

03-1299-CD  
DIRECT MERCHANTS CREDIT CARD BANK vs. JAMES F. VICARY

BURTON NEIL & ASSOCIATES, P.C.  
By: Burton Neil, Esquire  
Identification No. 11348  
26 South Church Street  
West Chester, PA 19382  
610-696-2120  
Attorney for Plaintiff

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff

VS.

JAMES F VICARY  
Defendant

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 03-1299-CD

: CIVIL ACTION - LAW

PRAECIPE FOR ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly assess damages in the above matter as follows:

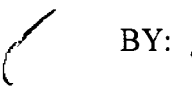
District Justice Judgment	\$3440.24
Interest at 6%	\$184.34
Less Post-Judgment Payments	<u>\$500.00</u>
Balance Due	\$3124.58

**FILED**

SEP 03 2003

William A. Shaw  
Prothonotary

BURTON NEIL & ASSOCIATES, P.C.

BY:   
Burton Neil, Esquire  
Attorney for Plaintiff

In making this communication, we advise that our firm is a debt collector.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-02</b>
DJ Name: Hon.	<b>RICHARD A. IRELAND</b>
Address:	<b>650 LEONARD STREET CLEARFIELD, PA</b>
Telephone: (814)	<b>765-5335 16830</b>

**RICHARD A. IRELAND  
650 LEONARD STREET  
CLEARFIELD, PA 16830**

02-393  
**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**DIRECT MERCHANT CREDIT CARD BANK  
PO BOX 356  
WEST CHESTER, PA 19381-0356**

VS.  
DEFENDANT: NAME and ADDRESS  
**VICARY, JAMES F  
1102 TURNPIKE AVE  
CLEARFIELD, PA 16830**

Docket No.: **CV-0000318-02**  
Date Filed: **7/16/02**



**THIS IS TO NOTIFY YOU THAT:**  
Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **DIRECT MERCHANT CREDIT CARD BA**

☒ Judgment was entered against: (Name) **VICARY, JAMES F**

in the amount of \$ **3,440.24** on: (Date of Judgment) **8/13/02**

☐ 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 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <b>3,367.74</b>
Judgment Costs	\$ <b>72.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 3,440.24</b>

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

Date:	Place:
Time:	

**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.**

**AUG 13 2002** Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**JUL 28 2003** Date **Richard Ireland**, District Justice

My commission expires first Monday of January,

**2006**

SEAL

COUNTY OF: Clearfield

## CIVIL COMPLAINT

D-393

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

Richard A. Ireland

Address: 650 Leonard Street  
Clearfield, PA 16830

Telephone: 814-765-5335

PLAINTIFF:

NAME and ADDRESS

DIRECT MERCHANTS CREDIT CARD BANK  
c/o Burton Neil & Associates, P.C.  
PO Box 356 West Chester, PA 19381-0356

VS.

DEFENDANT:

NAME and ADDRESS

JAMES F VICARY  
1102 TURNPIKE AVE  
CLEARFIELD PA 16830-3026Docket No.: CV 318-02  
Date Filed: 7-16-02

	AMOUNT	DATE PAID
FILING COSTS	\$ 72.50	7/16/02
SERVING COSTS	\$	/ /
TOTAL	\$	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$3,367.74 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

For past due balance incurred on a credit card, originally issued to Defendant by which debt Plaintiff later acquired, plus attorneys fees per terms and conditions of account.

\$2,738.00	Principal
\$ .00	Interest
\$629.74	Attorneys Fees
\$ .00	Credit
<u>\$3,367.74</u>	Balance

I, Burton Neil, Esquire, Atty for Plaintiff, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C. S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: Burton NeilTelephone: 610-696-2120Address: PO Box 356West Chester, PA 19381-0356

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

BURTON NEIL & ASSOCIATES, P.C.  
By: Burton Neil, Esquire  
Identification No. 11348  
26 South Church Street  
West Chester, PA 19382  
610-696-2120  
Attorney for Plaintiff

DIRECT MERCHANTS CREDIT CARD BANK  
17600 North Perimeter Drive  
Scottsdale, AZ 85255

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO.

JAMES F VICARY  
1102 Turnpike Avenue  
Clearfield PA 16830-3026

Defendant

: CIVIL ACTION - LAW

**Certification of Address and  
Affidavit of Non-Military**

Understanding that false statements herein are subject to penalty under 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment creditor and debtor.
2. The said defendant is not in the Military Service of the United States or its Allies or otherwise within the coverage of the Soldiers' and Sailors' Relief Act of 1940, as amended, is over 18 years of age and has a civilian occupation.

BURTON NEIL & ASSOCIATES, P.C.

By: \_\_\_\_\_  
Burton Neil, Esquire  
Attorney for Plaintiff

In making this communication, we advise that our firm is a debt collector.

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

Direct Merchant Credit Card Bank  
Plaintiff(s)

No.: 2003-01299-CD

Real Debt: \$3,440.24

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

James F. Vicary  
Defendant(s)

Entry: \$20.00

Instrument: Judgment

Date of Entry: September 3, 2003

Expires: September 3, 2008

Certified from the record this 3rd day of September, 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

**APPENDIX 'C1'**

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,  
PENNSYLVANIA

<u>[ your name and name of anyone</u>	:	
<u>else who is a Plaintiff.]</u>	:	
Plaintiff/Appellant	:	
	:	District Justice Appeal
vs.	:	CASE NO. _____
	:	<i>(# assigned to case by Prothonotary)</i>
<u>[ the other side's name.]</u>	:	
Defendant/Appellee	:	

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ *(insert your name)* \_\_\_\_\_, Plaintiff  
above named, do hereby certify that on the \_\_\_\_\_ *(insert date)* \_\_\_\_\_ day  
of \_\_\_\_\_ *(insert month)* \_\_\_\_\_, 199\_\_, I served a certified copy of the  
Complaint on the Defendant above named, by hand delivering said  
certified copy to the Defendant at \_\_\_\_\_ *(insert the address of the place*  
*where you served the Defendant)* \_\_\_\_\_.

\_\_\_\_\_  
*(sign your name here)*

**THIS IS FOR EXAMPLE ONLY**

BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil, Esquire

Identification No. 11348

26 South Church Street

West Chester, PA 19382

610-696-2120

Attorney for Plaintiff

DIRECT MERCHANTS CREDIT CARD BANK

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 03-1299-CD

JAMES F VICARY

Defendant

: CIVIL ACTION - LAW

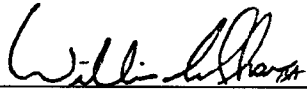
**RULE OF CIVIL PROCEDURE NO. 236 (REVISED)**

Notice is given that a JUDGMENT in the above captioned matter has been entered against you on

September 3, 2003.

Prothonotary

By:

  
Deputy

If you have any questions concerning the above, please contact:

Burton Neil, Esquire  
Attorney for Party Filing  
26 South Church Street  
West Chester, PA 19382  
Phone: 610-696-2120

In making this communication, we advise that our firm is a debt collector.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**  
DJ Name: Hon.  
**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**  
Telephone: **(814) 765-5335 16830**

**RICHARD A. IRELAND**  
**650 LEONARD STREET**  
**CLEARFIELD, PA 16830**

02-593  
**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**DIRECT MERCHANT CREDIT CARD BANK**  
**PO BOX 356**  
**WEST CHESTER, PA 19381-0356**

VS.  
DEFENDANT: NAME and ADDRESS  
**VICARY, JAMES F**  
**1102 TURNPIKE AVE**  
**CLEARFIELD, PA 16830**

Docket No.: **CV-0000318-02**  
Date Filed: **7/16/02**



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Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **DIRECT MERCHANT CREDIT CARD BA**

☒ Judgment was entered against: (Name) **VICARY, JAMES F**

in the amount of \$ **3,440.24** on: (Date of Judgment) **8/13/02**

☐ 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 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed. \_\_\_\_\_

☐ Objection to levy has been filed and hearing will be held: \_\_\_\_\_

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Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 3,440.24</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
<b>Certified Judgment Total</b>	<b>\$ _____</b>

Date:	Place:
Time:	

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**AUG 13 2002** Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**JUL 28 2003** Date **Richard Ireland**, District Justice

My commission expires first Monday of January,

**2006**

SEAL

## COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: Clearfield

## CIVIL COMPLAINT

12393

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

Richard A. Ireland

Address: 650 Leonard Street  
Clearfield, PA 16830

Telephone: 814-765-5335

PLAINTIFF:

NAME and ADDRESS

DIRECT MERCHANTS CREDIT CARD BANK  
c/o Burton Neil & Associates, P.C.  
PO Box 356 West Chester, PA 19381-0356

VS.

DEFENDANT:

NAME and ADDRESS

JAMES F VICARY  
1102 TURNPIKE AVE  
CLEARFIELD PA 16830-3026Docket No.: CV 318-02  
Date Filed: 7-16-02

	AMOUNT	DATE PAID
FILING COSTS	\$ 72.50	7/16/02
SERVING COSTS	\$	/ /
TOTAL	\$	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$3,367.74 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

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I, Burton Neil, Esquire, Atty for Plaintiff, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C. S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: Burton NeilTelephone: 610-696-2120Address: PO Box 356West Chester, PA 19381-0356

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AOPC 308A-98

BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil, Esquire

Identification No. 11348

26 South Church Street

West Chester, PA 19382

610-696-2120

Attorney for Plaintiff

DIRECT MERCHANTS CREDIT CARD BANK

17600 North Perimeter Drive

Scottsdale, AZ 85255

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO.

JAMES F VICARY

1102 Turnpike Avenue

Clearfield PA 16830-3026

Defendant

: CIVIL ACTION - LAW

**Certification of Address and  
Affidavit of Non-Military**

Understanding that false statements herein are subject to penalty under 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment creditor and debtor.
2. The said defendant is not in the Military Service of the United States or its Allies or otherwise within the coverage of the Soldiers' and Sailors' Relief Act of 1940, as amended, is over 18 years of age and has a civilian occupation.

BURTON NEIL & ASSOCIATES, P.C.

By: \_\_\_\_\_

Burton Neil, Esquire

Attorney for Plaintiff

In making this communication, we advise that our firm is a debt collector.

PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)  
Pa.R.C.P. § 3103 to 3149

DIRECT MERCHANTS CREDIT CARD BANK	: IN THE COURT OF COMMON PLEAS
Plaintiff	
VS.	: CLEARFIELD COUNTY, PENNSYLVANIA
JAMES F VICARY	
Defendant	: NO. CD-03-1299
CLEARFIELD BANK & TRUST	
Garnishee	: CIVIL ACTION - LAW

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

1. Directed to the Sheriff of Clearfield County, Pennsylvania
2. against JAMES F VICARY, Defendant(s)
3. and against CLEARFIELD BANK & TRUST, Garnishee(s)
4. and index this writ
  - (a) against \_\_\_\_\_ Defendant(s)
  - (b) against \_\_\_\_\_ Garnishee(s)

as a lis pendens against the real property of the defendant(s) in the name of the Garnishee(s) as follows: (specifically describe property)

**NO LEVY-GARNISHMENT ONLY**

Serve interrogatories on garnishee at: 91 Beaver Drive, DuBois PA 15801

5. Amount Due	\$3,440.24
Interest from 8/13/02	\$ 200.77
Credit	\$ 500.00
Total	\$3,141.01*

\*Plus writ costs

Dated: September 24, 2003

40.00 PAID TO PROTHONOTARY

Burton Neil, Esquire  
Attorney for Plaintiff

**FILED**  
**OCT 02 2003**  
William A. Shaw  
Prothonotary/Clerk of Courts  
NO CHARGE  
6 units to SHAW

NOTE: Under paragraph 1 when the writ is directed to sheriff of another county as authorized by Rule 3103(b), the county should be indicated. Under Rule 3103(c) a writ issued on a transferred judgment may be directed only to the sheriff of the count in which issued. Paragraph 3 above 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 issued to another county indexing is required as of course in that county. See Rule 3104(b). Paragraph 4(b) should be completed only if real property in the name of the garnishee is attached and indexing as a lis pendens is desired. See Rule 3104(c).

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW  
MONEY JUDGMENT

**WRIT OF EXECUTION**

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against JAMES F VICARY Defendant:

1. You are directed to levy upon the property of the defendant(s) and to sell his, her or their interest therein;

2. You are also directed to attach the property of the defendant not levied upon in the possession of  
CLEARFIELD BANK & TRUST Garnishee per property description attached.

**NO LEVY-GARNISHMENT ONLY**

Serve interrogatories on garnishee at: 91 Beaver Drive, DuBois PA 15801

and to notify Garnishee(s) that:

a. an attachment has been issued;

b. the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(2)  
and from delivering any property of the defendant(s) or otherwise disposing thereof.

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

Amount Due	\$3,440.24
Interest from 8/13/02	\$ 200.77
Credit	\$ 500.00
Balance Due:	\$3,141.01*
*Plus writ costs	40. - PAID TO PROTHONOTARY

Clearfield County Prothonotary:

SEAL

By: \_\_\_\_\_

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW

### 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 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;

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 statutory exemption \_\_\_\_\_ in cash;

\_\_\_\_\_ in kind (specify property) \_\_\_\_\_

b. social security benefits on deposit in the amount of \$ \_\_\_\_\_

c. other (specify basis of exemption) \_\_\_\_\_

I request a prompt hearing to determine the exemption. Notice of this hearing should be given to me at :

(Address) \_\_\_\_\_

(Telephone No.) \_\_\_\_\_

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. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

THIS CLAIM TO BE FILED WITH:

OFFICE OF THE SHERIFF  
CLEARFIELD COUNTY COURTHOUSE  
230 East Market Street  
CLEARFIELD, PA 16830  
Telephone: 814-765-2641 ext. 5986

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW

### **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. 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 to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. A summary of some of the major exemptions is listed below. You may have other exemptions or rights.

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

1. File out the attached 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 the 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.**

#### **LAWYER REFERENCE AND INFORMATION SERVICE**

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
Telephone No. 814-765-2641 ext. 5982

#### **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

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIRECT MERCHANTS CREDIT CARD BANK  
PLAINTIFF

VS.

JAMES F. VICARY

DEFENDANT

AND

CLEARFIELD BANK & TRUST COMPANY  
GARNISHEE

:  
:  
:  
: NO. CD-03-1299  
:  
:  
:  
:  
:  
:

To: The Prothonotary of Clearfield County

The Clearfield Bank & Trust Company, Garnishee, files answers to plaintiff's interrogatories as follows:

The answer to the plaintiff's interrogatories to #1 is Yes.

The answer to the plaintiff's interrogatories to #2 is No.

Checking Account #12495484 - \$766.92

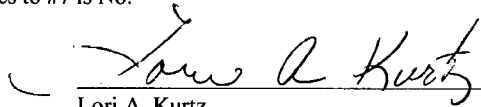
The answer to the plaintiff's interrogatories to #4 is No.

The answer to the plaintiff's interrogatories to #5 is No.

The answer to the plaintiff's interrogatories to #6 is No.

The answer to the plaintiff's interrogatories to #7 is No.

Date November 7, 2003

  
Lori A. Kurtz  
Collection Manager  
Clearfield Bank & Trust Company

FILED  
NOV 07 2003  
013150  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 sent to Att

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 14673

DIRECT MERCHANTS CREDIT CARD BANK

03-1299-CD

VS.

VICARY, JAMES F.

WRIT OF EXECUTION

INTERROGATORIES TO GARNISHEE

**SHERIFF RETURNS**

NOW, OCTOBER 17, 2003 @ 11:34 A.M. SERVED WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON JOELLE ADAMS, ASSISTANT MANAGER OF CLEARFIELD BANK & TRUST COMPANY, GARNISHEE, AT HER PLACE OF EMPLOYMENT 91 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOELLE ADAMS, ASSISTANT MANAGER OF CLEARFIELD BANK & TRUST COMPANY, GARNISHEE, A TRUE AND ATTESTED COPY OF THE ORIGNIAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, JANUARY 28, 2004 RETURN WRIT AS BEING SERVED, PAID COSTS FROM THE ADVANCE AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY

SHERIFF HAWKINS \$32.05

SURCHARGE \$10.00

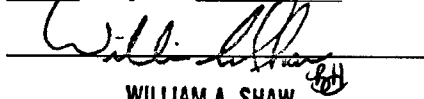
PAID BY ATTORNEY

**FILED**  
OCT 10 30 PM  
JAN 28 2004

William A. Shaw  
Prothonotary/Clerk of Courts

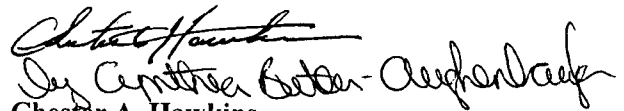
Sworn to Before Me This

28<sup>th</sup> Day Of Jan 2004



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

So Answers,



Chester A. Hawkins  
Sheriff

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW

**MONEY JUDGMENT**

**WRIT OF EXECUTION**

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against JAMES F VICARY Defendant:

1. You are directed to levy upon the property of the defendant(s) and to sell his, her or their interest therein;

2. You are also directed to attach the property of the defendant not levied upon in the possession of  
CLEARFIELD BANK & TRUST Garnishee per property description attached.

**NO LEVY-GARNISHMENT ONLY**

Serve interrogatories on garnishee at: 91 Beaver Drive, DuBois PA 15801

and to notify Garnishee(s) that:

a. an attachment has been issued;

b. the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(2)  
and from delivering any property of the defendant(s) or otherwise disposing thereof.

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

Amount Due \$3,440.24  
Interest from 8/13/02 \$ 200.77  
Credit \$ 500.00  
Balance Due: \$3,141.01\*  
\*Plus writ costs

40. — PAID TO PROTHONOTARY

Clearfield County Prothonotary:

SEAL

By: 

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

Received 10-3-03 @ 2:00 P.M.  
Chester A. Hankins  
By Cynthia Butler-Aughenbaugh

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW

### **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. 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 to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. A summary of some of the major exemptions is listed below. You may have other exemptions or rights.

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

1. File out the attached 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 the 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.**

#### **LAWYER REFERENCE AND INFORMATION SERVICE**

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
Telephone No. 814-765-2641 ext. 5982

#### **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

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

DIRECT MERCHANTS CREDIT CARD BANK : IN THE COURT OF COMMON PLEAS  
Plaintiff  
VS. : CLEARFIELD COUNTY, PENNSYLVANIA  
JAMES F VICARY  
Defendant : NO. CD-03-1299  
CLEARFIELD BANK & TRUST  
Garnishee : CIVIL ACTION - LAW

### 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 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;

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 statutory exemption \_\_\_\_\_ in cash;

\_\_\_\_\_ in kind (specify property) \_\_\_\_\_

b. social security benefits on deposit in the amount of \$ \_\_\_\_\_

c. other (specify basis of exemption) \_\_\_\_\_

I request a prompt hearing to determine the exemption. Notice of this hearing should be given to me at :

\_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone No.)

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. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

THIS CLAIM TO BE FILED WITH:

OFFICE OF THE SHERIFF  
CLEARFIELD COUNTY COURTHOUSE  
230 East Market Street  
CLEARFIELD, PA 16830  
Telephone: 814-765-2641 ext. 5986

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.