

02-1956-CD
CIT TECHNOLOGY FINANCING SERV. INC. vs. TRU-DIE & TOOL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 13495
NO: 02-1956-CD

PLAINTIFF: CIT TECHNOLOGY FINANCING SERVICES, INC.
vs.
DEFENDANT: TRU-DIE & TOOL, INC.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 01/07/2003

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 11/15/2006

FILED

NOV 15 2006

0/8:49 am
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

01/20/2003 @ 1:45 PM SERVED DAVID AIELLO

SERVED DAVID AIELLO, DEFENDANT, AT HIS RESIDENCE 1115 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID AIELLO

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

@ SERVED

NOW, JANUARY 29, 2003 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO HOLD OFF OR STAY THE EXECUTION UNTIL FURTHER CONTACT FROM HIS OFFICE.

@ SERVED

NOW, NOVEMBER 15, 2006 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 13495
NO: 02-1956-CD

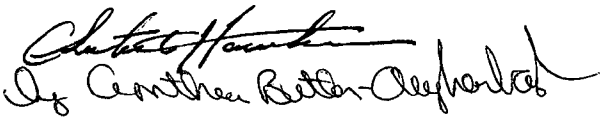
PLAINTIFF: CIT TECHNOLOGY FINANCING SERVICES, INC.
vs.
DEFENDANT: TRU-DIE & TOOL, INC.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURN

SHERIFF HAWKINS	\$45.36	
SURCHARGE	\$20.00	PAID BY ATTORNEY

So Answers,


Chester A. Hawkins
Sheriff

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2002-1956-CD

Commonwealth of Pennsylvania)

County of Clearfield)

To the Sheriff of Clearfield County:

(1) To satisfy the judgment, interest and costs against David Aiello, 1115 Treasure Lake, DuBois, PA 15801, Defendant, you are directed to levy upon the personal property of the Defendant including, but not limited to, jewelry and all other sundry personal property on his or its premises and to sell his or its interest therein.

You are also directed to attach specific property of the Defendant identified as:

(1) FANUC ALPHA ROBOCUT OC-S/AWF Wire Electric Discharge Machine with options, tooling and attachments;

(2) HAAS HL4 CNC Lathe with options Package C, 2-speed Gearbox, 5C Collet Chuck and Intran.

Amount due	<u>\$119,228.50</u>
Interest from 9/18/02	<u>\$ 2,382.18</u>
Costs/Fees	<u>\$ 9,451.46</u>

TOTAL AMOUNT DUE: \$ 131,062.14

Plus Prothonotary's Costs: \$ 40.00

William Shaw, Prothonotary

Seal of the Court

By: William Shaw
(Deputy) 1/6/03

Received 1-7-03 @ 3:40 P.M.
Chester G. Hawkins
By Cynthia Butler-Aughenbaugh

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME DAVID AIELLO

NO. 02-1956-CD

NOW, November 14, 2006, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Tru-Die & Tool, Inc. to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	13.68
LEVY	
MILEAGE	13.68
POSTING	
HANDBILLS	
COMMISSION	0.00
POSTAGE	
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	
RETURNS/DEPUTIZE	
COPIES	
BILLING/PHONE/FAX	
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$45.36

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	119,228.50
INTEREST @ %	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	9,451.46
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	2,382.18
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$131,167.50

COSTS:

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

SHERIFF COSTS	45.36
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	40.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$85.36
TOTAL COSTS	\$131,167.50

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

DUANE MORRIS

FIRM and AFFILIATE OFFICES

NEW YORK
LONDON
CHICAGO
HOUSTON
PHILADELPHIA
SAN FRANCISCO
BOSTON
WASHINGTON, DC
ATLANTA
MIAMI
NEWARK
ALLENTOWN
WILMINGTON
CHERRY HILL
HARRISBURG
BANGOR
PRINCETON
PALM BEACH
WESTCHESTER

THOMAS L. ISENBERG, JR.
DIRECT DIAL: 717.237.5511
E-MAIL: tisenberg@duanemorris.com

www.duanemorris.com

January 29, 2003

**VIA FACSIMILE (814) 765-5915
AND FIRST CLASS MAIL**
Clearfield County Sheriff
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

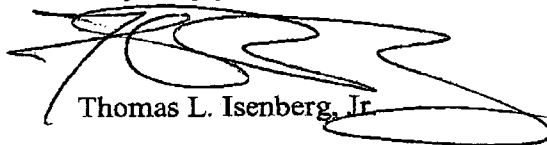
Attn: Cindy

Re: **CIT Technology Financing Services, Inc. v. Tru-Die & Tool and Aiello**
Clearfield County Docket No. 2002-1956-CD

Dear Cindy:

In accordance with our earlier telephone conversation, please be advised that I wish to "hold off" or stay the collection and execution of the Clearfield County Judgment against Mr. Aiello in the above noted matter. To the extent Mr. Aiello and I are not able to reach some sort of agreement, I will contact your office to reinstate the aforementioned collection efforts. In the meantime, if you should have any additional questions, please feel free to give me a call.

Very truly yours,



Thomas L. Isenberg, Jr.

TLI/pzg

HBG\109681.1

DUANE MORRIS LLP

305 NORTH FRONT STREET, 5TH FLOOR, P.O. BOX 1003 HARRISBURG, PA 17108-1003

PHONE: 717.237.5500 FAX: 717.232.4015

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

: In the Court of Common Pleas of
: Clearfield County, Pennsylvania
:
:
: Civil Action - Law
:
: No. 02-1956-CD
:
:

PLAINTIFF'S PRAECIPE TO TRANSFER JUDGMENT

TO: The Prothonotary of Clearfield County

Pursuant to Pennsylvania Rule of Civil Procedure 3002, please transfer the attached Judgment entered in the Court of Common Pleas of Elk County, Pennsylvania, against Defendants Tru-Die & Tool, Inc., and David Aiello, to the Court of Common Pleas of Clearfield County, Pennsylvania. In furtherance thereof, attached hereto as Exhibits "A" and "B", respectively are the Exemplified Record and the Docket Entries from the Court of Common Pleas of Elk County.

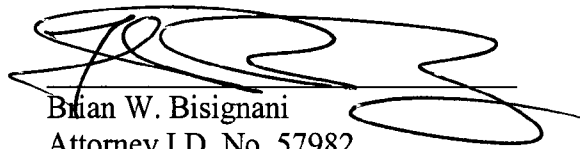
The judgment in replevin further requires the return and possession of the "December 1997 equipment" and "January 1998 equipment" as more fully set forth in Plaintiff's Complaint and also contains a money judgment against both of the above named Defendants in the amount of \$119,228.50, plus expenses, attorney's fees and costs.

FILED

DEC 16 2002

William A. Shaw
Prothonotary

Date: 12/12/02



Brian W. Bisignani
Attorney I.D. No. 57982
Thomas L. Isenberg, Jr.
Attorney I.D. No. 76652
DUANE MORRIS, LLP
305 N. Front Street, 5th Floor
P. O. Box 1003
Harrisburg, PA 17108-1003

Attorneys for Plaintiff
CIT Technology Financing Services, Inc.

HBG\107746.1

COMMONWEALTH OF PENNSYLVANIA
County of Elk

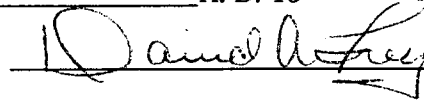
ss.

I, David A. Frey, Prothonotary in and for
said County, do hereby certify that the foregoing is a full, true and correct
copy.

as the same remains of record in the Prothonotary's Office at No. 2002-465

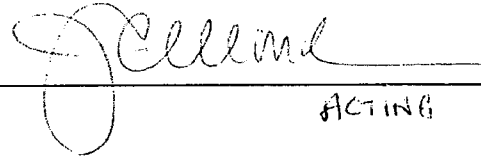
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal

this thirtieth (30th) day of October A. D. ~~XX~~ 2002



Prothonotary

I, John M. Cleland ^{ACTING} President Judge of the Fifty-Ninth Judicial District,
composed of the Counties of Elk and Cameron do certify that David A. Frey
by whom the annexed record, certificate and attestation were made and given, and who in his own proper
handwriting, thereunto subscribed his name and affixed the seal of the Prothonotary of said County was at the time
of so doing and now is Prothonotary in and for said county of Elk in the Commonwealth of Pennsylvania, duly
commissioned and qualified, to all of whose acts as such full faith and credit are and ought to be given as well in
Courts of judicature elsewhere, and that the said record, certificate and attestation are in due form of law, and made
by the proper officer.



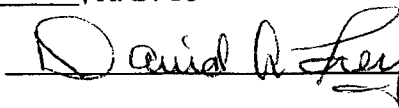
ACTING President Judge

COMMONWEALTH OF PENNSYLVANIA
County of Elk

ss.

I, David A. Frey, Prothonotary of the Court of Common Pleas in and for said
County, do certify that the Honorable John M. Cleland, by whom the foregoing attestation was
made, and who has hereunto subscribed his name was at the time of making thereof and still is ^{Acting} President Judge
of the Court of Common Pleas, Orphans' Court and Criminal Court in and for said County, duly commissioned and
qualified: to all whose acts as such full faith and credit are and ought to be given, as well in Courts of judicature or
elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, this 12th day
of November, A. D. ~~XX~~ 2002



Prothonotary

IN THE COURT OF COMMON PLEAS
Of Fifty-Ninth Judicial District
Elk County Branch-Civil Action-LOW
No. 2002-465

CIT TECHNOLOGY FINANCING
SERVICING, INC.,

Plaintiff

VS

TRU-DIE & TOOL, INC.,
DAVID AIELLO,

Defendants

EXEMPLIFIED RECORD

From Elk County

Case No 2002-00465
CIT TECHNOLOGY FIN SERV INC (VS) TRU-DIE & TOOL INC ET AL

Date
Filed

- 1 6/24/02 COMPLAINT IN REPLEVIN AND FOR MONEY DAMAGES FILED BY BRIAN W. BISGNANI, ESQ., ATTORNEY FOR PLAINTIFF.
- 2 7/24/02 SHERIFF'S RETURN: THE SHERIFF OF CLEARFIELD CO, PA WAS DEPUTIZED TO SERVE THE COMPLAINT IN REPLEVIN UPON TRUE-DIE & TOOL, INC AND DAVID AIELLO, SERVICE WAS MADE 7-8-02.
- 3 9/18/02 IMPORTANT NOTICE OF INTENT TO ENTER DEFAULT JDGT DATED 8/26/02 SENT TO DAVID AIELLO & TRU-DIE & TOOL, INC., FILED, W/ CERTIFICATE OF SERVICE.
- 4 9/18/02 PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT FILED BY ATTY FOR PLTF IN FAVOR OF PLTF & AGAINST DEFTS FOR: (A) POSSESSION OF DECEMBER 1997 EQUIPMENT & JANUARY 1998 EQUIPMENT AND (B) \$119,228.50 PLUS CIT'S EXPENSES & ATTYS' FEES & COSTS FOR FAILURE TO PLEAD.
- 5 9/18/02 NOTICE & COPY OF JUDGMENT MAILED TO DEFENDANTS.
- 6 10/30/02 EXEMPLIFICATION OF RECORD REQUESTED BY PARALEGAL KIMBERLY M. ADAMS WITH FIRM OF DUANE MORRIS LLP.

----- End of Docket Entries -----

Certified to be a full, true and correct copy
of the original in my custody.

Dated: 11-12-2002
Attest: Debra H. Kromenetter
Deputy Prothonotary Clerk

FILED

Atty pd. 20.00

M/3:26:46
DEC 16 2002

1 ccg ~~ccg~~ Notice to Def (book)

Statement to Atty

William A. Shaw
Prothonotary

3
427

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

CIT Technology Financing Services, Inc.

Vs.

No. 2002-01956-CD

Tru-Die & Tool, Inc. and David Aiello

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$119,228.50 on December 16, 2002.

William A. Shaw
Prothonotary

William A. Shaw

COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

CIT Technology Financing Services, Inc.

Vs.

No. 2002-01956-CD

Tru-Die & Tool, Inc. and David Aiello

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$119,228.50 on December 16, 2002.

William A. Shaw
Prothonotary

William A. Shaw

COPY

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

CC 17

CIT Technology Financing Services, Inc.
Plaintiff(s)

No.: 2002-01956-CD

Real Debt: \$119,228.50

Atty's Comm:

Vs.

Costs: \$

Int. From:

Tru-Die & Tool, Inc.
David Aiello
Defendant(s)

Entry: \$20.00

Instrument: Transfer Judgment from Elk
County

Date of Entry: December 16, 2002

Expires: December 16, 2007

Certified from the record this 16th day of December, 2002.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2002-1956-CD

**PRAECIPE FOR WRIT OF EXECUTION – (MONEY JUDGMENTS)
P.R.C.P. 3101 to 3149**

To the Prothonotary: ISSUE WRIT OF EXECUTION IN THE ABOVE MATTER.

- (1) Directed to the Sheriff of Clearfield County, Pennsylvania;
- (2) against David Aiello, 1115 Treasure Lake, DuBois, PA 15801, Defendant;
- (3) and against _____, Garnishee;
- (4) and index this writ

(a) against David Aiello, Defendant and

(b) against _____, Garnishee,
as a lis pendens against the real property of the defendant(s) in the name of the
Garnishee(s) as follows (Specifically describe property): any and all accounts
including savings, checking, money market, investment, bonds

(5) Amount due \$ 119,228.50

Interest from 9/18/02 \$ 2,382.18

Costs/Fees \$ 9,451.46

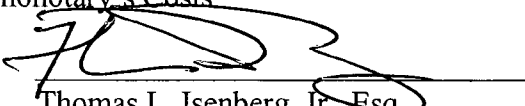
Total \$ 131,062.14 + Prothonotary's Costs

Dated: 1/2/03 Prothonotary Costs 40.00

FILED

JAN 06 2003

William A. Shaw
Prothonotary


Thomas L. Isenberg, Jr., Esq.
Attorney for Plaintiff

NOTE

Under paragraph (1) when the writ is directed to the sheriff of another county as authorized by Rule 3103(b), the county should be indicated.

Under Rule 3103a writ issued on a transferred judgment may be directed only to the sheriff of the county in which issued.

Paragraph (3) above should be completed only if a named garnishee is to be included in the writ.

Paragraph (4) (a) should be completed only if indexing of the execution in the county of issuance is desired as authorized by Rule 3104(a). When the writ issues to another county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4) (b) should be completed only if real property in the name of a garnishee is attached and indexing as a lis pendens is desired. See Rule 3104(c).

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2002-1956-CD

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 rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

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

If you have an exemption, you should do the following promptly:

1. Fill out the claim form and demand 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 GET LEGAL HELP.

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641, ext. 5982

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

: In the Court of Common Pleas of
: Clearfield County, Pennsylvania
:
:
: Civil Action
:
: No. 2002-1956-CD
:
:

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2002-1956-CD

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, David Aiello, Defendant, claim exemption of property from levy or attachment:

- (1) 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 verify that the statements made in this Claim for Exemptions are true and correct. I understand that false statements herein are made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.

Date: _____

Defendant: _____

THIS CLAIM TO FILED WITH:

Sheriff of Clearfield County
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

: In the Court of Common Pleas of
: Clearfield County, Pennsylvania
:

: Civil Action
:

: No. 2002-1965-CD
:
:

WAIVER OF WATCHMAN

Any Deputy Sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whoever is found in possession (after notifying such person of such levy or attachment), without liability on the part of such Deputy of the Sheriff to any Plaintiff herein for any loss, destruction or removal of any such property before Sheriff's sale thereof.

By: 

Thomas L. Isenberg, Jr., Esq.
Attorney I.D. No. 76652
DUANE MORRIS LLP
305 N. Front St., 5th Fl.
P.O. Box 1003
Harrisburg, PA 17108-1003
717.237.5500

Date: 1/2/03

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

: In the Court of Common Pleas of
: Clearfield County, Pennsylvania
:
:
: Civil Action
:
: No. 2002-1965-CD
:
:

ATTORNEY'S AFFIDAVIT

I, Thomas L. Isenberg, Jr., an attorney with the firm of Duane Morris LLP, hereby affirm that the address of Plaintiff CIT Technology Financing Services, Inc.'s Headquarters is 1620 West Fountainhead Parkway, Tempe, AZ 85282. I also affirm that the enclosed judgment is valid, enforceable, and has not been satisfied.

By: 

Thomas L. Isenberg, Jr., Esq.
Attorney I.D. No. 76652
DUANE MORRIS LLP
305 N. Front St., 5th Fl.
P.O. Box 1003
Harrisburg, PA 17108-1003
717.237.5500

Date: 1/2/03

FILED

Atty pd.
20.00

m/3:52 PM
JAN 06 2003

2cc Shff w/ Lewis

William A. Shaw
Prothonotary
2003

COPY

CIT TECHNOLOGY FINANCING
SERVICES, INC.,
Plaintiff

v.

TRU-DIE & TOOL, INC.,
and DAVID AIELLO,
Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2002-1956-CD

Commonwealth of Pennsylvania)

County of Clearfield)

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You are also directed to attach specific property of the Defendant identified as:

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(2) HAAS HL4 CNC Lathe with options Package C, 2-speed Gearbox, 5C Collet Chuck and Intran.

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Interest from 9/18/02	\$ 2,382.18
Costs/Fees	\$ 9,451.46

TOTAL AMOUNT DUE: \$ 131,062.14

Plus Prothonotary's Costs: \$ 40.00

William Shaw, Prothonotary

Seal of the Court

By: 
(Deputy) 11/6/03