

DOCKET NO. 173

Number Term Year

118 February 1961

Commonwealth of Pennsylvania for

the Use Of: Clearfield County

Versus

Walter Ball

Harry Wolfberg

Commonwealth of Pennsylvania

Use: Clearfield County

versus

Harry Wolfberg and

Walter Ball

In the Court of Common Pleas

of Clearfield County, Pa.

No. 118 February Term, 19 61

Fi. Fa., No. 31 November 19 61

And now, January 29

, A. D. 1962, petition read and

considered and a rule is granted on the Commonwealth of Pennsylvania, now for the use of the County of Clearfield, to show cause why the within bond should not be stricken and declared null and void, all proceedings in the meantime to be stayed.

Returnable next argument court

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 29th

day of January , 19 62

Carl E. Walker
Prothonotary

Kramer

No. 118 February Term, 1961

Use: Clearfield County

vs

Harry Wolffberg

Walter Ball

Kuip On

Clearfield County

Attorney for Claimant

Clarence R. Kramer
Attorney for Plaintiff

Harold E. Miller
Attorney for Defendant

Commonwealth of Pennsylvania

Use: Clearfield County

versus

Harry Wolfberg and

Walter Ball

In the Court of Common Pleas

of Clearfield County, Pa.

No. 118 February Term, 19 61

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HON. JOHN J. PENTZ, P. J.

Certified from the record this 29th

day of January, 19 62

Carl E. Stacker
Prothonotary

No. 118 February Term, 1961

Use: Clearfield County

vs

Harry Olfberg

Walter Bell

John On

Clearfield County

Attorney for Claimant

Clarence R. Kramer
Attorney for Plaintiff

Harold E. Miller
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
FOR THE USE AND BENEFIT OF
CLEARFIELD COUNTY

VS.

No. 118 February Term, 1961

WALTER BALL AND HARRY WOLFBERG

31 Dec 1961

Pg 191

PRAECLYPE FOR WRIT
OF EXECUTION

To Carl E. Walker, Esq., Prothonotary:

Issue a Writ of Execution in the above matter directed
to the Sheriff of Blair County, against Walter Ball and Harry
Wolfberg, defendants.

Amount due \$2,000.00

Interest from February 21, 1961

Costs to be added

Clarence P. Thamer
COUNTY SOLICITOR

January 11, 1962

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 118 February Term, 1961

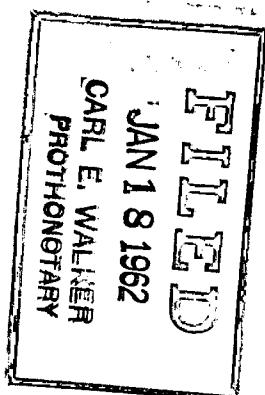
31 Nov 1961

COMMONWEALTH OF PENNSYLVANIA
FOR THE USE AND BENEFIT OF
CLEARFIELD COUNTY

VS.

WALTER BALL AND HARRY WOLFFBERG

PRAECIPE FOR WRIT
OF EXECUTION



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Now for the use of County of
Clearfield

vs.

: No. 118 February Term, 1961

HARRY WOLFBERG AND WALTER
BALL

ANSWER TO RULE

The respondent, County of Clearfield, answers the Petition for a rule to strike off the forfeiture of bail bond as follows:

1. Admitted

2. Denied upon belief. The bond required was two thousand (\$2000.00) dollars and the respondent denies that the defendant would therefore ask Harry Wolfberg for a bond of only five hundred (\$500.00) dollars and demands proof that such Walter Ball made such request of Wolfberg.

3. The averment about the true bill and the failure of the defendant to appear when the case was called for trial is admitted. The respondent has no knowledge of any alleged serious illness in his family and demands proof thereof. The production of the defendant in Court the following week was a non-compliance with the bail bond and therefore rendered both the surety and defendant in fault.

4. Judgment was entered upon the bail bond in behalf of the County because the bond had been forfeited and there had been no setting aside or rescission thereof. Whether or not the forfeiture shall be set aside and rescinded is a matter for your honorable Court, but it is pointed out that the crime for which the defendant

was held is a serious one and the duty to obey the burden assumed by the bond by appearing in Court at the proper time and place is a matter of considerable consequence to the Court. If the forfeiture stands it is the duty of the County to collect the said bond.

WHEREFORE, this answer is filed according to the merits of the case.

Barney R. Kramer
COUNTY SOLICITOR

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.
: :

Before me, Carl E. Walker, the Clerk of the Court of Quarter Sessions, personally appeared ~~Wesley J. Read~~ *A. W. Reasoner*

who being duly sworn according to law, deposes and says that he believes that the facts set forth in the foregoing Answer to be true and correct.

Carl E. Walker

Sworn to and subscribed before
me this 12 day of March, 1962.

Carl E. Walker
CLERK OF THE COURT OF QUARTER
SESSIONS

My Commission Expires
1st Monday Jan. 1966

1/1
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

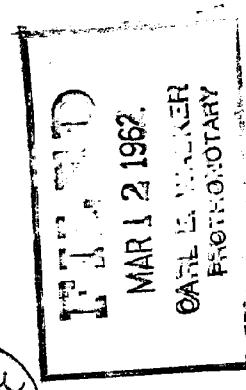
NO. 118 FEBRUARY TERM, 1961

COMMONWEALTH OF PENNSYLVANIA
Now for the use of County of
Clearfield

vs.

HARRY WOLFBERG AND WALTER
BALL

ANSWER TO RULE



Now March 13, 1962 copy, with answer accepted
John S. Bates, atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
FOR THE USE AND BENEFIT OF
CLEARFIELD COUNTY

VS.

No. 118 February Term, 1961

WALTER BALL AND
HARRY WOLFBERG

COMPLAINT FOR THE CONFESSION
OF JUDGMENT UPON BAIL BOND

1. That Walter Ball was arrested and held upon recognizance for robbery by force and forcible entry, surety of the Peace and assault and battery.
2. That pursuant thereto a recognizance was given by the said Walter Ball, as principal, with Harry Wolfberg, as surety, in the sum of two thousand dollars, under date of December 17, 1960 duly acknowledged before Andrew Protrowski, Alderman, of the City of Altoona, on said date.
3. That the condition of said bond was that Walter Ball should appear and be at the next term of Court of Oyer and Terminer and Quarter Sessions of the Peace for the County of Clearfield, then and there to answer all charges as may be preferred against him and should abide and not depart the Court without leave and in the meantime shall keep the peace and be of good behavior towards all good citizens of the Commonwealth.
4. That the next term of Court of Oyer and Terminer and Quarter Sessions of the Peace of Clearfield County was held on the 13th day of February, 1961 at which time it was the duty of the said Walter Ball to appear and remain and not depart without leave until his case was disposed of.
5. That on the said 13th day of February, 1961, the

said Walter Ball failed to appear or make any explanation of his absence and failed to present himself to Court and failed to be in Court and remain for the disposition of his case.

6. That as a result thereof on the 13th day of February, 1961 the bail bond hereinbefore recited was duly forfeited in open Court as required by his said obligation.

7. That the said bond contained a provision reading as follows:

"And in the event of the foregoing recognizance being forfeited I, Harry Wolfberg, do hereby empower the County Solicitor of Clearfield County, whoever he may be, or any other attorney of any Court of Record of the State of Pennsylvania, or elsewhere, to appear for Me and with or without declaration or statement filed for the above sum, thereupon to confess judgment or judgments in favor of the Commonwealth of Pennsylvania ^{and} against Me, Harry Wolfberg, for the sum of Two Thousand (\$2,000.00) Dollars, as of any term of the Common Pleas Court in and for the County of Clearfield, or elsewhere and for so doing this shall be his sufficient warrant."

WHEREFORE, the County Commissioners acting under the said power and the subsequent forfeiture of the bond seek judgment against Harry Wolfberg in the name of the Commonwealth to the use of Clearfield County in the amount of \$2,000.00 with interest from the date hereof and costs.

Henry Rhoads

Wesley Read

W.W. Pearson

COUNTY COMMISSIONERS OF
CLEARFIELD COUNTY

ATTEST:

Stanley M. Breg
CHIEF CLERK

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Before me, William T. Hagerty, Esq., Prothonotary,
personally appeared Fred L. Rhoads, Wesley J. Read and A. W.
Pearson, County Commissioners of Clearfield County, being duly
sworn, depose and say that the facts contained in the foregoing
Complaint are true and correct to the best of their knowledge,
information and belief.

Fred L Rhoads
Wesley Read
A. W Pearson
COUNTY COMMISSIONERS

Sworn to and subscribed before me
this 21st day of February, 1961.

Wm T Hagerty
PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

CONFESSSION OF JUDGMENT

NOW, February 21, 1961, I, the undersigned Solicitor of Clearfield County, pursuant to the power vested in me by virtue of the said bail bond, do hereby confess judgment in favor of the Commonwealth of Pennsylvania for the use of the County of Clearfield and against Walter Ball, principal and Harry Wolfberg, surety, in the amount of \$2,000.00 and costs.

Clarence R. Thomas
COUNTY SOLICITOR

February 21, 1961.

