

06-803-CD
Atlantic Credit vs Edward Kephart

2006-803-CD
Atlantic Credit et al vs Edward Kephart

2023799

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

FILED *Attypd. 8500*
MAY 22 2006
WMS/icc Shff

William A. Shaw
Prothonotary/Clerk of Courts

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
Roanoke VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

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 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 JUDGEMENT 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, 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

3. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

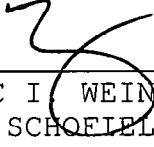
4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$8,808.24.

5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$8,808.24 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$8,808.24 at the rate of 0% from the date of May 9, 2003,

together with costs and attorney fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01E

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

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

FREDERIC I. WEINBERG, ESQUIRE

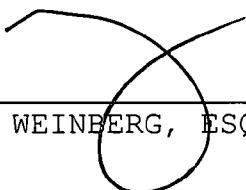


EXHIBIT "A"

2023799

ATLANTIC CREDIT & FINANCE INC. Successor
In Interest to Metris

EDWARD KEPHART
5410584658013889

AFFIDAVIT

I, HEATHER CLARY, being duly served sworn according to law, depose and say that:

1. I am the agent for the Plaintiff herein and I have custody and control of the files relating to this account;

2. I have personal knowledge of the facts and circumstances in connection with this case;

3. Plaintiff's files are maintained in the usual and ordinary course of business;

4. This action is based on a claim for breach of contract and that damages are sought as a direct result of said breach;

5. After allowing for all offsets and credits, a balance remains on the subject account having account number 5410584658013889 in the amount of \$8,808.24; and

6. If called upon, affiant can testify at trial as to the facts pertaining to this matter.

The above facts are true and correct to the best of my knowledge, information and belief.

Heather Clary

HEATHER CLARY, Assistant Director of Forwarding
Atlantic Credit & Finance, Inc.

Sworn to and Subscribed

before me this 31st day

of January, 2005

GPB
Notary Public

2023799

1

DIRECT MERCHANTS CREDIT CARD BANK
LAST STATEMENT DETAILS

ACCOUNT# 5410584658013889

KEPHART, EDWARD
1672 NAULTON RD
CURWENSVILLE, PA 168337225

DATE OF LAST STATEMENT	30NOV2003	LAST STATEMENT BALANCE	\$8,808.24
DATE OF PREVIOUS STATEMENT	07OCT2003	PREVIOUS STATEMENT BALANCE	\$8,593.90
LAST STATEMENT FEES	= \$0.00	FEE BALANCE	= \$1,831.11
CREDIT LINE	= \$7,800.00	MERCHANT BALANCE	= \$6,764.07
AVAILABLE BALANCE	= NONE	CASH BALANCE	= \$213.06

TRANSACTION	AMOUNT	TRANS. DATE	POSTED DATE	TYPE
CHARGE OFF TOTAL ACCT	\$8,808.24	30NOV2003	30NOV2003	CHARGE OFF
<p>MERCHANDISE APR : 29.99% CASH APR : 29.99%</p> <p>ACCOUNT# : 5410584658013889 LAST STATEMENT BALANCE : \$8,808.24 OVER LIMIT AMOUNT : \$1,008.24</p>				

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101563
NO. 06-803-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: EDWARD KEPHART

SHERIFF RETURN

NOW, May 24, 2006 AT 11:33 AM SERVED THE WITHIN COMPLAINT ON EDWARD KEPHART DEFENDANT AT 1672 NAULTON ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EDWARD KEPHART, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
6/2/2006
JUN 15 2006
WM

William A. Shaw
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	19586	10.00
SHERIFF HAWKINS	GORDON	19586	23.34

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marlyn F. Hamer
Chester A. Hawkins
Sheriff

