

03-470-CD
RICHARD CLINE VS. CLAYON J. ZETLER, ETAL.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **ALLEGHENY**

Mag. Dist. No.:

05-2-08

DJ Name: Hon.

SUSAN EVASHAVIK

Address: **2065 ARDMORE BLVD.
PITTSBURGH, PA**

Telephone: **(412) 271-9125** 15221-4644

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF/JUDGMENT DEBTOR: NAME and ADDRESS

CLINE, RICHARD

**1110 MONROEVILLE AVE APT/STE 5
TURTLE CREEK, PA 15145**

VS.

DEFENDANT/JUDGMENT CREDITOR: NAME and ADDRESS

ZETLER, CLAYON J., ET AL.

PO BOX 29

LUTHERSBURGH, PA 15848-9726

**RICHARD CLINE
1110 MONROEVILLE AVE APT/STE 5
TURTLE CREEK, PA 15145**

Docket No.: **CV-0000164-02**

Date Filed: **8/02/02**



2003-470-CD

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **CLINE, RICHARD**

Judgment was entered against: (Name) **ZETLER, JACQUELINE M.**

in the amount of \$ **2,288.00** on: (Date of Judgment) **8/26/02**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice.

Amount of Judgment Subject to
Attachment/Act 5 of 1996 \$ _____

FILED

APR 02 2003

M 13:10 AM
William A. Shaw
Prothonotary

*NOTICE TO
Def*

Amount of Judgment	\$ 2,214.00
Judgment Costs	\$ 74.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,288.00

Post Judgment Credits \$ _____

Post Judgment Costs \$ _____

=====

Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

8/26/02 Date

Sue Eshak

District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

3/25/03 Date

Sue Eshak
MY COMMISSION EXPIRES ON THE
FIRST MONDAY OF JANUARY, 2008

SEAL

My commission expires first Monday of January, 2008

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **ALLEGHENY**

Mag. Dist. No.:

05-2-08

DJ Name: Hon.

SUSAN EVASHAVIK
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This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ **M 13 10 1 my**

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Interest on Judgment	\$.00
Attorney Fees	\$.00
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<hr/>	
Certified Judgment Total	\$ _____

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8/26/02 Date

Sue Eshaw

I certify that this is a true and correct copy of the record of the proceedings concerning the judgment.

3/25/03 Date

*SUSAN EVASHAVIK, DISTRICT JUSTICE
MAGISTER, 05-2-08
MY COMMISSION EXPIRES FIRST MONDAY IN JANUARY, 2008*

My commission expires first Monday of January, 2008

SEAL

FILED

APR 02 2003

William A. Shaw
Prothonotary

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Richard Cline

Vs.

No. 2003-00470-CD

Clayton J. Zetler Jacqueline M. Zetler

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$2,288.00 on the April 2, 2003.

William A. Shaw
Prothonotary

William A. Shaw

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

Richard Cline
Plaintiff(s)

No.: 2003-00470-CD

Real Debt: \$2,288.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Clayton J. Zetler
Jacqueline M. Zetler
Defendant(s)

Entry: \$20.00

Instrument: District Judgment

Date of Entry: April 2, 2003

Expires: April 2, 2003

Certified from the record this April 2, 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

FILED
2003 OCT 23 A 11:04
CLERK
UNITED STATES BANKRUPTCY COURT U.S. BANKRUPTCY
FOR THE WESTERN DISTRICT OF PENNSYLVANIA COURT - PGH DD

In Re)
Clayton J. Zetler and)
Jacqueline M. Zetler)
Debtors) Bankruptcy No.: 03-24578-BM
Clayton J. Zetler and)
Jacqueline M. Zetler) Chapter no.: 7
Movants) Motion No.: _____
vs.)
Richard Cline)
Respondent)
In The United States Bankruptcy Court For The Western District
of Pennsylvania I, the undersigned Deputy Clerk, U.S. Bankruptcy
Court in and for said District, DO HEREBY CERTIFY that this
copy has been compared with the original thereof and that it is
a correct, true and correct copy of such original as it appears of
record and is a true copy.
I, Thomas J. Dausch, Esq., do hereby set my hand at
Pittsburgh in said District, this 12 day of January 2004
Thomas J. Dausch Deputy Clerk, U.S. Bankruptcy Court

MOTION TO AVOID JUDGMENT LIEN

AND NOW comes Clayton J. Zetler and Jacqueline M. Zetler, Debtors and Movants, by and
through their attorney Thomas J. Dausch, Esq., and in support of their Motion To Avoid Judgment Lien
alleges and avers as follows:

1. Debtors Clayton J. Zetler and Jacqueline M. Zetler filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on April 11, 2003.
2. This court has jurisdiction over this motion, filed pursuant to 11 U.S.C. §522(f), to avoid and cancel a security interest held by Richard Cline in property held by the Debtors.
3. On April 2, 2003 Richard Cline recorded a judicial lien against Debtors' residence at R.D. 1, Box 29, Luthersburg, PA 15848.
4. The judgment lien recorded by Richard Cline totaled \$2,288.00 and was recorded in the Court of Common Pleas of Clearfield County at Number 03-00470-CD.
5. The Debtors claimed their share of the equity in their residential real estate as exempt pursuant to 11 U.S.C. §522(d)(1).

FILED

JAN 29 2004

William A. Shaw
Prothonotary

6. The property that is subject to the judgment lien is the primary residence of the Debtors.
7. The debt owed Respondent did not arise from a mortgage agreement executed by Debtors.
8. The amounts and total of the liens, mortgages, and exemptions applicable to the Debtors' home and residence are as follows:

The lien to be avoided	2,288.00
Mortgage	86,000.00
Maximum exemption	<u>34,850.00</u>
Total	123,138.00

9. Debtors' home is valued at \$91,000.
10. Debtors' exemption is deemed impaired pursuant to under 11 U.S.C. § 522(f)(1)(A) since the sum of the lien to be avoided, plus all other liens on the property, plus the amount of the exemption that debtor could claim if there were no liens on the property exceeds the value of the debtor's interest in the property by \$32,138.00 (\$123,138.00 less \$91,000).
11. Since the judgment lien impairs Debtors' exemption, the Debtors are entitled to relief under 11 U.S.C. §522(d)(1).

WHEREFORE, Debtors request an order avoiding the Judgment lien and for such additional or alternative relief as may be just and proper.

Dated: October 22, 2003

/s/ Thomas J. Dausch
Thomas J. Dausch, Esq.
Attorney for Debtors/Movants
PA ID# 21842
23 Brilliant Avenue
Pittsburgh, PA 15215-3135
Phone: 412-781-4708

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re)
)
Clayton J. Zetler and)
Jacqueline M. Zetler) Bankruptcy No.: **03-24578-BM**
Debtors)
) Chapter no.: **7**
Clayton J. Zetler and)
Jacqueline M. Zetler) Motion No.: _____
Movants)
)
vs.)
)
Richard Cline)
Respondent)

CERTIFICATE OF SERVICE

I, Thomas J. Dausch, counsel of record to the above captioned Debtor, 23 Brilliant Avenue, Suite 203 Pittsburgh, PA 15215, hereby certify that I am more than eighteen (18) years of age and that on the October 22, 2003, I served, by regular first class mail, the persons and/or parties listed below, at the addresses stated, a true and correct copy of the Motion To Avoid Security Interest:

Stephen Goldring, Esq.
Office of the U.S. Trustee
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222-3715

Richard Cline
1800 Lynn Avenue
Turtle Creek, PA 15145

James Walsh, Esq.
Spence, Custer, Saylor, Wolfe, & Rose
P.O. Box 280
Johnstown, PA 15907

John R. Lhota, Esq.
110 North Second Street
Clearfield, PA 16830

I certify under penalty that the foregoing is true and correct.

Dated: October 22, 2003

/s/ Thomas J. Dausch
Thomas J. Dausch, Esq.
Attorney at Law
23 Brilliant Avenue
Pittsburgh, PA 15215-3135

FILED *Recd*
*7.00
JAN 29 2004
0/12:02 P.M. *Exhibit*
William A. Shaw
Prothonotary