51 Rev 53 1960

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. //8 Feb. Term, 1961

COMMONWEALTH OF PENNSYLVANIA
FOR THE USE AND BENEFIT OF
CLEARFIELD COUNTY

VS.

WALTER BALL AND
HARRY WOLFERG

COMPLAINT FOR THE CONFESSION
OF JUDGMENT UPON BAIL, BOND

3/16

2/15 Pm 20 K.

W.H. HAGERTY
PROTHONOTARY

CLARENCE R. KRAMER
COUNTY SOLICITOR
CLEARFIELD, PA.

Writ of Execution - Money Judgments.

Commonwealth of Pennsylvania
For the Use and Benefit of
Clearfield County

vs.

) IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA.

NO. 31 November

Term, 19 61

✓ Walter Ball
J Harry Wolfberg

WRIT OF EXECUTION

Commonwealth of Pennsylvania }
County of Clearfield } SS:

ss:

BLAIR
To the Sheriff of ~~Clearkfield~~ County:

To satisfy the judgment, interest and costs against Walter Ball and Harry
Wolfberg, defendant(s):

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

(2) You are also directed to attach the following property of the defendant to be levied upon in the possession of _____, as garnisher.

(Specifically describe property)

and to notify the garnishee that

(a) an attachment has been issued;

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

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

Amount due \$ 2000.00

Interest from February 21, 1961 \$-----

Costs (to be added) Prothonotary \$ 10.50

Carl E. Falke
Prothonotary

By _____
Deputy _____.



Date January 18, 1962

Proth'y. No. 64

SHERIFF'S RETURN

Now February 1, 1962 this writ stayed by order of Court, Returnable to Argument Court in Clearfield County - by Harold Miller, Esquire Attorney for defendant, Harry Wolfberg.

Now March 21, 1962 Order was signed by Judge Pentz that forfeiture of bond be stricken off the record upon payment of the costs by the defendant. Defendant Harry Wolfberg pays the sum of \$28.50 costs, said money distributed as follows:

Sheriff Reed, Blair County	9.50
Pro. Weicht, " "	8.50 ✓
Pro. Clearfield County	10.50 ✓
	<u>28.50</u>

So answers,

J. Paul Reed
Blair County

Sheriff

Get/10 March 7, 1962
No. 118 February Term, 1961
No. 31 November Term, 1961
IN THE COURT OF COMMON
PLEAS, CLEARFIELD COUNTY,
PENNSYLVANIA.

Commonwealth of Pennsylvania
For the Use and Benefit of
Clearfield County

W. C. G. S.
Blair County, Penna.
Sheriff

Walter Ball
✓ Harry Wolfberg
*s/ W. R. Reed
10-21-61*

WRIT OF EXECUTION

(Money Judgments)

EXECUTION DEBT

\$2000.00
2/21/61

Interest from - - -
Prothonotary - - -
Prothonotary -writ
Use Attorney - -

Use Plaintiff - -

Attorney's Comm. -

Satisfaction *Blair County* ✓ 50
Sheriff Reed *Blair County* ✓ 50

Clarence R. Kramer
Attorney(s) for Plaintiff(s)

Clarence R. Kramer
Attorney for Plaintiff(s)

RECEIVED WRIT THIS 22nd, day
of January A. D., 1962,
at 10:00 A. M.

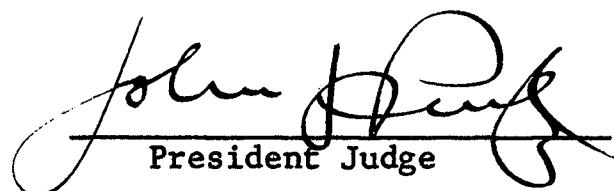
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH OF PENNSYLVANIA	:
Now for use of County of	:
Clearfield	:
	:
-vs-	:
	:
HARRY WOLFBERG and	:
WALTER BALL	:

O R D E R.

NOW, March 21, 1962, on motion of defendant, forfeiture of bond stricken off, upon payment of costs by defendant. Upon payment of costs said County Solicitor is authorized and directed to mark judgment satisfied on the docket.

BY THE COURT,



John H. Park
President Judge

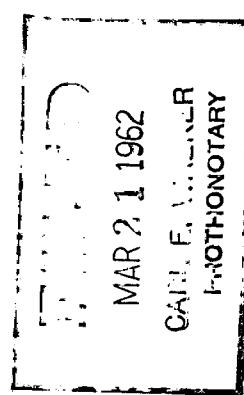
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 118 February Term, 1961

COMMONWEALTH OF PENNSYLVANIA
Now for the use of County of
Clearfield

-vs-

HARRY WOLFBERG AND
WALTER BALL

O R D E R



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA