

05-1958-CD

Beneficial Consumer vs John R.

Beneficial Consumer vs John Fields
2005-1958-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY

Plaintiff,
Vs.

CIVIL DIVISION

No. 05-1958-CD

JOHN R. FIELDS

Defendant(s)

FILED (Comp.)
M110-4482 to Shff
DEC 19 2005 Atty pd.
85.00

William A. Shaw
Prothonotary/Clerk of Courts

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 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.**

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
814-765-2641, EXT. 5982

THIS IS AN ATTEMPT TO
COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

Defendant's Address:
661 WEST LONG AVENUE
DUBOIS, PA 15801

No.

TYPE OF PLEADING:

Complaint

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER
DISCOUNT COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067
LORI M. DIRENZO, ESQ.
PA ID NO. 201843
NANCY C. WILKINS, ESQ.
PA ID NO. 94178
JESSA C. MARTIN, ESQ.
PA ID NO. 201169

CHROMULAK & ASSOCIATES, LLC

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

(724) 916-2400

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

CIVIL DIVISION

No.

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant.

COMPLAINT

AND NOW COMES, the Plaintiff, BENEFICIAL CONSUMER DISCOUNT COMPANY, by its Attorneys, **Chromulak & Associates, LLC**, with its Civil Action Complaint, the following of which is a statement thereof:

1. BENEFICIAL CONSUMER DISCOUNT COMPANY is a Corporation, duly authorized to conduct business in the Commonwealth of Pennsylvania, with its principal office situated at 2700 Sanders Road, Prospect Heights, IL 60070, hereinafter referred to as "Plaintiff".

2. JOHN R. FIELDS is an adult individual residing at 661 WEST LONG AVENUE, DUBOIS, PA 15801.

3. On or about MARCH 31, 2003, Defendant entered into a written Loan Agreement with the Plaintiff, a copy of which is attached hereto as "Exhibit A" and incorporated herein.

4. Pursuant to the Loan Agreement with Defendant, Plaintiff advanced funds to the Defendant.

**THIS IS AN ATTEMPT TO
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5. Defendant is in default under the terms and conditions of the aforementioned Loan Agreement for failing to make payments when due, with the last payment having been made on or about MAY 9, 2005.

6. Pursuant to the terms of the Loan Agreement, Plaintiff has the right to require payment of the entire amount owed upon default. The total amount due and owing by the Defendant is in the sum of FIVE THOUSAND THREE HUNDRED EIGHTY-NINE AND 67/100 (\$5,389.67) DOLLARS as of OCTOBER 27, 2005.

7. Numerous demands have been made upon Defendant by Plaintiff, but Defendant has failed or refused to pay.

8. Pursuant to the Loan Agreement, Plaintiff is entitled to recover costs of collection and reasonable attorney's fees.

WHEREFORE, Plaintiff claims damages in the sum of FIVE THOUSAND THREE HUNDRED EIGHTY-NINE AND 67/100 (\$5,389.67) DOLLARS plus court costs and attorney's fees.

Respectfully submitted,

Chromulak & Associates, LLC

By: 
CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067
LORI M. DIRENZO, ESQ.
PA ID NO. 201843
NANCY C. WILKINS, ESQ.
PA ID NO. 94178
JESSA C. MARTIN, ESQ.
PA ID NO. 201169

Attorneys for Plaintiff
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

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LOAN REPAYMENT AND SECURITY AGREEMENT (Page 1 of 3)

LENDER (called "We", "Us", "Our")
 BENEFICIAL CONSUMER DISCOUNT COMPANY
 90 BEAVER DRIVE
 SUITE 114 C
 DUBOIS PA 15801

BORROWERS (called "You", "Your")

FIELDS, JOHN R
 SS# 194386582
 661 W LONG AVE
 DUBOIS PA 15801

LOAN NO: 711723-588612

DATE OF LOAN 03/31/2003	FIRST PAYMENT DUE DATE 05/01/2003	OTHERS SAME DAY OF EACH MONTH	SCHEDULED MATURITY DATE 04/01/2008	CONTRACT RATE (per year) 25.698 %
TOTAL OF PAYMENTS \$ 11,350.20	AMOUNT FINANCED \$ 6,356.11			
TOTAL FINANCE CHARGE \$ 4,994.09	SCHEDULED INTEREST \$ 4,994.09	SERVICE CHARGE \$.00		OFFICIAL FEES \$.00
LIFE INS PREMIUM \$ 224.39	DISABILITY INS PREMIUM \$ NONE	IUI PREMIUM \$ NONE		
			PROPERTY INS (PPO) \$ NONE	
FIRST INSTALLMENT \$ 189.17	MONTHLY INSTALLMENT \$ 189.17			NON FILING INSURANCE PREMIUM \$ NONE
			TERM PERIOD 60	

REQUIRED INSURANCE. You must obtain insurance for term of loan covering security for this loan as indicated below, naming us as Loss Payee:

Title insurance on real estate security.

Fire and extended coverage insurance on real estate security.

Physical damage insurance on vehicle listed under "Security" above if "Y" appears under "Insured".

Physical damage insurance on other property listed under "Security" above if "Y" appears under "Insured".

You may obtain any required insurance from anyone you choose.

(See "Security" paragraph above for description of security to be insured.)

NOTICE: THE FOLLOWING PAGES CONTAIN ADDITIONAL CONTRACT TERMS.

03-01-00 NRE



F349257D2198CEA9000PAB750110

PAB75011

EXHIBIT

tabbed

"A"

ORIGINAL

LOAN REPAYMENT AND SECURITY AGREEMENT (Page 2 of 3)

PAYMENT. In return for this loan, you will pay us the Total of Payments (the sum of Finance Charges plus Amount Financed), in monthly payments stated on page one. The Finance Charge is the total of Interest plus Service Charge. You may pay more at any time. You will pay us at our business address as stated on page one or other address given you. If more than one Borrower is named on page one, we may enforce this Agreement against all, or any, Borrowers, but not in a combined amount greater than the amount owed.

DATE ON WHICH FINANCE CHARGE BEGINS. Finance Charges begin on the date of disbursement. If this loan is made by mail, the date on which the Finance Charge begins is postponed by the number of days from the date of this Agreement to the date of disbursement. Payment due dates and effective date of any optional insurance purchased are also postponed.

PAY-OUTS. You agree to payouts of Amount Financed as shown on Truth-In-Lending disclosure form. If payouts change because loan closing is delayed, (a) you shall pay additional amounts due at closing, or (b) your cash or check will be reduced to cover additional pay-outs.

PREPAYMENT. If you fully pay before final payment due date, the amount you owe will be reduced by unearned Finance Charge (but not Service Charge) determined by the "Rule of 78ths".

MATURITY. After the final payment due date stated on page one you will pay interest at the rate of 18% per year.

SECURITY. You agree to give us a security interest in the property identified on page one, which will secure all indebtedness, including future advances under this Agreement.

LATE CHARGE. If you don't pay any payment in 10 days after it's due, you will also pay 1 1/2% per month on the amount overdue (subject to a \$1.00 minimum charge).

BAD CHECK CHARGE. We will charge you a fee of \$20 if any payment check is returned because of insufficient funds or is otherwise dishonored. You agree that we may deduct this charge from a monthly payment.

FAILURE TO PAY. If you don't pay any payment on time or fail to keep any required insurance in force, (a) all your payments may become due at once and without notifying you before bringing suit, we may sue for the total amount you owe less any unearned Finance Charges you would receive if you fully prepaid, and (b) you will also pay our reasonable attorney fees, if the attorney is not our salaried employee, for legal proceedings to collect this loan or realize on security.

EXCHANGE OF INFORMATION. You understand that from time to time we may receive credit information concerning you from others, such as stores, other lenders, and credit reporting agencies. You authorize us to share any information, on a regular basis, we obtain related to your Account, including but not limited to credit reports and insurance information, with any of our affiliated corporations, subsidiaries or other third parties. The uses of this information may include an inquiry to determine if you qualify for additional offers of credit. You also authorize us to share any information regarding your Account with any of our affiliated corporations, subsidiaries or other third parties. You may prohibit the sharing of such information (except for the sharing of information about transactions or experiences between us and you) by sending a written request which contains your full name, Social Security Number and Address to us at P.O. Box 1547, Chesapeake, VA 23320.

If you fail to fulfill the terms of your credit obligation, a negative report reflecting on your credit record may be submitted to a Credit Reporting Agency. You agree that the Department of Motor Vehicles (or your state's equivalent of such department) may release your residence address to us, should it become necessary to locate you. You agree that our supervisory personnel may listen to telephone calls between you and our representatives in order to evaluate the quality of our service to you.

INSURANCE. Optional credit insurance and any required insurance disclosures are attached to this Agreement and are incorporated herein by reference.

ALTERNATIVE DISPUTE RESOLUTION AND OTHER RIDERS. The terms of the Arbitration Agreement and any other Riders signed as part of this loan transaction are incorporated into this Agreement by reference.

APPLICABLE LAW. The Pennsylvania Consumer Discount Company Act (CDCA), Title 7, Purdon's Pennsylvania Statutes, governs this loan.

NOTICE: THE FOLLOWING PAGE CONTAINS ADDITIONAL CONTRACT TERMS.

03-01-00 NRE

PAB75012



*F349257D2198CEA9000PAB750120**FIELDS

X ORIGINAL

LOAN REPAYMENT AND SECURITY AGREEMENT (Page 3 of 3)

YOU HAVE RECEIVED A COMPLETE
COPY OF THIS AGREEMENT AND THE
TRUTH-IN-LENDING DISCLOSURES.

BORROWERS:

John R. Fields (SEAL)

_____ (SEAL)

WITNESS:

Paul A. Greer (SEAL)



VERIFICATION

Dawn Richt, Recover Specialist for

BENEFICIAL CONSUMER DISCOUNT COMPANY

Deposes and says subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities, that the facts set forth in the forgoing Complaint are true and correct to the best of her knowledge, information and belief.

A handwritten signature of the name "Dawn Richt" in black ink. The signature is fluid and cursive, with the "D" and "R" being particularly prominent.

Dawn Richt

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101095
NO: 05-1958-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY
vs.
DEFENDANT: JOHN R. FIELDS

FILED
03:04 PM
MAR 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, January 17, 2006 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON JOHN R. FIELDS DEFENDANT AT 661 WEST LONG AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GEORGIA FIELDS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	CHROMULAK	10169	10.00
SHERIFF HAWKINS	CHROMULAK	10169	65.00
SHERIFF HAWKINS	"	11534	57.50

Sworn to Before Me This

So Answers,

Day of _____ 2006


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

Defendant's Address:
661 WEST LONG AVENUE
DUBOIS, PA 15801

Dated: MARCH 17, 2006

CIVIL DIVISION

No. 05-1958-CD

TYPE OF PLEADING:

Praecipe for Default Judgment

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER
DISCOUNT COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQUIRE
PA ID NO. 42067
LORI M. DIRENZO, ESQUIRE
PA ID NO. 201843
NANCY C. WILKINS, ESQUIRE
PA ID NO. 94178
JESSA C. MARTIN, ESQUIRE
PA ID NO. 201169

CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

(724) 916-2400

THIS IS AN ATTEMPT TO
COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

FILED *100-Notice to Def.
3/11/06* Statement to
MAR 20 2006 Atty
Atty pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts
GK

TO: PROTHONOTARY

Please enter judgment by default against the within-named defendant, **JOHN R. FIELDS**, for failure to file an Answer as follows:

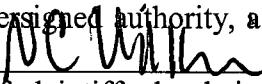
Amount Claimed in Complaint:	\$5,389.67
Interest from 10/28/05 through 3/17/06:	-0-
Costs of Collection through 3/17/06:	<u>637.50</u>
TOTAL	\$6,027.17

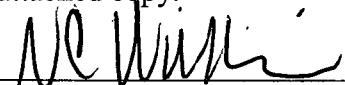
With interest accruing on the total balance of **\$6,027.17** at the rate of 6% per annum, together with additional costs of suit.

BY 
CATHY ANN CHROMULAK, ESQUIRE
LORI M. DIRENZO, ESQUIRE
NANCY C. WILKINS, ESQUIRE
JESSA C. MARTIN, ESQUIRE
Attorneys for Plaintiff

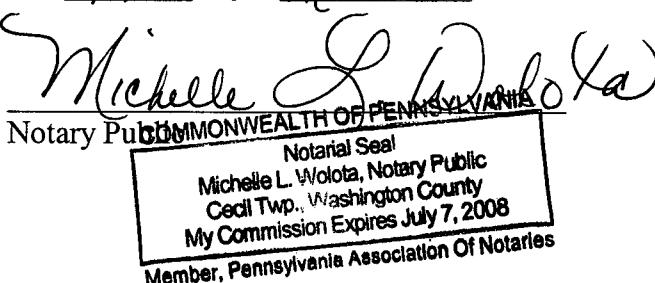
**AFFIDAVIT OF NON-MILITARY SERVICE
AND CERTIFICATION OF MAILING OF NOTICE OF
INTENT TO TAKE DEFAULT JUDGMENT**

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WASHINGTON)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared, , ESQUIRE, attorney for and authorized representative of plaintiff who, being duly sworn according to law, deposes and says that the defendant is not in the military service of the United States of America to the best of her knowledge, information and belief and certifies that the Notice of Intent to take Default Judgment was mailed to defendant on **FEBRUARY 21, 2006** by certificate of mailing in accordance with Pa.R.C.P. 237.1, as evidenced by the attached copy.


CATHY ANN CHROMULAK, ESQUIRE
LORI M. DIRENZO, ESQUIRE
NANCY C. WILKINS, ESQUIRE
JESSA C. MARTIN, ESQUIRE

Sworn to and subscribed before me
This 16 day of March, 2006.



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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

CIVIL DIVISION
No. 05-1958-CD

Plaintiff,
Vs.

JOHN R. FIELDS,
Defendant(s).

**TO: JOHN R. FIELDS
661 WEST LONG AVENUE
DUBOIS, PA 15801**

DATE OF NOTICE: FEBRUARY 21, 2006

IMPORTANT NOTICE

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 NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, EXT. 5982

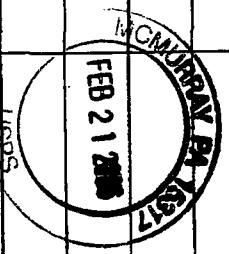
By:

Jessa Martin
CATHY ANN CHROMULAK, ESQ.
LORI M. DIRENZO, ESQ.
NANCY C. WILKINS, ESQ.
JESSA C. MARTIN, ESQ.
Attorneys for Plaintiff
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

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CHROMULAK & ASSOCIATES, L.L.C.

ATTORNEYS AT LAW
375 SOUTHPOINTE BLVD.
4TH FLOOR
CANONSBURG, PA 15317

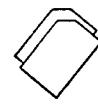
Line	Article Number	Name of Addressee, Street, and Post Office Address	Indicate type of mail				Check appropriate block for			Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due If
			<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Registered Mail:	<input type="checkbox"/> With Postal Insurance	<input type="checkbox"/> Int'l Recorded Del.	<input type="checkbox"/> Without Postal Insurance							
1		EUGENE C. CYPHERT 147 SOUTH PARK STREET, SYKESVILLE, PA 15865													
2		BERTHA M. CYPHERT 147 SOUTH PARK STREET, SYKESVILLE, PA 15865													
3		ANNE WIGGINS AKA ANNIE P. WIGGINS 6108 HEGGERMAN STREET, PHILADELPHIA, PA 19135													
4		KEVIN P. MCHUGH AKA KEVIN MCHUGH 2837 NORMANDY DRIVE, PHILADELPHIA, PA 19154													
5		JOHN R. FIELDS 661 WEST LONG AVENUE, DUBOIS, PA 15801													
6		RAYMOND A. DIMARTINO 3008 PEACOCK DRIVE NUMBER 20, AUDUBON, PA 19403													
7															
8															
9															
10															
11															
12															
13															
14															
15															
Total Number of Pieces Received at Post Office			Postmaster, Per (Name of Receiving Employee)				<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$200,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual REG, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.</p>								
<i>Sgt</i>			<i>Sgt</i>												

Form Must Be Completed by Typewriter, Ink, or Ball Point Pen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

CIVIL DIVISION



COPY

No. 05-1958-CD

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant.

NOTICE OF ORDER, DECREE OR JUDGMENT

**TO: JOHN R. FIELDS
661 WEST LONG AVENUE
DUBOIS, PA 15801**

Defendant

You are hereby notified that an Order, Decree or Judgment was entered in the above captioned proceeding on March 20, 2006.

A copy of the Order or Decree is enclosed, or

The judgment is as follows: \$6,027.17 plus interest at the rate of 6% per annum and additional costs of suit.

Deputy

**THIS IS AN ATTEMPT TO
COLLECT A DEBT AND ANY
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

CCSY

Beneficial Consumer Discount Company
Plaintiff(s)

No.: 2005-01958-CD

Real Debt: \$6,027.17

Atty's Comm: \$

Vs.

Costs: \$

John R. Fields
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 20, 2006

Expires: March 20, 2011

Certified from the record this 20th 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

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

Defendant's Address:
661 WEST LONG AVE.
DUBOIS, PA 15801

Garnishee's Address:
200 N. BRADY ST.
DUBOIS, PA 15801

Date: March 30, 2006

CIVIL DIVISION

No. 05-1958-CD

TYPE OF PLEADING:

PRAECLPICE FOR A WRIT OF
EXECUTION

FILED ON BEHALF OF:

BENEFICIAL CONSUMER DISCOUNT
COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067
NANCY C. WILKINS, ESQ.
PA ID NO. 94178
JESSA C. MARTIN, ESQ.
PA ID NO. 201169
AMY L. SABOLCHICK, ESQ.
PA ID NO. 94653

CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

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FILED 1cc & 6wnts
m 11:08 2006 to Shff
APR 03 2006 Atty pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

CIVIL DIVISION

No. 05-1958-CD

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

PRAECIPE FOR WRIT OF EXECUTION

TO: The Prothonotary

Please issue a Writ of Execution in the above matter,

1. directed to the Sheriff of CLEARFIELD County;
2. against JOHN R. FIELDS, defendant, and
3. against NATIONAL CITY BANK, garnishee,
4. and index this writ
 - a. against JOHN R. FIELDS, defendant, and
 - b. against NATIONAL CITY BANK, garnishee, and any property of the defendant in the name of Garnishee:

Said Writ of Execution is pursuant to all monies due defendant in any accounts, individual and joint, personal and business.

5. Amount of Judgment	\$6,027.17
Additional Interest to Date	\$ 10.00
(Costs to be added)	\$ _____

Pursuant to Writ of Execution
And Service of Writ

\$6,037.17
105.00 **Prothonotary costs**

Amy L. Sabolchick

CATHY ANN CHROMULAK, ESQ.
NANCY C. WILKINS, ESQ.
JESSA C. MARTIN, ESQ.
AMY L. SABOLCHICK, ESQ.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

NATIONAL CITY BANK,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

CIVIL DIVISION

No. 05-1958-CD

TYPE OF PLEADING:

Claim for Exemption

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER DISCOUNT
COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067

NANCY C. WILKINS, ESQ.
PA ID NO. 94178

JESSA C. MARTIN, ESQ.
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CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
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**THIS IS AN ATTEMPT TO
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**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

CIVIL DIVISION

No. 05-1958-CD

Vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

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 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 that may be applicable to you. Listed below is a summary of some of the major exemptions that may be applicable to you. If you have an exemption, you should do the following promptly:

1. Complete the claim form attached hereto, 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.

CLEARFIELD COUNTY LAWYER REFERRAL SERVICE
DAVID S. MEHOLIK
COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

CLAIM FOR EXEMPTION

TO THE SHERIFF:

We, the above-named Defendant(s), 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 of 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 or 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 for exemption):

I request a prompt Court Hearing to determine the exemption. Notice of the 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 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant: _____

Date: _____

Defendant: _____

THIS CLAIM TO BE FILED WITH:

CLEARFIELD COUNTY SHERIFF'S DEPARTMENT
P.O. BOX 549
CLEARFIELD, PA 16830
(814) 765-2641

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 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(s). 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

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

 COPY

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against defendant(s) JOHN R. FIELDS;

(1) You are directed to levy upon the property of the defendant(s) and to sell his, her (or their) interest therein;

(2) You are also directed to attach the property of the defendant not levied upon in the possession of NATIONAL CITY BANK as Garnishee(s) per the following property description:

and to notify the Garnishee(s) that

(a) an attachment has been issued;

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

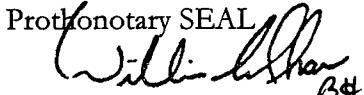
(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify them that they have been added as a garnishee and are enjoined as above stated.

COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ 125.00 Interest From: \$ 10.00

Sheriff: \$ TOTAL \$ 6,037.17
Plus costs as per endorsement hereon.

Prothonotary SEAL


B4

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101408
NO: 05-1958-CD
SERVICE # 1 OF 1
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY

vs.

DEFENDANT: JOHN R. FIELDS
TO: NATIONAL CITY BANK, Garnishee

SHERIFF RETURN

NOW, April 06, 2006 AT 11:10 AM SERVED THE WITHIN WRIT OF EXECUTION, INTERROGATORIES ON NATIONAL CITY BANK DEFENDANT AT 200 N. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PAM FARRELL, OFFICE MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, INTERROGATORIES AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / DAVIS

FILED

04/09/06
APR 07 2006
EM

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	CHROMULAK	11867	10.00
SHERIFF HAWKINS	CHROMULAK	11867	35.30

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
by Marilynn Hamer*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

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TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

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(1) You are directed to levy upon the property of the defendant(s) and to sell his, her (or their) interest therein;

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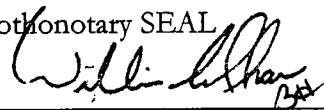
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COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ 125.00 Interest From: \$ 10.00

Sheriff: \$ TOTAL \$ 6,037.17
Plus costs as per endorsement hereon.

Recd 4-3-06 @ 3:30pm
Chester A. Haubus Steub
by Marly Hahn

Prothonotary SEAL

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

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Prothonotary: \$ 125.00 Interest From: \$ 10.00

Sheriff: \$ TOTAL \$ 6,037.17
Plus costs as per endorsement hereon.

Recd 4.3.06 @ 3:30pm

Chester A. Hawkins Sheriff
by Marilyn Ham

Prothonotary SEAL

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

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and to notify the Garnishee(s) that

(a) an attachment has been issued;

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Prothonotary: \$ 125.00 Interest From: \$ 10.00

Sheriff: \$ TOTAL \$ 6,037.17
Plus costs as per endorsement hereon.

Recd 4-3-06 @ 3:30pm

Chetra A Kaufman Sheriff
by Maryann Hamm

Prothonotary SEAL

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against defendant(s) JOHN R. FIELDS;

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and to notify the Garnishee(s) that

(a) an attachment has been issued;

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

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COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ 125.00 Interest From: \$ 10.00

Sheriff: \$ TOTAL \$ 6,037.17
Plus costs as per endorsement hereon.

Recd 4-3-06 @ 3:30 PM

Chester A. Hawker Sheriff
by Mandy Harn

Prothonotary SEA
Willie L. Hayes

Agent/Deputy

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

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

CIVIL DIVISION

No. 05-1958-CD

vs.

JOHN R. FIELDS,
661 WEST LONG AVE.
DUBOIS, PA 15801
XXX-XX-6582

Defendant,

and

NATIONAL CITY BANK

Garnishee.

TO: NATIONAL CITY BANK
200 N. BRADY ST.
DUBOIS, PA 15801

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.

INTERROGATORIES TO GARNISHEE

FIRST: At the time you were served or at any subsequent time did you owe the Defendant any money or were you liable to him/her on any negotiable or other written instrument, or did he/she claim that you owed him/her any money or that you were liable to him/her for any reason:

RESPONSE:

SECOND: If your response to the previous interrogatory was anything other than an unqualified negative, set forth the amount of the claim, and identify the written instrument, if any, that forms the basis of the claim.

RESPONSE:

**THIS IS AN ATTEMPT TO
COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.**

THIRD: At the time you were served or at any subsequent time, was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more persons any property of any nature owned solely or in part by the Defendant? The scope of this interrogatory encompasses, but is not restricted to, the contents of any bank account(s).

RESPONSE:

FOURTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

FIFTH: 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 in part by the Defendant (or in which Defendant held or claimed any interest).

RESPONSE:

SIXTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

SEVENTH: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which the Defendant had any interest?

RESPONSE:

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EIGHTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

NINTH: 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 direction or consent and, if so, what was the consideration therefore?

RESPONSE:

TENTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount, and state the date of the transfer and the name and address of the transferee(s).

RESPONSE:

ELEVENTH: At any time after you were served, did you pay, transfer or deliver any money or property of the Defendant or to any person or place pursuant to their direction or otherwise discharge any claim of the Defendant against you?

RESPONSE:

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TWELFTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, in the case of monetary assets, state the amount, and state the date of transfer and the name and address of the transferee(s).

RESPONSE:

Respectfully submitted,
CHROMULAK & ASSOCIATES, L.L.C.

DATE: 3-30-06

By: Amy L. Sabolchick
Cathy Ann Chromulak, Esq.
Nancy C. Wilkins, Esq.
Jessa C. Martin, Esq.
Amy L. Sabolchick, Esq.
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,
661 WEST LONG AVE.
DUBOIS, PA 15801
XXX-XX-6582

Defendant,

and

NATIONAL CITY BANK

Garnishee.

TO: NATIONAL CITY BANK
200 N. BRADY ST.
DUBOIS, PA 15801

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.

INTERROGATORIES TO GARNISHEE

FIRST: At the time you were served or at any subsequent time did you owe the Defendant any money or were you liable to him/her on any negotiable or other written instrument, or did he/she claim that you owed him/her any money or that you were liable to him/her for any reason:

RESPONSE: Checking account number 101636382 for John R. Fields.
Balance \$14.77. Account frozen on day writ received.

SECOND: If your response to the previous interrogatory was anything other than an unqualified negative, set forth the amount of the claim, and identify the written instrument, if any, that forms the basis of the claim.

RESPONSE: See #1

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CIVIL DIVISION

No. 05-1958-CD

when calling for information please
use the following number

4619580000

Answers

FILED
MAY 08 2006
William A. Shaw
Prothonotary/Clerk of Courts

THIRD: At the time you were served or at any subsequent time, was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more persons any property of any nature owned solely or in part by the Defendant? The scope of this interrogatory encompasses, but is not restricted to, the contents of any bank account(s).

RESPONSE: See #1

FOURTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

FIFTH: 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 in part by the Defendant (or in which Defendant) held or claimed any interest.

RESPONSE: See #1

SIXTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

SEVENTH: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which the Defendant had any interest?

RESPONSE: See #1

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EIGHTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

NINTH: 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 direction or consent and, if so, what was the consideration therefore?

RESPONSE: See #1

TENTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount, and state the date of the transfer and the name and address of the transferee(s).

RESPONSE:

ELEVENTH: At any time after you were served, did you pay, transfer or deliver any money or property of the Defendant or to any person or place pursuant to their direction or otherwise discharge any claim of the Defendant against you?

RESPONSE: See #1

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TWELFTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, in the case of monetary assets, state the amount, and state the date of transfer and the name and address of the transferee(s).

RESPONSE:

Respectfully submitted,
CHROMULAK & ASSOCIATES, L.L.C.

DATE: 3-30-06

By: Amy L. Sabolchick
Cathy Ann Chromulak, Esq.
Nancy C. Wilkins, Esq.
Jessa C. Martin, Esq.
Amy L. Sabolchick, Esq.
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

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BE USED FOR THAT PURPOSE.**

Verification

I verify that the statements made in these Answers to Interrogatories 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: April 26, 2006

Jeanie Lowe
Jeanie L. Lowe
Special Services Manager

Interrogatories submitted by:
Shirley Vore

Shirley Vore
Shirley Vore
Special Services Department

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

CIVIL DIVISION

No. 05-1958-CD

TYPE OF PLEADING:

Praeclipe to Discontinue
Against Garnishee ONLY

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER
DISCOUNT COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067

NANCY C. WILKINS, ESQ.
PA ID NO. 94178

JESSA C. MARTIN, ESQ.
PA ID NO. 201169

AMY L. SABOLCHICK, ESQ.
PA ID NO. 94653

CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

FILED ^{NOCC}
M 19 22 04
JUN 26 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

**THIS IS AN ATTEMPT TO
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INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

CIVIL DIVISION

No. 05-1958-CD

PRAECIPE TO DISCONTINUE AGAINST GARNISHEE ONLY

TO PROTHONOTARY:

Please discontinue this action against the above garnishee, NATIONAL CITY BANK
and mark the docket accordingly.

Respectfully submitted,

CHROMULAK & ASSOCIATES, L.L.C.

By: Jessa Martin
CATHY ANN CHROMULAK, ESQUIRE
NANCY C. WILKINS, ESQUIRE
JESSA C. MARTIN, ESQUIRE
AMY L. SABOLCHICK, ESQUIRE
Attorneys for Plaintiff
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

Sworn to and subscribed
Before me this 22 day
of June, 2006.

Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Michelle L. Wojota, Notary Public
Cecil Twp., Washington County
My Commission Expires July 7, 2008

Member, Pennsylvania Association Of Notaries

THIS IS AN ATTEMPT TO
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CERTIFICATE OF SERVICE

I, counsel for BENEFICIAL CONSUMER DISCOUNT COMPANY, hereby certify that a true and correct copy of the foregoing Praeclipe to Discontinue Against Garnishee Only was served upon the following by First Class Mail, postage prepaid on this 22ND day of JUNE, 2006.

NATIONAL CITY BANK
200 N. BRADY STREET
DUBOIS, PA 15801

JOHN R. FIELDS
661 WEST LONG AVE.
DUBOIS, PA 15801



Cathy Ann Chromulak, Esq.
Nancy C. Wilkins, Esq.
Jessa C. Martin, Esq.
Amy L. Sabolchick, Esq.

**THIS IS AN ATTEMPT TO
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

Defendant's Address:
661 WEST LONG AVE.
DUBOIS, PA 15801

Garnishee's Address:
200 N. BRADY ST.
DUBOIS, PA 15801

Date: August 13, 2007

CIVIL DIVISION

No. 05-1958-CD

FILED

AUG 16 2007

M 1 10:30/LLS
William A. Shaw
Prothonotary/Clerk of Courts
N O L E G E T E S P E C I E S
Issued 6 Writs
TO SHERIFF

TYPE OF PLEADING:

PRAECLPICE FOR A WRIT OF
EXECUTION

FILED ON BEHALF OF:

BENEFICIAL CONSUMER DISCOUNT
COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.

PA ID NO. 42067

MAUREEN A. DOWD, ESQ.

PA ID NO. 90549

CHRISTINE A. SAUNDERS, ESQ.

PA ID NO. 203373

BETH ARNOLD HOWELL, ESQ.

PA ID NO. 203606

CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard

4th Floor

Canonsburg, PA 15317

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

CIVIL DIVISION

No. 05-1958-CD

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

PRAECIPE FOR WRIT OF EXECUTION

TO: The Prothonotary

Please issue a Writ of Execution in the above matter,

1. directed to the Sheriff of CLEARFIELD County;
2. against JOHN R. FIELDS, defendant, and
3. against NATIONAL CITY BANK, garnishee,
4. and index this writ
 - a. against JOHN R. FIELDS, defendant, and
 - b. against NATIONAL CITY BANK, garnishee, and any property of the defendant in the name of Garnishee:

Said Writ of Execution is pursuant to all monies due defendant in any accounts, individual and joint, personal and business.

5.	Amount of Judgment	\$6,027.10
	Additional Interest to Date	\$ 511.00
	(Costs to be added)	\$ _____
	Pursuant to Writ of Execution And Service of Writ	\$6,538.17

THIS IS AN ATTEMPT TO
COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

Christine A. Saunders
CATHY ANN CHROMULAK, ESQ.
MAUREEN A. DOWD, ESQ.
CHRISTINE A. SAUNDERS, ESQ.
BETH ARNOLD HOWELL, ESQ.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against defendant(s) JOHN R. FIELDS;

(1) You are also directed to attach the property of the defendant not levied upon in the possession of NATIONAL CITY BANK as Garnishee(s) per the following property description:

and to notify the Garnishee(s) that

(a) an attachment has been issued;
(b) the garnishee(s) is/are enjoined from paying out any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.

(2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify them that they have been added as a garnishee and are enjoined as above stated.

COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ 145.00 Interest From: \$ 511.00

Sheriff: \$ TOTAL \$ 6,538.17
Plus costs as per endorsement hereon.

Prothonotary SEAL



8-16-07

Agent/Deputy

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

NATIONAL CITY BANK,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

CIVIL DIVISION

No. 05-1958-CD

TYPE OF PLEADING:

Claim for Exemption

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER DISCOUNT
COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067

MAUREEN A. DOWD, ESQ.
PA ID NO. 90549

CHRISTINE A. SAUNDERS, ESQ.
PA ID NO. 203373

BETH ARNOLD HOWELL, ESQ.
PA ID NO. 203606

CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

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INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

CIVIL DIVISION

No. 05-1958-CD

Vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

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 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 that may be applicable to you. Listed below is a summary of some of the major exemptions that may be applicable to you. If you have an exemption, you should do the following promptly:

1. Complete the claim form attached hereto, 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.

CLEARFIELD COUNTY LAWYER REFERRAL SERVICE
DAVID S. MEHOLIK
COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

CLAIM FOR EXEMPTION

TO THE SHERIFF:

We, the above-named Defendant(s), 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 of 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 or 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 for exemption):

I request a prompt Court Hearing to determine the exemption. Notice of the 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 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Defendant: _____

Date: _____
Defendant: _____

THIS CLAIM TO BE FILED WITH:

CLEARFIELD COUNTY SHERIFF'S DEPARTMENT
P.O. BOX 549
CLEARFIELD, PA 16830
814-765-2641

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 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(s). 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

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against defendant(s) JOHN R. FIELDS;

(1) You are also directed to attach the property of the defendant not levied upon in the possession of NATIONAL CITY BANK as Garnishee(s) per the following property description:

and to notify the Garnishee(s) that

(a) an attachment has been issued;
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(2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify them that they have been added as a garnishee and are enjoined as above stated.

COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ Interest From: \$ 511.00

Sheriff: \$ TOTAL \$ 6,538.17
Plus costs as per endorsement hereon.

Prothonotary SEAL

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103103
NO: 05-1958-CD
SERVICE # 1 OF 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY

vs.

DEFENDANT: JOHN R. FIELDS
TO: NATIONAL CITY BANK, Garnishee

SHERIFF RETURN

NOW, August 22, 2007 AT 9:45 AM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON NATIONAL CITY BANK, Garnishee DEFENDANT AT 200 N. BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PAM FARRELL, MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
07/30/07
AUG 23 2007
SJC

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	CHROMULAK	19247	10.00
SHERIFF HAWKINS	CHROMULAK	19247	38.43

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

*Chester A. Hawkins
by Marilyn A. Hawkins*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT COMPANY,

Plaintiff,

No. 05-1958-CD

vs.

JOHN R. FIELDS,

Defendant.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

TO THE SHERIFF OF CLEARFIELD, COUNTY, PENNSYLVANIA

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(2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify them that they have been added as a garnishee and are enjoined as above stated.

COSTS: Amount Due: \$ 6,027.17

Prothonotary: \$ 145.00 Interest From: \$ 511.00

Sheriff: \$ TOTAL \$ 6,538.17

Plus costs as per endorsement hereon.

Received this writ this 16 day
of Aug A.D. 2007
A.M. 3:00 P.M.

Chester A. Haupers
Sheriff By Marty Haupers

Prothonotary SEAL

Agent/Deputy

8-16-07

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE
DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY
AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED
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SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BENEFICIAL CONSUMER DISCOUNT
COMPANY,

Plaintiff,

CIVIL DIVISION

No. 05-1958-CD

vs.

JOHN R. FIELDS,
661 WEST LONG AVE.
DUBOIS, PA 15801

Defendant,

and

NATIONAL CITY BANK

Garnishee.

TO: NATIONAL CITY BANK
200 N. BRADY ST.
DUBOIS, PA 15801

FILED

SEP 19 2007

Pl/10-261
William A. Shaw

Prothonotary/Clerk of Courts

No c/l

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.

INTERROGATORIES TO GARNISHEE

FIRST: At the time you were served or at any subsequent time did you owe the Defendant any money or were you liable to him/her on any negotiable or other written instrument, or did he/she claim that you owed him/her any money or that you were liable to him/her for any reason:

RESPONSE:

The checking account 101636382 had a balance \$ -69.22
The account was frozen for the amount of wnt

SECOND: If your response to the previous interrogatory was anything other than an unqualified negative, set forth the amount of the claim, and identify the written instrument, if any, that forms the basis of the claim.

RESPONSE:

See #1

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THIRD: At the time you were served or at any subsequent time, was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more persons any property of any nature owned solely or in part by the Defendant? The scope of this interrogatory encompasses, but is not restricted to, the contents of any bank account(s).

RESPONSE:

see #1

FOURTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

see #1

FIFTH: 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 in part by the Defendant (or in which Defendant) held or claimed any interest.

RESPONSE:

see #1

SIXTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

see #1

SEVENTH: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which the Defendant had any interest?

RESPONSE:

No

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EIGHTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount.

RESPONSE:

See #2

NINTH: 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 direction or consent and, if so, what was the consideration therefore?

RESPONSE:

See #1

TENTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, and in the case of monetary assets, state the amount, and state the date of the transfer and the name and address of the transferee(s).

RESPONSE:

See #1

ELEVENTH: At any time after you were served, did you pay, transfer or deliver any money or property of the Defendant or to any person or place pursuant to their direction or otherwise discharge any claim of the Defendant against you?

RESPONSE:

See #1
The balance in the account is \$ - 75.22

TWELFTH: If your response to the previous interrogatory was anything other than an unqualified negative, identify the property, in the case of monetary assets, state the amount, and state the date of transfer and the name and address of the transferee(s).

RESPONSE:

See #1
They The account was charged \$6 service fee

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THIRTEENTH: 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 and the entity electronically depositing those funds on a recurring basis

RESPONSE:

See #1

FOURTEENTH: 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. Section 8123? If so, identify each account

RESPONSE:

See #1

Respectfully submitted,
CHROMULAK & ASSOCIATES, L.L.C.

DATE: 8-13-07

By: Christine A. Saunders
Cathy Ann Chromulak, Esq.
Maureen A. Dowd, Esq.
Christine A. Saunders, Esq.
Beth Arnold Howell, Esq.
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

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VERIFICATION

I verify that the statements made in these Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date 9/2/07

Layla S. Fronee

Attachment Team Leader

Interrogatories submitted by:

Elle Fronee

**Elle Fronee
Special Services Processor
National City Bank
4100 West 150th Street
Cleveland, Ohio 44135
216-257-5830**

Attachment Verification Specialist

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

vs.

JOHN R. FIELDS,

and

NATIONAL CITY BANK,

Plaintiff,

Defendant,

Garnishee.

Plaintiff's Address:
2700 Sanders Road
Prospect Heights, IL 60070

Defendant's Address:
661 WEST LONG AVENUE
DUBOIS, PA 15801

CIVIL DIVISION:

No. 05-1958-CD

TYPE OF PLEADING:

Praecipe to Discontinue
Against Garnishee ONLY

TYPE OF CASE:

Civil Action

FILED ON BEHALF OF:

BENEFICIAL CONSUMER
DISCOUNT COMPANY

COUNSEL OF RECORD:

CATHY ANN CHROMULAK, ESQ.
PA ID NO. 42067

MAUREEN A. DOWD, ESQ.
PA ID NO. 90549

BETH ARNOLD HOWELL, ESQ.
PA ID NO. 203606

CHRISTINE A. SAUNDERS, ESQ.
PA ID NO. 203373

FILED

OCT 01 2007

u/11:65/r
William A. Shaw
Prothonotary/Clerk of Courts

No. C-07-11-65

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CHROMULAK & ASSOCIATES, L.L.C.

375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317
(724) 916-2400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BENEFICIAL CONSUMER
DISCOUNT COMPANY,

Plaintiff,

vs.

JOHN R. FIELDS,

Defendant,

and

NATIONAL CITY BANK,

Garnishee.

CIVIL DIVISION:

No. 05-1958-CD

PRAECIPE TO DISCONTINUE AGAINST GARNISHEE ONLY

TO THE PROTHONOTARY:

Please discontinue this action against the above garnishee, NATIONAL CITY BANK, and mark the docket accordingly.

Respectfully submitted,

CHROMULAK & ASSOCIATES, L.L.C.

By: *Beth Arnold Howell*
CATHY ANN CHROMULAK, ESQ.
MAUREEN A. DOWD, ESQ.
BETH ARNOLD HOWELL, ESQ.
CHRISTINE A. SAUNDERS, ESQ.
Attorneys for Plaintiff
375 Southpointe Boulevard
4th Floor
Canonsburg, PA 15317

Sworn to and subscribed
Before me this 28th day
of September, 2007.

Heather L. Hatfield
Notary Public

**THIS IS AN ATTEMPT TO
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BE USED FOR THAT PURPOSE.**

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heather L. Hatfield, Notary Public
Cecil Twp., Washington County
My Commission Expires June 29, 2010

Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I, counsel for BENEFICIAL CONSUMER DISCOUNT COMPANY, hereby certify that a true and correct copy of the foregoing Praeclipe to Discontinue Against Garnishee Only was served upon the following by First Class Mail, postage prepaid on this 28th day of September , 2007.

NATIONAL CITY BANK
ELLE FORNEE
4100 WEST 150TH STREET
CLEVELAND, OH 44135

JOHN R. FIELDS
661 WEST LONG AVENUE
DUBOIS, PA 15801

Beth Arnold Howell
Cathy Ann Chromulak, Esq.
Maureen A. Dowd, Esq.
Beth Arnold Howell, Esq.
Christine A. Saunders, Esq.

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