

02-1875-CD  
ALLSTATE INSURANCE CO. et al. vs. BRIAN CARNIS

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. 21<sup>st</sup> Street  
Philadelphia, PA 19103  
(215) 988-9600

Attorney for Plaintiff

Allstate Insurance Co.	:	COURT OF COMMON PLEAS
P.O. Box 27	:	CLEARFIELD 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-CJ
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

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. 21<sup>st</sup> Street  
Philadelphia, PA 19103  
(215) 988-9600

Attorney for Plaintiff

---

Allstate Insurance Co.	:	COURT OF COMMON PLEAS
P.O. Box 27	:	CLEARFIELD 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.:
	:	
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 was 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:

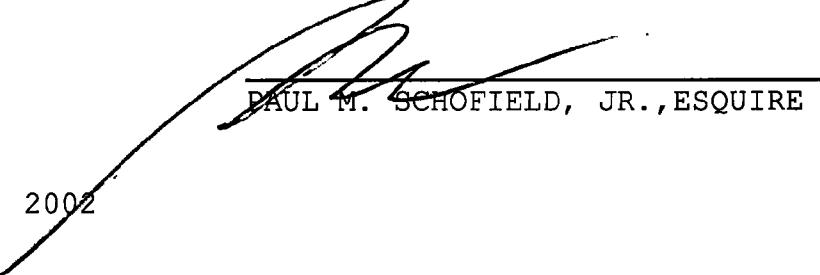
PAUL M. SCHOFIELD, JR., ESQUIRE  
Attorney for Plaintiffs

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 : CARNES, 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

## •• MEDICAL, POLICE, AND SPECIALISTS

DEPARTMENT

PENNOOT USE ONLY

## POLICE INFORMATION

1 INCIDENT NUMBER	CD3-C455815
2 AGENCY NAME	PA STATE POLICE
3 STATION NUMBER	CLEARFIELD 11330
4 PATROL ZONE	19
5 INSPECTOR	LEIGH A. BARROWS
6 APPROVED BY	Mark (Conrad)
7 ISSUE STATION	12/13/00
DATE	8 ARRIVAL TIME
	MA33

## ACCIDENT INFORMATION

9. ACCIDENT DATE	12/03/00		10. DAY OF WEEK	SUNDAY	
11. TIME OF DAY	0732		12. NUMBER OF UNITS	2	
11. TIME OF DAY	14:00 INJURED		15. PRIV. PROP. ACCIDENT	Y	N
16. DO YOU HAVE TO BE REMOVED FROM THE SCENE?			17. VEHICLE DAMAGE		
UNIT 1	UNIT 2		0. NONE	UNIT 1	2
X	X	X	1. LIGHT		
X	X	X	2. MODERATE		
X	X	X	3. SEVERE	UNIT 2	3
18. HAZARDOUS MATERIALS	Y	N	19. PENN DOT PROPERTY	Y	N
UNIT # 1					

14 DATE	22 438 2010	57 STATE	PA
15 NUMBER			
16 DRIVER	BRIAN CATTS CARN'S		
17 NAME			
18 DRIVER	RDI BOX 144		
19 ADDRESS			
20 CITY STATE	NEW MILLPORT, PA 16051		
21 ZIP			
22 DATE OF	15/10/71	58 PHONE	1644730-1309
BIRTH			

64 COMM 2FH 65 DRIVER  
C ~~H~~ CLASS C

62. GARNIER

48 CARRIER  
ADDRESS  
50 CITY STATE

5. ZIPCODE      6. USDOT #      7. ICC #      8. PUC #

72 VEH 73 CARGO 74 GVWR

16 HAZARDOUS MATERIALS  RELEASE OF HAZMAT

19. *Leucosia* (Leucosia) *leucostoma* (Fabricius) (Fig. 19)

ACCIDENT LOCATION							
20 COUNTY	CLEARFIELD COUNTY						
21 MUNICIPALITY	KNOX TOWNSHIP						
PRINCIPAL ROADWAY INFORMATION							
22. ROUTE NO. OR STREET NAME	SR0453						
23. SPEED LIMIT	45	24. TYPE	25. ACCESS CONTROL				
INTERSECTING ROAD:							
26. ROUTE NO. OR STREET NAME	SR 2012						
27. SPEED LIMIT	45	28. TYPE	29. ACCESS CONTROL				
IF NOT AT INTERSECTION:							
30. CROSS STREET OR SEGMENT MARKER							
31. DIRECTION FROM SITE	N S E W						
32. DISTANCE FROM SITE			FT. MI.				
33. DISTANCE WAS	MEASURED	ESTIMATED					
34. CONSTRUCTION ZONE	35. TRAFFIC CONTROL DEVICE	PRINCIPAL INTERSECTING DEVICE					
	0	0	3				
UNIT #2							
36. LEGALLY PARKED?	Y	N	37. REG. PLATE	BS4 9071	38. STATE	PA	
39. PA TITLE OR OUT-OF-STATE VIN	50349051			JNS			
40. OWNER	MAY A. KELLY						
41. OWNER ADDRESS	HCI BOX 104						
42. CITY, STATE & ZIPCODE	MADERA, PA 16061						
43. YEAR	1997			44. MAKE			
45. MODEL (PKT BODY TYPE)	NEON			46. INS.	Y	N	LINK
47. BODY TYPE	02	48. SPECIAL USAGE	0	49. VEHICLE OWNERSHIP	2		
50. INITIAL IMPACT POINT	12	51. VEHICLE STATE'S	0	52. TRAVEL SPEED	45		
53. VEHICLE GRADIENT	3	54. RE. ICE	1	55. DRIVER CONDITION	1		
56. DRIVER NUMBER	26 137 149			57. STATE	PA		
58. DRIVER NAME	ARIANNE RENEE KELLY						
59. DRIVER ADDRESS	HCI BOX 104						
60. CITY, STATE & ZIPCODE	MADERA, PA 16061						
61. SEX	F	62. DATE OF BIRTH	08/09/82	63. PHONE	724-236-1977		
64. COMM. VEH. Y	N	65. DRIVER CLASS	C	66. STATE	PA		
67. CARRIER							
68. CARRIER ADDRESS							
69. CITY, STATE & ZIPCODE							
70. USDOT #							
72. VEH. CONFIG				73. CARGO	Received By PUC #		
75. NO. OF AXLES				BODY TYPE			
				76. HAZ. ARDQUE MATERIALS	Allstate / Deerbrook Claims		
				77. RELEASE OF HAZMAT	74. GVWR		
				Y	N	LINK	
				1	4	2002	

PAGE

Sheraton Drive  
Altoona, PA 16601

TOW IN THE STATE AGENT

SPECIAL AGENT

NONE  
NONE

081007

INCIDENT #: 03-055815  
ACCIDENT DATE: 12/03/00

## PEOPLE INFORMATION

A B C D E F G NAME

ADDRESS

H I J K L M

1 M 20 3 1 0 OPERATOR #1  
2 F 18 3 1 1 OPERATOR #20 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)

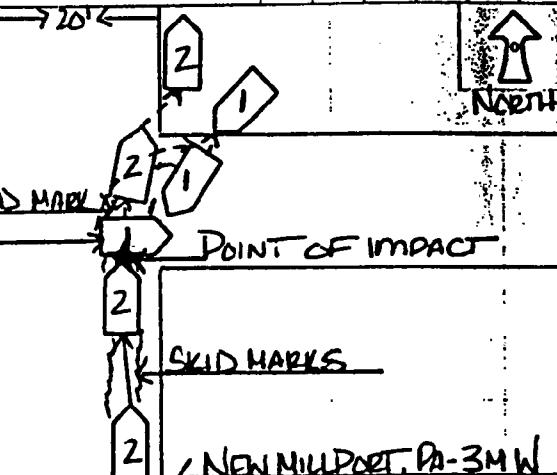
N/A

85. DESCRIPTION OF DAMAGED PROPERTY

OWNER  
NONE

ADDRESS

PHONE

86. DIAGRAM  
NOT DRAWN TO SCALE  
SR2012-45mphSTOP SIGN →  
SR0453-45mph

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 SR 2012 AND UNIT #2 WAS TRAVELING NORTH ON SR 0453. UNIT #1 THEN APPROACHED A PROPERLY POSTED STOP SIGN ALONG SR 2012, INTERSECTING WITH SR 0453 AND CONTINUED INTO THE INTERSECTION. UPON OBSERVING UNIT #1 ENTERING THE INTERSECTION OF SR 2012 AND SR 0453, OPERATOR #2 APPLIED HER BRAKES TO AVOID IMPACT. UNIT #2 THEN STRUCK THE RIGHT REAR

MORE

INSURANCE COMPANY  
INFORMATION  
UNIT 1  
POLICY  
NO  
NONEINSURANCE COMPANY  
INFORMATION  
UNIT 2  
POLICY  
NO  
ALLSTATE INSURANCE CO.  
008129924 01/0388  
WITNESSES  
NAME  
NONE KNOWN  
NONE KNOWN

ADDRESS

PHONE

89 VIOLATIONS INDICATED

90 SECTION NUMBERS (ONLY IF CHARGED)

TC NYC

UNIT 1 VEH APPROACHING OR ENTERING INTERSECTION 3321 UNIT 2 NONE 

91 PROBABLE USE	92 TYPE TEST	93 RESULTS %	NO TEST REFUSE UNK	91 PROBABLE USE	92 TYPE TEST	93 RESULTS %	NO TEST REFUSE UNK	94. INVESTIGATION COMPLETE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
UNIT 1 C	C	0 %	UNK	UNIT 2 C	C	0 %	UNK	

200223

PAGE 2



N/A



CD 1009  
COMMONWEALTH OF PENNSYLVANIA  
PAR CONTINUATION SHEET

REFER TO OVERLAY SHEET'S

ACCIDENT

NUMBER

C63-110559-15

ACCIDENT

DATE

12/03/00

REPORTABLE  NON-REPORTABLE 

PENNDOT USE ONLY

102 PERSON INFORMATION - USE OVERLAY #2 SHEET FOR CODES

\* B C D E F G NAME

COUNTY

CODE

7

MUNICIPAL

CODE

222

ADDRESS

H I J K L M

87. <sup>MANHAWKIE</sup> 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 1040 HOURS ON 12/03/00. HE RELATED THAT HE WAS TRAVELING EAST ON SR 2012 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 SR 0453. 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 0453 AND WAS COMING UPON INTERSECTION OF SR 2012 AND SR 0453. 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)

89. DESCRIBE VIOLATIONS			90. SECTION NUMBERS (ONLY IF CHARGED)			TC NYC							
UNIT 1													
UNIT 2													
UNIT 1	(31) PROBABLE USE	(32) TYPE TEST	(33) RESULTS 0. ____ %	(34) NO TEST ____ %	(35) REFUSE ____ %	(36) UNK ____ %	(37) PROBABLE USE	(38) TYPE TEST	(39) RESULTS 0. ____ %	(40) NO TEST ____ %	(41) REFUSE ____ %	(42) UNK ____ %	(43) INVESTIGATION COMPLETE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>





You're in good hands.

INSUREE KELLY  
 CLAIMANT COLLISION LOSS OF 1,703.00  
 IN PAYMENT OF

PAY ONE THOUSAND TWO HUNDRED EIGHTY D  
LARS AND 31/10

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

\$ 512.80  
 DATE ISSUED 31

POLICY NUMBER	CLAIM NUMBER
008129924	694160B990X4
SSN/IN	DESK LOC
	EMPLOYEE ID
	002
	DET C

*4643055 5*

ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES

COMPANY NAME

*12-370*  
*MAX A KELLY*

TO THE  
ORDER  
OF

MAX A KELLY  
HC 1 BOX 104  
MADERA, PA 16661-9500

*45443055*

ALLSTATE INSURANCE COMPANY

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

FILE COPY

NON-NEGOTIABLE

AUTHORIZED SIGNATURES

DDP/ - 03

INSURED		CLAIMANT	
KELLY			
IN PAYMENT		OF PAYMENT	
Collision loss of 12,403.00		Payoff: acct# 00000020819391 for release of title	
SIX THOUSAND FIVE HUNDRED SEVENTY EYER DOLLARS AND 49/100		\$ 574.49	
INVOICE NUMBER		PROC MO: IRS PAYEE	
46443053		12 27 00	
TO THE ORDER OF		ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES	
AMERICAN SUZUKI CREDIT P.O. BOX 55000 DETROIT, MI 48255-1939		COMPANY NAME	
DDW Y 6/3 6499.24 HNW Y 63 75.00		ALLSTATE INSURANCE COMPANY	
FILE COPY NON-NEGOTIABLE AUTHORIZED SIGNATURES			
VOID IF NOT PRESENTED WITHIN THREE HUNDRED, SIXTY-FIVE DAYS OF THE DATE OF ISSUE.			

100% 75% 50% 25% 0%  
64.9, 67.0, 69.1, 71.2, 73.3, 75.4, 77.5, 79.6, 81.7, 83.8, 85.9, 88.0, 90.1, 92.2, 94.3, 96.4, 98.5, 100.0

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

FILE COPY

NON-NEGOTIABLE  
AUTHORIZED SIGNATURES

TO THE  
AMERICAN SUZUKI CREDIT  
P.O. BOX 55000  
DETROIT MI 48255-1939  
OR

You're in good hands.

**FILED**  
71 10:49 64 PL 8500 100 to Sherry  
100 to attorney  
DEC 02 2002  
William A. Shaw  
Prothonotary

**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**

<b>Cost</b>	<b>Description</b>
<b>25.80</b>	<b>SHFF. HAWKINS PD. BY: ATTY.</b>
<b>10.00</b>	<b>SURCHARGE PD. BY: ATTY.</b>

**Sworn to Before Me This**

31st Day Of January 2003

William A. Shaw

**So Answers,**

  
Chester A. Hawkins  
Sheriff

**FILED**

JAN 31 2003

01/16:07 a.m.

William A. Shaw  
Prothonotary

*no cc*



GORDON & WEINBERG, P.C.  
By: PAUL M. SCHOFIELD, JR., ESQUIRE  
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21 SOUTH 21ST STREET  
PHILADELPHIA, PA 19103  
215/988-9600

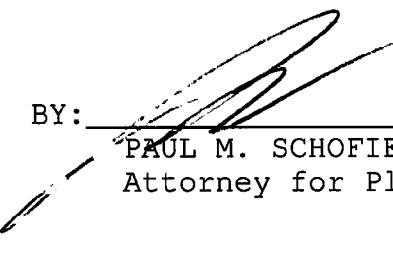
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Allstate Insurance Co., ind & : COURT OF COMMON PLEAS  
a/s/o Max A. Kelly & : CLEARFIELD COUNTY  
Max A. Kelly :  
vs. : DOCKET NO.: 02-1875-CD  
Brian Carns :  
:

**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
06%	\$1,094.52
<b>Total:</b>	<b>\$9,424.32</b>

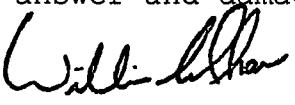
I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the parties against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe.

---

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

Filed:  
By the Prothonotary:

AND NOW, this 5<sup>th</sup> 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.

  
Prothonotary

GORDON & WEINBERG, P.C.  
By: PAUL M. SCHOFIELD, JR., ESQUIRE  
Identification No.: 81894  
21 SOUTH 21ST STREET  
PHILADELPHIA, PA 19103  
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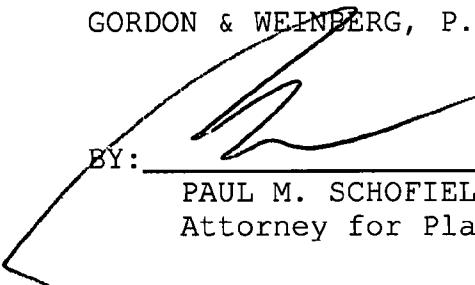
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Allstate Insurance Co., ind & : COURT OF COMMON PLEAS  
a/s/o Max A. Kelly & : CLEARFIELD COUNTY  
Max A. Kelly :  
vs. :  
: DOCKET NO.: 02-1875-CD  
Brian Carns :  
:

**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, Pennsbury, 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  
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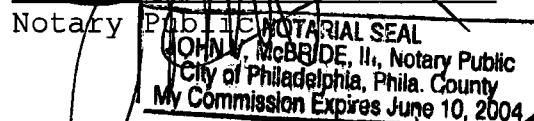
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: DOCKET NO.: 02-1875-CD  
Brian Carns :

**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 27<sup>th</sup> Day  
of February 2003.



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 : COURT OF COMMON PLEAS  
and Max A. Kelly : CLEARFIELD COUNTY  
vs. : DOCKET NO.: 02-1875-CD  
Brian Carns :

**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:

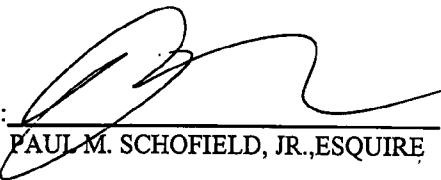
**AVISE IMPORTANTE**

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 PEUDE 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 pd. 2000

1cc Def. (Notice inside)

11:55 AM  
MAR 05 2003

Statement to Atty

William A. Shaw  
Prothonotary

*Goff*

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

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.  
I.D. #41360 & 81894  
21 SOUTH 21<sup>st</sup> STREET  
PHILADELPHIA, PA 19103  
(215) 988-9600

ATTORNEYS FOR PLAINTIFF

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

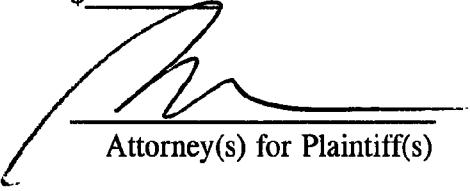
FILED

(Costs to be added) \$ \_\_\_\_\_

*Prothonotary costs* \$ 125.00

AUG 18 2003

William A. Shaw  
Prothonotary/Clerk of Courts

  
Attorney(s) for Plaintiff(s)

**FILED**

Att'y pd. 20.00

7/9/03  
m/9/03  
AUG 18 2003

7 Writs & 1 CC to Sheriff

William A. Show  
Prothonotary/Clerk, JI Courts

*Exhibit*

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 21<sup>ST</sup> 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 CARNES :

1 PINEY ROAD :

CURWENSVILLE, PA 16833 :

and :

COUNTY NATIONAL BANK :

216 SPRING ST. :

HOUTZDALE, PA 16651 - GARNISHEE :

NO. 02-1875-CD

---

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 21<sup>ST</sup> STREET  
PHILADELPHIA, PA 19103  
(215) 988-9600

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

ATTORNEYS FOR PLAINTIFF

---

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 CARNES	:
1 PINEY ROAD	:
CURWENSVILLE, PA 16833	:
and	:
COUNTY NATIONAL BANK	:
216 SPRING ST.	:
HOOTZDALE, 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

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MAX A. KELLY AND MAX A. KELLY : CLEARFIELD COUNTY  
P.O. BOX 27 :  
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VS. :  
BRIAN CARNES :  
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.  
I.D. #41360 & 81894  
21 SOUTH 21<sup>st</sup> STREET  
PHILADELPHIA, PA 19103  
(215) 988-9600

ATTORNEYS FOR PLAINTIFF

---

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 CARNES	:
1 PINEY ROAD	:
CURWENSVILLE, PA 16833	:
and	:
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 CARNES  
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 from 3/5/03	<u>\$240.92</u>
Cost to be added Prothonotary Costs	<u>\$ 125.00</u>
Total	<u>\$ _____</u>

By Willie L. Hines,  
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 CARNES  
1 PINEY ROAD  
CURWENSVILLE, PA 16833

and

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

FILED

SEP 05 2003

01/10/03/2003 CC

William A. Shaw  
Prothonotary/Clerk of Courts

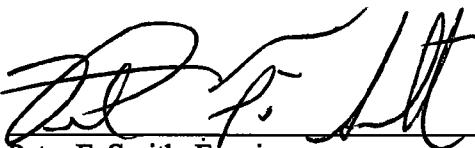
**CERTIFICATE OF SERVICE**

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,

  
Peter F. Smith, Esquire  
Attorney for County National Bank

Date: September 2, 2003

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

ATTORNEYS FOR PLAINTIFF

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

FILED

SEP 05 2003

010551006

William A. Shaw

Prothonotary/Clerk of Courts

TO: COUNTY NATIONAL BANK GARNISHEE

1. You are required to file answers to the following Interrogatories within twenty (20) days after service upon you. Failure to do so my 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 CARNES  
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,



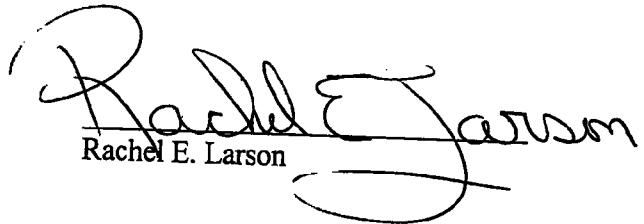
Peter F. Smith, Esquire  
Attorney for County National Bank

Date: September 2, 2003

AFFIDAVIT

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS :  
:

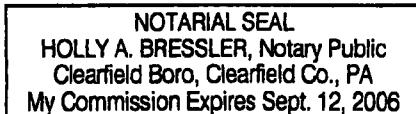
RACHEL E. LARSON, being duly sworn according to law, deposes and says that she is the Vice President of Operations for County National Bank and, further, that the information contained in the foregoing Interrogatories is true, correct and complete to the best of her information, knowledge and belief.



Rachel E. Larson

SWORN TO AND SUBSCRIBED  
before me this 4<sup>th</sup> day of September, 2003.

Holly A. Bressler  
Notary Public



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

ATTORNEYS FOR PLAINTIFF

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 CARNES	:
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 114 2003 pg 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

**FILED**  
01/15/2004  
OCT 14 2003  
E KRS  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

14<sup>th</sup> Day Of Oct, 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  
By Cynthia Butler-Coughenour  
Chester A. Hawkins  
Sheriff

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQ. &  
PAUL M. SCHOFIELD, JR., ESQ.  
I.D. #41360 & 81894  
21 SOUTH 21<sup>st</sup> STREET  
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(215) 988-9600

ATTORNEYS FOR PLAINTIFF

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MAX A. KELLY AND MAX A. KELLY	CLEARFIELD COUNTY
P.O. BOX 27	:
PENNSBURG, PA 18073	:
VS.	:
BRIAN CARNES	:
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CURWENSVILLE, PA 16833	:
and	:
COUNTY NATIONAL BANK	NO. 02-1875-CD
216 SPRING ST.	:
HOUTZDALE, PA 16651 - GARNISHEE	:

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#### WRIT OF EXECUTION

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ALLSTATE INSURANCE CO., IND. & A/S/O: COURT OF COMMON PLEAS  
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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.  
I.D. #41360 & 81894  
21 SOUTH 21<sup>st</sup> STREET  
PHILADELPHIA, PA 19103  
(215) 988-9600

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ATTORNEYS FOR PLAINTIFF

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 CARNES :  
1 PINEY ROAD :  
CURWENSVILLE, PA 16833 :  
and : NO. 02-1875-CD  
COUNTY NATIONAL BANK :  
216 SPRING ST. :  
HOUTZDALE, PA 16651 - GARNISHEE :  

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WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

BRIAN CARNES  
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 from 3/5/03	<u>\$240.92</u>
Cost to be added Prothonotary costs	<u>\$ 125.00</u>
Total	<u>\$</u>

Received 8-18-03 @ 2:00 P.M. By William H. Hanchett, Prothonotary  
Clerk  
Chestna A. Hawkins  
By Cynthia Butter Aughenbaugh 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  
21 SOUTH 21<sup>st</sup> STREET  
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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 21<sup>st</sup> STREET  
PHILADELPHIA, PA 19103  
(215) 988-9600