

04-1153-CD  
HOLIDAY CONSUMER DISCOUNT COMPANY VS MICHAEL D LUZIER, et al

Holiday Consumer vs Michael Luzier et al  
2004-1153-CD

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

CP  
: IN THE COURT OF COMMON PLEAS  
: OF  
: CLEARFIELD COUNTY,  
: PENNSYLVANIA

: CIVIL ACTION – LAW

: NO. 2004 - 1153-CD

: MOTION FOR FORCIBLE ENTRY  
: BY SHERIFF OF CLEARFIELD COUNTY

: FILED ON BEHALF OF PLAINTIFF  
: HOLIDAY CONSUMER DISCOUNT CO.

: ATTORNEY FOR PLAINTIFF:

: THOMAS A. SWOPE III, ESQUIRE  
: NEUGEBAUER, SWOPE & SWOPE, P.C  
: LAW BUILDING  
: P. O. BOX 270  
: EBENSBURG, PA 15931

: (814) 472-7151

: SUPREME COURT I.D. # 75664

FILED

m110:5601  
JUL 30 2004

William A. Shaw  
Prothonotary/Clerk of Courts

2cc  
Atty Swope  
Atty pd-85-00

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

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

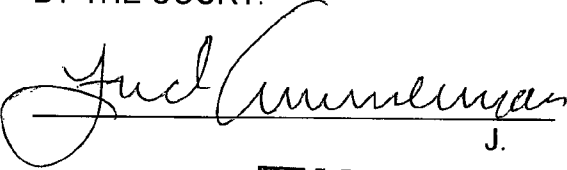
: CIVIL ACTION – LAW

: NO. 2004 - 1153-CD

**ORDER**

AND NOW, this 30 day of July, 2004, upon review and consideration of the foregoing MOTION FOR FORCIBLE ENTRY BY SHERIFF OF CLEARFIELD COUNTY it is hereby ORDERED AND DECREED that Plaintiff's Motion is GRANTED, and it is hereby directed that a Deputy Sheriff of Clearfield County accompany Constable Louis P. Radzynski to forcibly enter the premises of the Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, at 44 Charlotte Drive, Clearfield, Pennsylvania 16830, for purposes of making a levy upon any and all personal property and conducting a sale of the same to satisfy, in whole or in part, Plaintiff's judgment against Defendants.

BY THE COURT:

  
J.

**FILED**

JUL 30 2004

013:50/w  
William A. Shaw  
Prothonotary

2 cert to Att

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

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

: CIVIL ACTION – LAW

: NO. 2004 -

MOTION FOR FORCIBLE ENTRY BY SHERIFF OF CLEARFIELD COUNTY

AND NOW, comes Plaintiff, Holiday Consumer Discount Company, by and through its attorney, Thomas A. Swope III, Esquire, and files this Motion for Forcible Entry By the Sheriff of Clearfield County and, in support thereof, avers the following:

1. Plaintiff is Holiday Consumer Discount Company, a corporation having a principal place of business at 409 Locust Street, Suite 1, P. O. Box 303, Sidman, Pennsylvania 15955-0303.
2. Defendants are Michael D. Luzier and Dawn L. Luzier, husband and wife, who resides at 44 Charlotte Drive, Clearfield, Pennsylvania 16830.
3. Plaintiff has been granted judgment, now non-appealable, for the sum of Two Thousand Four Dollars and 35/100 cents (\$2,004.35), plus costs, as a result of a proceeding before District Justice Allen C. Berkhimer conducted October 16, 2003. See Notice of Judgement/Transcript, attached hereto, made a part hereof and marked as Exhibit "A."
4. Plaintiff requested an Order of Execution on said judgment which was entered for execution in the Office of District Justice Richard A. Ireland on

December 10, 2003. See Request for Order of Execution, attached hereto, made a part hereof and marked as Exhibit "B."

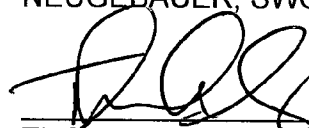
5. Constable Louis P. Radzynski attempted on February 23, 2004 to effectuate a levy at the residence of Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, at 44 Charlotte Drive, Clearfield, Pennsylvania 16830, only to be denied access to said residence by Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife.

6. Because of the conduct of Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, Plaintiff has effectively been denied its legal right to conduct a levy and execution upon the personal property of Defendants to satisfy the aforesaid judgment granted on October 16, 2003.

WHEREFORE, Plaintiff, Holiday Consumer Discount Company, respectfully requests and prays that your Honorable Court enter an Order directing Constable Louis P. Radzynski, accompanied by a Deputy Sheriff of Clearfield County, to forcibly enter the premises of Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, at 44 Charlotte Drive, Clearfield, Pennsylvania 16830, for purposes of making a levy upon any and all personal property and conducting a sale of the same to satisfy, in whole or in part, Plaintiff's judgment against Defendants,

Respectfully submitted,

NEUGEBAUER, SWOPE & SWOPE, P.C.



THOMAS A. SWOPE III, ESQUIRE  
Attorney for Plaintiff

7/29/04  
Date

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CAMBRIA**

Mag. Dist. No.:

**47-3-06**

DJ Name: Hon.

**ALLAN C. BERKHIMER**

Address: **125 MARY DRIVE, SUITE 2  
P.O. BOX 293  
SALIX, PA**

Telephone: **(814) 487-5111 15952-0293**

**ROBERT KRANTZLER  
409 LOCUST STREET  
SUITE 1  
SIDMAN, PA 15955-0303**

## NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF:

NAME and ADDRESS

**HOLIDAY CONSUMER DISCOUNT  
409 LOCUST STREET  
SUITE 1  
SIDMAN, PA 15955-0303**

VS.

DEFENDANT:

NAME and ADDRESS

**LUZIER, MICHAEL D., ET AL.  
904 AIRPORT ROAD  
PO BOX 1052  
CLEARFIELD, PA 16830**

Docket No.: **CV-0000097-03**

Date Filed: **9/24/03**



### THIS IS TO NOTIFY YOU THAT:

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **HOLIDAY CONSUMER DIS. COUNT**

☒ Judgment was entered against: (Name) **LUZIER, DAWN L.**

in the amount of \$ **2,096.85** on: (Date of Judgment) **10/16/03**

☐ Defendants are jointly and severally liable.

(Date & Time)

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to  
Attachment/42 Pa.C.S. § 8127 \$

☐ Portion of Judgment for physical  
damages arising out of residential  
lease \$

Amount of Judgment	\$ <b>2,004.35</b>
Judgment Costs	\$ <b>92.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 2,096.85</b>

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.

**10-16-03** Date **Allan C. Berkhimer**, District Justice

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

**12-08-03** Date **Allan C. Berkhimer**, District Justice

My commission expires first Monday of January, **2006**

SEAL

AOPC 315-03

DATE PRINTED: **12/08/03 2:24:50 PM**

**EXHIBIT**

**A**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CAMBRIA**

Mag. Dist. No.:

**47-3-06**

DJ Name: Hon.

**ALLAN C. BERKHIMER**

Address: **125 MARY DRIVE, SUITE 2  
P.O. BOX 293**

**SALIX, PA**

Telephone: **(814) 487-5111**

**15952-0293**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**HOLIDAY CONSUMER DISCOUNT  
409 LOCUST STREET  
SUITE 1  
SIDMAN, PA 15955-0303**

VS.

DEFENDANT:

NAME and ADDRESS

**LUZIER, MICHAEL D., ET AL.  
904 AIRPORT ROAD  
PO BOX 1052  
CLEARFIELD, PA 16830**

**ROBERT KRANTZLER  
409 LOCUST STREET  
SUITE 1  
SIDMAN, PA 15955-0303**

Docket No.: **CV-0000097-03**  
Date Filed: **9/24/03**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **HOLIDAY CONSUMER DIS, COUNT**

☒ Judgment was entered against: (Name) **LUZIER, MICHAEL D.**

in the amount of \$ **2,096.85** on: (Date of Judgment) **10/16/03**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on: \_\_\_\_\_

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ \_\_\_\_\_

☐ Portion of Judgment for physical damages arising out of residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ <b>2,004.35</b>
Judgment Costs	\$ <b>92.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 2,096.85</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

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**10-16-03** Date **Allan C. Berkhimer**, District Justice

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

**12-08-03** Date **Allan C. Berkhimer**, District Justice

My commission expires first Monday of January, 2006.

SEAL

tabbies

**EXHIBIT**

**A**

Recd  
2-25-04  
# 310625

# NOTICE OF EXECUTION SALE

By virtue of certain ORDER(S) of EXECUTION, directed to me, I will expose to PUBLIC SALE

on: Monday the Twelfth day of April, 2004, at 2 o'clock

at the following location: (address) 44 Charlotte Drive Clearfield Pa 16830

the following articles, property of Michael & Dawn Luzier

1- 1996 Ford Pa Plate ECD-0894  
Contours

EXHIBIT

tabbies

B

1. All claims to the property must be filed before this sale in the office of: RICHARD A IRELAND, District Justice  
Address: 650 LEONARD STREET SUITE 133 CLEARFIELD, PA 16830

2. All claims to the proceeds must be filed in the above district justice office before distribution.

3. A schedule of distribution will be filed in the above district justice office on (Date): 4-13-04 and  
distribution will be made in accordance therewith unless exceptions are filed within ten (10) days thereafter.

Date: 2-23-04 by: Louis P Ruzyminski Sheriff or Certified Constable

Order of Execution No.: MD-150-03

Claim No.: CV-97-03

from: Richard A Ireland

, issuing District Justice

Magisterial District No.: 46-3-02

from: Allen C Berkhman

, District Justice

Magisterial District No.: 47-3-06

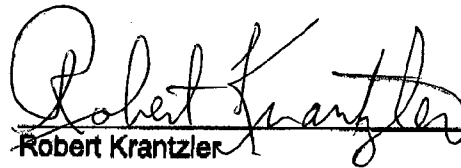
ORIGINATING DISTRICT COURT/DOCKET NUMBER 47-3-06/CV-000097-03



**VERIFICATION**

I, ROBERT KRANTZLER, President of Holiday Consumer Discount Company, hereby swear or affirm that the facts set forth in the attached Motion are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

6-17-04  
Date

  
Robert Krantzler

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

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

: CIVIL ACTION – LAW

: NO. 2004 –

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for  
Forcible Entry by Sheriff of Clearfield County was mailed to the Defendants, by way  
of first class United States Mail, postage prepaid, certified, return receipt requested  
and regular mail, on the 2<sup>nd</sup> day of July, 2004, as follows:

Michael D. Luzier  
44 Charlotte Drive  
Clearfield, Pennsylvania 16830

Dawn L. Luzier  
44 Charlotte Drive  
Clearfield, Pennsylvania 16830

NEUGEBAUER, SWOPE & SWOPE, P.C.

7/29/04

Date

  
THOMAS A. SWOPE III, ESQUIRE  
Attorney for Plaintiff

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

HOLIDAY CONSUMER DISCOUNT COMPANY

VS.

LUZIER, MICHAEL D. & DAWN L.

Sheriff Docket #

16486

04-1153-CD

**ORDER**

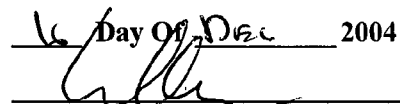
**SHERIFF RETURNS**

NOW DECEMBER 16, 2004 RETURN THE WITHIN ORDER "NOT SERVED" AT DIRECTION OF ATTORNEY.

**Return Costs**


Cost	Description
14.37	SHERIFF HAWKINS PAID BY: ATTY CK# 3605

Sworn to Before Me This

16 Day Of Dec 2004  


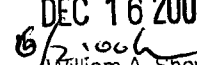
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

  
Chester A. Hawkins  
Sheriff

**FILED**

DEC 16 2004

  
William A. Shaw  
Prothonotary/Clerk of Courts

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

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

: CIVIL ACTION – LAW

: NO. 2004 - 1153-CD

**ORDER**

AND NOW, this 30<sup>TH</sup> day of July, 2004, upon review and consideration of the foregoing MOTION FOR FORCIBLE ENTRY BY SHERIFF OF CLEARFIELD COUNTY it is hereby ORDERED AND DECREED that Plaintiff's Motion is GRANTED, and it is hereby directed that a Deputy Sheriff of Clearfield County accompany Constable Louis P. Radzynski to forcibly enter the premises of the Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, at 44 Charlotte Drive, Clearfield, Pennsylvania 16830, for purposes of making a levy upon any and all personal property and conducting a sale of the same to satisfy, in whole or in part, Plaintiff's judgment against Defendants.

BY THE COURT:

/s/ Fredric J. Ammerman

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JUL 30 2004

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

HOLIDAY CONSUMER DISCOUNT  
COMPANY,

Plaintiff

vs.

MICHAEL D. LUZIER AND  
DAWN L. LUZIER, husband and wife

Defendants

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

: CIVIL ACTION – LAW

: NO. 2004 - 1153-05

**ORDER**

AND NOW, this 30<sup>th</sup> day of July, 2004, upon review and consideration of the foregoing MOTION FOR FORCIBLE ENTRY BY SHERIFF OF CLEARFIELD COUNTY it is hereby ORDERED AND DECREED that Plaintiff's Motion is GRANTED, and it is hereby directed that a Deputy Sheriff of Clearfield County accompany Constable Louis P. Radzynski to forcibly enter the premises of the Defendants, Michael D. Luzier and Dawn L. Luzier, husband and wife, at 44 Charlotte Drive, Clearfield, Pennsylvania 16830, for purposes of making a levy upon any and all personal property and conducting a sale of the same to satisfy, in whole or in part, Plaintiff's judgment against Defendants.

BY THE COURT:

/s/ Fredric J. Ammerman

J.

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JUL 30 2004

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts