

04-1421-CD
COUNTY NATIONAL BANK vs. KEVIN L. MCCLINCY, et al.

County National vs Kevin McClincy et al
2004-1421-CD

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

COUNTY NATIONAL BANK,
Plaintiff

vs.

KEVIN L. MCCLINCY, EXECUTOR OF THE
ESTATE OF DONALD W. MCCLINCY
DECEASED,

Defendant

No. 2004-2448-CD

04-1421-CD

FILED *Plff pd.*
01:49 PM 20.00
SEP 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

WRIT OF EXECUTION

Commonwealth of Pennsylvania/County of Centre
To the Sheriff of Clearfield County

To satisfy the judgment, interest, costs and attorney's commission against the Defendant above:

1. You are directed to levy upon the real estate owned by the Defendant as follows and sell his interest therein:

The property subject to this action consists of 8.31 acres more or less, known as the Morris Meadow Subdivision, Morris Township, Clearfield County and also identified by Clearfield County Tax Map No. 124-Q10-188, and more particularly described as follows:

ALL that certain tract of land situate in the Village of Morrisdale Mines, Morris Township, Clearfield County, Pennsylvania, laying between the main line of the New York Central and Hudson River Railroad to Clearfield and the Alder Run Branch of the same railroad and bounded and described as follows:

BEGINNING at a post on line of right-of-way of the New York Central and Hudson River Railroad the corner of Delancy H. Waring's land; thence by land of D.H. Waring North 4 degrees 40 minutes East for 886 feet to old pine stump with post driven in its roots at the South side of line; thence by said line North 90 degrees East for 110 feet to post on line of right-of-way of the Alder Run Branch of the N.Y.C. & H.R.R.; thence by line of said right-of-way on a course of railroad turning South 21 degrees 43 minutes East for 368 feet to point of curve on line of right-of-way; thence by line of said right-of-way around curve to left in a southeasterly direction for 838 feet to post and intersection of right-of-way of the Alder Run Branch of the said railroad and line of the right-of-way of the main line of said railroad leading to Clearfield; thence along line of said right-of-way around curve to right in a Westerly direction for 1012 feet to post and place of beginning. Containing Seven and Forty-Five Hundredths (7.45) acres, more or less.

ALSO BEING described, based upon a Survey prepared by Samuel B. Yost, dated December 2, 1998 as follows:

BEGINNING an a 1" iron rod set in the Southern line of Township Road T-180, St. Agnes Lane, said 1" iron rod being the northwestern corner of the land herein described; thence by the Southern line of said T-180 South 77° 01' 34" seconds East 111.23' to a 5/8" rebar set on the Southern line of T-180 and on the Western line of the Alder Branch of the New York Central Railroad, now abandoned; thence by the Western line of said Alder Branch of the New York Central Railroad the following courses and distances: South 13° 55' 13" E 365.88' to a point and by a curve to the left having a delta of 71° 29' 16", a Radius of 665.01', a Length of 829.73' and a Chord of South 51° 40' 04" East 776.61' passing through a 2" iron pipe to a 5/8" rebar set in the Western line of said Alder Branch of the New York Central Railroad and in the Northern line of the R. J. Corman Railroad; thence by the Northern Line of said R. J. Corman Railroad by a curve to the right having Delta of 30° 01' 57", a Radius of 1941.42', a Length of 1017.63' and a Chord of North 89° 25' 36" West 1006.02' to a 5/8" rebar set in the Northern line of the said R.J. Corman Railroad, thence by land of John Carl & Nancy Ann Bowman, North 13° 14' 17" East 874.95' to a 1" iron rod set in the Southern line of the aforementioned T-180 and place of beginning. Containing 8.31 acres.

ALSO granting and conveying to the Grantee, his heirs, executors and assigns any right, title and interest which Grantor may have in the rights-of-way of the New York Central Railroad which rights-of-way abound the premises herein demised to the North and to the South.

BEING the same premises conveyed unto to Donald W. McClincey herein by deed dated Jul 2, 1999 and recorded at Clearfield County Instrument No. 199911208.

2. Amounts Due:

a)	Balance	\$286,800.11
b)	Late Charge	\$ 900.00
c)	Interest Due to 5/19/04	\$ 16,735.24
d)	Interest accruing after 5/19/04 at \$55.7666881 per day (to be added)	\$ _____
e)	Satisfaction fee	\$ 61.00
f)	Costs of suit (to be added)	\$ _____
g)	Attorney's fees	\$ _____

<u>Costs to be added</u>	PRELIMINARY TOTAL	\$304,496.35
Pro.I.....\$95.00pd	FINAL TOTAL	\$ _____
Writ..... 23.00pd		

Debra C. Snell
Prothonotary

Peter F. Smith, Esq.
30 South Second Street
PO Box 130
Clearfield, Pa 16830
(814)765-6662

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 16530
NO: 04-2448-CD

1421

PLAINTIFF: COUNTY NATIONAL BANK

vs.

DEFENDANT: KEVIN L. MCCLINCY, EXECUTOR OF THE ESTATE OF DONALD W. MCCLINCY, DECEASED

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 11/05/2004

LEVY TAKEN 11/16/2004 @ 1:45 PM

POSTED 11/16/2004 @ 2:52 PM

SALE HELD 01/07/2005

SOLD TO LANSBERRY BROTHERS PROPERTIES, LLC

SOLD FOR AMOUNT \$130,000.00 PLUS COSTS

WRIT RETURNED 02/28/2005

DATE DEED FILED 02/28/2005

PROPERTY ADDRESS MORRIS MEADOW SUBDIVISION, ST AGNES DRIVE MORRISDALE, PA 16858

SERVICES

11/11/2000 @ SERVED DONALD W. MCCLINCY ESTATE

SERVED JAMES A. NADDEO, ESQ. ATTORNEY FOR KEVIN MCCLINCY AND BERNADETTE L. MCCLINCY EXECUTOR OF THE ESTATE AT HIS OFFICE, 207 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES A. NADDEO, ESQ.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

FILED
1/23/05
FEB 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 16530
NO: 04-2448-CD

PLAINTIFF: COUNTY NATIONAL BANK

vs.

DEFENDANT: KEVIN L. MCCLINCY, EXECUTOR OF THE ESTATE OF DONALD W. MCCLINCY, DECEASED

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$2,796.19

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2005

So Answers,

Chester Hawkins
By *Antonia Bittner-Chepherd*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

COUNTY NATIONAL BANK,
Plaintiff

vs.

OH-1421-CO
No. 2004-2448-CD

KEVIN L. MCCLINCY, EXECUTOR OF THE
ESTATE OF DONALD W. MCCLINCY,
DECEASED,

Defendant

**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 also 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 said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing; and, (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to Court ready to explain your exemption. If you do not come to Court to prove your exemptions, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
2nd & Market Street
Clearfield, Pa 16830
(814)765-2641

BY PAPER SERVED THE WITHIN ACTION
IS REMAINING PROSECUTED 5th DAY OF
NOV. 2004
Debra C. Ammer
PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

COUNTY NATIONAL BANK, :
Plaintiff :
vs. : No. 2004-2448-CD
KEVIN L. MCCLINCEY, EXECUTOR OF THE :
ESTATE OF THE DONALD W. MCCLINCEY, :
DECEASED, :
Defendants :

CLAIM FOR EXEMPTION

To the Sheriff of Clearfield County:

I, the above-named Defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which had been levied upon,
(a) I desire that my \$300.00 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; or
(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 \$300.00 statutory exemption: _____ in cash _____ in kind (specify property):

(b) Social Security benefits on deposit in the amount of \$ _____.
(c) Other (specify amount and basis of exemption):

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

Address

Phone Number

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: _____

Defendant

**THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY**

Clearfield County Sheriff
230 East Market Street, Suite 116
Clearfield, PA 16830

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms, and equipment
3. Most wages and unemployment compensation
4. Social security benefits
5. Certain retirements funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

COUNTY NATIONAL BANK,	:	
Plaintiff	:	
vs.	:	No. 2004-2448-CD
KEVIN L. MCCLINCY, EXECUTOR OF THE	:	
ESTATE OF DONALD W. MCCLINCY	:	
DECEASED,	:	
Defendant	:	

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e)	Satisfaction fee	\$ 61.00
f)	Costs of suit (to be added)	\$ _____
g)	Attorney's fees	\$ _____

COSTS TO BE ADDED

PRO. I.....\$95.00pd

WRIT..... 46.00pd

PRELIMINARY TOTAL

\$304,496.35

FINAL TOTAL

\$ _____

Debra C. Ammel
Prothonotary

JULY 15, 2004

DATE

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME DONALD W. MCCLINCY ESTATE

NO. 04-2448-CD

NOW, January 07, 2005, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on January 07, 2005, I exposed the within described real estate of Mcclincy, Kevin L. Executor Of The Estate Of Donald W. Mcclincy, Deceased to public venue or outcry at which time and place I sold the same to SAMUEL LANSBERRY, JR AND ADAM T. LANSBERRY he/she being the highest bidder, for the sum of \$130,000.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	2.00
LEVY	15.00
MILEAGE	9.75
POSTING	15.00
CSDS	10.00
COMMISSION	2,600.00
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	130,000.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$2,796.19

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	2,600.00
TOTAL DEED COSTS	\$2,628.50

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	286,800.11
INTEREST @ 55.7700 %	12,994.41
FROM 05/19/2004 TO 01/07/2005	
PROTH SATISFACTION	
LATE CHARGES AND FEES	900.00
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	61.00
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	16,735.24
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$317,510.76

COSTS:

ADVERTISING	451.88
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	2,628.50
SHERIFF COSTS	2,796.19
LEGAL JOURNAL COSTS	297.00
PROTHONOTARY	141.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$6,459.57

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

CHESTER A. HAWKINS, Sheriff