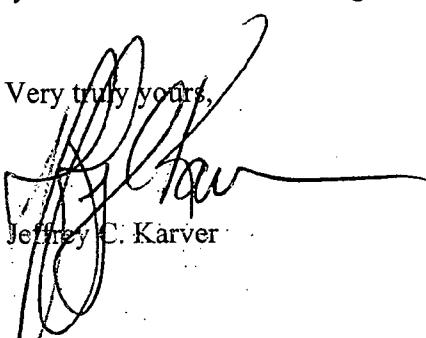
Sheriff's Office
Attn: Cindy
Clearfield County Courthouse
1 North Second Street, Suite 116
Clearfield, PA 16830

Re: Bernd Bierbach v. Eileen Smith
No. 00-1168-CD

Dear Cindy:

Please be advised that I have received the appropriate documentation from Attorney Stephen French, confirming the fact that the above-referenced defendant has filed a Chapter 7 Bankruptcy and that my client's debt was discharged under the bankruptcy. For some unknown reason, my client never received copies of the filing of the bankruptcy, nor the discharge. In light of the foregoing, I believe it would be appropriate for me to request that you withdraw the request for a levy and cancel the sheriff's sale which may be scheduled in this matter. If there are any unused funds from the deposit, kindly return them to the undersigned. Thank you for your courtesy in this regard.

Very truly yours,


Jeffrey C. Karver

JCK:ljl

cc: Bernd Bierbach

Received
6-26-03

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNARD BIERBACH,

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 1168 CD 2000

v.

EILEEN SMITH,³²

Defendant.

SUGGESTION OF BANKRUPTCY

Filed on Behalf of :
DEFENDANT

FILED
m 19 2005
MAR 29 2005
NO 02

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNARD BIERBACH,
Plaintiff,

CIVIL ACTION - LAW

V.

CASE NO: 1168 CD 2000

EILEEN SMITH,
Defendant.

SUGGESTION OF BANKRUPTCY

AND NOW, comes the Defendant, by and through her attorney, Joseph H. Ellermeyer, and respectfully represents and would show this Court:

1. The Defendant has filed a Chapter 13 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 05 - 704098.

2. Relief was ordered on March 3, 2005.

3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

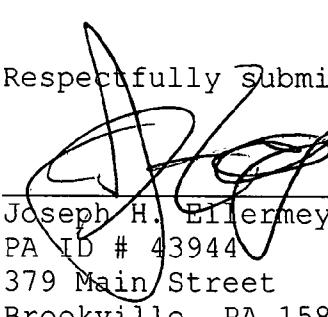
4. The Defendant/Debtor has filed a Chapter 13 Plan which provides for payment in full of the claim upon which this action is founded.

5. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date 3-23-05


Joseph H. Ellermeyer, Esquire
PA ID # 43944
379 Main Street
Brookville, PA 15825
814/849-6701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNARD BIERBACH,
Plaintiff,

CIVIL ACTION - LAW

V.

CASE NO: 1168 CD 2000

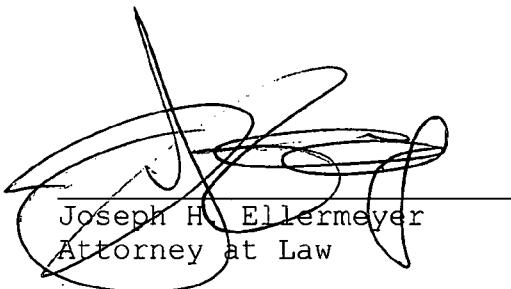
EILEEN SMITH,
Defendant.

CERTIFICATE OF SERVICE

I, Joseph H. Ellermeyer, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

Jeffrey Karver, Esquire
7 East Philadelphia Avenue
Boyertown, PA 19512

Dated: March 24, 2005



Joseph H. Ellermeyer
Attorney at Law