GORDON & WEINBERG, P.C.
 BY: FREDERIC I. WEINBERG, ESQUIRE
 Identification No.: 41360
 PAUL M. SCHOFIELD, JR., ESQUIRE
 Identification No.: 81894
 21 SOUTH 21ST STREET
 PHILADELPHIA, PA 19103
 215/988-9600

ATLANTIC CREDIT & FINANCE INC.
 Successor In Interest to Metris

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

NOTICE

PURSUANT TO RULE 236 OF THE SUPREME COURT OF PENNSYLVANIA, YOU ARE
 HEREBY NOTIFIED THAT A JUDGMENT BY DEFAULT HAS BEEN ENTERED AGAINST
 YOU IN THE ABOVE PROCEEDING IN THE AMOUNT OF \$8,808.24. IF YOU HAVE
 ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL GORDON & WEINBERG,
 P.C. AT 215/988-9600.

GORDON & WEINBERG, P.C.

BY: _____
 FREDERIC I. WEINBERG, ESQUIRE
 PAUL M. SCHOFIELD, JR., ESQUIRE
 Attorney for Plaintiff

Dated: July 6, 2006

FILED
 JUL 17 2006 Atty pd. 20.00
 m 10:56 AM
 Statement to
 William A. Shaw
 Prothonotary/Clerk of Courts
 to Def.
 ICC Notice
 (6P)

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

PRAECIPE FOR JUDGMENT

The Prothonotary will please enter Judgment in the above matter by default for want of an answer against the Defendant, EDWARD KEPHART, and assesses the damages as per statement below.

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Principal	\$8,808.24
Interest from November 30, 2003	
@0%	\$.00
Total:	\$8,808.24

I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the parties against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe.

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Filed:
By the Prothonotary:

AND NOW, this 17th day of July, 2006 Judgment is entered in favor of the plaintiff(s) and against defendant, for want of an answer and damages assessed at the sum of , \$8,808.24 as per the above certification.

Prothonotary



GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

CERTIFICATION OF ADDRESS

I hereby certify that the precise residence of the holder of the
within judgment is; ATLANTIC CREDIT & FINANCE INC. Successor In
Interest to Metris and that the last known address of defendant,
EDWARD KEPHART, 1672 NAULTON RD, CURWENSVILLE PA 16833-7225.

GORDON & WEINBERG, P.C.

BY: _____
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

AFFIDAVIT OF NON-MILITARY SERVICE

FREDERIC I. WEINBERG, ESQUIRE, being duly sworn according to law, deposes and says that he represents the plaintiff in the above-entitled case; that he is authorized to make this affidavit on behalf of the plaintiff; and that the above-named defendant is over twenty-one years of age; that the address of the defendant is, 1672 NAULTON RD, CURWENSVILLE PA 16833-7225; that the occupation of the defendant is unknown; and that the defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

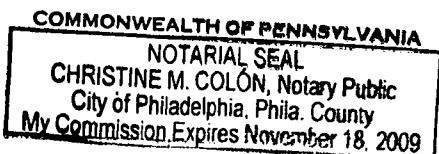
Sworn to and Subscribed

Before me this *10th* Day

of July, 2006.
Christine M. Colon
Notary Public



FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR. ESQUIRE
Attorney for Plaintiff



2023799

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

NOTICE OF INTENTION TO TAKE DEFAULT

TO/ PARA :
EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

DATE OF NOTICE/FECHA DEL AVISO: June 22, 2006

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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.

..... David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY: _____

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Atlantic Credit & Finance, Inc. Metris

Vs.

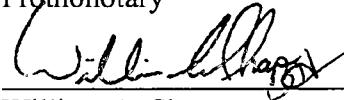
No. 2006-00803-CD

Edward Kephart

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$8,808.24 on July 17, 2006.

William A. Shaw
Prothonotary



William A. Shaw

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

Atlantic Credit & Finance, Inc.

Metris

Plaintiff(s)

No.: 2006-00803-CD

Real Debt: \$8,808.24

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Edward Kephart

Entry: \$20.00

Defendant(s)

Instrument: Default Judgment

Date of Entry: July 17, 2006

Expires: July 17, 2011

Certified from the record this 17th day of July, 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

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
Roanoke VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

and
CNB Bank
221 E. Cherry St
Clearfield, PA 16830
GARNISHEE

PRAECIPE FOR WRIT OF EXECUTION

FILED *Atty pd.
m/10/2008 \$20.00*
MAY 19 2008 CCA Atty

William A. Shaw CCA & 6 wnts
Prothonotary/Clerk of Courts to Sheriff

GP

TO THE PROTHONOTARY:

Issue writ of execution in the above matter,
directed to the Sheriff of Clearfield County;

(1) against

EDWARD KEPHART

defendant(s) and

(2) against

CNB Bank

garnishee(s)

(3) AMOUNT DUE

\$8,808.24

INTEREST

from July 17, 2006

\$926.57

COSTS

Prothonotary fee

\$20.00

Sheriff fee

\$100.00

TOTAL

\$9,854.81

\$105.00 Add'l Prothonotary costs

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
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ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
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COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

and

CNB Bank
221 E. Cherry St
Clearfield, PA 16830
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. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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

You should come to court ready to explain your exemption. If you do not come to court 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, 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.

David S. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
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1001 E. Hector Street, Ste 220
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ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
Roanoke VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225
and
CNB Bank
221 E. Cherry St
Clearfield, PA 16830
GARNISHEE

CLAIM FOR EXEMPTION

TO THE SHERIFF:

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

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300.00 statutory exemption be

[] (i) set aside in kind (specify property to be set aside in kind):

[] (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption):

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) My \$300.00 statutory exemption: [] in cash; [] in

kind (specify property)

(b) Social Security benefits on deposit in the amount of \$_____

(c) Other (specify amount and basis of exemption):

I request a prompt Court hearing to determine the exemption.

Notice of the hearing should be given to me at: (include address and telephone)

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

DATE: _____ Defendant: _____

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

Sheriff of Clearfield County
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 a separate direction to the sheriff. Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided. Under paragraph (3) of the writ, the sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

and

CNB Bank
221 E. Cherry St
Clearfield, PA 16830
GARNISHEE

INTERROGATORIES IN ATTACHMENT

TO: CNB Bank - GARNISHEE

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.

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reason?
2. 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 other persons any property of any nature owned solely or in part by the defendant.
3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which defendant held or claimed any interest.

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant(s) had an interest?
5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and what was the consideration thereof?
6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant(s) or to any person or place pursuant to his(her, their) direction or otherwise discharge any claim of the defendant(s) against you?
7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.
8. If you are a bank or other financial institution, at the time you were served or any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. §8123? If so, identify each account.
9. How much is the value of any property in your possession belonging to the defendant(s)?

1

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

DATED: 5/13/08

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

OPY

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
Roanoke VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

and

CNB Bank
221 E. Cherry St
Clearfield, PA 16830
GARNISHEE

Commonwealth of Pennsylvania)
County of CLEARFIELD)

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

EDWARD KEPHART

defendant(s)

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's('s) interest therein:
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of

CNB Bank
221 E. Cherry St
Clearfield, PA 16830- **GARNISHEE**

(specifically describe property)

and to notify the garnishee(s) that

(a) an attachment has been issued;

(b) except as provided in paragraph (c) the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include funds in an account of the defendant with a bank or other financial institution.

(i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or

(ii) that total \$300.00 or less. If multiple accounts are attached, a total of \$300.00 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42Pa.C.S. §8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify (him) such other person that he or she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE	\$8,808.24
INTEREST	
from July 17, 2006	\$926.57
COSTS	
Prothonotary fee	\$20.00
Sheriff fee	<u>\$100.00</u>
 TOTAL	\$9,854.81
	+\$105.00 Add'l Prothonotary costs

Prothonotary

BY:



Clerk

DATE:

May 19, 2008

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.

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to Metris
3353 ORANGE AVENUE
Roanoke VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART
1672 NAULTON RD
CURWENSVILLE PA 16833-7225

and

CNB Bank
221 E. Cherry St
Clearfield, PA 16830
GARNISHEE

WRIT OF EXECUTION

(3) AMOUNT DUE	\$8,808.24	
INTEREST		
from July 17, 2006	\$926.57	
COSTS		
Prothonotary fee	\$20.00	
Sheriff fee	<u>\$100.00</u>	
 TOTAL	\$9,854.81	
	<u>\$105.00</u>	Prothonotary costs
FREDERIC I. WEINBERG, ESQUIRE &		
JOEL M. FLINK, ESQUIRE		
1001 E. Hector Street, Ste 220		
Conshohocken, PA 19428		
484/351-0500		

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 06-803-CD

ATLANTIC CREDIT & FINANCE INC., successor
vs
EDWARD KEPHART
TO: CNB BANK, Garnishee

SERVICE # 1 OF 1

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE

SERVE BY: 05/30/2008 ASAP HEARING: PAGE: 104186

DEFENDANT: CNB BANK, Garnishee
ADDRESS: 221 E. CHERRY ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

FILED
03:35PM
MAY 30 2008
William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 30th May 2008 AT 9:23 AM/ PM SERVED THE WITHIN

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON CNB BANK, Garnishee DEFENDANT
BY HANDING TO Bonnie Gardo, MGR

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

ADDRESS SERVED 221 E Cherry St CLFD

NOW _____ AT _____ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE FOR CNB BANK, Garnishee

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO CNB BANK, Garnishee

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

George F. DeHaven
Deputy Signature

George F. DeHaven
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104186
NO: 06-803-CD
SERVICES 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC., successor

vs.

DEFENDANT: EDWARD KEPHART
TO: CNB BANK, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	053268	10.00
SHERIFF HAWKINS	GORDON	053268	20.00

FILED
072:4851
JUN 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

GORDON & WEINBERG, P.C.
 BY: FREDERIC I. WEINBERG, ESQUIRE
 Identification No.: 41360
 JOEL M. FLINK, ESQUIRE
 Identification No.: 41200
 1001 E. Hector Street, Ste 220
 Conshohocken, PA 19428
 484/351-0500

FILED

JUN 20 2008
 112:50 AM
 William A. Shaw
 Prothonotary/Clerk of Courts
 2 CPM T
 ATTY

ATLANTIC CREDIT & FINANCE INC.
 Successor In Interest to
 Metris

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

and

CNB Bank
 Garnishee

PRAECIPE TO DISSOLVE ATTACHMENT

TO THE PROTHONOTARY:

Kindly dissolve the attachment of the defendant's bank
 account with CNB Bank, as Garnishee in the above entitled matter.

GORDON & WEINBERG, P.C.

BY:

[Signature]
 FREDERIC I. WEINBERG, ESQUIRE
 JOEL M. FLINK, ESQUIRE
 Attorney for Plaintiff

2023799

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 81894
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED
M 19:09 AM
FEB 09 2009
cc

William A. Shaw
Prothonotary/Clerk of Courts

ATLANTIC CREDIT & FINANCE INC.
Successor In Interest to
Metris

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-803-CD

EDWARD KEPHART

SUGGESTION OF BANKRUPTCY OF DEFENDANT

TO THE PROTHONOTARY:

AND NOW, this January 27, 2009, it is suggested of record that Defendant, EDWARD KEPHART, filed a petition in bankruptcy under Chapter 7 of the Bankruptcy Code on or about April 9, 2007, in the United States Bankruptcy Court for the Western District of Pennsylvania, docket number 07-70379. Therefore, this matter should be stayed until further notice.

GORDON & WEINBERG, P.C.

BY: *[Signature]*

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff