

02-1875-CD
ALLSTATE INSURANCE CO. etal. vs. BRIAN CARNS

THIS IS AN ARBITRATION MATTER.
ASSESSMENT OF DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.
BY: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 S. 21st Street
Philadelphia, PA 19103
(215) 988-9600

Attorney for Plaintiff

Allstate Insurance Co.	:	COURT OF COMMON PLEAS
P.O. Box 27	:	CLEARFEILD COUNTY
Pennsburg, PA 18073	:	
Individually and as Subrogee on	:	
behalf of Max A. Kelly	:	
and	:	
Max A. Kelly	:	
HC 1 Box 104	:	
Madera, PA 16661	:	NO.: 02-1875-CD
	:	
vs.	:	
	:	
Brian Carns	:	
1 Piney Road	:	
Curwensville, PA 16833	:	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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.

PENNSYLVANIA BAR ASSOCIATION
LAWYER REFERRAL SERVICES
P.O. BOX 186
HARRISBURG, PA 17108
(800) 692-7375

FILED

DEC 02 2002

William A. Shaw
Prothonotary

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ASSESSMENT OF DAMAGES HEARING REQUIRED.

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behalf of Max A. Kelly	:	
and	:	
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HC 1 Box 104	:	
Madera, PA 16661	:	NO.:
	:	
vs.	:	
	:	
Brian Carns	:	
1 Piney Road	:	
Curwensville, PA 16833	:	

COMPLAINT IN CIVIL ACTION

1. (the "Plaintiff"), is an adult individual residing at the address above-captioned.

2. Plaintiff, Allstate Insurance Co., is a corporation duly authorized to conduct business within the Commonwealth of Pennsylvania, and is Subrogated to the rights of the Plaintiff arising out of the within claim.

3. Brian Carns (the "Defendant"), is an individual residing at the above-captioned address.

4. On or about December 03, 2000, the Plaintiff did own and possess a certain motor vehicle, involved in the accident hereinafter referred to.

5. On or about December 03, 2000, the Defendant did operate and control a certain motor vehicle, involved in the accident hereinafter referred to.

6. On or about December 03, 2000, the motor vehicle of the Plaintiff was traveling north on SR0453 stoped at an intersection with a stopped sign along SR2012 in Clearfield County, Pennsylvania, Commonwealth of Pennsylvania.

7. On the date aforesaid, the motor vehicle of the Defendant as traveling on east on SR2012 entering the intersection of SR2012. As the Plaintiff was continuing thorough the intersection, the Defendant then struck the Plaintiff's motor vehicle, striking the right rear of the car causing moderate damage.

8. The vehicle of the Defendant was being operated in such a negligent, careless, reckless and wanton manner that it came into violent contact with the Plaintiff's vehicle causing property damage to Plaintiff's motor vehicle.

9. At the time and place aforesaid, the negligence, carelessness, recklessness and wantonness of the Defendant consisted of the following:

(a) Operating said vehicle at a high and excessive rate of speed under the circumstances;

(b) Failing to give proper and sufficient warning of the approach of said vehicle;

(c) Failing to have said vehicle under proper and adequate control at the time;

(d) Operating said motor vehicle without due regard for the rights, safety and position of the Plaintiff herein at the point aforesaid;

(e) Failing to sound a horn or other signaling device as to give warning to the Plaintiff;

(f) Violating the rules and regulations of the road, ordinances of the County of Philadelphia, and statutes of the Commonwealth of Pennsylvania;

(g) Operating said vehicle without observing and heeding the road and traffic conditions then and there existing;

(h) Other acts of negligence, carelessness, recklessness, and/or wantonness which may be ascertained from information obtained during the course of discovery and/or trial of this matter; and

(i) Being otherwise careless, reckless, negligent and wanton.

10. As a result of Defendant's negligent, careless, reckless and wanton operating of the motor vehicle, the Plaintiff's motor vehicle sustained damages in the amount of \$8,159.80. True and correct copies of the police report, Legal Loss Facts Summary, and payment history from Allstate Insurance Co. are attached hereto and incorporated herein as Exhibit "A".

11. At all times material hereto the Plaintiff was insured by plaintiff, Allstate Insurance Co.

12. As a further result of the Defendants' negligence, Allstate Insurance Co., has made compensation for said properly loss to the Plaintiff.

13. Plaintiff, Allstate Insurance Co., Individually and as Subrogee on behalf of the Plaintiff, has paid money to the Plaintiff for property damage in the amount of \$8,159.80, for which Plaintiff demands remuneration from the Defendant.

WHEREFORE, Plaintiffs, and Allstate Insurance Co., Individually and as Subrogee on behalf of, claim damages from the Defendant, in the amount of \$8,159.80, and/or any other damages this Honorable Court deems just and proper, including attorney's fees and costs from the Defendant for arbitration purposes only.

GORDON & WEINBERG, P.C.

BY: 

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiffs

P01D
2004470

VERIFICATION

PAUL M. SCHOFIELD, JR., ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.



PAUL M. SCHOFIELD, JR., ESQUIRE

Dated: November 26, 2002

EXHIBIT "A"

LEGAL LOSS FACTS SUMMARY

5060

Debtor Name : CARNS, BRIAN
CCS Number : 413830-3-328694

Vehicle Plate Number : BHZ5380 PA
Vehicle Type : 87DODGE VANSCARAVAN
Driver's License Number : 22438290 PA

Additional information:

P/R: N DED: 500.00 % NEG: 100 STATUTE DATE: 2002-12-03

Loss Facts:

CONTACT WITH OTHER VEHICLE/PROPERTY/PARTIES: INSURED STRUCK
OTHER VEHICLE IN AN INTERSECTION. -- SEE SELECTION 25 CP VIE
WER FOR ADD'L LOSS FACTS INFORMATION

Legal Audit:

Auto/Property Damage : 7854.80
Deductible : 500.00
Original Estimate : 0.00
Total Supplements : 0.00
Rental : 0.00
Totaled Vehicle : 0.00
Credit Salvage : 195.00
Property Statute : 12/03/02
Injury Total : 0.00
Injury Statute :
Other Property Damage :
Deductible : 0.00
Estimate : 0.00
Total Supplements : 0.00
Other Paid Total : 0.00
Credit Payments : 0.00
Total Claim Amount : 8159.80

N/A

001006-05
COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT REPORT

6941608990

X42

REFER TO DISPLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE

PENNDOT USE ONLY

POLICE INFORMATION

1. INCIDENT NUMBER	003-0455215
2. AGENCY NAME	PA STATE POLICE
3. STATION	CLEARFIELD 11330
4. PATROL ZONE	19
5. INVESTIGATOR	IPR LEIGH A. BARROWS
6. APPROVED BY	CA MARK CONRAD
7. INVESTIGATION DATE	12/03/00
8. ARRIVAL TIME	0933

ACCIDENT INFORMATION

9. ACCIDENT DATE	12/03/00	10. DAY OF WEEK	SUNDAY
11. TIME OF DAY	0932	12. NUMBER OF UNITS	2
13. UNIT 1	0	14. UNIT 2	0
15. UNIT 1	0	16. UNIT 2	0
17. UNIT 1	0	18. UNIT 2	0
19. UNIT 1	0	20. UNIT 2	0
21. UNIT 1	0	22. UNIT 2	0
23. UNIT 1	0	24. UNIT 2	0
25. UNIT 1	0	26. UNIT 2	0
27. UNIT 1	0	28. UNIT 2	0
29. UNIT 1	0	30. UNIT 2	0
31. UNIT 1	0	32. UNIT 2	0
33. UNIT 1	0	34. UNIT 2	0
35. UNIT 1	0	36. UNIT 2	0
37. UNIT 1	0	38. UNIT 2	0
39. UNIT 1	0	40. UNIT 2	0
41. UNIT 1	0	42. UNIT 2	0
43. UNIT 1	0	44. UNIT 2	0
45. UNIT 1	0	46. UNIT 2	0
47. UNIT 1	0	48. UNIT 2	0
49. UNIT 1	0	50. UNIT 2	0
51. UNIT 1	0	52. UNIT 2	0
53. UNIT 1	0	54. UNIT 2	0
55. UNIT 1	0	56. UNIT 2	0
57. UNIT 1	0	58. UNIT 2	0
59. UNIT 1	0	60. UNIT 2	0
61. UNIT 1	0	62. UNIT 2	0
63. UNIT 1	0	64. UNIT 2	0
65. UNIT 1	0	66. UNIT 2	0
67. UNIT 1	0	68. UNIT 2	0
69. UNIT 1	0	70. UNIT 2	0
71. UNIT 1	0	72. UNIT 2	0
73. UNIT 1	0	74. UNIT 2	0
75. UNIT 1	0	76. UNIT 2	0
77. UNIT 1	0	78. UNIT 2	0
79. UNIT 1	0	80. UNIT 2	0
81. UNIT 1	0	82. UNIT 2	0
83. UNIT 1	0	84. UNIT 2	0
85. UNIT 1	0	86. UNIT 2	0
87. UNIT 1	0	88. UNIT 2	0
89. UNIT 1	0	90. UNIT 2	0
91. UNIT 1	0	92. UNIT 2	0
93. UNIT 1	0	94. UNIT 2	0
95. UNIT 1	0	96. UNIT 2	0
97. UNIT 1	0	98. UNIT 2	0
99. UNIT 1	0	100. UNIT 2	0

UNIT # 1

36. LEGALLY PARKED?	Y	37. REG. PLATE	BS4 9071	38. STATE	PA
39. PA TITLE OR OUT-OF-STATE VIN	50392051	40. OWNER	MAY A. KELLY	41. OWNER ADDRESS	HCI BOX 104
42. CITY, STATE & ZIP CODE	MADERA, PA 16061	43. YEAR	1997	44. MAKE	Plymouth
45. MODEL (NOT BODY TYPE)	NEON	46. INS	Y	47. VEHICLE OWNERSHIP	2
48. SPECIAL USAGE	0	49. VEHICLE STATUS	0	50. TRAVEL SPEED	45
51. INITIAL IMPACT POINT	12	52. VEHICLE GRADIENT	3	53. DRIVER CONDITION	1
54. DRIVER PRESENCE	1	55. DRIVER CONDITION	1	56. DRIVER NUMBER	22 438 2010
57. DRIVER NAME	BRIAN OATIS CARNS	58. DRIVER ADDRESS	RDI BOX 144	59. CITY, STATE & ZIP CODE	NEW MILLPORT, PA 15061
60. CITY, STATE & ZIP CODE	NEW MILLPORT, PA 15061	61. SEX	M	62. DATE OF BIRTH	05/01/71
63. PHONE	(412) 230-1348	64. COMM. VEH	Y	65. DRIVER CLASS	C
66. CARRIER		67. CARRIER ADDRESS		68. CITY, STATE & ZIP CODE	
69. CITY, STATE & ZIP CODE		70. USDOT #		71. ICC #	
72. PUC #		73. CARGO BODY TYPE		74. GVWR	
75. RELEASE OF HAZMAT	Y	76. HAZARDOUS MATERIALS		77. RELEASE OF HAZMAT	Y

ACCIDENT LOCATION

20. COUNTY	CLEARFIELD COUNTY	CODE	17
21. MUNICIPALITY	KNOX TOWNSHIP	CODE	222
22. ROUTE NO. OR STREET NAME	SR 0453	23. SPEED LIMIT	45
24. TYPE	HIGHWAY	25. ACCESS CONTROL	1
26. ROUTE NO. OR STREET NAME	SR 2012	27. SPEED LIMIT	45
28. TYPE	HIGHWAY	29. ACCESS CONTROL	1
30. CROSS STREET OR SEGMENT MARKER		31. DIRECTION FROM SITE	N S E W
32. DISTANCE FROM SITE		33. DISTANCE WAS	MEASURED
34. CONSTRUCTION ZONE	0	35. TRAFFIC CONTROL DEVICE	0
36. PRINCIPAL INTERSECTING		37. DISTANCE FROM SITE	FT. MI.
38. DISTANCE FROM SITE		39. DISTANCE FROM SITE	FT. MI.
40. DISTANCE FROM SITE		41. DISTANCE FROM SITE	FT. MI.
42. DISTANCE FROM SITE		43. DISTANCE FROM SITE	FT. MI.
44. DISTANCE FROM SITE		45. DISTANCE FROM SITE	FT. MI.
46. DISTANCE FROM SITE		47. DISTANCE FROM SITE	FT. MI.
48. DISTANCE FROM SITE		49. DISTANCE FROM SITE	FT. MI.
50. DISTANCE FROM SITE		51. DISTANCE FROM SITE	FT. MI.
52. DISTANCE FROM SITE		53. DISTANCE FROM SITE	FT. MI.
54. DISTANCE FROM SITE		55. DISTANCE FROM SITE	FT. MI.
56. DISTANCE FROM SITE		57. DISTANCE FROM SITE	FT. MI.
58. DISTANCE FROM SITE		59. DISTANCE FROM SITE	FT. MI.
60. DISTANCE FROM SITE		61. DISTANCE FROM SITE	FT. MI.
62. DISTANCE FROM SITE		63. DISTANCE FROM SITE	FT. MI.
64. DISTANCE FROM SITE		65. DISTANCE FROM SITE	FT. MI.
66. DISTANCE FROM SITE		67. DISTANCE FROM SITE	FT. MI.
68. DISTANCE FROM SITE		69. DISTANCE FROM SITE	FT. MI.
70. DISTANCE FROM SITE		71. DISTANCE FROM SITE	FT. MI.
72. DISTANCE FROM SITE		73. DISTANCE FROM SITE	FT. MI.
74. DISTANCE FROM SITE		75. DISTANCE FROM SITE	FT. MI.
76. DISTANCE FROM SITE		77. DISTANCE FROM SITE	FT. MI.
78. DISTANCE FROM SITE		79. DISTANCE FROM SITE	FT. MI.
80. DISTANCE FROM SITE		81. DISTANCE FROM SITE	FT. MI.
82. DISTANCE FROM SITE		83. DISTANCE FROM SITE	FT. MI.
84. DISTANCE FROM SITE		85. DISTANCE FROM SITE	FT. MI.
86. DISTANCE FROM SITE		87. DISTANCE FROM SITE	FT. MI.
88. DISTANCE FROM SITE		89. DISTANCE FROM SITE	FT. MI.
90. DISTANCE FROM SITE		91. DISTANCE FROM SITE	FT. MI.
92. DISTANCE FROM SITE		93. DISTANCE FROM SITE	FT. MI.
94. DISTANCE FROM SITE		95. DISTANCE FROM SITE	FT. MI.
96. DISTANCE FROM SITE		97. DISTANCE FROM SITE	FT. MI.
98. DISTANCE FROM SITE		99. DISTANCE FROM SITE	FT. MI.
100. DISTANCE FROM SITE		101. DISTANCE FROM SITE	FT. MI.

UNIT # 2

36. LEGALLY PARKED?	Y	37. REG. PLATE	BS4 9071	38. STATE	PA
39. PA TITLE OR OUT-OF-STATE VIN	50392051	40. OWNER	MAY A. KELLY	41. OWNER ADDRESS	HCI BOX 104
42. CITY, STATE & ZIP CODE	MADERA, PA 16061	43. YEAR	1997	44. MAKE	Plymouth
45. MODEL (NOT BODY TYPE)	NEON	46. INS	Y	47. VEHICLE OWNERSHIP	2
48. SPECIAL USAGE	0	49. VEHICLE STATUS	0	50. TRAVEL SPEED	45
51. INITIAL IMPACT POINT	12	52. VEHICLE GRADIENT	3	53. DRIVER CONDITION	1
54. DRIVER PRESENCE	1	55. DRIVER CONDITION	1	56. DRIVER NUMBER	20 137 149
57. DRIVER NAME	ARIANNE RENEE KELLY	58. DRIVER ADDRESS	HCI BOX 104	59. CITY, STATE & ZIP CODE	MADERA, PA 16061
60. CITY, STATE & ZIP CODE	MADERA, PA 16061	61. SEX	F	62. DATE OF BIRTH	08/02/82
63. PHONE	(412) 230-1348	64. COMM. VEH	Y	65. DRIVER CLASS	C
66. CARRIER		67. CARRIER ADDRESS		68. CITY, STATE & ZIP CODE	
69. CITY, STATE & ZIP CODE		70. USDOT #		71. ICC #	
72. PUC #		73. CARGO BODY TYPE		74. GVWR	
75. RELEASE OF HAZMAT	Y	76. HAZARDOUS MATERIALS		77. RELEASE OF HAZMAT	Y

PAGE 1

Sheraton Drive
Altoona, PA 16601

INVESTIGATING AGENCY

NONE
NONE

001007

INCIDENT #: 003-0055815
ACCIDENT DATE: 12103100

PEOPLE INFORMATION

A	B	C	D	E	F	G	NAME	ADDRESS
1	1	M	29	3	1	0	OPERATOR #1	
2	1	F	18	3	1	1	OPERATOR #2	

H	I	J	K	L	M
0	0	0	B	0	0
0	0	0	B	0	0

81 ILLUMINATION 2 82 WEATHER 0

83 ROAD SURFACE 1

84 PENNSYLVANIA SCHOOL DISTRICT
(IF APPLICABLE)

N/A

85 DESCRIPTION OF DAMAGED PROPERTY

OWNER

ADDRESS

PHONE

86 DIAGRAM

NOT DRAWN TO SCALE

SR2012-45mph

STOP SIGN

SR0453-45mph

SKID MARK

POINT OF IMPACT

SKID MARKS

NEW MILFORD, PA-3 MW

87 NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS LIKE INSURANCE INFORMATION AND LOCATION OF TOWED VEHICLES, IF KNOWN.

UNIT #1 - NO CELL PHONE PRESENT

UNIT #2 - NO CELL PHONE PRESENT

THIS COLLISION OCCURRED AS UNIT #1 WAS TRAVELING EAST ON SR2012 AND UNIT #2 WAS TRAVELING NORTH ON SR0453. UNIT #1 THEN APPROACHED A PROPERLY POSTED STOP SIGN ALONG SR2012 INTERSECTING WITH SR0453 AND CONTINUED INTO THE INTERSECTION UPON OBSERVING UNIT #1 ENTERING THE INTERSECTION OF SR2012 AND SR0453. OPERATOR #2 APPLIED HER BRAKES TO AVOID IMPACT. UNIT #2 THEN STRUCK THE RIGHT REAR

MORE

INSURANCE
INFORMATION
UNIT 1COMPANY
POLICY
NO

NONE

INSURANCE
INFORMATION
UNIT 2COMPANY
POLICY
NOALLSTATE INSURANCE CO.
008129924 01/0388
WITNESSESNAME
NONE KNOWN
NAME
NONE KNOWN

ADDRESS

ADDRESS

PHONE

PHONE

89 VIOLATIONS INDICATED

90 SECTION NUMBERS (ONLY IF CHARGED)

TC MIC

UNIT 1

VEH APPROACHING OR ENTERING INTERSECTION

3321

UNIT 2

NONE

91 PROBABLE
USE92 TYPE
TEST

93 RESULTS

X NO TEST
REFUSE
UNK91 PROBABLE
USE92 TYPE
TEST

93 RESULTS

X NO TEST
REFUSE
UNK94 INVESTIGATION
COMPLETE ?

UNIT 1

0

0

0

%

UNIT 2

0

0

0

%

YES

NO

PAGE 2

N/A



001008
COMMONWEALTH OF PENNSYLVANIA
PAR CONTINUATION SHEET

INVESTIGATOR ☒ NON INVESTIGATOR ☐

IF NEXT USE ONLY

ACCIDENT DATE 12/03/00 COUNTY CODE 17 MUNICIPAL CODE 222

82 PERSON INFORMATION - USE OVERLAY #2 SHEET FOR CODES

A	B	C	D	E	F	G	NAME	ADDRESS	H	I	J	K	L	M

87 NAME: PASSENGER DOOR NEAR RIGHT REAR TIRE AND RIGHT REAR FENDER OF UNIT #1 CAUSING DAMAGE. THE ENTIRE FRONT END OF UNIT #2 DAMAGED FROM IMPACT WITH UNIT #1.

UPON IMPACT FROM UNIT #2, UNIT #1 THEN TRAVELED IN A COUNTERCLOCKWISE DIRECTION ONTO SR 2012 AND CAME TO IT'S FINAL RESTING POSITION FACING IN A SOUTH WEST DIRECTION ALONG SR 2012. OPERATOR #1 THEN BACKED UNIT #1 ONTO NORTH BERM OF SR 2012 TO A PLACE OF SAFETY. AFTER IMPACT, UNIT #2 THEN CONTINUED TO TRAVEL APPROXIMATELY 40' ALONG SR 0453 IN A NORTH DIRECTION AND THEN CAME TO IT'S FINAL RESTING POSITION ALONG SR 0453. UNIT #2 WAS THEN PUSHED OFF ROADWAY AND ONTO EAST BERM OF SR 0453 TO A PLACE OF SAFETY.

PHYSICAL EVIDENCE - DAMAGE OBSERVED TO RIGHT REAR FENDER AND RIGHT REAR PASSENGER DOOR NEAR RIGHT REAR TIRE OF UNIT #1. DAMAGE OBSERVED TO THE ENTIRE FRONT END AND WINDSHIELD OF UNIT #2. GLASS FROM WINDSHIELD OF UNIT #2 OBSERVED ON SURFACE OF ROADWAY NEAR POINT OF IMPACT. APPROXIMATELY 23' OF YAW MARKS OBSERVED FROM FRONT TIRES OF UNIT #1 ON SURFACE OF ROADWAY. APPROXIMATELY 35' OF TIRE MARKS OBSERVED ON ROADWAY SURFACE FROM REAR TIRES OF UNIT #1.

(MORE)

89 DESCRIBE VIOLATIONS								90. SECTION NUMBERS (ONLY IF CHARGED)				TC	NTC
UNIT 1													
UNIT 2													
91 PROBABLE USE	92 TYPE TEST	93 RESULTS	<input type="checkbox"/> NO TEST <input type="checkbox"/> REFUSE <input type="checkbox"/> UNK	UNIT 2	91 PROBABLE USE	92 TYPE TEST	93 RESULTS	<input type="checkbox"/> NO TEST <input type="checkbox"/> REFUSE <input type="checkbox"/> UNK	94. INVESTIGATION COMPLETE ? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
		0. ___ %					0. ___ %						

(XX) REFER TO OVERLAY SHEET S. 3-1-A

५५५

41.444 52

CU3-440559.15

REPORTABLE ☒ NON-REPORTABLE ☐

ACCIDENT DATE	
------------------	--

12103100

COUNTY	
CODE	

17

PERNDOOT USE ONLY

<div> <div> MUNICIPAL CODE </div> </div>	<div> <div> </div> </div>
--	---------------------------

222

PERSON INFORMATION - USE OVERLAY # 2 SHEET FOR CODES

ADDRESS

H I J K L M

87 NANTUAIVE

ALSO OBSERVED WERE APPROXIMATELY 92' OF SKID MARKS FROM RIGHT TIRES AND 93' OF SKID MARKS FROM LEFT TIRES OF UNIT #2 ON SURFACE OF ROADWAY OF SR 0453 SOUTH OF INTERSECTION OF SR 2012 AND SR 0453.

OPERATOR #1 WAS INTERVIEWED ON SCENE AT 1010 HOURS ON 12/31/00. HE RELATED THAT HE WAS TRAVELING EAST ON SR2012 AND APPROACHED STOP SIGN. HE ADVISED THAT HE WAS NOT SURE IF HE CAME TO A COMPLETE STOP AT STOP SIGN PRIOR TO ENTERING INTERSECTION. HE THEN LOOKED LEFT AND RIGHT AND DID NOT OBSERVE ANY TRAFFIC TRAVELING ON SR0163. HE CONTINUED TO RELATE THAT THE SUN WAS BRIGHT AND MADE IT DIFFICULT TO OBSERVE. HE THEN CONTINUED TRAVELING INTO INTERSECTION AND THEN HEARD A LOUD SCREECHING SOUND. HE WAS THEN STRUCK BY UNIT #2.

OPERATOR #2 WAS INTERVIEWED ON SCENE AT 1040 HOURS
ON 12/03/00. SHE ADVISED THAT SHE WAS TRAVELING NORTH ON
SR 453 AND WAS COMING UPON INTERSECTION OF SR 2012 AND
SR 453. SHE OBSERVED UNIT #1 COMING TO THE STOP SIGN ON
SR 2012 BUT CONTINUED TO ROLL THROUGH STOP SIGN AND
INTO INTERSECTION INTO HER PATH OF TRAVEL. SHE THEN
APPLIED HER BRAKES IN AN ATTEMPT TO STOP BUT THEN STRUCK
(MORE)

MICRE

99 DESCRIBE VIOLATIONS

90. SECTION NUMBERS (ONLY IF CHARGED)

TC NIC

1200

UNIT 2

31 PROHIBIT USE

32 TYPE
TEST

93 RESULTS

☐ NO TEST
☐ REFUSE
☐ UNK

UNIT 2

91 PROBABLE
USE

92 TYPE

(d) RESULTS

☐ NO TEST
☐ REFUSE

94 INY

94 INV
CO
MFG

COMPLETE ?
YES ☒ NO ☐

1

AA 45C (192)

PAGE 4

N/A



001030
COMMONWEALTH OF PENNSYLVANIA
PAR CONTINUATION SHEET

REPORTABLE ☒ NON REPORTABLE ☐ PENNDOT USE ONLY

ACCIDENT NO. 03-11552-15 ACCIDENT DATE 12/03/00 COUNTY CODE 17 MUNICIPAL CODE 22

82 PERSON INFORMATION - USE OVERLAY #2 SHEET FOR COPIES																	
A	B	C	D	E	F	G	NAME	ADDRESS	H	I	J	K	L	M			

87. NARRATIVE
THE RIGHT SIDE OF UNIT#1. SHE THEN ADVISED THAT SHE STOPPED IN S20453 AND WAS ASSISTED WITH PUSHING VEHICLE ONTO EAST BERM OF S20453.

PRIOR TO MY ARRIVAL, ARRANGEMENTS FOR TOW SERVICE FROM HARRIS TOWING, CLIWENSVILLE, PA 10933 (814) 236-9903 WERE MADE BY OPERATOR#2 FOR SERVICE. UNIT#2 WAS THEN TOWED FROM THE SCENE.

UNIT#1 WAS DRIVEN FROM THE SCENE BY OPERATOR#1.

BLOCKS 89 & 90 - VIOLATIONS INDICATED (CONT)
UNIT#1: STOP SIGNS & YIELD SIGNS, 3323 AND REQUIRED FINANCIAL RESPONSIBILITY, 17210.

SD7-0015 COMPLETED AND ISSUED TO BOTH OPERATORS. PUBLIC INFORMATION RELEASE COMPLETED AND SUBMITTED.

PENN DOT CONTACTED FOR ASSISTANCE TO REMOVE GLASS FROM ROADWAY.

89. DESCRIBE VIOLATIONS										90. SECTION NUMBERS (ONLY IF CHARGED)										TC NTC	
UNIT 1																				0 0	
UNIT 2																				0 0	
91. PROBABLE USE		92. TYPE TEST		93. RESULTS		91. PROBABLE USE		92. TYPE TEST		93. RESULTS		94. INVESTIGATION COMPLETE ?									
UNIT 1				0. ___ %		UNIT 2				0. ___ %		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>									
				<input type="checkbox"/> NO TEST <input type="checkbox"/> REFUSE <input type="checkbox"/> UNK						<input type="checkbox"/> NO TEST <input type="checkbox"/> REFUSE <input type="checkbox"/> UNK											

INSURED: KELLY
 CLAIMANT: Collis on loss of 12/03/00
 IN PAYMENT OF: _____

POLICY NUMBER	008129924	CLAIM NUMBER	6941608990X42
	SSN/TIN		DESK LOC EMPLOYEE ID
		002	DE7C

PAY: ONE THOUSAND TWO HUNDRED EIGHTY DOLLARS AND 31/10

\$ 51,280.31



Allstate.
 You're in good hands.

INVOICE	NUMBER	PROC M	O	IRS	PAYEE	MONTH	DATE ISSUED	YEAR
						12	27	00

TO THE ORDER OF: **MAX A KELLY**
HC 1 BOX 104
MADERA, PA 16661-9500

Handwritten signature

ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES
 COMPANY NAME
 ALLSTATE INSURANCE COMPANY

46443055 5 46443055

VOID IF NOT PRESENTED WITHIN THREE HUNDRED, SIXTY-FIVE DAYS OF THE DATE OF ISSUE

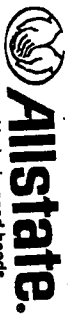
FILE COPY NON-NEGOTIABLE AUTHORIZED SIGNATURES

DD1 - 03

INSURED
KELLY
CLAIMANT
Collision loss of 12/03/00
IN PAYMENT
Payoff acct 00000020819391 for release of title

POLICY NUMBER	008129924	CLAIM NUMBER	6941608990X42
SSN/TIN		DESK LOC	002
		EMPLOYEE ID	DETC

PAY
SIX THOUSAND FIVE HUNDRED SEVENTY EIGHT DOLLARS AND 49/100
INVOICE NUMBER
PROC MCO
IRS
PAID
DATE ISSUED
YEAR
12 27 00



You're in good hands.

TO THE
ORDER
OF
AMERICAN SUZUKI CREDIT
P.O. BOX 55000
DETROIT, MI 48255-1939

12-2

46443053 7	46443053
ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES	
COMPANY NAME	
ALLSTATE INSURANCE COMPANY	

DDY Y 43 6449.49
HND Y 43 75.20

VOID IF NOT PRESENTED WITHIN THREE HUNDRED, SIXTY-FIVE DAYS OF THE DATE OF ISSUE.

FILE COPY

NON-NEGOTIABLE
AUTHORIZED SIGNATURES

FILED

71 10:49 AM
DEC 02 2002

William A. Shaw
Prothonotary

85-000
100 to Shurt
100 to 2220

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13382

ALLSTATE INSURANCE CO. & MAX A. KELLY

02-1875-CD

VS.

CARNS, BRIAN

COMPLAINT

SHERIFF RETURNS

NOW DECEMBER 18, 2002 AT 1:39 PM EST SERVED THE WITHIN COMPLAINT ON BRIAN CARNS, DEFENDANT AT RESIDENCE, 1 PINEY ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CANACE CARNS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO

Return Costs

Cost	Description
25.80	SHFF. HAWKINS PD. BY: ATTY.
10.00	SURCHARGE PD. BY: ATTY.

Sworn to Before Me This

31st Day Of January 2003
William A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED

JAN 31 2003
0/11:07 a.m.
William A. Shaw
Prothonotary
no cc

GORDON & WEINBERG, P.C.
By: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Allstate Insurance Co., ind &	:	COURT OF COMMON PLEAS
a/s/o Max A. Kelly &	:	CLEARFIELD COUNTY
Max A. Kelly	:	
vs.	:	
	:	DOCKET NO.: 02-1875-CD
Brian Carns	:	

NOTICE

PURSUANT TO RULE 236 OF THE SUPREME COURT OF PENNSYLVANIA, YOU
ARE HEREBY NOTIFIED THAT A JUDGMENT BY DEFAULT HAS BEEN ENTERED
AGAINST YOU IN THE ABOVE PROCEEDING. IF YOU HAVE ANY QUESTIONS
CONCERNING THIS NOTICE, PLEASE CALL PAUL M. SCHOFIELD,
JR., ESQUIRE AT 215/988-9600.

GORDON & WEINBERG, P.C.

BY: 
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Dated: February 27, 2003

FILED

MAR 05 2003

William A. Shaw
Prothonotary

GORDON & WEINBERG, P.C.
By: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Allstate Insurance Co., ind & : COURT OF COMMON PLEAS
a/s/o Max A. Kelly & : CLEARFIELD COUNTY
Max A. Kelly :
vs. :
: DOCKET NO.: 02-1875-CD
Brian Carns :

PRAECIPE FOR JUDGMENT

The Prothonotary will please enter Judgment in the above matter by default for want of an answer against the Defendant, Brian Carns, and assesses the damages as per statement below.

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Principal	\$8,159.80
Costs	\$170.00
Interest from	December 3, 2000
@6%	\$1,094.52
Total:	\$9,424.32

I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the parties against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe.

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Filed:
By the Prothonotary:

AND NOW, this 5th day of March, 2003
Judgment is entered in favor of the plaintiff(s) and against defendant, for want of an answer and damages assessed at time of trial.

William L. H. [Signature]
Prothonotary

GORDON & WEINBERG, P.C.
By: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Allstate Insurance Co., ind &	:	COURT OF COMMON PLEAS
a/s/o Max A. Kelly &	:	CLEARFIELD COUNTY
Max A. Kelly	:	
vs.	:	
	:	DOCKET NO.: 02-1875-CD
Brian Carns	:	

CERTIFICATION OF ADDRESS

I hereby certify that the precise residence of the holder of the within judgment is; Allstate Insurance Co. & Max A. Kelly, P.O. Box 27, Pennsburg, PA and that the last known address of defendant, Brian Carns, 1 Piney Road, Curwensville PA 16833.

GORDON & WEINBERG, P.C.

BY: 

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

GORDON & WEINBERG, P.C.
By: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Allstate Insurance Co., ind &	:	COURT OF COMMON PLEAS
a/s/o Max A. Kelly &	:	CLEARFIELD COUNTY
Max A. Kelly	:	
vs.	:	
	:	DOCKET NO.: 02-1875-CD
Brian Carns	:	

AFFIDAVIT OF NON-MILITARY SERVICE

PAUL M. SCHOFIELD, JR., ESQUIRE, being duly sworn according to law, deposes and says that he represents the plaintiff in the above-entitled case; that he is authorized to make this affidavit on behalf of the plaintiff; and that the above-named defendant is over twenty-one years of age; that the address of the defendant is, 1 Piney Road, Curwensville PA 16833; that the occupation of the defendant is unknown; and that the defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

Sworn to and Subscribed

Before me this 27th Day
of February 2003.

Notary

Public NOTARIAL SEAL
JOHN V. McBRIDE, II, Notary Public
City of Philadelphia, Phila. County
My Commission Expires June 10, 2004

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

GORDON & WEINBERG, P.C.
By: PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Allstate Insurance Co., ind and a/s/o Max A. Kelly and Max A. Kelly	:	COURT OF COMMON PLEAS CLEARFEILD COUNTY
vs.	:	
Brian Carns	:	DOCKET NO.: 02-1875-CD

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA : Brian Carns

DATE OF NOTICE/FECHA DEL AVISO: February 12, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE AS SET FORTH ABOVE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

AVISE IMPORTANTE

USTED ESTA EN REBELDIA PORQUE HA FALLADO EN TOMAR LA ACTION EXIGIDA DE SU PARTE EN ESTE CASE. A MENOS DE QUE USTED ACTUE DENTRO DE DIEZ DIAS DE LA FECHA DE ESTE AVISO, SE PUEDE REGISTRAR UNA SENTENCIA CONTRA USTED, SIN EL BENEFICIO DE UNA AUDIENCIA Y PUEDE PERDER SU PROPIEDAD O DERECHOS IMPORTANTES. USTED DEBE LLEVAR ESTE AVISO A UN ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO Y NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, DEBE COMUNICARESE CON LA SIGUIENTE OFICINA PARA AVERIGUAR DONDE PUEDE OBTENER AYUDA LEGAL:

..... PENNSYLVANIA BAR ASSOCIATION
LAWYER REFERRAL SERVICES
P.O. BOX 186
HARRISBURG, PA 17108
(800) 692-7375

GORDON & WEINBERG, P.C.

BY: 
PAUL M. SCHOFIELD, JR., ESQUIRE

P10D

FILED

Atty. Gen. 2000

MAR 05 2003

1cc. Ref. (Notice inside)

Statement to Atty

William A. Chew
Prothonotary



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

CC 17

Allstate Insurance Co., ind.
and a/s/o Max A. Kelly and
Max A. Kelly
Plaintiff(s)

No.: 2002-01875-CD

Real Debt: \$9,424.32

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Brian Carns
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 5, 2003

Expires: March 5, 2008

Certified from the record this 5th day of March, 2003.

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

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQ. &
PAUL M. SCHOFIELD, JR., ESQ. ATTORNEYS FOR PLAINTIFF
I.D. #41360 & 81894
21 SOUTH 21st STREET
PHILADELPHIA, PA 19103
(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O: COURT OF COMMON PLEAS
MAX A. KELLY AND MAX A. KELLY : CLEARFIELD COUNTY
P.O. BOX 27 :
PENNSBURG, PA 18073 :
vs. :
BRIAN CARNS :
1 PINEY ROAD :
CURWENSVILLE, PA 16833 :
and : NO. 02-1875-CD
COUNTY NATIONAL BANK :
216 SPRING ST. :
HOUTZDALE, PA 16651 - GARNISHEE :

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue writ of execution in the above matter,
directed to the Sheriff of Clearfield County;

(1) against

BRIAN CARNS

defendant(s) and

(2) against

COUNTY NATIONAL BANK

garnishee(s)

(3) AMOUNT DUE \$9,424.32

INTEREST
from 3/5/03 \$240.92

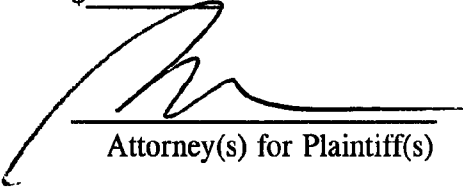
(Costs to be added) \$

Prothonotary costs 125.00
TOTAL \$

FILED

AUG 18 2003

William A. Shaw
Prothonotary/Clerk of Courts


Attorney(s) for Plaintiff(s)

FILED

Atty pd. 2000

M/9:49-64
AUG 18 2003

7 units @ 1 cc to staff

Excl

William A. Stew
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLEARFIELD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ. &

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

21 SOUTH 21st STREET

PHILADELPHIA, PA 19103

(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O:

COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY

:

CLEARFIELD COUNTY

P.O. BOX 27

:

PENNSBURG, PA 18073

:

vs.

:

BRIAN CARNS

:

1 PINEY ROAD

:

CURWENSVILLE, PA 16833

:

and

:

NO. 02-1875-CD

COUNTY NATIONAL BANK

:

216 SPRING ST.

:

HOUTZDALE, PA 16651 - GARNISHEE

:

WRIT OF EXECUTION

AMOUNT DUE \$9,424.32

INTEREST \$240.92
from 3/5/03

COSTS PAID:

Prothonotary \$ 125.00

SHERIFF \$ _____

STATUTORY \$ _____

FREDERIC I. WEINBERG, ESQUIRE
& PAUL M. SCHOFIELD, JR., ESQUIRE
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
(215) 988-9600

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ. &

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

21 SOUTH 21st STREET

PHILADELPHIA, PA 19103

(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O: COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY : CLEARFIELD COUNTY

P.O. BOX 27 :

PENNSBURG, PA 18073 :

vs. :

BRIAN CARNS :

1 PINEY ROAD :

CURWENSVILLE, PA 16833 :

and :

NO. 02-1875-CD

COUNTY NATIONAL BANK :

216 SPRING ST. :

HOUTZDALE, PA 16651 - GARNISHEE :

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 \$300.00 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: (include address and telephone)

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. Section 4904 relating to unsworn falsification to authorities.

DATE: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

The Office of the Sheriff of Clearfield County
P.O. Box 549
Clearfield, PA 16830
(814) 765-2641

Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

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

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQ. &
PAUL M. SCHOFIELD, JR., ESQ. ATTORNEYS FOR PLAINTIFF
I.D. #41360 & 81894
21 SOUTH 21st STREET
PHILADELPHIA, PA 19103
(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O:	COURT OF COMMON PLEAS
MAX A. KELLY AND MAX A. KELLY :	CLEARFIELD COUNTY
P.O. BOX 27 :	
PENNSBURG, PA 18073 :	
vs. :	
BRIAN CARNS :	
1 PINEY ROAD :	
CURWENSVILLE, PA 16833 :	
and :	NO. 02-1875-CD
COUNTY NATIONAL BANK :	
216 SPRING ST. :	
HOUTZDALE, PA 16651 - GARNISHEE :	

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

BRIAN CARNS
SS# 161-58-7931

defendant(s)

(1) You are directed to levy upon the property of the defendant(s) and to sell defendant's('s) interest therein:

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

COUNTY NATIONAL BANK
216 SPRING ST.
HOUTZDALE, PA 16651

(specifically describe property)

and to notify the garnishee(s) that (a) an attachment has been issued: (b) the garnishee(s) is(are) 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.

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

Amount Due \$9,424.32

Interest \$240.92
from 3/5/03

Cost to be added \$
Prothonotary Costs 125.00
Total \$

By *Willie L. Lister* Prothonotary
Clerk

Date August 18, 2003

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

ALLSTATE INSURANCE CO., IND. & A/S/O
MAX A. KELLY AND MAX A. KELLY
P. O. BOX 27
PENNSBURG, PA 18073

vs.

No. 02-1875-CD

BRIAN CARNS
1 PINEY ROAD
CURWENSVILLE, PA 16833

and

COUNTY NATIONAL BANK
216 SPRING STREET
HOUTZDALE, PA 16651 - GARNISHEE

FILED

SEP 05 2003
011055/108 CC
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE


I, Peter F. Smith, attorney for County National Bank in the above-captioned matter, hereby certify that I served a true and correct copy of the Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and on the Defendant by U.S. Certified Mail as follows:

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 South 21st Street
Philadelphia, PA 19103

Brian Carns
1 Piney Road
Curwensville, PA 16833

Respectfully submitted,

Date: September 2, 2003


Peter F. Smith, Esquire
Attorney for County National Bank

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ.

&

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

21 SOUTH 21st STREET

PHILADELPHIA, PA 19103

(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O

:

COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY

:

CLEARFIELD COUNTY

P.O. BOX 27

:

PENNSBURG, PA 18073

:

vs.

:

BRIAN CARNS

:

1 PINEY ROAD

:

CURWENSVILLE, PA 16833

:

and

:

NO. 02-1875-CD

COUNTY NATIONAL BANK

:

216 SPRING ST.

:

HOUTZDALE, PA 16651

- GARNISHEE

:

INTERROGATORIES IN ATTACHMENT

TO: COUNTY NATIONAL BANK GARNISHEE

FILED

SEP 05 2003

011055110CC

William A. Shaw

Prothonotary/Clerk of Courts

1. You are required to file answers to the following Interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you.

2. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to him (her, them) on any negotiable or other written instrument, or did he (she, they) claim that you owed him (her, them) any money or were liable to him (her, them) for any reason?
SEE ATTACHED ANSWERS

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold a fiduciary any property in which the defendant(s) had any interest?

5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and what was the consideration thereof?

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant(s) or to any person or place pursuant to his(her, their) direction or otherwise discharge any claim of the defendant(s) against you?

7. How much is the value of any property in your possession belonging to the defendant(s)?

DATE

Attorney(s) for Plaintiff(s)

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

ALLSTATE INSURANCE CO., IND. & A/S/O
MAX A. KELLY AND MAX A. KELLY
P. O. BOX 27
PENNSBURG, PA 18073

vs.

No. 02-1875-CD

BRIAN CARNS
1 PINEY ROAD
CURWENSVILLE, PA 16833

and

COUNTY NATIONAL BANK
216 SPRING STREET
HOUTZDALE, PA 16651 - GARNISHEE

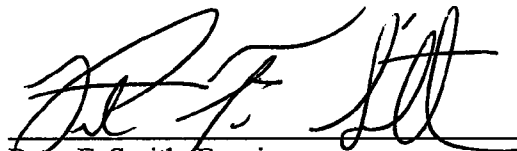
COUNTY NATIONAL BANK'S ANSWERS TO INTERROGATORIES

1. N/A
2. No, but Defendant does maintain a joint checking account with his wife Canace

Elaine Carns which is exempt from execution as entireties property.

3. No
4. No
5. No
6. No

Respectfully submitted,



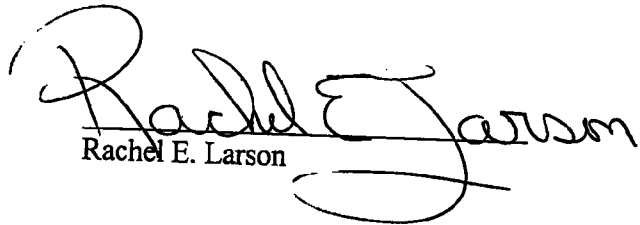
Peter F. Smith, Esquire
Attorney for County National Bank

Date: September 2, 2003


AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

RACHEL E. LARSON, being duly sworn according to law, deposes and says that she is the Vice President of Operations for County National Bank and, further, that the information contained in the foregoing Interrogatories is true, correct and complete to the best of her information, knowledge and belief.


Rachel E. Larson

SWORN TO AND SUBSCRIBED
before me this 4th day of September, 2003.


Notary Public

NOTARIAL SEAL HOLLY A. BRESSLER, Notary Public Clearfield Boro, Clearfield Co., PA My Commission Expires Sept. 12, 2006
--

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ. &

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

21 SOUTH 21st STREET

PHILADELPHIA, PA 19103

(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O:

COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY :

CLEARFIELD COUNTY

P.O. BOX 27 :

PENNSBURG, PA 18073 :

vs. :

BRIAN CARNS :

1 PINEY ROAD :

CURWENSVILLE, PA 16833 :

and :

NO. 02-1875-CD

COUNTY NATIONAL BANK :

216 SPRING ST. :

HOUTZDALE, PA 16651 - GARNISHEE :

PRAECIPE TO DISSOLVE ATTACHMENT

TO THE PROTHONOTARY:

Kindly mark the attachment of the defendant's bank account with COUNTY NATIONAL BANK, as Garnishee in the above entitled matter satisfied and dissolve the attachment of the defendant's bank account.

PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

FILED

M 1:14 PM Pl 7.00

OCT 08 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14458

ALLSTATE INSURANCE COMPANY, IND. & A/S/O MAX A. KELLY AND MAX 02-1875-CD

VS.

CARNS, BRIAN

WRIT OF EXECUTION INTERROGATORIES TO GARNISHEE

SHERIFF RETURNS

NOW, AUGUST 27, 2003 @ 12:30 P.M. O'CLOCK SERVED WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON LORI SHIMEL, HEAD TELLER AT COUNTY NATIONAL BANK, GARNISHEE, AT HER PLACE OF EMPLOYMENT, 216 SPRING STREET, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORI SHIMEL, HEAD TELLER, AT COUNTY NATIONAL BANK, GARNISHEE, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, OCTOBER 14, 2003 RETURN WRIT AS BEING SERVED, PAID COSTS FROM THE ADVANCE AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY.

SHERIFF HAWKINS \$31.33
SURCHARGE \$10.00
PAID BY ATTORNEY

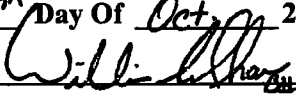
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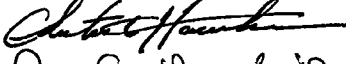
E
KRS

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

14th Day Of Oct, 2003

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

So Answers,


Chester A. Hawkins
Sheriff

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ.

&

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

21 SOUTH 21st STREET

PHILADELPHIA, PA 19103

(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O: COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY : CLEARFIELD COUNTY

P.O. BOX 27 :

PENNSBURG, PA 18073 :

vs. :

BRIAN CARNS :

1 PINEY ROAD :

CURWENSVILLE, PA 16833 :

and :

NO. 02-1875-CD

COUNTY NATIONAL BANK :

216 SPRING ST. :

HOUTZDALE, PA 16651 - GARNISHEE :

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. 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 exemption 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.

PENNSYLVANIA BAR ASSOCIATION LAWYER REFERENCE SERVICE

100 SOUTH STREET

P.O. BOX 166

HARRISBURG, PA 17108

800-692-7375

GORDON & WEINBERG, P.C.

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PAUL M. SCHOFIELD, JR., ESQ.

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MAX A. KELLY AND MAX A. KELLY : CLEARFIELD COUNTY

P.O. BOX 27 :

PENNSBURG, PA 18073 :

vs. :

BRIAN CARNS :

1 PINEY ROAD :

CURWENSVILLE, PA 16833 :

and :

COUNTY NATIONAL BANK :

216 SPRING ST. :

HOUTZDALE, PA 16651 - GARNISHEE :

NO. 02-1875-CD

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 \$300.00 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: (include address and telephone)

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. Section 4904 relating to unsworn falsification to authorities.

DATE: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

The Office of the Sheriff of Clearfield County
P.O. Box 549
Clearfield, PA 16830
(814) 765-2641

Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

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

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BY: FREDERIC I. WEINBERG, ESQ. &
PAUL M. SCHOFIELD, JR., ESQ. ATTORNEYS FOR PLAINTIFF
I.D. #41360 & 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
(215) 988-9600

ALLSTATE INSURANCE CO., IND. & A/S/O:	COURT OF COMMON PLEAS
MAX A. KELLY AND MAX A. KELLY :	CLEARFIELD COUNTY
P.O. BOX 27 :	
PENNSBURG, PA 18073 :	
vs. :	
BRIAN CARNS :	
1 PINEY ROAD :	
CURWENSVILLE, PA 16833 :	
and :	NO. 02-1875-CD
COUNTY NATIONAL BANK :	
216 SPRING ST. :	
HOUTZDALE, PA 16651 - GARNISHEE :	

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

BRIAN CARNS
SS# 161-58-7931

defendant(s)

(1) You are directed to levy upon the property of the defendant(s) and to sell defendant's('s) interest therein:

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

COUNTY NATIONAL BANK
216 SPRING ST.
HOUTZDALE, PA 16651

(specifically describe property)

and to notify the garnishee(s) that (a) an attachment has been issued: (b) the garnishee(s) is(are) 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.

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

Amount Due	<u>\$9,424.32</u>
Interest	<u>\$240.92</u>
from 3/5/03	
Cost to be added	\$ <u> </u>
Prothonotary costs	<u>125.00</u>
Total	\$ <u> </u>

Received 8-18-03 @ 2:00 P.M.

Chester A. Hawkins

By Cynthia Butler-Aughenlaugh

By William L. Hays
Clerk

Date August 18, 2003

COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLEARFIELD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQ.

&

PAUL M. SCHOFIELD, JR., ESQ.

ATTORNEYS FOR PLAINTIFF

I.D. #41360 & 81894

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PHILADELPHIA, PA 19103

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COURT OF COMMON PLEAS

MAX A. KELLY AND MAX A. KELLY

:

CLEARFIELD COUNTY

P.O. BOX 27

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PENNSBURG, PA 18073

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1 PINEY ROAD

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NO. 02-1875-CD

COUNTY NATIONAL BANK

:

216 SPRING ST.

:

HOUTZDALE, PA 16651 - GARNISHEE

:

WRIT OF EXECUTION

AMOUNT DUE \$9,424.32

INTEREST \$240.92
from 3/5/03

COSTS PAID:

Prothonotary \$ 65.00

SHERIFF \$ _____

STATUTORY \$ _____

FREDERIC I. WEINBERG, ESQUIRE
& PAUL M. SCHOFIELD, JR., ESQUIRE
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
(215) 988-9600