

02-97-00
WITMER CONSTRUCTION, INC. -vs- RICHARD GATHAGAN

ORIGINAL

Writ of Execution

WITMER CONSTRUCTION, INC.

VS.

97-114

RICHARD CATHAGAN

GLEN RITCHIE HIGHWAY

CLEARFIELD, PA 16830

02-97-CO

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 the 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. 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.**

Court Administrator's Office
Centre County Court House
Bellefonte, PA 16823
814-355-6727

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms & 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

FILED

JAN 18 2002

m13101 Witmer Const.
William A. Shaw pd \$20.00
Prothonotary
2ccShaw

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 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 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 me 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. § 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, SECOND & MARKET ST.,

Address

CLEARFIELD, PA 16830

(814)765-2641 5986

Telephone Number

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

WITMER CONSTRUCTION, INC.

No. 97-114

vs

WRIT OF EXECUTION
(MONEY JUDGMENTS)

RICHARD GATHAGAN

Glen Ritchie Highway
Clearfield, PA 16830

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CENTRE.
TO THE SHERIFF OF CLEARFIELD COUNTY PENNSYLVANIA.

To satisfy the judgment, interest and costs against RICHARD GATHAGAN

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

as 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) to anyone except the sheriff 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 the named garnishee(s), you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

T. and E. 50.50pd

Prothonotary _____

Praeclipe 20.00pd

Sheriff 45.96pd

Amount due \$ 6531.19

Late charges \$ _____

Attorney's Commission \$ _____

Taxes \$ _____

Interest from 8/1/01 to be added \$ _____

..... \$ _____

TOTAL \$ _____

Plus costs as per endorsement hereon.

Attorney for Plaintiff

Vance Witmer

Address 1310 W. College Ave.
State College, PA 16804

Phone

(814) 238-6062

Delia C. Jammel
Prothonotary, Court of Common Pleas of Centre County Pennsylvania

1/8/02

Date

In The Court of Common Pleas of Clearfield County, Pennsylvania

WITMER CONSTRUCTION, INC

Sheriff Docket # 12106

VS.

GATHAGAN, RICHARD

02-97-CD

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

Sworn to Before Me This

27th Day Of March, 2002

Will. A. Shaw

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

So Answers,

Chester Hawkins
by Margaret A. Butt

Chester A. Hawkins
Sheriff

FILED

MAR 27 2002

01335

William A. Shaw
Prothonotary

W.A.S.

Personal Property Sale

PERSONAL PROPERTY

Personal Property Sale

SCHEDULE OF DISTRIBUTION

02-97-CD GATHAGAN

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:

RDR	\$ 9.00
SERVICE	9.00
MILEAGE	2.00
LEVY	
MILEAGE	2.00
POSTING	
HANDBILLS	
COMMISSION	130.62
UNABLE TO LEVY (\$9.00)	
POSTAGE	.34
ADD'L SERVICE	
ADD'L MILEAGE	2.00
ADD'L POSTING	
COPIES/BILLING	10.00
BID	
RETURN OF INTERROGATORIES	
PHONE CALLS	5.00
TOTAL SHERIFF COSTS	\$ 169.96

DEBT & INTEREST:

DEBT	\$ 6,531.19
INTEREST FROM 8-1-01	
TO BE ADDED	
TOTAL DEBT & INTEREST	\$ 6,531.19

COSTS:

ATTORNEY PAID	\$
ATTORNEY FEES	\$
COSTS TO PROTHONOTARY	\$
SHERIFF'S COSTS	\$ 169.96
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
COSTS	\$ 116.46
OTHER COSTS	\$
TOTAL COSTS	\$ 169.96

TOTAL DEBT AND COSTS \$ ---

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

Sheriff Docket # 12106

WITMER CONSTRUCTION, INC

02-97-CD

VS.

GATHAGAN, RICHARD

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

NOW, MARCH 13, 2002, AT 1:35 PM O'CLOCK SERVED WRIT OF EXECUTION ON RICHARD GATHAGAN, DEFENDANT, AT HIS PLACE OF EMPLOYMENT, 26 SOUTH SECOND STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, 16830, BY HANDING TO RICHARD GATHAGAN, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND MADE KNOWN TO HIM THE CONTANTS THEREOF. SHERIFF HAWKINS INFORMED DEFENDANT THAT ARRANGEMENTS NEED MADE TO MEET AT RESIDENCE FOR A LEVY TO BE DONE. DEFENDANT STATED THAT DEBT WILL BE PAID.

NOW, MARCH 26, 2002, CALLED PLAINTIFF AND WAS INFORMED THAT DEBT HAS BEEN PAID IN FULL.

NOW, MARCH 27, 2002, RETURN WRIT AS NO SALE HELD, DEFENDANT PAID IN FULL, PAID COSTS IN FULL AND MADE REFUND OF UNUSED ADVANCE TO THE PLAINTIFF.

SHERIFF HAWKINS \$169.96

SURCHARGE \$ 20.00

PAID BY PLAINTIFF
