

FILED

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2005 Sh 44
NOV 28 2005 pd \$85.00 A44y

(UP)
William A. Shaw
Prothonotary

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

DISCOVER BANK

Plaintiff

vs.

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA GAIL FAIRMAN

Defendants

No: 05-1841-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
04641548 C A Pit WLG

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

DISCOVER BANK

Plaintiff
vs.

Civil Action No

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA GAIL FAIRMAN

Defendants

COMPLAINT AND NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 3311 MILL MEADOW DR.
HILLIARD , OH 43026 .
2. Defendants are adult individual(s) residing at the address listed below:

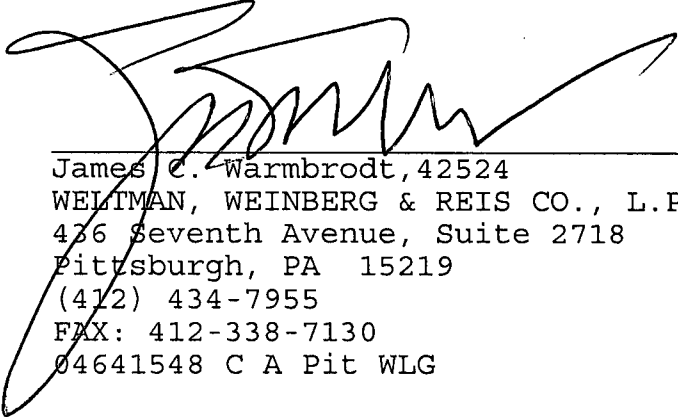
SCOTT D FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

GAIL L FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801
3. Defendants applied for and received a credit card issued by Plaintiff bearing the account number 6011002944519222 . A copy of Plaintiff's Statement of Account s attached hereto, marked as Exhibit "A" and made a part hereof.
4. Defendants made use of said credit card and currently has a balance due and owing to Plaintiff, as of November 10, 2005 , in the amount of \$4488.15 .
5. Defendants are in default by failing to make payments when due.
6. Plaintiff avers that the Agreement between the parties provides that Defendants will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$500.00 .

8. Although repeatedly requested to do so by Plaintiff, Defendants have willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendants , SCOTT D FAIRMAN AND GAIL L FAIRMAN ,JOINTLY AND SEVERALLY , in the amount of \$4488.15 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.



James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
04641548 C A Pit WLG

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

**Consolidate bills quickly and securely
with a Balance Transfer to your Discover
Card - Call 1-877-353-0986 TODAY!**

Address or telephone change? Please print change in the space above, or go to Discovercard.com.

000006011002944519222000000000000000000080400

Closing Date: September 30, 2005 page 1 of 1

<i>previous balance</i>		\$4,488.15
<i>payments and credits</i>	-	4,488.15
<i>purchases</i>	+	0.00
<i>cash advances</i>	+	0.00
<i>balance transfers</i>	+	0.00
FINANCE CHARGES	+	0.00
<i>new balance</i>	=	\$0.00

Cashback Bonus® Anniversary Date: November 6

Cashback Bonus Award Balance	0.00
Award Available to Redeem	\$ 0.00

	trans. date	post date		
Payments and Credits	Sep 30	Sep 30	INTERNAL CHARGE-OFF	\$ -4,488.15

EXHIBIT

A

	<u>Average Daily Balances</u>	<u>Daily Periodic Rates</u>	<u>Nominal ANNUAL PERCENTAGE RATES</u>	<u>ANNUAL PERCENTAGE RATES</u>	<u>Periodic FINANCE CHARGES</u>	<u>Transaction Fee FINANCE CHARGES</u>
current billing period: 24 days						
Purchases	\$0	0.06847%	24.99% F	24.99%	\$0	none
Cash Advances	\$0	0.06847%	24.99% F	24.99%	\$0	\$0

The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

Questions? Call 1-800-DISCOVER (1-800-347-2683) or log on to Discovercard.com. For TDD (Telecommunication Device for the Deaf) assistance, see reverse side. Send billing error notice to: Discover Platinum; P.O. Box 15192; Wilmington, DE 19850-5192.

Verification

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating
To unsworn falsifications to authorities, that he/she is Robert Adkins
Accounts Manger of Discover Bank, Plaintiff herein, that he/she is duly authorized to make
this verification, and that the facts set forth in the foregoing Complaint are true and correct to
the best of his/her knowledge, information and belief.



Signature

WWR#

046041548

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101037
NO: 05-1841-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: SCOTT D. FAIRMAN a/k/a SCOTT FAIRMAN and GAIL L. FAIRMAN a/k/a GAIL FAIRMAN

SHERIFF RETURN

NOW, December 02, 2005 AT 10:40 AM SERVED THE WITHIN COMPLAINT ON SCOTT D. FAIRMAN aka SCOTT FAIRMAN DEFENDANT AT 1099 JUNIATA ST. EXT., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SCOTT D. FAIRMAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
01/12/2006
MAR 02 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101037
NO: 05-1841-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: SCOTT D. FAIRMAN a/k/a SCOTT FAIRMAN and GAIL L. FAIRMAN a/k/a GAIL FAIRMAN

SHERIFF RETURN

NOW, December 02, 2005 AT 10:40 AM SERVED THE WITHIN COMPLAINT ON GAIL L. FAIRMAN aka GAIL FAIRMAN DEFENDANT AT 1099 JUNIATA ST. EXT., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SCOTT D. FAIRMAN, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101037
NO: 05-1841-CD
SERVICES 2
COMPLAINT

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: SCOTT D. FAIRMAN a/k/a SCOTT FAIRMAN and GAIL L. FAIRMAN a/k/a GAIL FAIRMAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2355766	20.00
SHERIFF HAWKINS	WELTMAN	2355766	42.43

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

No. 05-1841-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN

Defendants

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04641548
Judgment Amount \$ 4988.15

THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

FILED *Atty pd.*
m 11:48 301 *20.00*
MAR 27 2006 *ICCA Notice*
to Defs.
William A. Shaw *Statement*
Prothonotary/Clerk of Courts *to Atty*
(GR)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN

Defendants

PRAECIPE FOR DEFAULT JUDGMENT

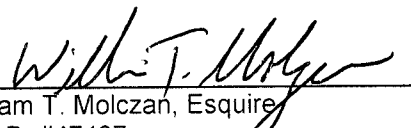
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendants, SCOTT D FAIRMAN AKA SCOTT FAIRMAN
GAIL L FAIRMAN AKA CAIL FAIRMAN, above named, in the default of an Answer, in the amount of
\$4988.15 computed as follows:

Amount claimed in Complaint	\$4488.15
Interest from date of judgment at the legal interest rate of 6.00% per annum	
Attorney's fees	\$500.00
TOTAL	\$4988.15

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance
with PA R.C.P. 237.1 on the dates indicated on the Notices.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04641548

Plaintiff's address is:
c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendants is: 1099 JUNIATA STREET EXT DU BOIS, PA 15801

PROTHONOTARY (OR DEPUTY)

GAIL L FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

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

DISCOVER BANK

Plaintiff

Case # 05-1841-CD

GAIL L FAIRMAN

Defendant(s)

IMPORTANT NOTICE


TO: GAIL L FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

Date of Notice: 3/10/06
WWR#: 04641548

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINSTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext. 1300-1301

BY: 
JAMES WARMBRODT, ESQUIRE
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 KOPPERES BLDG, 436 7TH AVE.
PITTSBURGH, PA 15219

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

DISCOVER BANK

Plaintiff

Case # 05-1841-CO

SCOTT D FAIRMAN

Defendant(s)

IMPORTANT NOTICE

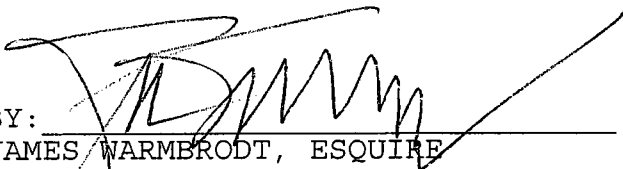
TO: SCOTT D FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

Date of Notice: 3/10/06
WWR#: 04641548

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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COURT ADMINSTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext. 1300-1301

BY: 
JAMES WARMBRODT, ESQUIRE
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 KOPPERES BLDG, 436 7TH AVE.
PITTSBURGH, PA 15219

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Department of Defense Manpower Data Center

MAR-20-2006 12:49:07



Military Status Report
Pursuant to the Service Members' Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
FAIRMAN	SCOTT D	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

A handwritten signature in black ink that reads "Robert J. Brandewie".

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Service Members Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are most strongly encouraged to contact us by phone at (703-696-6762). We will then conduct further research. Your failure to re-contact DMDC may cause provisions of the SCRA to be invoked against you.

This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **QHXS SHDAD**

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

DISCOVER BANK

Case no: 05-1841-CD

Plaintiff

NON-MILITARY AFFIDAVIT

vs.

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

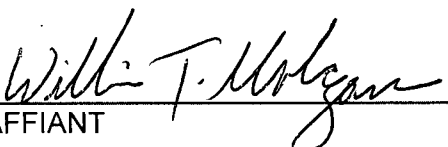
That he/she is the duly authorized agent of the Plaintiff in the
within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the
Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant,
SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN
is not in the military service.

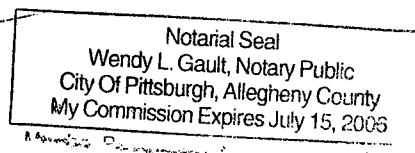
Affiant further states that this belief is supported by the attached certificate from the Defense
Manpower Data Center (DMDC), which states that the Defendant, SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN
is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 21 day
of March 2006.


NOTARY PUBLIC



Department of Defense Manpower Data Center

MAR-20-2006 12:49:56



Military Status Report
Pursuant to the Service Members' Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
FAIRMAN	GAIL L	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

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This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **QEHBDMJIJE**

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

CC-1

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN

Defendants

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
☒ Defendant
☐ Garnishee

You are hereby notified that the following
Order or Judgment was entered against
you on 3/27/06

(xx) Assumpsit Judgment in the amount
of \$4988.15 plus costs.

☐ Trespass Judgment in the amount
of \$_____ plus costs.

☐ If not satisfied within sixty (60)
days, your motor vehicle operator's license and/or registration will be
suspended by the Department of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.

(xx) Entry of Judgment of
☐ Court Order
☐ Non-Pros
☐ Confession
☒ Default
☐ Verdict
☐ Arbitration
Award

Prothonotary

By: [Signature]
PROTHONOTARY (OR DEPUTY)

SCOTT D FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
1-888-434-0085

CC-4

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
AKA SCOTT FAIRMAN
GAIL L FAIRMAN
AKA CAIL FAIRMAN

Defendants

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
 ☒ Defendant
 ☐ Garnishee

You are hereby notified that the following
Order or Judgment was entered against
you on 3/27/06

(xx) Assumpsit Judgment in the amount
 of \$4988.15 plus costs.

() Trespass Judgment in the amount
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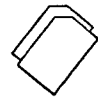
() If not satisfied within sixty (60)
days, your motor vehicle operator's license and/or registration will be
suspended by the Department of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.

(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ Confession
 ☒ Default
 ☐ Verdict
 ☐ Arbitration
 Award

Prothonotary

By: William L. Shanahan

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


COPY

Discover Bank
Plaintiff(s)

No.: 2005-01841-CD

Real Debt: \$4,988.15

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Scott D. Fairman
Gail L. Fairman
Defendant(s)

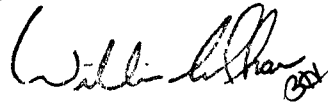
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 27, 2006

Expires: March 27, 2011

Certified from the record this 27th day of March, 2006.



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

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

DISCOVER BANK

Plaintiff

No. 05-1841-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION
(BANK ATTACHMENT ONLY)**

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

TIMBERLAND FEDERAL CREDIT UNION,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#4641548

FILED Any pd.
20.00
OCT 20 2008 1:03 PM
S 2006 writs
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
(610)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

TIMBERLAND FEDERAL CREDIT UNION,

Garnishee

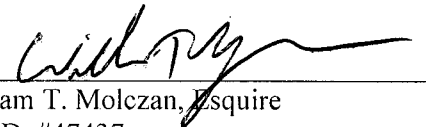
PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of CLEARFIELD County:
2. against SCOTT D FAIRMAN AND GAIL L FAIRMAN, Defendants
3. against TIMBERLAND FEDERAL CREDIT UNION, Garnishee
4. Judgment Amount \$ 4,988.15
- Interest \$ 760.94
- Costs \$
- SUBTOTAL:** \$ 5,749.09
- Costs (to be added by Prothonotary): **Prothonotary costs** \$ 125.00

WELTMAN, WEINBERG & REIS CO., L.P.A

By: 
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#4641548

COPY

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN
Defendant

TIMBERLAND FEDERAL CREDIT UNION
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: SCOTT D FAIRMAN AND GAIL L FAIRMAN
Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of
TIMBERLAND FEDERAL CREDIT UNION, as garnishee, 710 River Road, Clearfield, PA 16830
and to notify the garnishee that:
 - a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the
account of the defendant and from delivering any property of the defendant or otherwise
disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other
financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as
being funds that upon deposit are exempt from execution, levy or attachment under
Pennsylvania or federal law, or
 - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts
shall not be subject to levy and attachment as determined by the executing officer. The
funds shall be set aside pursuant to the defendant's general exemption provided in 42
Pa.C.S. § 8123.
- (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] such other person that he or she
has been added as a garnishee and is enjoined as above stated

Amount due\$ 5,749.09

Costs to be added..... \$ 125.00 **Prothonotary costs**

Prothonotary


Deputy

DATED: 10/20/08

WWR#4641548

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

No. 05-1841-CD

vs.

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendant

TIMBERLAND FEDERAL CREDIT UNION

Garnishee

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 and sold by the Sheriff to satisfy your debts. SUCH PROPERTY IS SAID TO BE EXEMPT. No matter what you may owe, there is a DEBTOR'S EXEMPTION established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below 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) Complete the claim form on the opposite side 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 court when and where you are told to appear 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 REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
P.O. BOX 186
HARRISBURG, PA 17108
TELEPHONE NO.: 1-800-692-7375

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.

8. Certain insurance proceeds.
9. Such other exemptions as may be provided by 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 statutory \$300.00 exemption be:
☐ (1) set aside in kind (specify property, to be set aside in kind: _____

☐ (2) 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 & basis for exemption): _____

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

ADDRESS: _____ TELEPHONE NUMBER: _____

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: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

Office of the Sheriff of Clearfield County
1 N. Second Street, Suite 116, Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone Number: (814) 765-2641 ext. 5986

Note: Under paragraphs (1) and (2) of the Writ, a description of specific property to be levied upon or attached may be set forth in the Writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For

limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule designate the officer, organization or person to be named in the notice.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 05-1841-CD

DISCOVER BANK

vs

SERVICE # 1 OF 1

SCOTT D. FAIRMAN and GAIL L. FAIRMAN

TO: TIMBERLAND FEDERAL CREDIT UNION, Garnishee

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE

SERVE BY: 11/21/2008 *ASH* HEARING: PAGE: 104871

DEFENDANT: TIMBERLAND FEDERAL CREDIT UNION, Garnishee

ADDRESS: 710 RIVER ROAD
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 11/19/08 AT 103 AM / PM **SERVED** THE WITHIN

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON TIMBERLAND FEDERAL CREDIT UNION, Garnishee, DEFENDANT

BY HANDING TO DIANE Jenkins, MGR.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 710 River rd Clearfield Pa

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE FOR TIMBERLAND FEDERAL CREDIT UNION, Garnishee

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO TIMBERLAND FEDERAL CREDIT UNION, Garnishee

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

FILED
DEC 09 2008
6/8:40/4
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104871
NO: 05-1841-CD
SERVICES 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: DISCOVER BANK

VS.

DEFENDANT: SCOTT D. FAIRMAN and GAIL L. FAIRMAN

TO: TIMBERLAND FEDERAL CREDIT UNION, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8737484	10.00
SHERIFF HAWKINS	WELTMAN	8737484	20.00

5
FILED

01:50 PM
DEC 09 2008
(LW)

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

vs.

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

TIMBERLAND FEDERAL CREDIT UNION,

Garnishee,

No. 05-1841-CD

PRAECIPE FOR WRIT OF EXECUTION
(BANK ATTACHMENT ONLY)

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

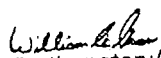
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#4641548

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

OCT 20 2008

Attest.


Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

TIMBERLAND FEDERAL CREDIT UNION,

Garnishee

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of CLEARFIELD County:
2. against SCOTT D FAIRMAN AND GAIL L FAIRMAN, Defendants
3. against TIMBERLAND FEDERAL CREDIT UNION, Garnishee
4. Judgment Amount \$ 4,988.15
- Interest \$ 760.94
- Costs \$
- SUBTOTAL:** \$ 5,749.09
- Costs (to be added by Prothonotary): **Prothonotary costs** \$ 125.00

WELTMAN, WEINBERG & REIS CO., L.P.A

By: 

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#4641548

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN
Defendant

TIMBERLAND FEDERAL CREDIT UNION
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: SCOTT D FAIRMAN AND GAIL L FAIRMAN
Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of
TIMBERLAND FEDERAL CREDIT UNION, as garnishee, 710 River Road, Clearfield, PA 16830
and to notify the garnishee that:
 - a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the
account of the defendant and from delivering any property of the defendant or otherwise
disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other
financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as
being funds that upon deposit are exempt from execution, levy or attachment under
Pennsylvania or federal law, or
 - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts
shall not be subject to levy and attachment as determined by the executing officer. The
funds shall be set aside pursuant to the defendant's general exemption provided in 42
Pa.C.S. § 8123.
- (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] such other person that he or she
has been added as a garnishee and is enjoined as above stated

Amount due\$ 5,749.09

Costs to be added..... \$ 125.00 Prothonotary costs

Received this writ this 20 day

of OCT A.D. 2008

At 3:00 A.M./P.M.

Prothonotary

Christopher A. Humpal

Sheriff

by Marilyn Humpal

William L. Humpal

Deputy

DATED: 10/20/08

WWR#4641548

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

No. 05-1841-CD

vs.

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendant

TIMBERLAND FEDERAL CREDIT UNION

Garnishee

WRIT OF EXECUTION
NOTICE

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The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. SUCH PROPERTY IS SAID TO BE EXEMPT. No matter what you may owe, there is a DEBTOR'S EXEMPTION established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below 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) Complete the claim form on the opposite side 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 court when and where you are told to appear ready to explain your exemption. IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.

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LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
P.O. BOX 186
HARRISBURG, PA 17108
TELEPHONE NO.: 1-800-692-7375

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.

8. Certain insurance proceeds.
9. Such other exemptions as may be provided by 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 statutory \$300.00 exemption be:

☐ (1) set aside in kind (specify property, to be set aside in kind:

☐ (2) 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 & basis for exemption): _____

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: _____ TELEPHONE NUMBER: _____

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: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

Office of the Sheriff of Clearfield County
1 N. Second Street, Suite 116, Clearfield County Courthouse
Clearfield, Pennsylvania 16830
Telephone Number: (814) 765-2641 ext. 5986

Note: Under paragraphs (1) and (2) of the Writ, a description of specific property to be levied upon or attached may be set forth in the Writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For

limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule, designate the officer, organization or person to be named in the notice.

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN
Defendant

TIMBERLAND FEDERAL CREDIT UNION
Garnishee

WRIT OF EXECUTION

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has been added as a garnishee and is enjoined as above stated

Amount due\$ 5,749.09

Costs to be added..... \$ 125.00 Prothonotary costs

Received this writ this 20 day
of OCT A.D. 2008
At 3:00 A.M. (P.M.)

Chester A. Hankins
Sheriff
by Marilyn Hamer

Prothonotary

Willi L. Thompson
Deputy

DATED: 10/20/08

WWR#4641548

8. Certain insurance proceeds.
9. Such other exemptions as may be provided by 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 statutory \$300.00 exemption be:

☐ (1) set aside in kind (specify property, to be set aside in kind:

☐ (2) 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 & basis for exemption): _____

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: _____ TELEPHONE NUMBER: _____

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: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

Office of the Sheriff of Clearfield County
1 N. Second Street, Suite 116, Clearfield County Courthouse
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Telephone Number: (814) 765-2641 ext. 5986

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

DISCOVER BANK

Plaintiff

vs.

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

and

TIMBERLAND FEDERAL CREDIT UNION

Garnishee

No. 05-1841-CD

**INTERROGATORIES IN ATTACHMENT
TIMBERLAND FEDERAL CREDIT UNION**

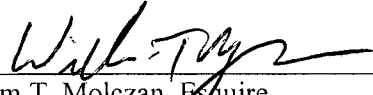
FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#4641548

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#4641548

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is _____
(Name)

_____ of _____, garnishee herein,
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing

Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief

(SIGNATURE)

^S FILED 3cc AHY
m/1:552m molczan
JAN 12 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

No. 05-1841-CD

PRAECIPE TO SETTLE, DISCONTINUE
& END AS TO THE GARNISHEE
TIMBERLAND FEDERAL CREDIT UNION ONLY

TIMBERLAND FEDERAL CREDIT UNION

Garnishee

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#4641548

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendants

TIMBERLAND FEDERAL CREDIT UNION

Garnishee

PRAECIPE TO SETTLE DISCONTINUE AND END
AS TO THE GARNISHEE , TIMBERLAND FEDERAL CREDIT UNION, ONLY

TO THE PROTHONOTARY OF COUNTY:

Please kindly Settle Discontinue and End the above captioned matter as to Garnishee, TIMBERLAND
FEDERAL CREDIT UNION, only, upon the records of the Court and mark the cost paid.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

William T. Molczan, Esquire

PA I.D #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#4641548

Sworn to and subscribed

Before me the 31

Day of DECEMBER, 2008


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009
Member, Pennsylvania Association of Notaries

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

FILED

FEB 06 2012

4/3-2012
William A. Shaw
Prothonotary/Clerk of Court

No cert copy
Issued 6/20/12
to SHF

DISCOVER BANK

Plaintiff

No. 05-1841-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION
AND ENTER IT IN THE JUDGMENT INDEX
(BANK ATTACHMENT ONLY)**

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendant

COMMUNITY FIRST BANK
FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04641548

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 11-17-2010 BY 60322

FILE

FILE

FILE

FILE

FILE

FILED

FEB 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 05-1841-CD

SCOTT D FAIRMAN
GAIL L FAIRMAN
Defendant

COMMUNITY FIRST BANK
FIRST COMMONWEALTH BANK
Garnishee

WRIT OF EXECUTION

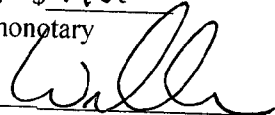
TO THE SHERIFF OF JEFFERSON COUNTY:

To satisfy the judgment, interest and costs against: Scott D Fairman and Gail L Fairman Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of COMMUNITY FIRST BANK and FIRST COMMONWEALTH BANK, as garnishee, 102 INDIANA STREET, PUNXSUTAWNEY, PA 15767 and 223 MAIN STREET, BROOKVILLE, PA 15825 and to notify the garnishee that:
- An attachment has been issued;
 - Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - Any funds in an account of the defendant (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) 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] such other person that he or she has been added as a garnishee and is enjoined as above stated
- Amount due\$ 6721.31

Costs to be added..... Prothonotary \$ 145.00

Prothonotary



Deputy

DATED: FEB. 6, 2012

WWR#04641548

RECEIVED

FILED

MAR 12 2012

2012 MAR -1 A 11: 25

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

TONYA S. GEIST
JEFFERSON COUNTY
PROTHONOTARY AND
CLERK OF COURTS

DISCOVER BANK

Plaintiff

No. 05-1841-CD

210-2012-CD

vs.

INTERROGATORIES IN ATTACHMENT
COMMUNITY FIRST BANK AND
FIRST COMMONWEALTH BANK

SCOTT D FAIRMAN
GAIL L FAIRMAN

Defendant

and

COMMUNITY FIRST BANK
FIRST COMMONWEALTH BANK

Garnishee

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#04641548

FILED

5 MAR 10 2012
m/11:20/a
William A. Shaw
Prothonotary/Clerk of Courts
no C/L

TRUE COPY

ATTEST:

TONYA S. GEIST
PROTHONOTARY AND CLERK

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

FILED

2012 MAR -1 A 11:25

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 05-1841-CD

TONYA S. GEIST
JEFFERSON COUNTY
PROTHONOTARY AND
CLERK OF COURTS

SCOTT D FAIRMAN

GAIL L FAIRMAN

Defendant

and

COMMUNITY FIRST BANK
FIRST COMMONWEALTH BANK
Garnishee

TO: COMMUNITY FIRST BANK
102 INDIANA STREET
PUNXSUTAWNEY, PA 15767

Suggested Reference No.: XXX-XX-7181 and 6402

FIRST COMMONWEALTH BANK
223 MAIN STREET
ROOKILLE, PA 15825

RE: SCOTT D FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

GALE L FAIRMAN
1099 JUNIATA STREET EXT
DU BOIS, PA 15801

IMPORTANT NOTICES TO GARNISHEE!

A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.

B. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.

C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

AIR KUE COPY
ATTEST: Tonya S. Geist
PROTHONOTARY CLERK

For all answers to this and the foregoing Interrogatories, see Exhibit "A" attached hereto and made part of hereof.

INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, Identify each account and state the reason for the exemption, the amount being withheld under each exemption and the amount of funds in each account, and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

William T Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#04641548

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. No
 - a. N/A
2. No
3. No
4. No
5. No
6. No
7. N/A
8. N/A
9. March 12, 2012
10. N/A
11. N/A
12. N/A

VERIFICATION

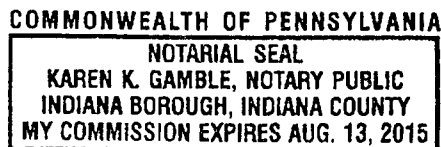
COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF INDIANA)

On this 13th day of March 2012 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared LEDA E MCCracken, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

Leda E McCracken
Leda E. McCracken, Asst. Vice President
First Commonwealth Bank

Sworn and subscribed to before me
This 13th day of March 2012

Karen K. Lambie
Notary Public



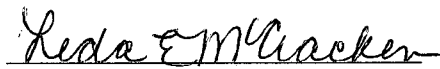
CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2012 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties

VIA REGULAR U.S. MAIL

*William T. Molczan, Esquire
Weltman, Weinberg & Reis Co., LPA
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219*

As Plaintiff


Leda E. McCracken
Assistant Vice President
First Commonwealth Bank

WELTMAN, WEINBERG & REIS CO., L.P.A.

BY: James C Warmbrodt, Esquire

Attorney for Plaintiff(s)

D. No. 42524

136 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 4641548

DISCOVER BANK

Clearfield County
Court of Common Pleas

vs.

SCOTT D FAIRMAN GAIL L FAIRMAN

NO. 05-1841-CD

and

COMMUNITY FIRST BANK AND FIRST COMMONWEALTH BANK

Garnishee(s)

PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION

TO THE PROTHONOTARY:

Kindly marked the above matter discontinued and ended as to Garnishee(s), COMMUNITY
FIRST BANK AND FIRST COMMONWEALTH BANK, only.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By

James C Warmbrodt, Esquire
Attorney for Plaintiff

hereby certify that the foregoing is a true and correct statement of the above case.

This statement is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsifications to authorities.

FILED *no*
MT:40/BL
5 **APR 02 2011**
William A. Shaw
Prothonotary/Clerk of Courts *6K*