

02-1735-CD
B. & A. Development Co vs. GARY E. MARRY, etal

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

B & A DEVELOPMENT COMPANY
Plaintiff

vs.

GARY E. MARTY and
BONNIE L. MARTY
Defendants

No. 2002-01735-CD

FILED

JAN 17 2003

William A. Shaw
Prothonotary

PRAECIPE FOR WRIT OF EXECUTION

To: Clearfield County Prothonotary

Dear Sir:

Kindly issue a Writ of Execution against the real estate consisting of a house and 3 acres, known as RR # 1 Box 46 Houtzdale, Pennsylvania, situate on Township Route 870, identified by Clearfield County Tax Map Number 130-M14-7 and more particularly described as follows:

ALL those certain or parcels of land, situate in the Township of Woodward, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being known as Lot No. 258 in Block in the Town of Whitside in said Township, fronting about four hundred (400) feet on the west side of Third Street, and extending back on the North end about three hundred forty (340) feet, and on the South end about twenty (20) feet to an alley.

THE SECOND THEREOF: Being all the surface of that certain piece, parcel or lot of ground situate in said Township.

BEGINNING at a post corner of Sherkel and Lowther Tracts; thence running along the Sherkel tracts South fifty-two (52) degrees and thirty (30) minutes West two hundred eighty-four and four tenths (284.4) feet to a post on Crisfield Tract; thence along Crisfield Tract North thirty-seven (37) degrees thirty (30) minutes West four hundred fifty-nine and five tenths (459.5) feet to post on Crisfield Tracts; thence along Crisfield Tract, North fifty-two (52) degrees thirty (30) minutes East two hundred eighty-four and four-tenths (284.4) feet along Crisfield Tract to Lowther Tract; thence along the Lowther tract South thirty-seven (37) degrees thirty (30) minutes East four hundred fifty-nine and five tenths (459.5) feet to post and place of beginning. Containing three (3) acres, more or less.

BEING the same premises conveyed to Gary E. Marty and Bonnie L. Marty by deed dated August 14, 1978 and recorded in Clearfield County Record Volume 767, page 143.

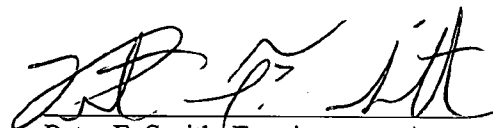
3. Amounts Due:

- | | | |
|----|--------------------------------------------------------------------|------------|
| a) | Delinquent tax | \$1,341.76 |
| b) | Interest Due from 9/13/02 at the
Statutory rate of 9 % | \$ |
| c) | Court cost (to be added) | \$ |
| d) | Attorney's fees, reasonably
and actually incurred (to be added) | \$ |

Preliminary Total
FINAL TOTAL

Prothonotary costs 40.00
\$
\$

Dated: 8/17/13



Peter F. Smith, Esquire
Attorney for Plaintiff
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED

~~NO~~ JAN 17 2003

ICC-LEWIS
to SHG

William A. Shaw
Prothonotary

~~SHG~~ Stephen Brackbill
pd. 20.00

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

B & A DEVELOPMENT COMPANY	:	
Plaintiff	:	
	:	
vs.	:	No. 2002-01735-CD
	:	
GARY E. MARTY and	:	
BONNIE L. MARTY	:	
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 also 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; and, (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 to prove your exemptions, you may lose some of your property.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Corner of Second and Market Streets
Clearfield, PA 16830
(814) 765-2641

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

B & A DEVELOPMENT COMPANY	:	
Plaintiff	:	
	:	
vs.	:	No. 2002-01735-CD
	:	
GARY E. MARTY and	:	
BONNIE L. MARTY	:	
Defendants	:	

WRIT OF EXECUTION

Commonwealth of Pennsylvania/County of Clearfield
To the Sheriff of Clearfield County

To satisfy the judgment, interest, costs and attorney's commission against the Defendants above:

1. You are directed to levy upon the real estate owned by the Defendants as follows and sell their interest therein:

The parcel of real estate subject to this action consists of a house and 3 acres, known as RR # 1 Box 46 Houtzdale, Pennsylvania, situate on Township Route 870, identified by Clearfield County Tax Map Number 130-M14-7 and more particularly described as follows:

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Preliminary Total
FINAL TOTAL

Prothonotary costs \$ 40.00
\$

Prothonotary

By: William L. Latta
Deputy

11/17/03

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

B & A DEVELOPMENT COMPANY

Plaintiff

vs.

No. 2002-01735-CD

GARY E. MARTY and

BONNIE L. MARTY

Defendants

CLAIM FOR EXEMPTION

To the Sheriff:

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

(1) From my personal property in my possession which had 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 hearing should be given to me at:

Address

Phone Number

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

Date: _____

Defendant

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

Clearfield County Sheriff
Clearfield County Courthouse
Corner of Second and Market Streets
Clearfield, PA 16830

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 retirements funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

				<p>PETER F. SMITH ATTORNEY 30 SOUTH SECOND STREET P.O. BOX 130 CLEARFIELD, PA. 16830</p>
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COMMERCIAL PRINTING CO., CLEARFIELD, PA.

REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

NAME MARTY NO. 02-1735-CD

NOW, May 2, 2003 , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the 2ND day of MAY 2003, I exposed the within described real estate of GARY E. MARTY AND BONNIE L. MARTY to public venue or outcry at which time and place I sold the same to CYNTHIA A. JARRETT AND LESLEY W. JARRETT he/she being the highest bidder, for the sum of \$5,600.00 + COSTS and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	12.24
LEVY	15.00
MILEAGE	12.96
POSTING	15.00
CSDS	10.00
COMMISSION 2%	112.00
POSTAGE	5.18
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	5,600.00
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	5.00
TOTAL SHERIFF COSTS	337.38

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.50
TRANSFER TAX 2%	722.70
TOTAL DEED COSTS	752.20

PLAINTIFF COSTS, DEBIT & INTEREST:

DEBT-AMOUNT DUE	1,341.76
INTEREST FROM 9/13/02	60.37
TO BE ADDED TO SALE DATE	
ATTORNEY FEES	
PROTH. SATISFACTION	
LATE CHARGES & FEES	
COST OF SUIT -TO BE ADDED	
FORECLOSURE FEES/ESCROW DEFICIT	
ATTORNEY COMMISSION	985.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
TOTAL DEBT & INTEREST	2,427.13

COSTS:

ADVERTISING	371.70
TAXES - collector TO 1/04	156.59
TAXES - tax claim TO AUG 03	734.36
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	752.20
SHERIFF COSTS	337.38
LEGAL JOURNAL AD	198.00
PROTHONOTARY	40.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

TOTAL COSTS	2,735.23
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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 # 13659

B & A DEVELOPMENT COMPANY

02-1735-CD

VS.

MARTY, GARY E.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, MARCH 12, 2003 @ 1:35 P.M. O'CLOCK A LEVY WAS TAKEN ON THE
PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ALSO POSTED THIS DATE.

A SALE DATE OF APRIL 4, 2003 WAS SET.

FILED
01 3:52 PM
JUN 19 2003

William A. Shaw
Prothonotary

NOW, MARCH 12, 2003 @ 2:12 P.M. O'CLOCK SERVED BONNIE L. MARTY,
DEFENDANT, AT HER RESIDENCE 302 SWOOPE STREET, BRISBIN, CLEARFIELD
COUNTY, PENNSYLVANIA, BY HANDING TO GARY E. MARTY, DEFENDANT/HUSBAND,
A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF
SALE, AND COPY OF LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS
THEREOF.

NOW, MARCH 12, 2003 @ 2:12 P.M. O'CLOCK SERVED GARY E. MARTY,
DEFENDANT, AT HIS RESIDENCE, 302 SWOOPE STREET, BRISBIN, CLEARFIELD
COUNTY, PENNSYLVANIA, BY HANDING TO GARY E. MARTY, DEFENDANT, A TRUE
AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE,
AND COPY OF LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, MARCH 13, 2003 INFORMED ATTORNEY PETER SMITH BY PHONE THAT
SERVICE NOT MADE IN TIME FOR SALE INSTRUCTED TO CONTINUE TO NEXT DATE.

A NEW SALE DATE OF MAY 2, 2003 WAS SET PER PHONE INSTRUCTIONS FROM
PLAINTIFF ATTORNEY.

NOW, MAY 2, 2003 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS.
THE PROPERTY WAS PURCHASED BY CYNTHIA A. JARRETT AND LESLEY W. JARRETT
188 FIRST STREET, HOUTZDALE, PA 16651 FOR \$5,600.00 + COSTS._

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13659

B & A DEVELOPMENT COMPANY

02-1735-CD

VS.

MARTY, GARY E.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, JUNE 10, 2003 PAID COSTS FROM PAYMENTS MADE BY CYNTHIA A. JARRETT
AND LESLEY W. JARRETT A \$560.00 DEPOSIT AND \$7,774.23 BALANCE PAID
05/09/03.

NOW, JUNE 16, 2003 RETURN WRIT AS SALE BEING HELD ON THE PROPERTY OF
THE DEFENDANTS. THE PROPERTY WAS PURCHASED BY CYNTHIA AND LESLEY
JARRETT FOR \$5,600.00 + COSTS.

NOW, JUNE 19, 2003 A DEED WAS FILED.

SHERIFF HAWKINS \$337.38
SURCHARGE \$40.00
PAID BY PLAINTIFF

Sworn to Before Me This

19th Day Of June 2003

William A. Shaw

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

So Answers,

Chester A. Hawkins

Cynthia Butler-Aughenbaugh

Chester A. Hawkins

Sheriff

Clearfield County Tax Claim Bureau



230 EAST MARKET STREET
Clearfield, Pennsylvania 16830

TELEPHONE (814) 765-2641
FAX (814) 765-2640

2002-1735-C0

FILED

NOV 06 2002

0/11:51 AM
William A. Shaw
Prothonotary
NOTICE TO DEF.

TAX LIEN CERTIFICATE ~~CERTIFICATE OF DISCHARGE~~ / MW

THE FOLLOWING TAXES, INTEREST, PENALTIES AND COSTS HAVE BEEN PAID BY:

B & A DEVELOPMENT COMPANY (PLAINTIFF)
P O BOX 330 BOALSBURG PA 16827

WHO HAS DISCHARGED AND SATISFIED THE FOLLOWING TAX CLAIM(S)
CLAIM(S) # 2000-11161/ 2001-11106 CONTROL # 130.0-80748

DESCRIBED AS H & 3 A MAP # 130-M14-000-00007

OWNED BY GARY E & BONNIE L MARTY

2000	2001		
19	19	COUNTY TAX	\$120.45 / \$0
2000	2001	COUNTY INTEREST	17.16 0
19	19	BORO/TWP TAX	20.08 0
2000	2001	BORO/TWP INTEREST	2.86 0
19	19	SCHOOL TAX	495.16 \$495.16
		SCHOOL INTEREST	70.56 26.00
		PENALTY	15.00 15.00
		COSTS	51.00 5.00

TOTAL PAID \$1341.76 DATE PAID 9/13/02

PURSUANT TO SECTION 501 OF THE REAL ESTATE TAX LAW, ACT 542 OF 1947, AS AMENDED, 72 PS 5860.501, THIS CERTIFICATE OF DISCHARGE MAY BE ENTERED IN THE OFFICE OF THE PROTHONOTARY AS A JUDGMENT AGAINST

GARY E MARTY & BONNIE L MARTY (DEFENDANT)

THE OWNER OF THE PROPERTY SUBJECT TO THE TAX CLAIM(S) AS DESCRIBED ABOVE, FOR THE AMOUNT STATED HEREIN.

THE LIEN OF SUCH JUDGMENT SHALL HAVE THE SAME PRIORITY OVER ALL OTHER LIENS AGAINST SUCH PROPERTY IN THE SAME MANNER AND TO THE SAME EXTENT AS THE TAXES WHICH HAVE BEEN DISCHARGED.

SWORN AND SUBSCRIBED BEFORE ME
THIS 16 DAY OF November, 1992

William A. Shaw
PROTHONOTARY

Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Mary Anne Wesdock
MARY ANNE WESDOCK DIRECTOR

FILED

011124 87
NOV 08 2002

William A. Shaw
Prothonotary

CLERK OF COURT
JANUARY 11, 2003
RECEIVED

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

B & A DEVELOPMENT COMPANY

PO. BOX 330, BOALSBURG, PA 16827
(plaintiff)

Vs

GARY E. MARTY AND BONNIE L. MARTY
Rt 1 Box 46, HOUTSDALE, PA 16651
(defendant(s))

2002-1735-CJ
(case no.)

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$ 134.76 on the Nov. 6, 2002.

William A. Shaw
Prothonotary

William A. Shaw

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

B & A Development Company
Plaintiff(s)

No.: 2002-01735-CD

Real Debt: \$1341.76

Atty's Comm:

Vs.

Costs: \$

Int. From:

Gary E. Marty
Bonnie L. Marty
Defendant(s)

Entry: \$20.00

Instrument: Tax Lien Certificate

Date of Entry: November 6, 2002

Expires: November 6, 2007

Certified from the record this November 6, 2002

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

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

B & A DEVELOPMENT COMPANY
Plaintiff

vs.

No. 2002-01735-CD

GARY E. MARTY and
BONNIE L. MARTY
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COURT ADMINISTRATOR
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FINAL TOTAL

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Prothonotary

By: William L. Hagan 11/17/03
Deputy

Received 1-17-03 @ 3:25 P.M.
Chester A. Waukins
By Cynthia Butler-Aughenbaugh

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

B & A DEVELOPMENT COMPANY
Plaintiff

vs.

No. 2002-01735-CD

GARY E. MARTY and
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CIVIL DIVISION

B & A DEVELOPMENT COMPANY

Plaintiff

vs.

No. 2002-01735-CD

GARY E. MARTY and

BONNIE L. MARTY

Defendants

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Defendant

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

Clearfield County Sheriff
Clearfield County Courthouse
Corner of Second and Market Streets
Clearfield, PA 16830

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CIVIL DIVISION

B & A DEVELOPMENT COMPANY
Plaintiff

vs.

GARY E. MARTY and
BONNIE L. MARTY
Defendants

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:
:
:
:
:
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No. 2002-01735-CD

FILED

FEB 20 2003

CERTIFICATE OF SERVICE

William A. Shaw
Prothonotary

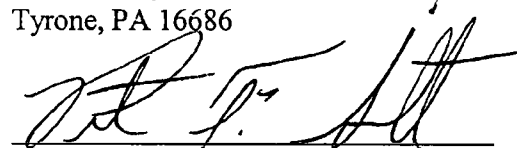
I, Peter F. Smith, Counsel for the Plaintiff in the above-captioned matter, being duly sworn according to law, depose and say that I sent by First Class Mail, Postage Prepaid, a true and correct copy of the **NOTICE PURSUANT TO PA.R.C.P. 3129** and **SHERIFF'S SALE OF VALUABLE REAL ESTATE** on the following parties at the following addresses on February 18, 2003:

Gary E. Marty
RR# 1 Box 46
Houtzdale, PA 16651


Bonnie L. Marty
RR# 1 Box 46
Houtzdale, PA 16651

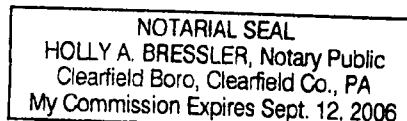
B & A Development
P.O. Box 330
Boalsburg, PA 16827

Beneficial Consumer Discount
1067 Pennsylvania Avenue
Tyrone, PA 16686


Peter F. Smith, Counsel for Plaintiff
30 South Second Street, P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

SWORN AND SUBSCRIBED
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