

02-1101-CD
FRED H. HARKLEROAD et al -vs- RICHARD D. WEIMER et al

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 02-
-CD

FRED H. HARKLEROAD and E.
LAVERNA HARKLEROAD,
Plaintiffs

vs.

RICHARD D. WEIMER and JENNIFER
L. WEIMER,
Defendants

COMPLAINT FOR CONFESSION
OF JUDGMENT FOR MONEY

KIM C. KESNER
ATTORNEY AT LAW
23 North Second Street
CLEARFIELD, PA 16830
(814) 765-1706

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

HARKLEROAD, et al. vs. Weimer, et al.

No. 02- -CD

NOTICE UNDER RULE 2958.1 OF JUDGMENT AND EXECUTION THEREON

Notice of Defendants' Rights

To: Richard D. Weimer and Jennifer L. Weimer
R.D. 1, Box 70-J
Westover, Pennsylvania, 16692

A judgment in the amount of \$6,779.00 plus interest and costs 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 Sheriff may take your money or other property to pay the judgment at any time after thirty (30) days after the date on which this notice is served on you.

You may have legal rights to defeat the judgment or to prevent your money or property from being taken. **YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO A 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.

Court Administrator's Office
Courthouse
1 North Second Street
Clearfield, PA 16830
Phone: (814) 765-2641, Ext. 5982



Kim C. Kesner, Esquire
Attorney for Plaintiff
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1704
Fax: (814) 765-7006

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

FRED H. HARKLEROAD and	:	No. 02-	-CD
E. LAVERNA HARKLEROAD,	:		
Plaintiffs	:		
	:		
vs.	:		
	:		
RICHARD D. WEIMER and JENNIFER	:		
L. WEIMER,	:		
Defendants	:		

COMPLAINT FOR CONFESSION OF JUDGMENT FOR MONEY

AND NOW, comes Plaintiffs, FRED H. HARKLEROAD and E. LAVERNA HARKLEROAD, by their attorney, Kim C. Kesner, and files the following Complaint for Confession of Judgment For Money pursuant to Pa.R.Civ.P. 2950 et seq. against the above named Defendants upon a cause of action, whereof the following is a statement:

1. The Plaintiffs, Fred H. Harkleroad and E. LaVerna Harkleroad, husband and wife, are adult individuals residing at R.D. #1, Box 70, Westover, Clearfield County, Pennsylvania, 16692.
2. The Defendants, Richard D. Weimer and Jennifer L. Weimer, husband and wife, are adult individuals residing in Burnside Township, Clearfield County, Pennsylvania with a mailing address of R.D. #1, Box 70-J, Westover, Clearfield County, Pennsylvania, 16692.
3. On October 23, 2000, Defendants executed and delivered to Plaintiffs a Promissory Judgment Note in the amount of \$10,500.00 being the instrument upon which this judgment is being confessed. A photostatic copy of the same, which is a true and correct reproduction of the original signed document, is attached hereto as Exhibit A and incorporated herein by reference. Said note is hereinafter referred to as "Promissory Note."

4. Judgment is not being entered by confession against a natural person in connection with a consumer credit transaction. To the contrary, the transaction between the parties is a commercial transaction in connection the Defendants' lease of a dairy farm.

5. Judgment has not been entered on the instrument against either of the Defendants in this jurisdiction or in any other jurisdiction.

6. The Defendants individually and jointly have breached the terms and conditions of the Promissory Note from time to time by failing to pay amounts due when due and in particular, having failed to pay the principal balance with accumulated interest in full on or before the 1st day of May, 2002 as required by Defendants' Modification Agreement with Plaintiffs dated April 1, 2001.

7. The amount currently due Plaintiffs from Defendants is computed as follows:

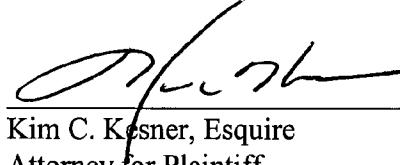
A. Principal Debt:	\$ 5,969.00
B. Accrued interest	\$ 60.00
TOTAL PRINCIPAL AND INTEREST	\$ 6,029.00
C. Attorney's fees	\$ 750.00
D. Costs of suit:	(to be added)
TOTAL:	\$ 6,779.00

8. All conditions precedent required under the terms of the Promissory Note to occur prior to the entry of judgment have occurred.

9. An affidavit that the judgment is not being entered by confession against a natural person in connection with a consumer credit transaction and Certificates of Residence of the Plaintiff and of the Defendants are attached hereto and/or filed of record concurrent herewith.

WHEREFORE, Plaintiffs, Fred H. Harkleroad and E. LaVerna Harkleroad, demand judgment in their favor and against the Defendants, Richard D. Weimer and Jennifer L.

Weimer, jointly and severally in the amount of \$6,779.00, together with interest at the rate of twelve (12%) percent per annum on the principal debt until said debt, fees, and costs of suit are paid in full as authorized by the warrant appearing in the attached instrument.



Kim C. Kesner, Esquire
Attorney for Plaintiff
I. D. No. 28307
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1704
Fax: (814) 765-2957

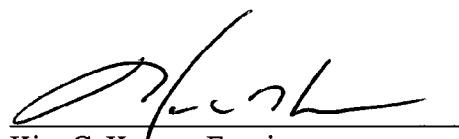
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FRED H. HARKLEROAD and : No. 02- -CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

CONFESSTION OF MONEY JUDGMENT

Pursuant to the authority contained in the warrant of attorney, the original or a copy of which is attached to the Complaint filed in this action, I appear for the Defendants and confess judgment for money in favor of the Plaintiff, Fred H. Harkleroad and E. LaVerna Harkleroad, and against the Defendants, Richard D. Weimer and Jennifer L. Weimer, jointly and severally, in an amount as follows:

A. Principal Debt:	\$ 5,969.00
B. Accrued interest	\$ 60.00
TOTAL PRINCIPAL AND INTEREST	\$ 6,029.00
C. Attorney's fees	\$ 750.00
D. Costs of suit:	(to be added)
TOTAL:	\$ 6,779.00
Costs:	(to be added)



Kim C. Kesner, Esquire
Attorney for Defendants

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

FRED H. HARKLEROAD and	:	No. 02-	-CD
E. LAVERNA HARKLEROAD,	:		
Plaintiffs	:		
vs.	:		
RICHARD D. WEIMER and JENNIFER	:		
L. WEIMER,	:		
Defendants	:		

CERTIFICATE OF RESIDENCE

As to Defendants:

I hereby certify that the precise residence of each of the Defendants, Richard D. Weimer and Jennifer L. Weimer, and the current mailing address of each is R.D. 1, Box 70-J, Westover, Clearfield County, Pennsylvania, 16692.

As to Plaintiff:

I hereby certify that the precise residence of Plaintiffs, Fred H. Harkleroad and E. LaVerna Harkleroad, and the current mailing address is R.D. #1, Box 70, Westover, Clearfield County, Pennsylvania 16692.



Kim C. Kesner, Esquire
Attorney for Defendants

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

FRED H. HARKLEROAD and : No. 02- -CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

AFFIDAVIT OF NON-CONSUMER CREDIT TRANSACTION

TO: THE HONORABLE WILLIAM A. SHAW, PROTHONOTARY,
AND THE JUDGES OF SAID COURT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

The undersigned, being duly sworn according to law, deposes and says judgment being entered in the above-captioned matter against the Defendants is not being entered against the Defendants individually or jointly or any natural person in connection with a consumer credit transaction. On the contrary, the Promissory Note upon which confession is authorized and based is connected with and arises out of a business/commercial transaction.

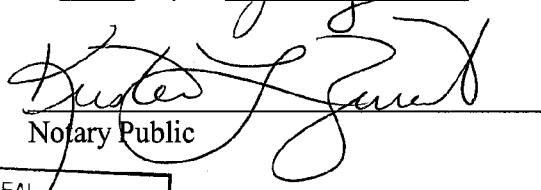
IN WITNESS WHEREOF, Kim C. Kesner, Esquire, Attorney for Plaintiffs has set his hand and seal this 12th day of July, 2002.



Kim C. Kesner, Esquire
Attorney for Plaintiffs

Sworn to and subscribed before me this 12th day of July, 2002.

My Commission Expires:



Notary Public

NOTARIAL SEAL
KRISTEN L. ZURAT, NOTARY PUBLIC
CLEARFIELD BORO, CLEARFIELD CO., PA
MY COMMISSION EXPIRES, MAY 7, 2005

PROMISSORY NOTE

~~500~~
\$ 10,700.00

Westover, Pennsylvania

Date: 10/23/2000

Makers: Richard and
Jennifer Weimer

Payees: Fred and ~~Elma~~ Laverne
Harkleroad

FOR VALUE RECEIVED, we, the undersigned, makers, RICHARD and JENNIFER WEIMER, R.D. 1, Box 70 J, Westover, Pennsylvania, 16692, (Makers), promise to pay to the order of FRED and ~~Elma~~ Laverne HARKLEROAD, R.D. 1, Box 70, Westover, Pennsylvania, 16692, (Payees), the principle sum of Ten Thousand ~~Five~~ ⁵⁰⁰ Three Hundred (\$10,700.00) Dollars, upon demand, payable with interest at the rate of Twelve (12%) percent per year (computed on the basis of a 360-day year).

The principle and interest then due shall become immediately due and payable upon demand. Makers agree that they shall be jointly and severally bound by the terms of this Note.

Makers agree to pay all actual expenditures incurred by Payees in any attempt to collect any amount due under this Note, including all costs of legal action and reasonable attorney's fees.

The Makers of this Note authorize any attorney of law to appear before the Prothonotary of any court of record of the Commonwealth of Pennsylvania or in any State in the United States at any time after this Note is executed and to waive the issuing and service of process and confess a judgment in favor of the legal

holder against any Maker for the amount of principle and interest then due, together with costs of suits and to release all errors and waive all rights of appeal.

WARNING - BY SIGNING THIS PAPER, YOU GIVE UP YOUR RIGHT TO NOTICE AND COURT TRIAL. IF YOU DO NOT PAY UPON DEMAND, COURT JUDGMENT MAY BE TAKEN AGAINST YOU WITHOUT YOUR PRIOR KNOWLEDGE AND THE POWERS OF A COURT CAN BE USED TO COLLECT FROM YOU REGARDLESS OF ANY CLAIMS YOU MAY HAVE AGAINST THE PAYEES.

MAKERS:

Richard Weimer
Richard Weimer

Jennifer Weimer
Jennifer Weimer

Date: 10 - 23 - 00

VERIFICATION

I, Kim C. Kesner, Esquire, verify that the statements made in this Complaint For Confession of Judgment For Money are true and correct to the best of my knowledge, information and belief based upon information provided to me by the Plaintiffs in this matter. I further understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 7/12/02



Kim C. Kesner, Esquire
Attorney for Plaintiffs

COPY

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

FRED H. HARKLEROAD and : No. 02- 1101 -CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

TO: Richard D. Weimer and Jennifer L. Weimer
R.D. 1, Box 70-J
Westover, PA 16692

NOTICE

NOTICE is hereby given that a judgment in the above-captioned matter has been entered
against you jointly and severally in the Court of Common Pleas of Clearfield County in the
amount of \$6,779.00 plus interest and costs on July 15, 2002



William A. Shaw, Prothonotary

AFFIDAVIT OF PROCESS SERVER

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

Harkleroad, et. al. vs. Weimer, et. al. 02-1101-CD & 02-1102-CD
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Richard D. Weimer

with the (documents) of Judgment and Execution thereon and Complaint for Confession of Judgment for Possession of Real Property & Notice Under Rule 2974.2 of Judgment and Execution. by serving Jennifer L. Weimer wife NAME

at Home R.D. 1 Box 70-J Westover PA

RELATIONSHIP

FILED

Business

on Thursday, July 18, 2002 at 6:30 p.m.

JUL 25 2002

01320/hcc

REB

William A. Shaw
Notary Public

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

CITY

STATE

Manner of Service: By personally delivering copies to the person/authorized agent of entity being served.
 By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
 By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.
 By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

Unknown at Address Evading
 Address Does Not Exist Service Cancelled by Litigant Moved, Left no Forwarding
 Unable to Service in a Timely Fashion Other

Service Attempts: Service was attempted on () () () () () ()
() DATE TIME () DATE TIME () DATE TIME () DATE TIME

Description:

Age 30's Sex F Race Wh Hgt. 5' 6" Wgt. 140 Hair Br Glasses No

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 7-23-02 at CLEARFIELD, PA CITY STATE DATE

State of PA
County of CLEARFIELD
Sworn to and subscribed before me this
day of 7-23, 2002

RICHARD A. IRELAND
District Justice, State of Pennsylvania
No. 46-3-02, Clearfield County
Term Expires Jan. 3, 2006

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

Louis Radyminski

Notary Public

AFFIDAVIT OF PROCESS SERVER

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

Harkleroad, et. al.

PLAINTIFF/PETITIONER

vs. Weimer, et. al.

02-1101-CD & 02-1102-CD

DEFENDANT/RESPONDENT

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Jennifer L. Weimer

Complaint for Confession of Judgment for Money and Notice Under Rule with the (documents) 2958.1 of Judgment and Execution Thereon and Complaint for Confession of Judgment for Possession of Real Property & Notice Under Rule 2974.2 of Judgment and by serving Jennifer L. Weimer

NAME

Execution.

RELATIONSHIP

at Home R.D. 1 Box 70-J WEstover PA

Business _____

on Thursday, July 18, 2002 at 6:30 p.m.

Thereafter copies of the documents were mailed by prepaid, first class mail on _____
from _____

CITY

STATE

DATE

Manner of Service: By personally delivering copies to the person/authorized agent of entity being served.
 By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
 By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.
 By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

Unknown at Address Evading
 Address Does Not Exist Service Cancelled by Litigant Moved, Left no Forwarding
 Unable to Service in a Timely Fashion Other

Service Attempts: Service was attempted on () DATE TIME () DATE TIME () DATE TIME
() DATE TIME () DATE TIME () DATE TIME

Description:

Age 30 Sex F Race Wh Hgt. 5' 6" Wgt. 140 Hair Br Glasses No

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on
at CLEARFIELD PA DATE
CITY STATE DATE

State of PA
County of CLEARFIELD

Sworn to and subscribed before me this
day of July 23, 02

RICHARD A. IRELAND
District Justice, State of Pennsylvania
No. 46-3-02, Clearfield County
Term Expires Jan. 3, 2006

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

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

FRED H. HARKLEROAD and : No. 02-1101 -CD
E. LAVERNA HARKLEROAD, : 02-1102
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

Petition Seeking Relief From Judgement

Now comes Richard & Jennifer Weimer asking this court to stay this proceeding, because of the filing of case No. 2002-1192-CD

There has not been sufficient time for this court to hear the above case. The plaintiffs will not be ~~harmed~~^{JW} harmed in any way. However the defendants will be severely harmed if case 1101 & 1102 is not stayed

FILED

Filed by: Jennifer Weimer

AUG 01 2002
0/11/02/wm
William A. Shaw
Prothonotary
1, CERT TO REEDER
W/F TO OWNER SIGN
3 CERT TO REEDER
8-01-02

2986 Sheppard Lane
Westover, Pa 16692
814 - 845 - 0151
8-01-02

Order of Court

It is further ordered, agreed, adjudicated
that this stay is granted.

8-01-02

Judge

Certificate of mailing

I did place a true and correct copy of
this stay to the following by Class III
mailing in US Post office.

Fred Harkelroad and

E. Laverna Harkelroad

RR# 1 Box 70-5

Westover, Pa 16692

Kim, C Kesner

23 North Second St

Clearfield, Pa 16830

Jennifer Weimer

8-01-02

FILED

AUG 01 2002

William A. Shaw
Prothonotary

KIM C. KESNER
ATTORNEY AT LAW
23 North Second Street
CLEARFIELD, PA 16830
(814) 765-1706

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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

PRAECIPE FOR WRIT OF EXECUTION
UPON A CONFESSED JUDGMENT

TO: William A. Shaw, Prothonotary

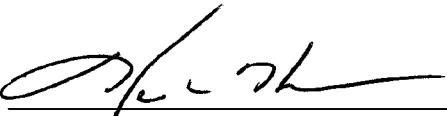
Issue a writ of execution upon a judgment entered by confession in the above matter:

1. directed to the Sheriff of Clearfield County;
2. against Richard D. Weimer and Jennifer L. Weimer, Defendants;
3. Amount due: \$ 6,779.00
Interest at 6% from July 16, 2002 To be added
Attorney's Fees: \$
Costs of Suit: To be added

Certification

I certify that:

- a. This Praecipe is based upon a judgment entered by confession.
- b. Notice has been served pursuant to Rule 2958.1 at least thirty days prior to the filing of this Praecipe as evidenced by a return of service filed of record.



Kim C. Kesner, Attorney for Plaintiff
Supreme Court I.D. 28307
23 North Second Street
Clearfield, PA 16830
814-765-1706

FILED

AUG 20 2002
01145/atty Kesner
William A. Shaw pd 2000
Prothonotary
6writs E
Shaw

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

COPY

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
:

vs.

RICHARD D. WEIMER and JENNIFER L. WEIMER,

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 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 \$300.00. 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.

William A. Shaw, Prothonotary
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2461, ext. 5988

Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830
814-765-1706

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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA : : SS
COUNTY OF Clearfield : :
.

TO: THE SHERIFF OF CLEARFIELD COUNTY,

To satisfy the judgment, interest and costs against Richard D. Weimer and Jennifer L. Weimer, Defendants,

(1) you are directed to levy upon the property of the defendants and to sell their interest therein;

(2) If property of the defendants 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:	\$ 6,779.00
Interest at 6% from July 16, 2002	To be added
Attorney's Fees:	\$
Costs of Suit:	To be added

WILLIAM A. SHAW, PROTHONOTARY

Seal of the Court

By: William A. Shaw
8/26/02 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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
: vs.
: :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

CLAIM FOR EXEMPTION

TO: CHESTER HAWKINS, SHERIFF:

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

(1). From 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 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.A. § 4904 relating to unsworn falsification to authorities.

DATE: _____
(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF CLEARFIELD COUNTY, PA
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 12997
NO: 02-1101-CD

PLAINTIFF: HARKLEROAD, FRED H.
vs.
DEFENDANT: WEIMER, RICHARD D.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 8/26/2002

LEVY TAKEN 9/10/2002 @ 9:30 AM

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 3/26/2009

5
FILED
01249821
MAR 26 2009
S
William A. Shaw
Prothonotary/Clerk of Courts

PROPERTY ADDRESS 2986 SHEPARD LANE WESTOVER , PA 16692

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS \$119.38

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

Chester A. Hawkins

by: Cynthia Butler, ACPA/ALC
Chester A. Hawkins
Sheriff

HARKLEROAD, FRED H.

vs
WEIMER, RICHARD D.

1 9/10/2002 @ 9:30 AM SERVED JENNIFER L. WEIMER

SERVED JENNIFER L. WEIMER, DEFENDANT, AT HER RESIDENCE 2986 SHEPARD LANE, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JENNIFER L. WEIMER,

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

2 9/10/2002 @ 9:30 AM SERVED RICHARD D. WEIMER

SERVED RICHARD D. WEIMER, DEFENDANT, AT HIS RESIDENCE 2986 SHEPARD LANE, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JENNIFER L. WEIMER, WIFE/CO-DEFENDANT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

3 9/12/2002 @ 10:57 AM SERVED JENNIFER L. WEIMER

SERVED JENNIFER L. WEIMER, DEFENDANT, AT HER RESIDENCE 2986 SHEPARD LANE, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JENNIFER L. WEIMER

A NOTICE OF SALE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

4 9/12/2002 @ 10:57 AM SERVED RICHARD D. WEIMER

SERVED RICHARD D. WEIMER, DEFENDANT, AT HIS RESIDENCE 2986 SHEPARD LANE, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JENNIFER L. WIMER, WIFE/CO-DEFENDANT

A NTOICE OF SALE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

@ SERVED

NOW, SEPTEMBER 16, 2002 RECEIVED A FAX LETTER FROM THE ATTORNEY FOR THE DEFENDANTS WITH BANKRUPTCY FILING INFORMATION.

@ SERVED

NOW, SEPTEMBER 16, 2002 SHERIFF SALE SCHEDULED FOR SEPTEMBER 27, 2002 STAYED DUE TO BANKRUPTCY FILING.

@ SERVED

NOW, MARCH 26, 2009 RETURN WRIT AS TIME EXPIRED.

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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
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 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.

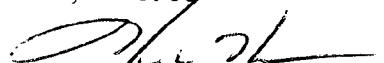
The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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.

William A. Shaw, Prothonotary
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2461, ext. 5988



Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830
814-765-1706

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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
RICHARD D. WEIMER and JENNIFER :
L. WEIMER, :
Defendants :
:

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF Clearfield :
:

TO: THE SHERIFF OF CLEARFIELD COUNTY,

To satisfy the judgment, interest and costs against Richard D. Weimer and Jennifer L. Weimer, Defendants,

(1) you are directed to levy upon the property of the defendants and to sell their interest therein;

(2) If property of the defendants 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:	\$ 6,779.00
Interest at 6% from July 16, 2002	To be added
Attorney's Fees:	\$
Costs of Suit:	To be added

WILLIAM A. SHAW, PROTHONOTARY



Seal of the Court

By: _____

Received 8/26/02 @ 12:02 P.M.
Chester A. Hembree
by Cynthia Butler Alphenbaugh

8/26/02 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

FRED H. HARKLEROAD and : No. 02-1101-CD
E. LAVERNA HARKLEROAD, :
Plaintiffs :
vs. :
Defendants :
vs. :
Defendants :

RICHARD D. WEIMER and JENNIFER
L. WEIMER,
Defendants

CLAIM FOR EXEMPTION

TO: CHESTER HAWKINS, SHERIFF:

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

(1). From 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 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.A. § 4904 relating to unsworn falsification to authorities.

DATE: _____
(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF CLEARFIELD COUNTY, PA
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2641

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME JENNIFER L. WEIMER NO. 02-1101-CD

NOW, March 26, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Weimer, Richard D. to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	21.45
LEVY	9.00
MILEAGE	21.45
POSTING	9.00
HANDBILLS	
COMMISSION	0.00
POSTAGE	1.48
HANDBILLS	10.00
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$119.38

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	6,779.00
INTEREST @ %	0.00
FROM TO	

PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$7,077.76

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	

SHERIFF COSTS	119.38
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	139.38
MORTGAGE SEARCH	
MUNICIPAL LIEN	

TOTAL COSTS	\$258.76
TOTAL COSTS	\$7,077.76

COMMISSION 2% ON THE FIRST \$ 100,000 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

BARBOR, VAPORIS & SOTTILE, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

(724) 465-5618

FAX 724-465-5610

JOHN H. BARBOR
MICHAEL N. VAPORIS
ANTHONY SOTTILE, III* ALSO PRACTICED IN OHIO
AND MICHIGANBy COUNSEL
WILLIAM M. DARK

September 16, 2002

Chief Deputy Robert Snyder
Clearfield County Sheriff's Department
230 East Market Street
Clearfield, Pennsylvania 16830

Re: Weimer Chapter 13
Our file no. 2352.6001

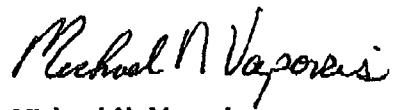
Dear Chief Deputy Snyder:

I am writing to you as I promised last evening concerning my clients Richard and Jennifer Weimer. On Friday their emergency petition for relief under Chapter 13 of the Bankruptcy Code was received by the clerk's office in Pittsburgh and was given the case number of 2002-29983. We were informed that the case has been assigned to Judge Fitzgerald. I am sorry that you were bothered with this matter last night; I did try to call your office on Friday, but we did not receive confirmation of the filing in time to let you know before your office closed.

It was only after we had confirmation of the filing that I instructed my clients that they, in conformity with your office's instructions to be off the property today, could remove all of their personal property, including their farm animals and equipment. My clients understand that their bankruptcy filing does not stay the eviction, and they should be moved off by today's deadline.

Should you need any other information, please do not hesitate to let me know.

Very truly yours,



Michael N. Vaporis