

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

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

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-C

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 *2cc*
M 10:56 AM JUL 30 2004 Atty Swope
JUL 30 2004 Atty pd-85.00

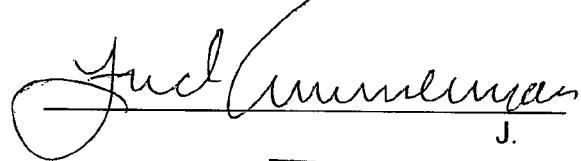
William A. Shaw
Prothonotary/Clerk of Courts

HOLIDAY CONSUMER DISCOUNT
COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : OF
vs. : CLEARFIELD COUNTY,
MICHAEL D. LUZIER AND : PENNSYLVANIA
DAWN L. LUZIER, husband and wife : CIVIL ACTION - LAW
Defendants : NO. 2004-1153-CJ

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. Radzyminski 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
13:50 PM
William A. Shaw
Prothonotary
2 cent to file

HOLIDAY CONSUMER DISCOUNT
COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : OF
vs. : CLEARFIELD COUNTY,
MICHAEL D. LUZIER AND : PENNSYLVANIA
DAWN L. LUZIER, husband and wife :
Defendants : 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. Berkheimer 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. Radzyminski 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. Radzyminski, 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.

7/29/04

Date


THOMAS A. SWOPE III, ESQUIRE
Attorney for Plaintiff

310/25
12.9.03

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 DTS, 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	\$ 2,004.35
Judgment Costs	\$ 92.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,096.85
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

EXHIBIT

My commission expires first Monday of January, 2006

SEAL

tables

A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CAMBRIA

Mag. Dist. No.:

47-3-06

DJ Name: Hon.

ALLAN C. BERKIMER

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:

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

NAME and ADDRESS

DEFENDANT:

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

NAME and ADDRESS

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 DISCOUNT

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	\$ 2,004.35
Judgment Costs	\$ 92.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,096.85
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. Berkimer, 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. Berkimer, District Justice

EXHIBIT

My commission expires first Monday of January, 2006.

SEAL

tables

A

2-25-04
310835

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 P. Plate ECD-0894
Contours

EXHIBIT

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 Rzymowski 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 Berkman, District Justice Magisterial District No.: 47-3-06

ORIGINATING DISTRICT COURT/DOCKET NUMBER 47-3-06/CV-0000097-03

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
Robert Krantzler

~~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 2nd day of July, 2004, as follows:

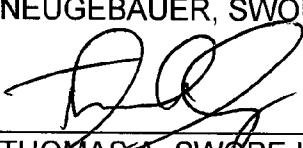
Michael D. Luzier
44 Charlotte Drive
Clearfield, Pennsylvania 16830

Dawn L. Luzier
44 Charlotte Drive
Clearfield, Pennsylvania 16830

NEUGEBAUER, SWOPE & SWOPE, P.C.

7/24/04

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

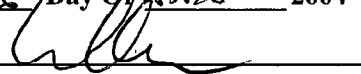
SHERIFF RETURNS

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,


by Marilyn Hamer
Chester A. Hawkins
Sheriff

FILED *664*

6/2/06
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-CV

ORDER

AND NOW, this 30th 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. Radzyminski 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. Lauer
Prothonotary/
Clerk of Courts

HOLIDAY CONSUMER DISCOUNT
COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : OF
vs. : CLEARFIELD COUNTY,
MICHAEL D. LUZIER AND : PENNSYLVANIA
DAWN L. LUZIER, husband and wife : CIVIL ACTION – LAW
Defendants : NO. 2004 - 1153-C

ORDER

AND NOW, this 30th 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. Radzyminski 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. Ammerman
Prothonotary/
Clark of Courts