

06-862-CD

Discover Bank vs S. Wallingford

Discover Bank vs Steven Wallingford  
2006-862-CD

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

DISCOVER BANK

Plaintiff

No: 06-862-CD

vs.

COMPLAINT IN CIVIL ACTION

STEVEN M WALLINGFORD

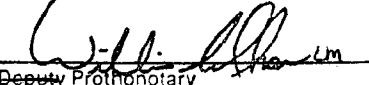
Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05184057 C A Pit WLG

10-30-2006 Document  
Reinstated/Received to ~~Sheriff~~/Attorney  
for service.

  
Deputy Prothonotary

FILED /cc Shff  
MAY 30 2006 Atty pd 85.00  


William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff  
vs. Civil Action No

STEVEN M WALLINGFORD

Defendant

COMPLAINT AND NOTICE TO DEFEND

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

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

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

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

2/2/2023  
2/2/2023

COMPLAINT

1. Plaintiff, is a corporation with offices at 3311 MILL MEADOW DR.  
HILLIARD , OH 43026 .

2. Defendant is adult individual(s) residing at the address listed  
below:

STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

3. Defendant applied for and received a credit card issued by  
Plaintiff bearing the account number 6011000650651221 . A copy of  
Plaintiff's Statement of Account is attached hereto, marked as Exhibit  
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance  
due and owing to Plaintiff, as of May 19, 2006 , in the amount of  
\$1511.88 .

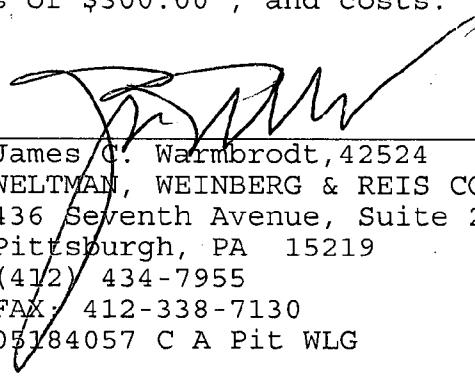
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides  
that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$300.00 .

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

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , STEVEN M WALLINGFORD , INDIVIDUALLY , in the amount of \$1511.88 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$300.00 , and costs.

  
James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05184057 C A Pit WLG

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

fees.

April 5, 2006

Please make check payable to Discover Card.  
Minimum payment due includes a past due amount of  
\$108.00.

06 SDSN6A01 0005353  
STEVEN WALLINGFORD  
76 DANNYS RD  
PENFIELD PA 15849-3022

5184057 Schedule payments in advance up to  
your due date! Find out about our flexible  
and convenient online payment features.  
Visit [Discovercard.com/payments](http://Discovercard.com/payments)

PO BOX 15251   
WILMINGTON DE 19886-5251  


Address or telephone change? Please print change in the space above,  
or go to [Discovercard.com](http://Discovercard.com).

000006011000650651221015118800000000013900

**Discover Card Account Summary**

account number	6011 0006 5065 1221
payment due date	April 5, 2006
minimum payment due	\$139.00
credit limit	\$2,000.00
credit available	\$488.00
cash credit limit	\$1,000.00
cash credit available	\$0.00

**Closing Date: March 6, 2006**

page 1 of 1

previous balance	\$ 1,460.31
payments and credits	- 0.00
purchases	+ 29.00
cash advances	+ 0.00
balance transfers	+ 0.00
<b>FINANCE CHARGES</b>	+ 22.57
<b>new balance</b>	= \$ 1,511.88

You may be able to avoid Periodic Finance Charges, see  
the reverse side for details.

**EXHIBIT**

"A"

**Cashback Bonus®**

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
<b>Cashback Bonus Balance Available to Redeem</b>	<b>\$ 0.00</b>
	<b>\$ 0.00</b>

Cashback Bonus® Anniversary  
Date: March 6

**Transactions**

	trans. date	post date		
Other/Miscellaneous	Mar 6	Mar 6	LATE FEE	\$ 29.00

\*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\*  
Your account is seriously past due. Payment of the amount due and arrangements for future payments should be  
made immediately.

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 28 days						
Purchases	\$1471.17	0.05477%	19.99% F	19.99%	\$22.57	none
Cash Advances	\$0	0.05751%	20.99% F	20.99%	\$0	\$0

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

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Robert Adkins  
Accounts Manager (Name)  
(Title) of Discover Financial Services, LLC., plaintiff herein, that  
(Company)

he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

Robert Adkins  
(Signature)

WWR # 5184057  
STEVEN M WALLINGFORD  
6011000650651221

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **101593**

DISCOVER BANK

Case # **06-862-CD**

VS.

STEVEN M. WALLINGFORD

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW July 11, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO STEVEN M. WALLINGFORD, DEFENDANT. ATTEMPTED NOT HOME.

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8330019	10.00
SHERIFF HAWKINS	WELTMAN	8330019	56.72

Sworn to Before me This

\_\_\_\_ Day of 2006

So Answers,

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

**FILED**  
07/12/2006  
JUL 12 2006  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

No: 06-862-CD

vs.

COMPLAINT IN CIVIL ACTION

STEVEN M WALLINGFORD

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05184057 C A Pit WLG

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

MAY 30 2006

Attest.

*William A. Clark*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff

No: 06-862-CD

vs.

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FILED ON BEHALF OF  
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*William L. Blair*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff  
vs. Civil Action No

STEVEN M WALLINGFORD

Defendant

COMPLAINT AND NOTICE TO DEFEND

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

RE: KYY

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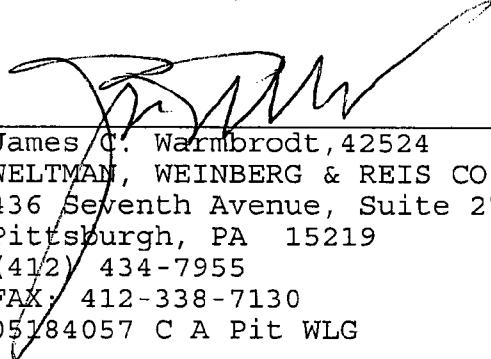
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Cashback Bonus® Anniversary  
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Accounts Manager (Name)  
(Title) of Discover Financial Services, LLC., plaintiff herein, that  
(Company)

he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

Robert Adkins  
(Signature)

WWR # 5184057  
STEVEN M WALLINGFORD  
6011000650651221

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

**MOTION FOR ALTERNATE SERVICE**

STEVEN M WALLINGFORD

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, Esquire  
Pa I.D. No. 42524  
Weltman, Weinberg & Reis, Co., LLC  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh PA 15219  
412-434-7955

FILED NO CC  
M 11:41 AM  
OCT 12 2006 6P

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 06-862-CD

VS.

STEVEN M WALLINGFORD

Defendant

**PLAINTIFF'S MOTION FOR ALTERNATE SERVICE**

AND NOW, comes Plaintiff, by counsel, Weltman, Weinberg & Reis Co., L.P.A. and requests this Honorable Court to enter an Order allowing the Plaintiff to make service upon Defendant, STEVEN M WALLINGFORD, by certified U.S. Mail and Certificate of Mailing, addressed to 76 Dannys Rd, Penfield,Pa 15849, averring in support thereof the following:

1. On or about MAY 30, 2006, Plaintiff filed a Complaint in Civil Action against Defendant to recover the unpaid balance due Plaintiff from Defendant in the amount of \$1511.88.

2. When the Sheriff of CLEARFIELD County, Pennsylvania, attempted to make service of Plaintiff's Complaint on Defendant, the Sheriff was unable to do so, as evidenced by the Sheriff's return, a true and correct copy of which is attached hereto, marked Exhibit "1", and made a part hereof.

3. Upon receipt of the Sheriff's return of no service, Plaintiff conducted an investigation with the United States Postal Service to confirm the physical address of the Defendant.

4. Pursuant to Plaintiff's request for information, the United States Postal Service confirmed Defendant's physical address of 76 Dannys Rd, Penfield, Pa 15849, a true and correct copy of Plaintiff's Postal Request is attached hereto, marked as Exhibit "2", and made a part hereof.

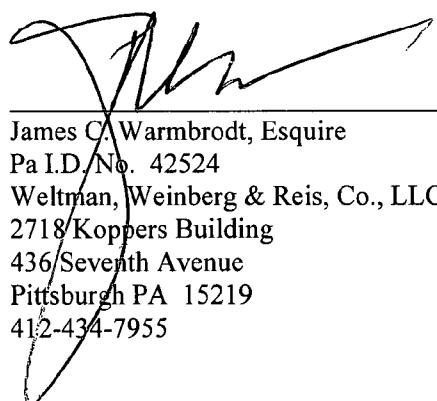
5. Plaintiff conducted an online white pages search and was unable to confirm a current address for Defendant of 76 Dannys Rd, Penfield, Pa 15849.

6. Plaintiff contacted the CLEARFIELD County Tax Assessment office, a representative from which confirmed the Defendant's current physical address as 76 Dannys Rd, Penfield, Pa 15849.

7. Plaintiff requested information from the Department of Motor Vehicles for Defendant and there are vehicles registered to Defendant at 76 Dannys Rd, Penfield, Pa 15849. A true and correct copy of the Motor Vehicle Abstract is attached hereto, marked as Exhibit "3", and made a part hereof.

8. Based upon the foregoing, Plaintiff believes and therefore avers that Defendant is attempting to avoid service of process in the above-captioned matter and Plaintiff therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Plaintiff leave to serve its Complaint on Defendant by alternative means.

WHEREFORE, Plaintiff requests this Honorable Court to enter an Order pursuant to PA.R.C.P. 430(a), authorizing the Plaintiff to serve Defendant by Certified U.S. Mail and Certificate of Mailing sent to an address (76 Dannys Rd, Penfield, Pa 15849) at which Defendant is presently receiving mail according to information obtained from the Post Office, or by allowing service by a competent adult.



---

James C. Warmbrodt, Esquire  
Pa I.D. No. 42524  
Weltman, Weinberg & Reis, Co., LLC  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh PA 15219  
412-434-7955

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket #

**101593**

DISCOVER BANK

Case # 06-862-CD

vs.

STEVEN M. WALLINGFORD

**COPY**

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW July 11, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO STEVEN M. WALLINGFORD, DEFENDANT. ATTEMPTED NOT HOME.

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8330019	10.00
SHERIFF HAWKINS	WELTMAN	8330019	56.72

Sworn to Before me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006



Chester A. Hawkins  
Sheriff

**EXHIBIT  
1**

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

ATTORNEYS AT LAW  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
412.434.7955  
www.weltman.com

WILLIAM T. MOLCZAN  
Attorney at Law  
412.434.7955  
Fax 412.434.7959  
wmolczan@weltman.com



BURLINGTON, NJ  
609.914.0437  
CHICAGO, IL  
847.940.9812  
CINCINNATI, OH  
513.723.2200  
CLEVELAND, OH  
216.685.1000  
COLUMBUS, OH  
614.228.7272  
DETROIT, MI  
248.362.6100  
PHILADELPHIA, PA  
215.599.1500

July 25, 2006

Postmaster  
PENFIELD, PA 15849

## Request for Change of Address or Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: **STEVEN M WALLINGFORD**  
Address: **76 DANNYS RD**  
PENFIELD, PA 15849

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(6)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

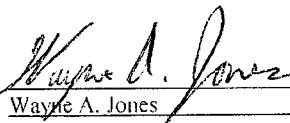
1. Capacity of requester: **William T. Molczan, Esquire, Attorney for Plaintiff, DISCOVER BANK**
2. Statute or regulation that empowers me to serve process: **N/A**
3. The names of all known parties to the litigation: **DISCOVER BANK vs. STEVEN M WALLINGFORD**
4. The Court in which the case has been or will be heard: **Court of Common Pleas of CLEARFIELD**
5. The docket or other identifying number if one has been issued: **06-862-CD**

The capacity in which this individual is to be served: **Defendant**

### **WARNING**

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

  
\_\_\_\_\_  
Wayne A. Jones

WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

FOR POST OFFICE USE ONLY

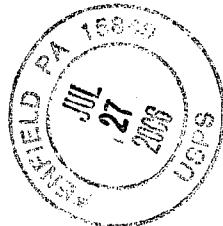
### BOXHOLDER'S POSTMARK

Not known at address given.  
 Moved, left no forward address.  
 No such address.  
 No change of address on file  
 Good as Addressed

**XXX PLEASE INDICATE PHYSICAL ADDRESS**

NEW ADDRESS or NAME and STREET ADDRESS

EXHIBIT  
2



## PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

## VEHICLE RECORD ABSTRACT

8/15/06

PAGE 1

276002

062270712000448 013

OWNER : STEVEN WALLINGFORD  
 76 DANNYS RD  
 PENFIELD PA 15849

LESSEE : NONE

TITLE NUMBER : 60178287  
 TAG NUMBER : ERE5078  
 VIN : KMHDN46D24U789038  
 MAKE : HYUNDAI  
 MODEL : EST  
 RENEWAL WID : 062120319000688 001  
 PREVIOUS TAG :  
 LIENS : YES  
 STOPS : NO

TITLE DATE : 04/01/04  
 REGISTRATION EXPIRY DATE: 06/07  
 BODY TYPE : SDN  
 ODOMETER READING : 25\*  
 \*ACTUAL MILEAGE  
 DUPLICATE TITLE COUNT : 0  
 VEHICLE YEAR : 2004  
 STOLEN DATE :

## TITLE BRAND INFORMATION

NO TITLE BRANDS EXIST FOR THIS TITLE

## LIEN INFORMATION

## LIEN HOLDER NO. 1

NAME : WELLS FARGO FINANCIAL AC  
 ADDRESS: PO BOX 250  
 ESSINGTON PA 19029

EXPIRATION DATE: 04/01/10  
 ABA NO :  
 ELT IND:

NO 2ND OR 3RD LIENS EXIST FOR THIS TITLE

EXHIBIT  
 13

ADDRESS CORRESPONDENCE TO:  
 DEPARTMENT OF TRANSPORTATION  
 VEHICLE RECORD SERVICES  
 PO BOX 68691  
 HARRISBURG, PA 17106-8691

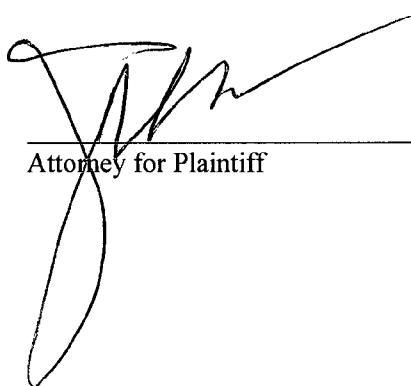
INFORMATION: (8:00 AM TO 6:00 PM)  
 IN STATE 1-800-932-4600  
 OUT-OF-STATE 717-412-5300  
 TDD IN STATE 1-800-228-0676  
 TDD OUT-OF-STATE 717-412-5380  
 WWW.DOT.STATE.PA.US

05184057

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the within Motion for Alternate Service was served on the 10 day of Oct, 2006, by first class, U.S. Mail, postage-prepaid, addressed as follows:

STEVEN M WALLINGFORD  
76 Dannys Rd  
Penfield,Pa 15849



\_\_\_\_\_  
Attorney for Plaintiff

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

DISCOVER BANK

NO. 06-862-CD

Plaintiff

vs.

STEVEN M WALLINGFORD

Defendant

**AFFIDAVIT PURSUANT TO PA R.C.P. 430 (a)**

BEFORE ME, a Notary Public, in and for the foregoing County and Commonwealth, personally appeared William T. Molczan, Esquire, of Weltman, Weinberg & Reis, Co., L.P.A., attorneys for Plaintiff, and deposes and says that the following accurately reflects efforts made to ascertain the exact whereabouts of Defendant named in the above-captioned matter.

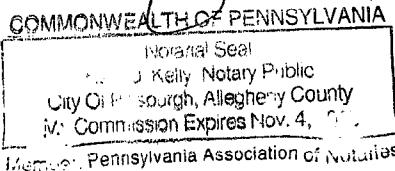
- a. Plaintiff requested current address information from the United States Postal Service, which request for information confirmed the current address for Defendant as being 76 Dannys Rd, Penfield, Pa 15849. A true and correct copy of the Postal Service Return is marked Exhibit "2" attached hereto and made a part hereof.
  
- b. Plaintiff requested a vehicle search on the Defendant, which shows that the Defendant has a registered vehicle at 76 Dannys Rd, Penfield, Pa 15849. A true and correct copy is attached hereto and marked as Exhibit "3".

Finally, Affiant deposes and says that after the foregoing investigation, the exact whereabouts of the Defendant, STEVEN M WALLINGFORD, is 76 Dannys Rd, Penfield, Pa 15849.

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

James C. Warmbrodt, Esquire  
Pa I.D. No. 42524  
Weltman, Weinberg & Reis, Co., LLC  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh PA 15219  
412-434-7955

Sworn to and subscribed before me  
this 14 day of September, 06



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

DISCOVER BANK

**Plaintiff**

No. 06-862-CD

vs.

STEVEN M WALLINGFORD

## ORDER OF COURT

AND NOW, to-wit, this 13 day of October, 2006, upon consideration of the foregoing Motion for Service of the Complaint Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Complaint in Civil Action may be made on Defendant, STEVEN M WALLINGFORD, by permitting the Plaintiff to mail a copy of the Complaint to the Defendant the last known address being 76 Dannys Rd, Penfield,Pa 15849 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

BY THE COURT:

 J.G. Schmitz

FILED 2CC  
0133384 Atty  
OCT 13 2006 Warmbrodt  
William A. Shaw  
Notary/Clerk of Courts (60)

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs. PRAECIPE TO REINSTATE COMPLAINT

STEVEN M WALLINGFORD

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS, CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05184057

**FILED** pd \$7.00 Atty  
10/12/2006 1 Reinstated Complaint  
OCT 30 2006 to Atty Warmbrodt  
(WM)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: \_\_\_\_\_  
James G. Warmbrodt  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #05184057

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

AFFIDAVIT OF SERVICE OF COMPLAINT

STEVEN M WALLINGFORD

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

WWR#05184057

FILED ICC Atty  
M 11:40 am NOV -8 2006  
Molczan  
(S)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 06-862-CD  
vs.

STEVEN M WALLINGFORD

Defendant

**AFFIDAVIT OF SERVICE OF COMPLAINT**

BEFORE ME, the undersigned authority, personally appeared William T. Molczan, Esquire, who according to law deposes and says that a copy of the Complaint in Civil Action has been served on the Defendant, STEVEN M WALLINGFORD.

1. On or about OCTOBER 13, 2006, Plaintiff received a signed Order of Court permitting service, on the Defendant, to be complete and valid upon mailing to the complaint by first class mail, certificate of mailing and by certified mail, return receipt requested. Said Order of Court is attached as Exhibit "1".

2. On or about NOVEMBER 2, 2006, Plaintiff mailed the complaint to 76 DANNYS RD PENFIELD, PA 15849. Said certificate of mailing and certified mail receipts are attached as Exhibit "2".

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

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

Sworn to and subscribed  
before me this 2nd  
day of November 2006.

NOTARY PUBLIC

Notary Seal  
Wendy L. Gaut, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2010

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

STEVEN M WALLINGFORD

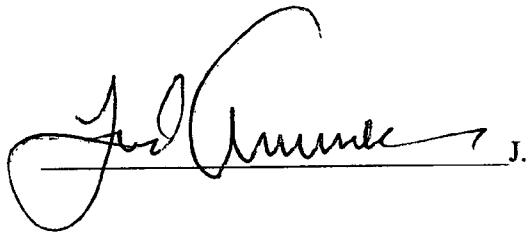
**ORDER OF COURT**

AND NOW, to-wit, this 13 day of October, 2006, upon consideration of the foregoing Motion for Service of the Complaint Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Complaint in Civil Action may be made on Defendant, STEVEN M WALLINGFORD, by permitting the Plaintiff to mail a copy of the Complaint to the Defendant the last known address being 76 Dannys Rd, Penfield, Pa 15849 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

**EXHIBIT**

111

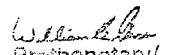
BY THE COURT:



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

OCT 13 2006

Attest.

  
Prothonotary/  
Clerk of Courts

WWR #05184057

DIS

U.S. Postal Service

**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage

\$ 1.63

Certified Fee

2.40

Return Receipt Fee  
(Endorsement Required)

1.85

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$ 4.88

Postmark  
Here



Sent To:

Steven M. Wallingford  
76 Dinnis Rd.  
Penfield, PA 15849

PS Form 3800, June 2002

See Reverse for Instructions

**EXHIBIT**

"2"

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From: Wellman, Weinberg & Reis Co., L.P.A. 2718 Koppers Bldg. 436 7th Avenue Pittsburgh, PA 15219 (412) 434-7955	
One piece of ordinary mail addressed to: Steven Wallingford 76 Dinnis Rd. Penfield, PA 15849	



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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 06-862-CD

STEVEN M WALLINGFORD

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on JAN. 29, 2007

Assumpsit Judgment in the amount  
of \$1811.88 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

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

Entry of Judgment of  
 Court Order  
 Non-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By:

PROTHONOTARY (OR DEPUTY)

FILED  
Ew

JAN 26 2007

12:45 PM

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE TO DEF.

STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

Plaintiff's address is:

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

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

DISCOVER BANK

Plaintiff No. : 06-862-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

STEVEN M WALLINGFORD

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

**FILED**

**JAN 26 2007**

WWR#05184057  
Judgment Amount \$ 1811.88

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 06-862-CD

STEVEN M WALLINGFORD

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, STEVEN M WALLINGFORD above named, in the default of an Answer, in the amount of \$1811.88 computed as follows:

Amount claimed in Complaint	\$1511.88
Interest from date of judgment at the legal interest rate of 6% per annum	
Attorney's fees	\$300.00
<b>TOTAL</b>	<b>\$1811.88</b>

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

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

By: WILLIAM T. MOLCZAN  
WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05184057

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 76 DANNYS RD PENFIELD,PA 15849

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

DISCOVER BANK

Plaintiff

Case # 06-862-CD

STEVEN M WALLINGFORD

Defendant(s)

IMPORTANT NOTICE

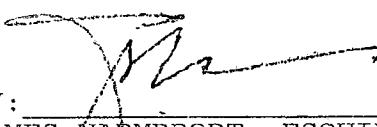
TO: STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

Date of Notice: 1/10/07  
WWR#: 05184057

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

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

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

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

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

DISCOVER BANK

Case no: : 06-862-CD

Plaintiff **NON-MILITARY AFFIDAVIT**  
vs.

STEVEN M WALLINGFORD

Defendant

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

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

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

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, STEVEN M WALLINGFORD is not in the military service.

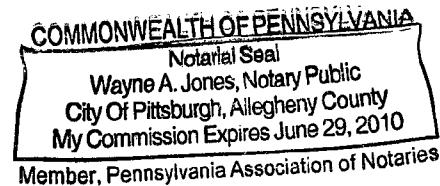
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, STEVEN M WALLINGFORD is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 22nd day  
of January, 2007

  
NOTARY PUBLIC



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

Department of Defense Manpower Data Center

JAN-22-2007 05:31:31



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

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

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

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

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

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167; #167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

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

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID:BNXTRKASJJB*

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

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

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

WWR#05184057

**FILED**

MAY 16 2007  
112:40 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

6 Encl w/ 6 units  
to STEVEN M

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

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK,

Garnishee

**PRAECIPE FOR WRIT OF EXECUTION**

TO THE PROTHONOTARY:

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

1. directed to the Sheriff of CLEARFIELD County:
2. against STEVEN M WALLINGFORD, Defendant
3. against FIRST COMMONWEALTH BANK, Garnishee

4. Judgment Amount \$ 1811.88

Less payments of 400.00

Interest \$ 28.03

Costs \$

**SUBTOTAL:** \$ 1439.91

Costs (to be added by Prothonotary): \$ *Prothonotary costs \$ 132.00*

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

By: William T. Molczan

William T. Molczan, Esquire  
PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD  
Defendant

FIRST COMMONWEALTH BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN M WALLINGFORD Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK, as garnishee, 18431 BENNETTS VALLEY HIGHWAY, WEEDVILLE, PA 15868 and to notify the garnishee that:
  - a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
    - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due ..... \$ 1439.91

Costs to be added..... \$  
Prothonotary Costs \$ 132.00

Prothonotary

Deputy

DATED: May 16, 2007  
WWR#05184057

- (4) 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.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

No. 06-862-CD

vs.

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH 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 may owe, there is a **DEBTOR'S EXEMPTION** established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. **IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.**

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

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

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

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

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

(2) paid in cash following the sale of the property levied upon; or

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

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption:  in cash  in kind  
(specify property):

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

(c) Other (specify amount & basis for exemption): \_\_\_\_\_

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

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

Date: \_\_\_\_\_ Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

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

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

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

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule, designate the officer, organization or person to be named in the notice.

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

## INTERROGATORIES IN ATTACHMENT FIRST COMMONWEALTH BANK

STEVEN M WALLINGFORD

**Defendant**

and

## FIRST COMMONWEALTH BANK

## Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

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

DISCOVER BANK

**Plaintiff**

vs.

Civil Action No.: 06-862-CD

**STEVEN M WALLINGFORD**  
**Defendant**

and

FIRST COMMONWEALTH BANK  
Garnishee

TO: FIRST COMMONWEALTH BANK  
18431 BENNETTS VALLEY HIGHWAY  
WEEDVILLE, PA 15868

Suggested Reference No.: XXX-XX-6093

RE: STEVEN M WALLINGFORD  
**76 DANNYS RD  
PENFIELD,PA 15849**

## **IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

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

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

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

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

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

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

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

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

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

By: William T. Molczan  
William T. Molczan, Esquire

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#05184057

VERIFICATION

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

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing  
Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
(SIGNATURE)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102805  
NO: 06-862-CD  
SERVICE # 1 OF 2  
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: STEVEN M. WALLINGFORD  
TO: FIRST COMMONWEALTH BANK, Garnishee

**SHERIFF RETURN**

---

NOW, May 21, 2007 AT 9:15 AM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON FIRST COMMONWEALTH BANK, Garnishee DEFENDANT AT RT. 879, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MIKE SCHEPIS, TELLER SUPERVISOR A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED  
05/22/2007  
MAY 21 2007  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DKT PG. 102805

2 of 2 services

DISCOVER BANK

NO .06-862-CD

-VS-

STEVEN M. WALLINGFORD

PRAECIPE, WRIT OF EXECUTION, NOTICE,  
CLAIM FOR EXEMPTION

SHERIFF'S RETURN

---

NOW MAY 21, 2007 MAILED THE WITHIN PRAECIPE, WRIT OF EXECUTION, NOTICE & CLAIM FOR EXEMPTION TO  
STEVEN M. WALLINGFORD, DEFENDANT TO 76 DANNYS RD., PENFIELD, PA. 15849 BY REGULAR MAIL.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102805  
NO: 06-862-CD  
SERVICES 2  
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: STEVEN M. WALLINGFORD  
TO: FIRST COMMONWEALTH BANK, Garnishee

**SHERIFF RETURN**

---

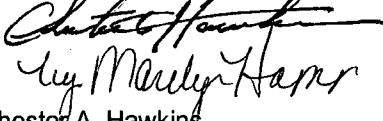
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8468833	20.00
SHERIFF HAWKINS	WELTMAN	8468833	26.02

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of 2007

  
Chester A. Hawkins  
Sheriff

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

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

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

WWR#05184057

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

MAY 16 2007

Attest.

*William A. Chen*  
Prothonotary/  
Clerk of Courts

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

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK,

Garnishee

**PRAECIPE FOR WRIT OF EXECUTION**

TO THE PROTHONOTARY:

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

1. directed to the Sheriff of CLEARFIELD County:
2. against STEVEN M WALLINGFORD, Defendant
3. against FIRST COMMONWEALTH BANK, Garnishee

4. Judgment Amount	\$ 1811.88
Less payments of	400.00
Interest	\$ 28.03
Costs	\$
<b>SUBTOTAL:</b>	<b>\$ 1439.91</b>

Costs (to be added by Prothonotary): \$  
PROTHONOTARY COSTS 132.00  
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: William T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#05184057

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD  
Defendant

FIRST COMMONWEALTH BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN M WALLINGFORD Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK, as garnishee, 18431 BENNETTS VALLEY HIGHWAY, WEEDVILLE, PA 15868 and to notify the garnishee that:
  - a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
    - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due ..... \$ 1439.91

Costs to be added..... \$   
 Prothonotary Costs \$ 132.00

Recvd 5-16-07 @ 3:10pm  
Chester A Hawke Sheriff  
by Marly Hart

Prothonotary

  
Deputy

DATED: May 16, 2007  
WWR#05184057

- (4) 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.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

vs.

No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH 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 may owe, there is a DEBTOR'S EXEMPTION established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.

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

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

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

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

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

(2) paid in cash following the sale of the property levied upon; or

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

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption:  in cash  in kind  
(specify property):

Social Security benefits on deposit in the amount of \$

(c) Other (specify amount & basis for exemption):

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

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

Date: \_\_\_\_\_ Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

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

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

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

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule, designate the officer, organization or person to be named in the notice.

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

DISCOVER BANK

Plaintiff No. 06-862-CD

VS.

**INTERROGATORIES IN ATTACHMENT  
FIRST COMMONWEALTH BANK**

STEVEN M WALLINGFORD

Defendant

and

## FIRST COMMONWEALTH BANK

## Garnishee

FILED ON BEHALF OF:  
Plaintiff

**COUNSEL OF RECORD OF  
THIS PARTY:**

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

FILED  
MAY 10 2007  
SUN 01 2007  
NO 43-2007  
CC  
GR  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

**Plaintiff**

vs.

Civil Action No.: 06-862-CD

STEVEN M WALLINGFORD  
Defendant

and

FIRST COMMONWEALTH BANK  
Garnishee

TO: FIRST COMMONWEALTH BANK  
18431 BENNETTS VALLEY HIGHWAY  
WEEDVILLE, PA 15868

Suggested Reference No.: XXX-XX-6093

RE: STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD,PA 15849

## **IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

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

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

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

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

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

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

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

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

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

By: William T. Molczan  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

VERIFICATION

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

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing  
Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
(SIGNATURE)

**EXHIBIT "A"**  
**ANSWERS TO INTERROGATORIES**

1. Yes
  - a. Checking account number 7110110926 into Steven M. Wallingford with a current balance of \$834.89; savings account number 7120091342 into Steven M. Wallingford with a current balance of \$500.62
2. No
3. No
4. No
5. No
6. No
7. No
8. No

## VERIFICATION

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF INDIANA )

On this 25<sup>th</sup> day of May 2007 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared JAMES BOYLE, who being duly sworn according to law, acknowledged that he is Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of his knowledge and belief.

James Boyle, Vice President  
First Commonwealth Bank

Sworn and subscribed to before me  
This 25<sup>th</sup> day of May 2007

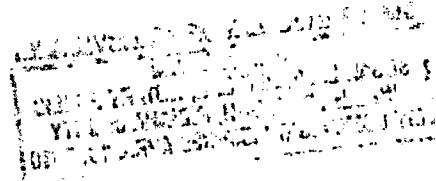
Susan Lindenbury  
Notary Public



**FILED**

JUN 01 2007

William A. Shaw  
Prothonotary/Clerk of Courts



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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

PRAECIPE FOR JUDGMENT AGAINST  
GARNISHEE

STEVEN M. WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK

Garnishee FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05184057

FILED per \$2000 Atty  
M/11/46 cm ICC notice to  
JUN 14 2007  
First Commonwealth  
Bank  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC statement  
to Atty.

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M. WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK

Garnishee

**PRAECIPE FOR JUDGMENT AGAINST GARNISHEE**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Garnishee, FIRST COMMONWEALTH BANK , in the amount of \$1035.51, which is less than Defendant owes to Plaintiff and which amount Garnishee has admitted owing to the Defendant, in answers to Interrogatories.

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

By:   
WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05184057

I hereby certify that the address of the Plaintiff is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Garnishee is: 18431 BENNETTS VALLEY HIGHWAY,  
WEEDVILLE, PA 15868

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M. WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK

Garnishee

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the  
following Order or Judgment was  
entered against you on June 14, 2007

Assumpsit Judgment in the amount  
of \$1035.51 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

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

Entry of Judgment of  
 Court Order  
 Non-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By: Willie L. Shar, Jr.  
PROTHONOTARY (OR DEPUTY)

First Commonwealth Bank  
18431 Bennetts Valley Highway  
Weedville, Pa 15868

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

DISCOVER BANK

Plaintiff No. 06-862-CD

VS.

## INTERROGATORIES IN ATTACHMENT FIRST COMMONWEALTH BANK

STEVEN M WALLINGFORD

Defendant

and

## FIRST COMMONWEALTH BANK

## Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05184057

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 06-862-CD

STEVEN M WALLINGFORD  
Defendant

and

FIRST COMMONWEALTH BANK  
Garnishee

TO: FIRST COMMONWEALTH BANK  
18431 BENNETTS VALLEY HIGHWAY  
WEEDVILLE, PA 15868

Suggested Reference No.: XXX-XX-6093

RE: STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?

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

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

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

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

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

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

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

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

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

By: William T. Molczan  
William T. Molczan, Esquire

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#05184057

VERIFICATION

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

\_\_\_\_\_  
(Title) of \_\_\_\_\_, garnishee herein,  
\_\_\_\_\_  
(Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing  
Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
(SIGNATURE)

EXHIBIT "A"  
ANSWERS TO INTERROGATORIES

1. Yes
  - a. Checking account number 7110110926 into Steven M. Wallingford with a current balance of \$834.89; savings account number 7120091342 into Steven M. Wallingford with a current balance of \$500.62
2. No
3. No
4. No
5. No
6. No
7. No
8. No

## VERIFICATION

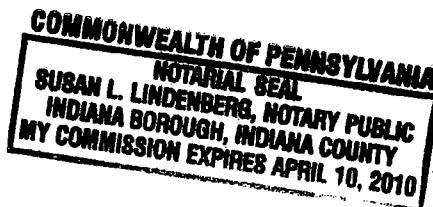
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF INDIANA )  
)

On this 25<sup>th</sup> day of May 2007 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared JAMES BOYLE, who being duly sworn according to law, acknowledged that he is Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of his knowledge and belief.

James Boyle, Vice President  
First Commonwealth Bank

Sworn and subscribed to before me  
This 25<sup>th</sup> day of May 2007

Susan Lindenbug  
Notary Public



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

**COPY**

Discover Bank  
Plaintiff(s)

No.: 2006-00862-CD

Real Debt: \$1035.51

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Steven M. Wallingford  
First Commonwealth Bank  
Defendant(s)

Entry: \$20.00

Instrument: Judgment on Garnishee

Date of Entry: June 14, 2007

Expires: June 14, 2012

Certified from the record this June 14, 2007



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

**PRAECIPE FOR SATISFACTION OF  
JUDGMENT AS TO THE GARNISHEE  
FIRST COMMONWEALTH BANK ONLY**

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK

Garnishee FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

**FILED** *cc to ATW*  
*m/11/2007 Molczan*  
**AUG 20 2007**

*LS*  
William A. Shaw  
Prothonotary/Clerk of Courts

WWR No. 05184057

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH BANK

Garnishee

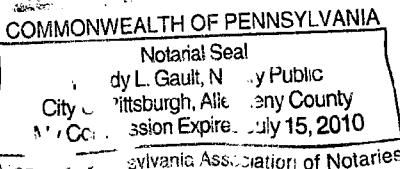
**PRAECIPE FOR SATISFACTION OF JUDGMENT**  
**AS TO THE GARNISHEE, FIRST COMMONWEALTH BANK, ONLY**

TO THE PROTHONOTARY:

Please kindly Satisfy the Judgment of the above captioned matter upon the records of the Court and  
mark the cost paid as to Garnishee, FIRST COMMONWEALTH BANK, only.

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

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



Sworn to and subscribed  
Before me the 27  
Day of JULY, 2007

  
NOTARY PUBLIC

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

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

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5184057

FILED Atty pd.

11/30/2010 20.00  
DEC 10 2010

3000 levwrits  
William A. Shaw  
Prothonotary/Clerk of Courts  
to Sheriff

(6)

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

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH,

Garnishee

**PRAECIPE FOR WRIT OF EXECUTION**

TO THE PROTHONOTARY:

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

1.	directed to the Sheriff of CLEARFIELD County:	
2.	against STEVEN M WALLINGFORD, Defendant	
3.	against FIRST COMMONWEALTH, Garnishee	
4.	Judgment Amount	\$ 1811.88
	Less payments of	-\$ 1435.51
	Interest	\$ 174.69
	Costs	\$
	<b>SUBTOTAL:</b>	\$ 551.06
	Costs (to be added by Prothonotary):	\$ <u>179.00</u>

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

By: 

Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

No. 06-862-CD

vs.

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH  
Garnishee

**WRIT OF EXECUTION**  
**NOTICE**

This paper is a "Writ of Execution". It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. **SUCH PROPERTY IS SAID TO BE EXEMPT**. No matter what you may owe, there is a **DEBTOR'S EXEMPTION** established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. **IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.**

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

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 50-51

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

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

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

(2) paid in cash following the sale of the property levied upon; or

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

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption:  in cash  in kind  
(specify property):

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

(c) Other (specify amount & basis for exemption): \_\_\_\_\_

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

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

Date: \_\_\_\_\_ Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

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

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.

**COPY**

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-862-CD

STEVEN M WALLINGFORD

Defendant

FIRST COMMONWEALTH

Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN M WALLINGFORD Defendant(s);

(1) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH, as garnishee, 14303 Clearfield Shawville Highway, Clearfield, PA 16830 and to notify the garnishee that:

- An attachment has been issued;
- Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
- The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
  - In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
  - Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
  - Any funds in an account of the defendant (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law

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

Amount due ..... \$ 551.06

Costs to be added..... \$

179.00 Prothonotary costs

Prothonotary

Willie H. Gray Deputy

DATED: 12/10/10  
WWR#5184057

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

**INTERROGATORIES IN ATTACHMENT  
FIRST COMMONWEALTH**

STEVEN M WALLINGFORD

Defendant

and

FIRST COMMONWEALTH

Garnishee FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5184057

5  
FILED 4/CC  
M 11/30/2010  
REC'D DEC 10 2010 Atty Urban  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 06-862-CD

STEVEN M WALLINGFORD  
Defendant

and

FIRST COMMONWEALTH  
Garnishee

TO: FIRST COMMONWEALTH  
14303 Clearfield Shawville Highway  
Clearfield, PA 16830

Suggested Reference No.: XXX-XX-6093

RE: STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## **INTERROGATORIES IN ATTACHMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By: \_\_\_\_\_

Matthew D. Urban, Esquire  
PA I.D. #90963

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5184057

VERIFICATION

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

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing  
Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
(SIGNATURE)

To Deputy 12/13/10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 06-862-CD

DISCOVER BANK

vs

STEVEN M. WALLINGFORD

TO: FIRST COMMONWEALTH, Garnishee

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVE BY: 03/06/2011 **RUSH** HEARING: PAGE: 107979

DEFENDANT: FIRST COMMONWEALTH, Garnishee  
ADDRESS: 14303 CLEARFIELD SHAWVILLE HWY.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

OCCUPIED

ATTEMPTS \_\_\_\_\_

**FILED**

DEC 16 2010

073:36

William A. Shaw  
Notary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, This 16th of Dec 2010 AT 9:06 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON FIRST COMMONWEALTH, Garnishee, DEFENDANT

BY HANDING TO DIANNE Litzinger Branch MGR.

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

ADDRESS SERVED 14303 CLED Shawville Hwy CLFD

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE FOR FIRST COMMONWEALTH, Garnishee

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO FIRST COMMONWEALTH, Garnishee

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2010

So Answers, CHESTER A. HAWKINS, SHERIFF

BY:

George F. Detwiler  
Deputy Signature  
George F. Detwiler  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 107979

2 of 2

DISCOVER BANK

NO. 06-862-CD

-vs-

STEEN . WALLINGFORD

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

TO: FIRST COMMONWEALTH BANK, Garnishee,

**SHERIFF'S RETURN**

NOW DECEMBER 17, 2010 MAILED THE WITHIN:

PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE

TO: STEVEN M. WALLINGFORD, DEFENDANT

AT: 76 DANYS RD., PENFIELD, PA. 15849

IN THE S.A.S.E.

**FILED**

9:3:35 AM  
DEC 17 2010

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 107979  
NO: 06-862-CD  
SERVICES 2  
WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

PLAINTIFF: DISCOVER BANK

VS.

DEFENDANT: STEVEN M. WALLINGFORD  
TO: FIRST COMMONWEALTH, Garnishee

SHERIFF RETURN

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	4891661	20.00
SHERIFF HAWKINS	WELTMAN	4891661	28.00

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2010

So Answers,



Chester A. Hawkins  
Sheriff

5 FILED (P)

DEC 22 2010

10:30 AM

William A. Shaw  
Prothonotary/Clerk of Courts

No 46

ANSWER

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

DISCOVER BANK

Plaintiff No. 06-862-CD

vs.

INTERROGATORIES IN ATTACHMENT  
FIRST COMMONWEALTH

STEVEN M WALLINGFORD

Defendant

and

FIRST COMMONWEALTH

Garnishee FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5184057

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

DEC 10 2010

Attest.

William A. Shaw  
Prothonotary/Clerk of Courts

**RECEIVED**  
**DEC 10 2010**

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 06-862-CD

STEVEN M WALLINGFORD  
Defendant

and

FIRST COMMONWEALTH  
Garnishee

TO: FIRST COMMONWEALTH  
14303 Clearfield Shawville Highway  
Clearfield, PA 16830

Suggested Reference No.: XXX-XX-6093

RE: STEVEN M WALLINGFORD  
76 DANNYS RD  
PENFIELD, PA 15849

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

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

### INTERROGATORIES IN ATTACHMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By: \_\_\_\_\_

Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#5184057

EXHIBIT "A"  
ANSWERS TO INTERROGATORIES

1. Yes
  - a. Checking account number 7110110926 into Steven M. Wallingford with a current balance of zero and savings account number 7120091342 into Steven M. Wallingford with a current balance of zero.
2. No
3. No
4. No
5. No
6. No
7. No
8. See #1a above
9. December 16, 2010
10. December 16, 2010
11. N/A
12. N/A

## VERIFICATION

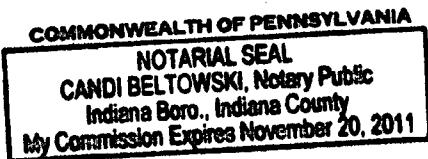
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF INDIANA )

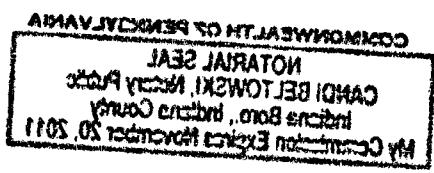
On this 20<sup>th</sup> day of December 2010 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared LEDA E MCCRACKEN, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

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

Sworn and subscribed to before me  
This 20<sup>th</sup> day of December 2010

  
Notary Public





**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2010 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

**VIA CERTIFIED U.S. MAIL**

*Steven M. Wallingford  
76 Dannys Rd.  
Penfield, PA 15849-3022*

*As Defendant*

**VIA REGULAR U.S. MAIL**

*Matthew D. Urban, Esquire  
Weltman, Weinberg & Reis Co., LPA  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219*

*As Plaintiff*

Leda E. McCracken

Leda E. McCracken  
Assistant Vice President  
First Commonwealth Bank

**WELTMAN, WEINBERG & REIS CO., L.P.A.**  
BY: William T. Molczan, Esquire  
I.D. No.47437  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959  
File # 5184057

**Attorney for Plaintiff(s)**

DISCOVER BANK

CLEARFIELD County  
Court of Common Pleas

vs.

STEVEN M WALLINGFORD

NO. 06-862-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

**FILED**

JAN 10 2011  
m 13:40/2  
William A. Shaw  
Prothonotary/Clerk of Courts

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Atty

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

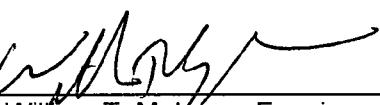
TO THE PROTHONOTARY:

Kindly marked the above matter settled, discontinued, and ended as to Garnishee(s),

FIRST COMMONWEALTH BANK, only.

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

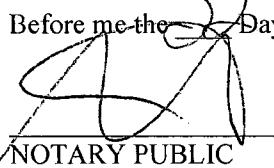
By

  
William T. Molczan, Esquire

Attorney for Plaintiff

Sworn to and subscribed

Before me the 22 Day of DECEMBER, 2010

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wendy L. Gault, Notary Public

City of Pittsburgh, Allegheny County

My Commission Expires July 15, 2014

Member, Pennsylvania Association of Notaries

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

BY: Sarah E. Ehasz, Esquire

I.D. No.86469

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 5184057

Attorney for Plaintiff(s)

**FILED** pd \$7.00 Atty

ml 11.28pm OCT 07 2011 CC Atty

Ehasz

William A. Shaw  
Prothonotary/Clerk of Courts

**DISCOVER BANK**

Plaintiff

CLEARFIELD County  
Court of Common Pleas

vs.

NO. 06-862-CD

**STEVEN M WALLINGFORD**

Defendant(s)

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

TO THE PROTHONOTARY:

Please kindly Satisfy the Judgment of the above-captioned matter upon the records of the Court and mark the cost paid.

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

By

  
Sarah E. Ehasz, Esquire

Attorney for Plaintiff

Sworn to and subscribed

Before me the 26<sup>th</sup> day of September, 2011

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wayne A. Jones, Notary Public  
City of Pittsburgh, Allegheny County

My Commission Expires June 29, 2014  
Member, Pennsylvania Association of Notaries