

00-1310-CD
GEISINGER CLINIC -vs- RALPH ANDERSON et al

113
GEISINGER CLINIC

Plaintiff

:IN THE COURT OF COMMON PLEAS
:OF CLEARFIELD COUNTY, PENNA.

v.

83
RALPH ANDERSON and
KATHLEEN ANDERSON, his wife
Defendants

:CIVIL ACTION - LAW

: NO. 00-1310-60

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment upon default in the above-captioned matter against Ralph Anderson and Kathleen Anderson, his wife of P.O. Box 132, Frenchville, Pennsylvania, 16836, in the amount of Four Thousand Fifty-One Dollars (\$4,051.00) in favor of Plaintiff, Geisinger Clinic.

Cory Piontek

Cory D. Piontek
Attorney for Plaintiff

ORDER

AND NOW, to wit, this 3rd day of October, 2000, Judgment is entered against Defendants, Ralph Anderson and Kathleen Anderson, his wife, in favor of Plaintiff, Geisinger Clinic in the amount of \$4,051.00.

FILED

OCT 23 2000

William A. Shaw
Prothonotary

W. Shaw

William Shaw, Prothonotary
Clearfield County

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: MONTOUR

Mag. Dist. No.:

26-3-04

DJ Name: Hon.

MARVIN K. SHRAWDER

Address: MONTOUR COUNTY COURTHOUSE
29 MILL STREET
DANVILLE, PA

Telephone: (570) 271-3022 17821

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: NAME and ADDRESS

GEISINGER CLINIC
100 N. ACADEMY AVE.
DANVILLE, PA 17822

VS.

DEFENDANT: NAME and ADDRESS

ANDERSON, RALPH, ET AL.
PO BOX 132
FRENCHVILLE, PA 16836

GEISINGER CLINIC
100 N. ACADEMY AVE.
DANVILLE, PA 17822

Docket No.: CV-0000185-00
Date Filed: 7/31/00



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

80-130-00

Judgment was entered for: (Name) GEISINGER CLINIC

Judgment was entered against: (Name) ANDERSON, KATHLEEN

in the amount of \$ 4,051.00 on: (Date of Judgment) 8/21/00

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed. _____

Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ <u>3,974.00</u>
Judgment Costs	\$ <u>77.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>4,051.00</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

8/21/00 Date Marvin K. Shrawder, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

10/16/00 Date Marvin K. Shrawder, District Justice

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: MONTOUR

Mag. Dist. No.:

26-3-04

DJ Name: Hon.

MARVIN K. SHRAWDER

Address: MONTOUR COUNTY COURTHOUSE
29 MILL STREET
DANVILLE, PA

Telephone: (570) 271-3022 17821

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: NAME and ADDRESS

GEISINGER CLINIC
100 N. ACADEMY AVE.
DANVILLE, PA 17822

VS.

DEFENDANT: NAME and ADDRESS

ANDERSON, RALPH, ET AL.
PO BOX 132
FRENCHVILLE, PA 16836

GEISINGER CLINIC
100 N. ACADEMY AVE.
DANVILLE, PA 17822

Docket No.: CV-0000185-00
Date Filed: 7/31/00



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

00-1310-C
00-1310-C

Judgment was entered for: (Name) GEISINGER CLINIC

Judgment was entered against: (Name) ANDERSON, RALPH

in the amount of \$ 4,051.00 on: (Date of Judgment) 8/21/00

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed. _____

Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ <u>3,974.00</u>
Judgment Costs	\$ <u>77.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>4,051.00</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

8/21/00 Date Marvin K. Shrawder, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

10/16/00 Date Marvin K. Shrawder, District Justice

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

10/20/00
COPY

GEISINGER CLINIC

Plaintiff(s)

No. 00-1310-CD

vs.

Real Debt \$4,051.00

Atty's Comm _____

RALPH ANDERSON and _____

KATHLEEN ANDERSON _____

Defendant(s)

Atty's Comm _____

Costs \$ _____

Int. From _____

Entry \$20.00

Instrument DJ Judgment

Date of Entry October 23, 2000

Expires October 23, 2005

Certified from the record this 23rd day of October, 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

OCT 23 2000
3551 Getty Proth
William A. Shar
Prothonotary

not. to Dr. R. Anderson
not. to Dr. K. Anderson
Statement to Getty

23 2000
William A. S.
Prothonotary

00-1310-CD

Attyd
700

01249

JUL 16 2002

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DIVISION OF PENNSYLVANIA
PITTSBURGH DIVISION

200
PA William A. Shaw
Prothonotary

RALPH A. ANDERSON and
KATHLEEN S. ANDERSON,
Husband and Wife,
Movants

vs.

GEISINGER CLINIC,
Respondent

In The United States Bankruptcy Court For The Western District
of Pennsylvania I, the undersigned Deputy Clerk, U.S. Bankruptcy
CHAPTER Court in and for said District, DO HEREBY CERTIFY that this
CASE NO. ~~copy 013-29190-BM~~ is the original thereof and that it is
MOTION NO. ~~10~~ complete and correct copy of such original as it appears of
record in the Clerk's Office.

I, William A. Shaw, Deputy Clerk, have this day set my hand at
Pittsburgh in said District, this 26 day of June 2002.

Deputy Clerk, U.S. Bankruptcy Court

MOTION TO AVOID JUDICIAL LIEN
PURSUANT TO BANKRUPTCY RULE 4003(d) AND 11 U.S.C. 522(f)(1)(A)

1. Ralph A. Anderson and Kathleen S. Anderson, husband and wife, (hereinafter collectively referred to as "Movants") commenced this action on May 15, 2001 by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code.

2. The jurisdiction of this Court to hear this motion is provided for under 28 U.S.C. § 1471.

3. Sylverius Hugney and Iola Hugney, husband and wife, granted and conveyed certain realty in Covington Township, Clearfield County, Pennsylvania (hereinafter referred to as the "Subject Premises") to Movants under a deed dated October 11, 1988, which is recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in Deeds and Records Book 1248, Page 10.

4. On or about June 21, 1999, the Subject Premises was appraised as having a fair market value of \$80,000.00 by Clearfield Bank & Trust Company in connection with a refinancing of mortgage debt which was occurring at that time. Such appraisal is

incorporated herein by reference.

5. At the time this case was commenced and continuing to the date of the filing of this Motion, the Subject Premises was and is encumbered by the following liens:

(a) the lien of an open-end mortgage dated November 25, 1996 from Movants to Clearfield Bank & Trust Company securing the payment of advances against a home equity line of credit having a credit limit of \$6,600.00, which is recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in Deeds and Records Book 1806, Page 492;

(b) the lien of a mortgage dated June 21, 1999 from Movants to Clearfield Bank & Trust Company securing the payment of \$54,600.00, which is recorded in the above mentioned Office at Instrument No. 199910537;

(c) the lien of a judgment in the amount of \$2,962.02 which was entered in the case of Geisinger Medical Center, Plaintiff vs. Ralph A. Anderson and Kathleen S. Anderson, Defendants, which is filed to No. 00-1309-CD in the Court of Common Pleas of Clearfield County, Pennsylvania, Civil Division; and

(d) the lien of a judgment in the amount of \$4,051.00 which was entered in the case of Geisinger Clinic, Plaintiff vs. Ralph A. Anderson and Kathleen S. Anderson, Defendants, which is filed to No. 00-1310-CD in the Court of Common Pleas of Clearfield County, Pennsylvania, Civil Division.

6. At the time of the filing of the aforesaid petition (hereinafter referred to as the "Petition"), the amount owed to Clearfield Bank & Trust Company in connection with the above

mentioned mortgage dated June 21, 1999 was approximately \$52,542.96.

7. At the time of the filing of the petition, the amount owed to Clearfield Bank & Trust Company in connection with the above mentioned mortgage dated November 25, 1996 was approximately \$5,655.46.

8. Movants are entitled to an exemption in the amount of \$32,300.00 under 11 U.S.C. § 522(d)(1) in connection with their ownership of the Subject Premises because the Subject Premises is Movants' residence as defined and provided for under Chapter 7 of Title 11 of the United States Code.

9. The lien of Respondents' judgment filed to No. 00-1310-CD impairs the aforesaid exemption provided for under 11 U.S.C. §522(d)(1) which Movants would otherwise be entitled to.

WHEREFORE, Movants respectfully request that this Court issue an Order avoiding the aforesaid judicial lien held by Respondent in or to the Subject Premises and for such additional and/or alternative relief as this Court may deem just, proper and appropriate.

RESPECTFULLY SUBMITTED,

John R. Lhota, P.C.

BY:

John R. Lhota, Attorney at Law
Co-Counsel to Ralph A. Anderson
and Kathleen S. Anderson, Movants

John R. Lhota, Attorney at Law
John R. Lhota, P.C.
110 North Second Street
Clearfield, PA 16830

Supreme Court No. 22491

DATE: August 20, 2001

#14
M/14

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DIVISION OF PENNSYLVANIA
PITTSBURGH DIVISION

RALPH A. ANDERSON and *
KATHLEEN S. ANDERSON, *
Husband and Wife, *
Movants * CHAPTER 7
vs. * CASE NO. 01-25190-BM
* MOTION NO. 01-1345 M
GEISINGER CLINIC, *
Respondent *

ORDER

AND NOW, this 10th day of *October*, 2001 having reviewed and considered the Motion to Avoid Judicial Lien Pursuant to Bankruptcy Rule 4003(d) and 11 U.S.C. Section 522(f)(1)(A) which has been filed of record in the above captioned on behalf of Movants, it is hereby ORDERED AND DECREED that said Motion is hereby granted and that Respondent's judicial lien, in the amount of \$4,051.00, filed to No. 00-1310-CD in the Court of Common Pleas of Clearfield County, Pennsylvania, Civil Division, is hereby avoided.

BY THE COURT



Bernard Markovitz
United States Bankruptcy Judge

FILED

OCT 10 2001

CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA