

06-378-CD
LVNV Funding et al vs Dave E.
Martincheck

LVNV Funding et al vs Dave Martincheck
2006-378-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV FUNDING, LLC

No. 06-378-CD

ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
C/O WOLPOFF & ABRAMSON, L.L.P.
4660 TRINDLE ROAD, 3rd FLOOR
CAMP HILL, PA 17011

Plaintiff

Type of Case: Contract

Type of Pleading:

VS.

Filed on Behalf of: Plaintiff

DAVE P MARTINCHECK
8 N 5TH ST
CLEARFIELD PA 16830

Defendant(s)

Date: 3/7/06



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED 01/08/2006 AM
1/2:50 PM 1CC Atty
MAR 10 2006 1CCShtff

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC	:No.
ASSIGNEE OF SHERMAN ACQUISITION	:
ASSIGNEE OF PROVIDIAN FINANCIAL CORP	:
Plaintiff	:
VS	:CIVIL ACTION - LAW
DAVE P MARTINCHECK	:
Defendant(s)	:
	:
	:

NOTICE

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 or any other claim or relief requested by the Plaintiff. You may lose money or property 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 HELP. 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.

Clearfield County Courthouse
David S. Meholick, Court Administrator 230 East Market Street
Clearfield, PA 16830-
814-765-2641

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

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

:No.

VS
DAVE P MARTINCHECK
Defendant(s)

:CIVIL ACTION - LAW

AVIOS PARA DEFENDER

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender conta la demanda puestas en las siguientes paginas, usted tienen que tomar acción dentro veinte (20) dias después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado conta usted por la Corte sin mas aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELEFONO LA OFICINA FIJADA AQUI ABAJO. ESTA OFICINA PUEDE PROVEERE CON INFORMACION DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ESTA OFICINA PUEDE PROVEERE INFORMACION ACERCA AGENCIAS. QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE A UN HONORARIO REDUCIDO O GRATIS.

Clearfield County Courthouse
David S. Meholick, Court Administrator 230 East Market Street
Clearfield, PA 16830-
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC	:	
ASSIGNEE OF SHERMAN ACQUISITION	:	No.
ASSIGNEE OF PROVIDIAN FINANCIAL CORP	:	
Plaintiff	:	
VS	:	
DAVE P MARTINCHECK	:	CIVIL ACTION - LAW
Defendant(s)	:	
	:	

COMPLAINT

AND NOW, comes the Plaintiff, by and through its attorneys and the law firm of Wolpoff & Abramson, LLP, and files this Complaint and in support avers as follows:

1. Plaintiff, LVNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF PROVIDIAN FINANCIAL CORP , 15 South Main Street Greenville, SC 29601- is a business entity doing business within the Commonwealth of Pennsylvania and the other states of the United States.
2. Defendant, DAVE P MARTINCHECK, is an adult individual with a last known address of 8 N 5Th St Clearfield, Clearfield County, PA 16830.
3. It is averred that Defendant was issued an open end credit account (hereinafter "Account").
4. At all relevant times material hereto, Defendant has been regular users of said Account for the purchase of products, goods and/or for obtaining services.
5. Defendant was provided with copies of the Statement of Accounts showing all debits and credits for transactions on the aforementioned credit card account to which there was no bona fide objection by Defendant. A true and correct copy of the Statement of Account is attached hereto, incorporated herein and marked as Exhibit "A".

6. Defendant did not object to the above-mentioned statement submitted by Plaintiff and/or its assignors to Defendant.

7. As of the date of this Complaint, the remaining balance due, owing and unpaid on Defendant's credit card account as a result of the charges made by said Defendant and/or any authorized users is the sum of \$6,511.98.

8. Interest has accrued from the charge off date at a rate of 18 %.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$3,307.73.

10. As of the filing of this Complaint, Plaintiff has incurred reasonable attorney's fees from the law office of Wolpoff & Abramson, LLP in the collection of the amounts due from Defendant incident to the within action based upon 20% of the principal amount due and owing, and Plaintiff shall continue to incur such attorney's fees through the conclusion of the proceedings.

11. The amount of attorney's fees which has accrued is the sum of \$1,302.40.

12. Despite reasonable and repeated demands for payment, Defendant has refused and continues to refuse to pay all sums due and owing on the aforementioned account balance, all to the damage and detriment of the Plaintiff.

13. Plaintiff performed any and all conditions precedent to the bringing of this action.

14. The amount in controversy is within the jurisdictional amount requiring compulsory arbitration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant in the amount of \$6,511.98, plus interest in the amount of \$3,307.73, plus attorney's fees in the amount of \$1,302.40, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

Date: 3/7/04


Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

VERIFICATION

The undersigned hereby states that they are the attorney for the Plaintiff who is located outside of this jurisdiction and in order to file the within document in an expedient and timely manner, they are authorized to take this verification on behalf of said Plaintiff in the within action and verifies that the statements made in the foregoing Pleading are true and correct to the best of their knowledge, information, and belief, based upon information provided by the Plaintiff.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 3/7/08



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
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4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

Exhibit "A"

ACCT#4479471700468058 BAL 6511.98 C/O DT 10/31/03 LPYMT DT 04/28/03

NAME DAVE P MARTINCHECK

ADDR 8 N 5TH ST

CITY ST ZIP CLEARFIELD PA 16830

HMPH 8147654019 WKPH SSN XXX-XX-3875

*SFG-ACCTID *SFG-PORTF-ID*SFG-BATCH-ID*SFG-POOL *SFG-CARD-TYPE

87435832 3594 60306

*SFG-MERCHANT *SFG-ACCT-NO

PROVIDIAN FINANCIAL CORP 4479471700468058

*SFG-SSN *SFG-DOB *SFG-PREFIX*SFG-F-NAME

XXX-XX-3875 DAVE P

*SFG-L-NAME *SFG-SUFFIX

MARTINCHECK

*SFG-ADDR1

8 N 5TH ST

*SFG-ADDR2 *SFG-CITY *SFG-ST

CLEARFIELD PA

*SFG-ZIP *SFG-HOME-PH *SFG-WORK-PH *SFG-WIRELESS-PH

16830 8147654019

*SFG-OTHER-PH *SFG-POE

*SFG-POE-ADDR *SFG-CO-DEB-SSN*SFG-CO-DEB-DOB

XXX-XX-0000

*SFG-CO-DEB-PREFIX*SFG-CO-DEB-FRST-NAME

*SFG-CO-DEB-LST-NAME *SFG-CO-DEB-SUFFIX

*SFG-CO-DEB-ADDR

*SFG-CO-DEB-ADDR2 *SFG-CO-DEB-CITY

*SFG-CO-DEB-ST*SFG-CO-DEB-ZIP*SFG-CO-DEB-HM-PH *SFG-CO-DEB-WK-PH

*SFG-CO-DEB-WIRELESS-PH*SFG-CO-DEB-OTH-PH

*SFG-CO-DEB-POE

*SFG-CO-DEB-POE-ADDR1 *SFG-ORG-DT*SFG-ORG-AMT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101340
NO: 06-378-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC
vs.
DEFENDANT: DAVE P. MARTINCHECK

SHERIFF RETURN

NOW, March 20, 2006 AT 3:20 PM SERVED THE WITHIN COMPLAINT ON DAVE P. MARTINCHECK DEFENDANT AT 8 N. 5TH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHAD SCHWARTZ, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
03/22/06
APR 21 2006
LS

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WOLPOFF	11676	10.00
SHERIFF HAWKINS	WOLPOFF	11676	2.39

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

PRAECEIPE FOR JUDGMENT

Please enter Judgment in favor of Plaintiff and against Defendant(s), DAVE P MARTINCHECK , for want of ANSWER TO COMPLAINT.

(X)	Amount due	\$11,122.11
	Less credits	\$
	TOTAL	\$11,122.11, plus interst and costs

(X) I certify that the foregoing assessment of damages is for specified amounts alleged to be due in the complaint and is calculable as a sum certain from the complaint.

(X) Pursuant to Pa.R.C.P. 237 (Notice of Praeceipe for final judgment or decree), I certify that a copy of this praecipe has been mailed to each other party who has appeared in the action or to his/her Attorney of Record.

(X) Pursuant to Pa.R.C.P. 237.1, I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his/her Attorney of Record, if any, after the default occured and at least ten days prior to the date of the filing of this praecipe and a copy of the notice is attached.

Date: 5/14/06

Philip C Warholic

Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED Atty pd. 20.00
m/11/2006 ICC Notice
MAY 24 2006 to Def.

NOW, May 24, 2006, JUDGMENT IS ENTERED AS ABOVE.

William A. Shaw
Prothonotary/Clerk, Civil Division

Statement to
Prothonotary/Clerk of Courts

Atty
CR

By:

Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

CERTIFICATE OF RESIDENCE
PA. R.C.P. 236

I, hereby certify that the precise residence of Plaintiff is:

Lvnv Funding, Llc
15 South Main Street
Greenville SC 29601-

and certify that the last known address of the within Defendant(s) is:

Dave P Martincheck
8 N 5Th St
Clearfield PA 16830

Date: 5/14/06



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
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Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CUMBERLAND :

The undersigned counsel, being duly sworn according to law, depose and say that I am the Attorney for the Plaintiff in the above-captioned matter, and that to the best of my knowledge, information and belief Defendant, Dave P Martincheck, above-named, is over 21 years of age; is last known to reside at 8 N 5Th St Clearfield, County of Clearfield, Pennsylvania; is not in the military service of the United States or its Allies, or otherwise within the provisions of the Servicemembers Civil Relief Act and its Amendments.

Date: 5/14/06

Philip C Warholic

Amy F. Doyle #87062 / Daniel F. Wolfson #20617

Philip C. Warholic #86341 / Andrew C. Spears #87737

David R. Galloway #87326 / Tonilyn M. Chippie #87852

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WOLPOFF & ABRAMSON, L.L.P.

Attorneys in the Practice of Debt Collection

4660 Trindle Road, 3rd Floor

Camp Hill, PA 17011

Telephone: (717) 303-6700

Counsel for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Kimberly L. Eisenhauer, Notary Public
Hampden Twp., Cumberland County
My Commission Expires Nov. 17, 2009

Member, Pennsylvania Association of Notaries

SWORN and SUBSCRIBED to before me this 10 day of May, 2006

Kimberly L. Eisenhauer
Notary Public

W & A File No. 153225435

W&A File No. 153225435

MAIN OFFICE

**TWO IRVINGTON CENTRE
702 KING FARM BLVD., ROCKVILLE, MD 20850**

REGIONAL OFFICES

10605 JUDICIAL DR., BLDG. A-5, FAIRFAX, VA 22030
1108 E. MAIN ST., STE. 1003, RICHMOND, VA 23216
5122 GREENWICH RD., VIRGINIA BEACH, VA 23462
119 N. MARKET ST., STE. 1300, WILMINGTON, DE 19899
1 VALLEY BANK BLDG., BOX 1226, CLARKSBURG, WV 26302
1660 TRINDE ROAD, 3RD FLOOR, CAMP HILL, PA 17011
28632 ROADSIDE DR., STE. 265, AGOURA HILLS, CA 91301
39500 HIGH POINTE BLVD., STE. 250, NOVI, MI 48375
300 CANAL VIEW BLVD., ROCHESTER, NY 14623
3215 N. O'CONNOR BLVD., STE. 1060, LAS COLINAS, TX 75039
180 GLASTONBURY BLVD., GLASTONBURY, CT 06033
210 INTERSTATE NORTH PKWY., STE. 700, ATLANTA, GA 30339
301 CARLSON PKWY., STE. 303, MINNETONKA, MN 55435

**LAW OFFICES
WOLPOFF & ABRAMSON, L.L.P.**

*Attorneys in the Practice of Debt Collection
(A National Collection Attorney Network Firm)*

4660 TRINDE ROAD
3RD FLOOR
CAMP HILL, PA 17011

717-303-6700

OUTSIDE THE CAMP HILL LOCAL AREA
(TOLL FREE)

1-800-758-0675

FACSIMILE 717-737-9051

PLEASE DIRECT ALL INQUIRIES TO THE CAMP HILL OFFICE

May 04, 2006

NATIONAL COLLECTION ATTORNEY NETWORK

AFFILIATED FIRM LOCATIONS (NOT REGIONAL)

OFFICES OF WOLPOFF & ABRAMSON, L.L.P.*

BIRMINGHAM, ALABAMA
ANCHORAGE, ALASKA
PHOENIX, ARIZONA
CABOT, ARKANSAS
ENGLEWOOD, COLORADO
FT. LAUDERDALE, FLORIDA
HONOLULU, HAWAII
BOISE, IDAHO
CHICAGO, ILLINOIS
MERRILLVILLE, INDIANA
KANSAS CITY, KANSAS
LEXINGTON, KENTUCKY
METAIRIE, LOUISIANA
ST. LOUIS, MISSOURI
GREAT FALLS, MONTANA
OMAHA, NEBRASKA
LAS VEGAS, NEVADA
MANCHESTER, NEW HAMPSHIRE

CEDAR KNOLLS, NEW JERSEY
RALEIGH, NORTH CAROLINA
FARGO, NORTH DAKOTA
CLEVELAND, OHIO
OKLAHOMA CITY, OKLAHOMA
EUGENE, OREGON
PROVIDENCE, RHODE ISLAND
COLUMBIA, SOUTH CAROLINA
KNOXVILLE, TENNESSEE
SANDY, UTAH
MILWAUKEE, WISCONSIN
RAWLINS, WYOMING

* The National Collection
Attorney Network is an
affiliation of separate law firms

W&A Hours of Operation:
8 a.m.-5:30 p.m. ET M-F

**DAVE P MARTINCHECK
8 N 5TH ST
CLEARFIELD, PA 16830**

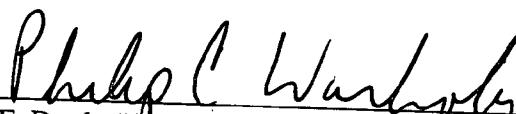
W&A File No. 153225435

**RE: LVNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
vs. DAVE P MARTINCHECK**

Dear Dave P Martincheck:

Enclosed herein please find a 10-Day Notice pursuant to Rule 237.1 of the Pennsylvania Rules of Civil Procedure.

Sincerely,



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

COPY

Enclosure

cc: Dave P Martincheck

This is an attempt by a debt collector to collect a debt and any information obtained will be used for that purpose

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

NO. 06-378-CD

vs.

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

TO: DAVE P MARTINCHECK
8 N 5TH ST
CLEARFIELD PA 16830

DATE OF NOTICE: May 04, 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE 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.

CLEARFIELD COUNTY COURTHOUSE
DAVID S. MEHOLICK, COURT ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD PA 16830-

Philip C. Warholic

Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
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Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW



CC:
L

DAVE P MARTINCHECK
Defendant(s)

NOTICE OF JUDGMENT

(x) Notice is hereby given that a Judgment in the above-captioned matter has been entered against you in the amount of \$11,122.11, plus interest, on May 24, 2006.

(x) A copy of all documents filed with the Prothonotary in support of the within judgment is/are attached.

By: Philip C. Warholic

If you have any questions regarding this Notice, please contact the filing party.

Date: 5/16/06

Philip C. Warholic

Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
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WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, 3rd Floor
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

This Notice is given in accordance with Pa.R.C.P. 236.)

NOTICE SENT TO: Dave P Martincheck
8 N 5Th St
Clearfield PA 16830

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

LVNV Funding, LLC
Sherman Acquisition
Providian Financial Corp.
Plaintiff(s)

No.: 2006-00378-CD

Real Debt: \$11,122.11

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

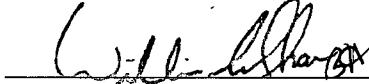
Dave P. Martincheck Entry: \$20.00
Defendant(s)

Instrument: Default Judgment

Date of Entry: May 24, 2006

Expires: May 24, 2011

Certified from the record this 24th day of May, 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

Dkt Pg. 101340

LVNV FUNDING, LLC

NO. 06-378-CD

VS

DAVE P. MARTINCHECK

COMPLAINT

AMENDED
SHERIFF'S RETURN

NOW June 1, 2006 filed Amended Return changing Sheriff Costs from **\$2.39 to \$20.39**

FILED

06/01/06
JUN 02 2006

William A. Shaw
Prothonotary/Clerk of Courts

SWORN TO BEFORE ME THIS
DAY OF _____

SO ANSWERS,

Chester A. Hawkins
By *Marilyn Harr*
CHESTER A. HAWKINS
SHERIFF

PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)
P.R.C.P. 3101 to 3149

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP

Plaintiff

vs.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DAVE P MARTINCHECK

Defendant(s)

JUDGMENT NO. 06-378-CD

PRAECIPE FOR WRIT OF EXECUTION
(MONEY JUDGMENT)

To the Prothonotary: Please issue the Writ of Execution in the above-captioned matter, in the amount of \$11,122.11.

- (1) Directed to the Sheriff of CLEARFIELD County, Pennsylvania;
(2) against, DAVE P MARTINCHECK , 8 N 5TH ST , CLEARFIELD, PA 16830 , Defendant (s);
(3) and against, COUNTY NATL BANK, 101 INDUSTRIAL PARK RD , CLEARFIELD, PA 16830 ,
Garnishee (s);
(4) and index this writ
(a) against, DAVE P MARTINCHECK , Defendant (s) and
(b) against, COUNTY NATL BANK, Garnishee (s),

as a lis pendens against the real property of the Defendant (s) in the name of the Garnishee (s) as follows:
(Specifically describe property) 8 N 5TH ST

CLEARFIELD, PA 16830

All personal property of any nature located within the household or immediate vicinity of the Defendant(s) address and all other personal property within the dominion and control of the Defendant(s) wherever it is located shall be subject to the levy.

ALSO: You are directed to attach the property of the Defendant (s) not levied upon in the possession of
COUNTY NATL BANK, 101 INDUSTRIAL PARK RD , CLEARFIELD, PA 16830
, Garnishee (s)

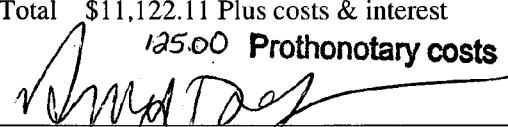
All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes.

Amount due	\$11,122.11
Interest from 5/24/2006	To Be Determined
At an interest rate of 6% per year	

Total \$11,122.11 Plus costs & interest

125.00 Prothonotary costs

Date: 3/22/07


Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / David R. Galloway #87326
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469
Robert N. Polas, Jr. #201259 / Bruce H. Cherkis #18837
Ronald S. Canter #94000 / Ronald M. Abramson #94266
Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED Atty Ad.
MAY 1 08 2007 20.00
MAR 26 2007 3ccw6
wants to
William A. Shaw Sheriff
Prothonotary/Clerk of Courts
(61)

PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)

P.R.C.P. 3101 to 3149

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

vs.

DAVE P MARTINCHECK
Defendant(s)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

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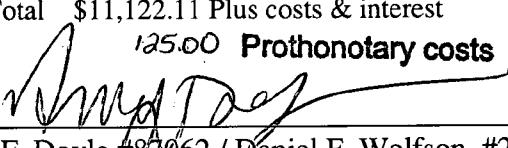
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At an interest rate of 6% per year

Total \$11,122.11 Plus costs & interest

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Date: 3/22/07


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Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED Atty pd.
m/11/08 3:01 20.00
MAR 26 2007 3ccw6
wants to
William A. Shaw Sheriff
Prothonotary/Clerk of Courts
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP

Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

INTERROGATORIES TO GARNISHEE IN AID OF EXECUTION

TO: COUNTY NATL BANK
101 INDUSTRIAL PARK RD
CLEARFIELD, PA 16830

PURSUANT TO RULE 3114 OF THE RULES OF CIVIL PROCEDURE, THE FOLLOWING
INTERROGATORIES HAVE BEEN SERVED UPON YOUR INSTITUTION. GARNISHEE IS HEREBY REQUIRED
TO ANSWER EACH OF THE FOLLOWING INTERROGATORIES SEPARATELY AND FULLY. PLEASE
COMPLETE THE FOLLOWING INTERROGATORIES TO ASSIST THE CREDITOR'S EFFORTS TO SATISFY
THE LAWFUL OBLIGATION OF THE ABOVE REFERENCED DEBTOR(S).

IMPORTANT NOTICES AND INSTRUCTIONS 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. The term "Defendant(s)" means the individual(s) or entity against whom the Writ of Execution was issued.
- C. "You" means the main office and all branch offices, representatives, employees, and agents of your organization.
- D. By service of the Writ of Execution upon you, all property of the Defendant(s) subject to attachment which is in your possession, custody or control is attached, including all property of the Defendant(s) which comes into your possession thereafter.
- E. These Interrogatories are considered to be continuing and therefore should be modified or supplemented as you receive further or additional information.
- F. Where exact information cannot be furnished, estimated information is to be supplied. When an estimate is to be used, it should be identified as such, and an explanation should be given as to the basis on which the estimate is made, and the reason the exact information cannot be furnished.
- G. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, and attorneys.

PLAINTIFF'S INTERROGATORIES TO GARNISHEE
DEFENDANT(S) - DAVE P MARTINCHECK

1. DEPOSITORY ACCOUNTS: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any checking, savings, lines of credit, certificate of deposit's or other depository accounts with your institution. If so, state the identification numbers of those accounts, and the amount or amounts the Defendant(s) has in each account. If the Defendant(s) maintains any of these jointly with any other person, or persons, give their name and address.

1A. DIRECT DEPOSIT ACCOUNTS: Are any of the accounts you have listed above direct deposit accounts? If yes, please state the identification numbers of those accounts.

2. SAFE DEPOSIT BOXES: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any safe deposit box or boxes. If so, include the identification number or other designation of the box or boxes. Include a full description of the contents and also the amount of cash among those contents. If the Defendant(s) maintains any of these jointly with any other person or persons give their full name and address.

3. PERSONAL PROPERTY: At the time you were served or at any subsequent time, state whether or not Defendant(s) owns any personal property that was in your possession and/or control. If so, include a full description of all personal property giving full value and present location. State also whether or not there are any encumbrances or liens holders, the present balance of the encumbrance. State where and when the encumbrances or liens was recorded. If the Defendant(s) owns any personal property jointly with any person or persons, give names and address.

4. OTHER ASSETS: At the time you were served or at any subsequent time, did you know of the existence of any other asset(s) of the Defendant(s) which are not disclosed in the preceding Interrogatories. If so, please set forth all details concerning those asset.

5. PROPERTY: At the time you were served or at any subsequent time, was there in your possession, custody, or control or in the joining possession, custody, or control of yourself and one or more other persons any property of any nature owned solely or in part by any Defendant(s)? If so, please describe for each Defendant each item of property including its value.

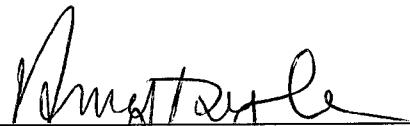
6. REAL PROPERTY: At the time you were served or at any subsequent time, did you hold legal, or equitable title to any property of any nature owned solely or in part by the Defendant(s) or in which and Defendant(s) held or claimed any interest? If so, describe for each Defendant each item of property including its value and the interest held by the Defendant(s).

7. PROPERTY HELD AS A FIDUCIARY: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which any Defendant(s) had an interest? If so, please describe for each Defendant(s) the nature of the property including its value and the interest of Defendant(s).

8. TRANSFER OF PROPERTY: At any time before or after you were served, did any Defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent? If so, for each Defendant(s) describe the property transferred or delivered including the dates of delivery or transfer and state the consideration paid.

9. FEES OUTSTANDING TO GARNISHEE: Are there any attorneys fees or processing fees charged by you against the Defendant(s) or account(s) of the Defendant(s) for the completion of this Answer. If yes, outline the exact amount of any fees due and owing to the garnishee or the attorney for the garnishee for the preparation of the Answer.

Date: 3/22/07


Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / David R. Galloway #87326
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469
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Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

LVNV Funding LLC, Assignee of
Sherman Acquisition, Assignee of
Providian Financial Corp.

Vs.

NO.: 2006-00378-CD

COPY

Dave P. Martincheck

County National Bank
Garnishee

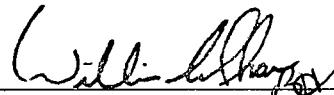
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due LVNV FUNDING LLC, Assignee of SHERMAN ACQUISITION, Assignee of PROVIDIAN FINANCIAL CORP., Plaintiff(s) from DAVE P. MARTINCHECK, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
County National Bank
Garnishee(s) as follows: ALL ACCOUNTS INCLUDING BUT NOT LIMITED TO ALL SAVINGS, CHECKING AND OTHER ACCOUNTS, CERTIFICATES OF DEPOSIT, NOTES RECEIVABLES, COLLATERAL, PLEDGES, DOCUMENTS OF TITLE, SECURITIES, COUPONS AND SAFE DEPOSIT BOXES
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying 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(s) 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/her that he/she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental 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 Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL: \$11,122.11
INTEREST from 5/24/2006
at an interest rate of 6% per year: To Be Determined
ATTY'S COMM: \$
DATE: 03/26/2007

PROTHONOTARY'S COSTS PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw

Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Amy F. Doyle, Esq.
4660 Trindle Road, Ste. 300
Camp Hill, PA 17011
(717) 303-6700

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF PROVIDIAN FINANCIAL CORP
Plaintiff

No. 06-378-CD

VS

CIVIL ACTION - LAW

DAVE P MARTINCHECK
Defendant(s)

PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION

To the Prothonotary:

Kindly mark the attachment against the Garnishee, COUNTY NATL BANK, discontinued, upon payment of your costs only.

Respectfully Submitted,

Date: 3/2/07


Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / David R. Galloway #87326
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Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED pd \$7.00 Atty
MAY 2 2007 2:30pm 2cc to Amy
MAY 09 2007 1cc to CNB
(envelope enclosed)
JN
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20560
NO: 06-378-CD

PLAINTIFF: LNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF PROVIDIAN FINANCIAL CORP.

VS.

DEFENDANT: DAVE P. MARTINCHECK

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 3/26/2007

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/10/2012

S FILED
090089
JAN 10 2012
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED DAVE P. MARTINCHECK

DEPUTIES UNABLE TO SERVE OR LEVY DAVE P. MARTINCHECK, DEFENDANT, THE HOUSE AT 8 NORTH 5TH STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA IS EMPTY.

4/4/2007 @ 9:49 AM SERVED COUNTY NATIONAL BANK

SERVED COUNTY NATIONAL BANK, GARNISHEE, BY HANDING TO COLLEEN RUMERY, HEAD TELLER OF COUNTY NATIONAL BANK, AT HER PLACE OF EMPLOYMENT COUNTY NATIONAL BANK, 101 INDUSTRIAL PARK ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

@ SERVED

NOW, JANUARY 10, 2012 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20560

NO: 06-378-CD

PLAINTIFF: LNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF PROVIDIAN FINANCIAL CORP.

vs.

DEFENDANT: DAVE P. MARTINCHECK

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$37.64

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

*Chester A. Hawkins
by Cynthia Bitter-Angelcik*
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

LVNV Funding LLC, Assignee of
Sherman Acquisition, Assignee of
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Vs.

NO.: 2006-00378-CD

Dave P. Martincheck

County National Bank
Garnishee

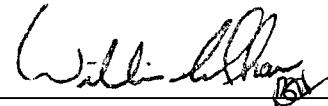
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INTEREST from 5/24/2006
at an interest rate of 6% per year: To Be Determined
ATTY'S COMM: \$
DATE: 03/26/2007

PROTHONOTARY'S COSTS PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 26th day
of March A.D. 2007
At 3:00 A.M./P.M.

Chester A. Henklein
Sheriff by Amy F. Doyle, Esq.

Requesting Party: Amy F. Doyle, Esq.
4660 Trindle Road, Ste. 300
Camp Hill, PA 17011
(717) 303-6700

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME DAVE P. MARTINCHECK

NO. 06-378-CD

NOW, January 09, 2012, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Dave P. Martincheck to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	9.00
MILEAGE LEVY	2.00
MILEAGE POSTING	
HANDBILLS	
COMMISSION	0.00
POSTAGE HANDBILLS	0.64
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	2.00
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	10.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$37.64

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	11,122.11
INTEREST @ 1.8300 %	825.33
FROM 05/24/2006 TO 08/18/2007	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	30.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$12,140.08

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
SHERIFF COSTS	37.64
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$162.64
TOTAL COSTS	\$12,140.08

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff