

06-1313-CD

Capital One Bank vs Michelle Tinko

2006-1313-CD

Capital One Bank vs Michelle Tinko

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff

No: 06-1313-CD

vs.

COMPLAINT IN CIVIL ACTION

MICHELLE TIMKO

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  
05215389 C A Pit SGM

FILED 1ccShff  
11:37 AM AUG 16 2006 Atty pd.85.00  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No  
MICHELLE TIMKO  
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

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK is a corporation with offices at 6851 JERICHO TURNPIKE #190 SYOSSET , NY 11791 .

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

MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number 4388641946154478 .

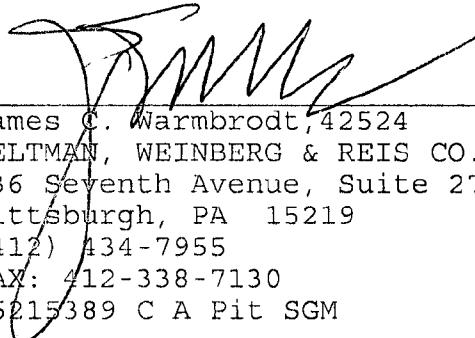
4. Defendant made use of said credit card and has a current balance due of \$2924.87 , as of August 09, 2006 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from August 09, 2006 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. 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 , MICHELLE TIMKO , INDIVIDUALLY , in the amount of \$2924.87 with continuing interest thereon at the rate of 25.900% per annum from August 09, 2006 plus 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  
05215389 C A Pit SGM

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.

# Your account is delinquent.

## We want to help!



- To protect your credit with us, you need to make a payment.
- We can help—but only if you call us.
- When you call, you can make a **free** check-by-phone payment.

**Return your account to good standing.**  
It's up to you to take the first step.  
Call us!

**1-800-479-7231**

014-1102

**CapitalOne®**

VISA GOLD ACCOUNT  
4388-6419-4615-4478

MAR 08 - APR 07, 2003  
Page 1 of 1

### Account Summary

Previous Balance	\$1,476.82
Payments, Credits and Adjustments	\$0.00
Transactions	\$58.00
Finance Charges	\$33.48
 New Balance	 \$1,568.30
Minimum Amount Due	\$1,568.30
Payment Due Date	May 07, 2003
 Total Credit Line	 \$1,000
Total Available Credit	\$0.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$0.00

### Payments, Credits and Adjustments

#### Transactions

1	08 MAR	OVERLIMIT FEE	\$29.00
2	07 APR	PAST DUE FEE	29.00

You were assessed a past due fee of \$29.00 on 04/07/2003 because your minimum payment was not received by the due date of 04/07/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

For free online account service and special customer offers, log on to:  
[www.capitalone.com](http://www.capitalone.com)

Send payments to: Send inquiries to:  
Attn: Remittance Processing Capital One Services  
Capital One Services P.O. Box 85015  
P.O. Box 85147 Richmond, VA 23276  
Richmond, VA 23285-5015

### Important Account Information

For service in Spanish, please call (800) 929-8137. Para servicio en Español, por favor marque 800-929-8137.

**EXHIBIT**

" / "

### Finance Charges

*Please see reverse side for important information*

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,387.71	.07096%	25.90%	\$30.53
CASH	\$134.24	.07096%	25.90%	\$2.95

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

0000000 0 4388641946154478 07 1568300057001568304

New Balance	\$1,568.30
Minimum Amount Due	\$1,568.30
Payment Due Date	May 07, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	4388-6419-4615-4478

*Please print mailing address and/or e-mail changes below using blue or black ink.*

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	
Email Address		

Capital One Bank  
P.O. Box 85147  
Richmond, VA 23276

024372

#9009859877691734# MAIL ID NUMBER  
MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS PA 15801-1140

*Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.*

24372M

1. **How To Avoid A Finance Charge.**  
† a. **Grace Period.** You will have a minimum grace period of 25 days without finance charges on new purchases, new balance transfers, new special purchases and new other charges if you pay your total "New Balance", in accordance with the Important Notice for payments below, and in time for it to be credited by your next statement closing date. There is no grace period on cash advances and special transfers. In addition, there is no grace period on any transaction if you do not pay the total "New Balance".
- b. **Accruing Finance Charge.** Transactions which are not subject to a grace period are assessed finance charge 1) from the date of the transaction or 2) from the date the transaction is processed to your Account or 3) from the first calendar day of the current billing period. Additionally, if you did not pay the "New Balance" from the previous billing period in full, finance charges continue to accrue to your unpaid balance until the unpaid balance is paid in full. This means that you may still owe finance charges, even if you pay the entire New Balance indicated on the front of your statement by the next statement closing date, but did not do so in the previous month. Unpaid finance charges are added to the applicable minimum of your Account.
- c. **Minimum Finance Charge.** For each billing period that your account is subject to a finance charge, a minimum total FINANCE CHARGE of \$0.50 will be imposed. If the total finance charge resulting from the application of your periodic rate(s) is less than \$0.50, we will subtract that amount from the \$0.50 minimum and the difference will be added to the applicable statement of your account.
- † d. **Temporary Reduction in Finance Charge.** We reserve the right not to assess any or all finance charges for any given billing period.
2. **Average Daily Balance (Including New Purchases).**
  - a. Finance charge is calculated by multiplying the daily balance of each segment of your account (e.g., cash advances, purchases, special purchases and new purchases) by the corresponding daily periodic rate(s) that has been previously disclosed to you. At the end of each day during the billing period, we apply the daily periodic rate for each segment of your account to the daily balance of each segment. Then at the end of the billing period, we add up the results of these daily periodic rates to obtain the average daily finance charge for each segment. We then add up the results from each segment to arrive at the total periodic finance charge for your account. To get the daily balance for each segment of your account, we take the beginning balance for each segment and add any new transactions and any periodic finance charge calculated on the previous day. We then subtract any new purchases, special purchases, payments or credits posted as of that day that are allocated to that segment. This gives us the separate daily balance for each segment of your account. However, if you paid the New Balance shown on your previous statement in full (or if your new balance was zero or a credit amount), new transactions will not post to your purchase or special purchases segments, we are not adding the daily balances. We calculate the average daily balance by adding all the daily balances together and dividing the sum by the number of the days in the current billing cycle. To calculate your total finance charge, multiply your average daily balance by the daily periodic rate and by the number of days in the billing period. Due to rounding on a daily basis, there may be a slight variance between this calculation and the amount of finance charge actually assessed.
  - b. If the code Z or N appears on the front of this statement next to "Balance Rate Applied To," we multiply the average daily balance of each segment by your monthly

periodic rate. To obtain the average daily balance for the billing period covered by this statement, we take the beginning balance of each segment, add any new transactions to each segment, and subtract any payments or credits. (If the code N appears on the front of this statement next to "Balance Rate Applied To," we also subtract any unpaid finance charge included in the balance of each segment.) This gives us the daily balance of each segment. Then we add up all the daily balances for each segment in the billing period and divide by the total number of days in the billing period. This gives us the average daily balance of each segment.

3. **Annual Percentage Rates (APR).**

- a. The term "Annual Percentage Rate" may appear as "APR" on the front of this statement.
- b. If the code F (1-mo. LIBOR), C (Certificate of Deposit), or S (Brokered Money) appears on the front of this statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary quarterly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These charges will be effective on the first day of your billing period covered by your periodic statement ending in the month of January, April, July, or October.
- c. If the code D (Pame), F (1-mo. LIBOR) or G (3-mo. LIBOR Repiced Monthly) appears on the front of your statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary monthly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These charges will be effective on the first day of your billing period each month.
4. **Assessment of Late, Overlimit and Returned Payment Fees.** Your account will be assessed no more than two of the fees listed here that occur during any billing period. Under the terms of your consumer agreement, we reserve the right to waive or not to assess any fees without prior notification to you without waiving our right to assess the same or similar fees at a later time.

5. **Renewing Your Account.** If a membership fee appears on the front of this statement, you have 30 days from the date this statement was mailed to you to avoid paying this fee. If you fail to cancel and you cancel your account. During this period, you may continue to use your account without having to pay the membership fee. To cancel your account, you must notify us by calling our Customer Relations Department and pay your "New Balance" in full (excluding the membership fee) prior to the end of the thirty day period.

6. **If You Close Your Account.** You can request to close your account by calling our Customer Relations Department. You must destroy your credit card(s) and account access checks, cancel all preauthorized billing, and cease using your account. If you do not cancel preauthorized billing arrangements, we will consider resumption of charges and reauthorization to renew your account. Additionally, your account will be closed until you pay all amounts you owe us including any transactions you have authorized, finance charges, past due fees, overlimit fees, returned payment fees, cash advance fees and any other fees assessed to your account. You are responsible for the amount whether they appear on your account at the time you request to close the account or they are incurred subsequent to your request to close the account. This may result in charges appearing on your account after you have requested the account to be closed or the reopening of

your account if it has already been closed. For example, if you authorized a purchase from a merchant and we refund the amount from your account before your account has been closed, your account will be reopened, the amount of the charge will be added to your account, and you will be responsible for payment. If there is a membership fee for your account, the fee will continue to be charged, to the extent permitted by law, until the account balance has been paid in full as defined above.

7. **Using Your Account.** Your card or account cannot be used in connection with any internet gambling transactions.

**BILLING RIGHTS SUMMARY**

(In Case Of Errors Or Questions About Your Bill)  
If you think your bill is wrong, or if you need more information about your bill, write to us on a separate sheet as soon as possible at the address for inquiries shown on the front of this statement. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can call our Customer Relations number, but doing so will not preserve your rights. In your letter, give the following information: your name and account number, the dollar amount in dispute, a detailed description of the error, and an explanation, if possible, of why you believe there is an error; or if you need more information, a description of the item you are unsure about. You do not have to pay any amount in question while we are investigating it, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

† Special Rule For Credit Card Purchases

If you have a problem with the quality of property or services that you purchased with a credit card and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the property or services. You have this protection if you believe the purchase price was more than \$50.00 or if the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.) Please remember to sign all correspondence.

† Does not apply to consumer non-credit card accounts

† Does not apply to business non-credit card accounts

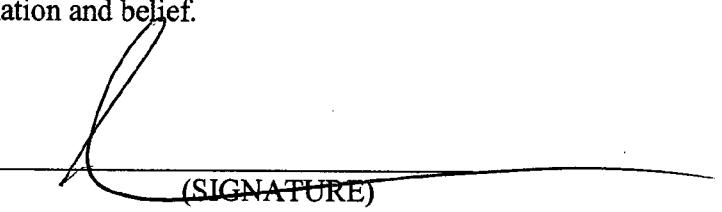
Capital One supports information privacy protection: see our website at [www.capitalone.com](http://www.capitalone.com). Capital One is a federally registered service mark of Capital One Financial Corporation. All rights reserved. © 2003 Capital One

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 SARA RUBIN  
(NAME)

Agent of Capital One Bank, plaintiff herein, that  
(TITLE) (COMPANY)

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

  
(SIGNATURE)

WWR#05215389

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101830  
NO: 06-1313-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: MICHELLE TIMKO

SHERIFF RETURN

---

NOW, August 29, 2006 AT 12:27 PM SERVED THE WITHIN COMPLAINT ON MICHELLE TIMKO DEFENDANT AT 5768 WAYNE ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MICHELLE TIMKO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

FILED

AUG 30 2006

0122014

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2588529	10.00
SHERIFF HAWKINS	WELTMAN	2588529	51.82

Sworn to Before Me This

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

So Answers,

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

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

CAPITAL ONE BANK,

Plaintiff No. 06-1313-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

MICHELLE TIMKO

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

WWR#05215389  
Judgment Amount \$ 3,051.14

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

FILED Atty pd. 20.00  
10/19/2006 10:00 AM to Def.  
OCT 19 2006  
Statement to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
©K

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, MICHELLE TIMKO above named, in the default of an Answer, in the amount of \$3,051.14 computed as follows:

Amount claimed in Complaint	\$2,924.87
Interest from AUGUST 9, 2006 TO OCTOBER 9, 2006 at the legal interest rate of 25.9% per annum	\$126.27
<b>TOTAL</b>	<b>\$3,051.14</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, 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#05215389

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: 121 WAYNE RD DU BOIS, PA 15801

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO

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 10/19/06

Assumpsit Judgment in the amount  
of \$3,051.14 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-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award

Prothonotary

By: Weltman  
PROTHONOTARY (OR DEPUTY)

MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS, PA 15801

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 COMMON PLEAS COURT OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK,

Case no: 06-1313-CD

Plaintiff  
vs.  
MICHELLE TIMKO

**NON-MILITARY AFFIDAVIT**

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.

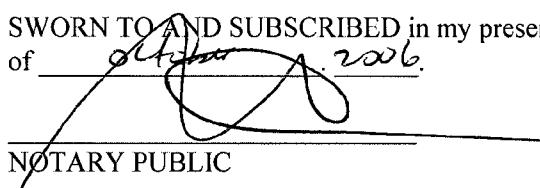
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, MICHELLE TIMKO is not in the military service.

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

Further Affiant sayeth naught.

  
\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 12 day  
of October 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Wendy L. Gault, Notary Public	
City Of Pittsburgh, Allegheny County	
My Commission Expires July 15, 2010	
Member, Pennsylvania Association of Notaries	

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

OCT-09-2006 07:45:56



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
TIMKO	MICHELLE		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:OIOCCGIJOL*

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

CAPITAL ONE BANK

Plaintiff

Case # 06-1313-CD

MICHELLE TIMKO

Defendant(s)

IMPORTANT NOTICE

TO: MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS, PA 15801

Date of Notice: 7/26/06  
NWR#: 05215389

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

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

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

BY:

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

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

Capital One Bank  
Plaintiff(s)

No.: 2006-01313-CD

Real Debt: \$3,051.14

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Michelle Timko  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 19, 2006

Expires: October 19, 2011

Certified from the record this 19th day of October, 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

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

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

CAPITAL ONE BANK

Plaintiff

No. 06-1313-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION  
(BANK ATTACHMENT AND LEVY)**

MICHELLE TIMKO

Defendant

NATIONAL CITY BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

WWR#5215389

**FILED** Atty Pd. 20.00  
M 11/37/01  
SEP 15 2008 3CC & 6 Writs  
to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
(610)

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO

Defendant

NATIONAL CITY 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 MICHELLE TIMKO, Defendant
3. against NATIONAL CITY BANK, Garnishee
4. Judgment Amount

\$ 3051.14

Interest \$ 344.07

Costs \$ 166.82

**SUBTOTAL:** \$ 3562.66

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 125.00

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.

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#5215389

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO  
Defendant

NATIONAL CITY BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

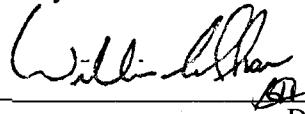
To satisfy the judgment, interest and costs against: MICHELLE TIMKO Defendant(s);

- (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 NATIONAL CITY BANK, as garnishee, 200 N BRADY ST DU BOIS PA 15801 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 sated

Amount due ..... \$ 3562.66

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

Prothonotary



Deputy

DATED: 9/15/08

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK

**Plaintiff**

**No. 06-1313-CD**

vs.

MICHELLE TIMKO

**Defendant**

**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.

WWR#5215389

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

CAPITAL ONE BANK

Plaintiff No. 06-1313-CD

vs. **INTERROGATORIES IN ATTACHMENT**

MICHELLE TIMKO

Defendant

and

NATIONAL CITY BANK

Garnishee FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5215389

FILED NOCC  
M 13461  
SEP 15 2008 60

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.: 06-1313-CD

MICHELLE TIMKO  
Defendant

and

NATIONAL CITY BANK  
Garnishee

TO: NATIONAL CITY BANK  
200 N BRADY ST  
DU BOIS PA 15801

Suggested Reference No.: XXX-XX-0035

RE: MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS PA 15801

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## **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, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5215389

**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  
CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff No. 06-1313 CD

vs.

PRAECIPE FOR JUDGMENT AGAINST  
GARNISHEE

MICHELLE TIMKO

Defendant

NATIONAL CITY BANK

Garnishee FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5215389

5  
FILED Atty pd  
m/t: 17/08 2008  
NOV 07 2008 ICC Notice  
(LM) to Garnishee  
William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to  
Atty

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1313 CD

MICHELLE TIMKO

Defendant

NATIONAL CITY BANK

Garnishee

**PRAECIPE FOR JUDGMENT AGAINST GARNISHEE**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Garnishee, NATIONAL CITY BANK , in the amount of \$1495.81, 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.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5215389

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: 200 N BRADY ST DUBOIS PA 15801

COPY

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1313 CD

MICHELLE TIMKO

Defendant

NATIONAL CITY 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 11/17/08

Assumpsit Judgment in the amount  
of \$1495.81 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. Chang  
PROTHONOTARY (OR DEPUTY)

National City Bank  
200 N Brady St  
Dubois Pa 15801

WWR#5215389

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

CAPITAL ONE BANK

Plaintiff

No. 06-1313-CD

vs.

**INTERROGATORIES IN ATTACHMENT**

MICHELLE TIMKO

Defendant

and

NATIONAL CITY BANK

Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5215389

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.: 06-1313-CD

MICHELLE TIMKO  
Defendant

and

NATIONAL CITY BANK  
GarnisheeTO: NATIONAL CITY BANK  
200 N BRADY ST  
DU BOIS PA 15801

Suggested Reference No.: XXX-XX-0035

RE: MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS PA 15801**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

**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?

OK - 11506454Q ~~#021425~~ 174.25  
after 300. exemption

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.

See #1

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.

See #2

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?

See #2

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?

W/C

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?

OK balance 1012108 \$ 1795.81

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?

See #2

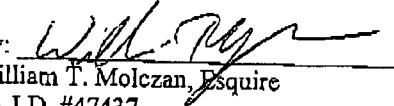
7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, 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.

See #2

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.

WHR

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

By:   
William T. Molczan, Esquire

PA I.D. #47437

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#5215389

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

CC/

Capital One Bank  
Plaintiff(s)

No.: 2006-01313-CD

Real Debt: \$1,495.81

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Michelle Timko  
Defendant(s)

Entry: \$20.00

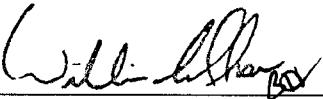
Instrument: Judgment Against Garnishee

National City Bank

Date of Entry: November 7, 2008

Expires: November 7, 2013.

Certified from the record this 7th day of November, 2008

  
\_\_\_\_\_  
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

FILED

NOV 10 2008

MI 8:35 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 9/C

WWR#5215389

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

CAPITAL ONE BANK

Plaintiff

No. 06-1313-CD

ANSWER S

vs.

INTERROGATORIES IN ATTACHMENT

MICHELLE TIMKO

Defendant

and

NATIONAL CITY BANK

Garnishee

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5215389

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.: 06-1313-CD

MICHELLE TIMKO  
Defendant

and

NATIONAL CITY BANK  
Garnishee

TO: NATIONAL CITY BANK  
200 N BRADY ST  
DU BOIS PA 15801

Suggested Reference No.: XXX-XX-0035

RE: MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS PA 15801

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## 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? *Ch 115044549 - # 474.25*

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.

*See #1*

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.

*See #7*

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?

*See #1*

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?

*W/G*

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?

*Ch - 115044549 - # 175681 as of 11-18*

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?

*See #7*

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.

*See #1*

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.

ANU

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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5215389

## VERIFICATION

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

Date 11-4-08

Lesley Murray  
Attachment Team Leader

Interrogatories submitted by:

Cailen Beale  
Attachment Verification Specialist

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

CAPITAL ONE BANK :  
Plaintiff :  
vs. :  
MICHELLE TIMKO :  
Defendant :  
Civil Action No. 06-1313-CD  
CLAIM FOR EXEMPTION

**FILED**

NOV 10 2008

01140 (un) 6K  
S William A. Shaw  
Prothonotary/Clerk of Courts

To the Sheriff:

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

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

(a) I desire that my \$300 statutory exemption be  
N/A (i) set aside in kind (specify property to be set aside in kind):

N/A

N/A (ii) paid in cash in following the sale of the property levied upon; or

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

The total sum of \$1637.39. This amount is property of my husband, through his employment, and is directly deposited into my checking account due to the current terms of his probation through Clearfield County Adult Probation (Please see attached letter of explanation). The original debt in question was obtained by myself prior to our marriage.

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

(a) My \$300 statutory exemption: N/A in cash;  
N/A in kind (specify property)  
N/A

(b) Social Security benefits on deposit in the amount of  
\$ N/A

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

N/A

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

Michelle Glavan  
5768 Wayne Road  
DuBois, PA 15801  
(814)-371-6177

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

Date: 11/16/08

Michelle M. Glavan (tink)  
(Defendant)

11/10/2008

Clearfield County Court:

This letter is in regards to Civil Action 06-1313-CD against Michelle Timko, and specifically pertaining to the Writ of Execution filed on 9/15/08 on behalf of Capital One Bank. The writ in question has caused my wife's checking account to be levied against, thereby preventing us from accessing the funds deposited in that account.

The reason that the bank account in question was opened was to facilitate the direct deposit of my paycheck into the account. Currently I am under supervision of the Clearfield County Adult Probation department, and under the terms of my probation I am not permitted to own or possess a checking account. As a result, the account was opened solely in my wife's name, and my paycheck is deposited into this account on a biweekly basis. The current levy placed against the account has prevented me from accessing my payroll funds, which were directly deposited into the account by my employer. However, the original debt which caused the levy was obtained by my wife prior to our marriage.

It is my understanding that the creditor has filed a lawsuit against my wife. I have been in recent contact with Weltman, Weinberg, and Reis, which is the law firm representing Capital One in this matter. I have explained the situation to them, and have informed them of my intentions to personally see that this debt is paid in full once this situation is resolved. However, in regards to the funds in question, I have been met with resistance in regards to them releasing these funds to me.

The total amount in question is \$1637.39, and was deposited on 10/17/08. It is my understanding that these funds should not be included in the account levy since National City Bank was notified on 10/16/08 that the account was being levied against. However, the law firm handling the case has specifically stated to me during a telephone conversation that they intend on seizing any and all funds which may be deposited until the account levy has been lifted, including the amount deposited by my employer.

I respectfully request that the total amount of \$1637.39 be considered exempt in the above-mentioned case, and that the funds be made immediately available to me by the Court and by National City Bank. This situation has prevented me from meeting my personal financial obligations, and I have been forced to seek alternative methods of obtaining funds to meet these obligations. Considering the fact that the original account was opened by Michelle prior to our marriage on 6/17/06, I do not believe that I should be held liable for the debt, and that my funds should not be levied against.

Included with this letter is a copy of my paystub verifying the total amount mentioned above. I have blackened out portions of this document for privacy purposes, and any edited portion should not be interpreted as an attempt by me to provide false information pertaining to this matter.

Please feel free to contact me at any time using the contact information below.

Thank you for your time, and I look forward to your prompt response.

Sincerely,



Christopher Glavan  
5768 Wayne Road  
Du Bois, PA 15801  
Phone: 814-603-0921



Christopher Glavan

Company:  
CIBER, Inc.  
Address:  
5251 DTC Parkway  
Suite 1400  
Greenwood Village, CO 80111

Net Pay: \$1,637.39  
Pay Begin Date: 09/27/2008  
Pay End Date: 10/10/2008  
Check Date: 10/17/2008  
[View a Different Payment](#)

*Date of deposit* →

[View a Different Payment](#)

**General**

Name:	Christopher W Glavan	Business Unit:	04
Employee ID:	[REDACTED]	Pay Group:	CIBER, Inc. (1)
Address:	7021 Shannon Road Apartment 1 Verona, PA 15147	Department:	04021 - Pittsburgh
		Location:	Pittsburgh
		Job Title:	Cons FT FB E Sal
		Pay Rate:	[REDACTED]

**Tax Data**

Fed Marital Status:	Married	PA Marital Status:	Not applicable
Fed Allowances:	2	PA Allowances:	2
Fed Addl Percent:	0.000	PA Addl Percent:	0.000
Fed Addl Amount:	\$0.00	PA Addl Amount:	\$0.00

**Paycheck Summary**

	Gross Earnings	Fed Taxable Gross	Total Taxes	Total Deductions	Net Pay
Current	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1,637.39
YTD	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Earnings**

Description	Hours	Rate	Amount	YTD Amount
Regular				[REDACTED]
Sal-PTO				[REDACTED]
Sal-Stal-Hol				[REDACTED]

**Taxes**

Description	Amount	YTD Amount
Fed Withholding	[REDACTED]	[REDACTED]
Fed MED/EE	[REDACTED]	[REDACTED]
Fed OASDI/EE	[REDACTED]	[REDACTED]
PA Unempl/EE	[REDACTED]	[REDACTED]
PA Withholding	[REDACTED]	[REDACTED]
PA WILKINSBURG BORO Withholding	[REDACTED]	[REDACTED]
PA PITTSBURGH LS Tax	[REDACTED]	[REDACTED]

Total: [REDACTED]

Total: [REDACTED]

**Before Tax Deductions**

Description	Amount	YTD Amount
Medical	[REDACTED]	[REDACTED]
Dental	[REDACTED]	[REDACTED]
Vision	[REDACTED]	[REDACTED]

**After Tax Deductions**

Description	Amount	YTD Amount
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]

**Employer Paid Benefits**

Description	Amount	YTD Amount
GTL	[REDACTED]	[REDACTED]
GTL*	[REDACTED]	[REDACTED]

Total: [REDACTED]

Total: [REDACTED]

\* Taxable

Total: [REDACTED]

**Net Pay Distribution**

Payment Type	Paycheck Number	Account Type	Account Number	Amount
Direct Deposit	858087	Checking	115064549	1,637.39

Go To: [Payroll Home](#)  
[Paycheck Sample](#)

*Paycheck direct deposited  
into wife's checking account*

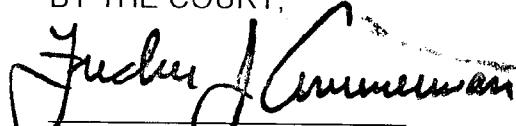
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK, \* NO. 06-1313-CD  
Plaintiff \*  
vs. \*  
MICHELLE TIMKO, \*  
Defendant \*

ORDER

AND NOW, this 12<sup>th</sup> day of November, 2008, upon consideration of the Plaintiff's pro se Claim for Exemption, it is the ORDER of this Court that hearing on said Claim for Exemption is hereby scheduled for the **20<sup>th</sup> day of November, 2008 at 9:00 a.m.** in **Hearing Room No. 3** of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
FREDRIC L. HAMMERMAN

President Judge

FILED 1CC Atty's:  
014:00 Bx  
NOV 12 2008 Warmbrodt  
Moleczan

S William A. Shaw 1CC Def-  
Prothonotary/Clerk of Courts 121 Wayne Rd.  
Dubois, PA 15801  
(60)

**FILED**

NOV 12 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/12/08

You are responsible for serving all appropriate parties:  
 The Prothonotary's office has provided service to the following parties:  
 Plaintiff(s)  Plaintiff(s) Attorney  Other  
 Defendant(s)  Defendant(s) Attorney  
 Special Instructions:



**FILED**

**NOV 20 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/20/08

You are responsible for serving all process on the Plaintiff(s) and the Defendant(s) in this case.

The Plaintiff(s)' attorney has received a copy of this summons and complaint.

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney  Other

Special instructions:

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

CAPITAL ONE BANK,

Plaintiff,

NO. 06-1313-CD

v.

MOTION TO DISMISS  
DEFENDANT'S CLAIM  
FOR EXEMPTION

MICHELLE TIMKO,

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.  
14000 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #05215389

FILED *No cc*  
M 12/5/08  
DEC 01 2008

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

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

CAPITAL ONE BANK,

Plaintiff,

NO. 06-1313-CD

v.

MOTION TO DISMISS  
DEFENDANT'S CLAIM  
FOR EXEMPTION

MICHELLE TIMKO,

Defendant.

**MOTION TO DISMISS DEFENDANT'S CLAIM FOR EXEMPTION**

AND NOW COMES Plaintiff, by and through its attorneys, Weltman, Weinberg & Reis Co., L.P.A., and files the following Motion to Dismiss Defendant's Claim For Exemption. In support thereof, Plaintiff avers the following:

1. On or about August 16, 2006, Plaintiff filed a Complaint against the Defendant to recover a credit card debt.
2. On or about October 19, 2006, Judgment was entered by default against the Defendant in favor of Plaintiff.
3. On or about September 15, 2008, Plaintiff garnished National City Bank.
4. On or about October 10, 2008, the Sheriff of Clearfield County served Garnishee with a Bank Attachment.

5. On or about November 07, 2008, Judgment was entered against the Garnishee in favor of Plaintiff, and that judgment has subsequently been paid.

6. On or about November 10, 2008, Defendant filed a Claim for Exemption.

7. Defendant's Claim for Exemption is Stale, as Claim was filed more than 20 days after the garnishee was served, per Pa. R.C.P. 3253.

WHEREFORE, Plaintiff prays that this Honorable Court dismisses Defendant's Claim for Exemption.

Respectfully Submitted:

By:   
William T. Molchan, Esquire  
PA I.D. #47437  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR #05215389

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities, that he is an attorney for the Plaintiff herein and makes this Verification based upon the facts as supplied to him by the Plaintiff because the Plaintiff is outside the jurisdiction of the court and the Plaintiff's Verification cannot be obtained within the time allowed for the filing of this pleading; and that the facts and circumstances set forth in this pleading, are true and correct to the best of his knowledge, information and belief.

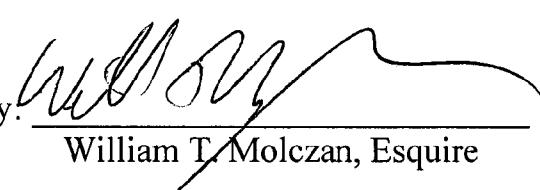
  
\_\_\_\_\_  
William T. Molczan, Esquire

**CERTIFICATE OF SERVICE**

A true and correct copy of Plaintiff's Motion to Dismiss Defendant's Claim  
For Exemption has been served by U.S. Mail, on the 26<sup>th</sup> day of  
November, 2008, upon the following:

MICHELLE TIMKO  
121 WAYNE RD  
DU BOIS, PA 15801

By:

  
William T. Molczan, Esquire

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

CAPITAL ONE BANK  
Plaintiff

\* No. 06-1313-CD

vs.

\*

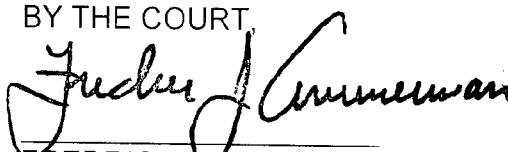
MICHELLE TIMKO,  
Defendant

\*

ORDER

AND NOW, this 2<sup>nd</sup> day of December, 2008, upon consideration of the Plaintiff's Motion to Dismiss Defendant's Claim for Exemption filed December 1, 2008, it is the ORDER of this Court that argument on said Motion be and is hereby **scheduled** for **December 19, 2008 at 10:30 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
01/02/2009 300  
DEC 02 2008 Atty. Molczan  
S William A. Shaw  
Prothonotary/Clerk of Courts  
GR

**FILED**

**DEC 02 2008**

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

DATE: 12/2/08

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

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

CAPITAL ONE BANK

Plaintiff No. 06-1313-CD

vs.

AFFIDAVIT OF SERVICE OF  
ORDER OF COURT

MICHELLE TIMKO

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Patrick Thomas Woodman, Esquire  
PA. I.D.#34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05215389

FILED 1CC A/H  
11:35am Woodman  
DEC 12 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

## CAPITAL ONE BANK

**Plaintiff** No. 06-1313-CD  
vs.

MICHELLE TIMKO

**Defendant**

**AFFIDAVIT OF SERVICE OF ORDER OF COURT**

BEFORE ME, the undersigned authority, personally appeared Patrick Thomas Woodman, Esquire, who according to law deposes and says that a copy of the Order of Court has been served on the Defendant, Michelle Timko.

1. On or about December 04, 2008, Plaintiff received a signed Order of Court for Argument set for December 19, 2008. Said Order of Court is attached as Exhibit "1".
2. On or about December 05, 2008, Plaintiff mailed the Order of Court to 121 Wayne Road DuBois, PA. 15801.

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

Patrick Thomas Woodman  
Patrick Thomas Woodman, Esquire  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05215389

Sworn to and subscribed  
before me this 8<sup>th</sup>  
day of December, 2008.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

**Notarial Seal**

Wayne A. Jones, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires June 29, 2010

Member Pennsylvania Association of Notaries

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

CAPITAL ONE BANK  
Plaintiff

\* No. 06-1313-CD

vs.

MICHELLE TIMKO,  
Defendant

\*  
\*  
\*  
\*

O R D E R

AND NOW, this 2<sup>nd</sup> day of December, 2008, upon consideration of the Plaintiff's Motion to Dismiss Defendant's Claim for Exemption filed December 1, 2008, it is the ORDER of this Court that argument on said Motion be and is hereby **scheduled for December 19, 2008 at 10:30 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge

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

DEC 02 2008

Attest:

*William L. Brown*  
Prothonotary/  
Clerk of Courts

**EXHIBIT**

"1"

05215389

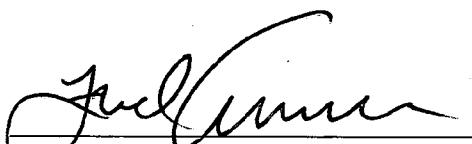
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK :  
Plaintiff, :  
vs. : NO. 06-1313-C.D.  
MICHELLE TIMKO :  
Defendant. :  
: :  
: :  
: :  
: :

**SCHEDULING ORDER**

AND NOW, this 17<sup>th</sup> day of December 2008, it is hereby ORDERED that Hearing on Defendant's Claim for Exemption and Plaintiff's Motion to Dismiss in the above captioned matter, at the request of Defendant, shall be and is hereby continued from Friday, December 19, 2008 to **Wednesday, January 28, 2009 at 10:00 A.M.** in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman,  
President Judge

**FILED**  
01/14/09  
DEC 17 2008

5 William A. Shaw (610)  
Prothonotary/Clerk of Courts  
JCC Attns: Molczan/Warmbrodt  
ICC Def: 621 Wayne Road  
DeBois, PA 15801

**FILED**

**DEC 17 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

**DATE: 12/17/08**

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:  
Plaintiff(s)  Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_  
 Defendant(s)  Defendant(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_  
Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20853  
NO: 06-1313-CD

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: MICHELLE TIMKO

Execution PERSONAL PROPERTY / INTERROGATORIES

**SHERIFF RETURN**

DATE RECEIVED WRIT: 9/15/2008

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT . PLUS COSTS

WRIT RETURNED 1/26/2009

*S*  
**FILED**

*JAN 26 2009 LM  
6/9/2011*

William A. Shaw  
Prothonotary/Clerk of Courts

**DETAILS**

@ SERVED MICHELLE TIMKO

DEPUTIES UNABLE TO SERVE MICHELLE TIMKO, DEFENDANT AT 121 WAYNE ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA THERE IS NO SUCH ADDRESS.

10/10/2008 @ 11:36 AM SERVED NATIONAL CITY BANK

SERVED NATIONAL CITY BANK, GARNISHEE, BY HANDING TO PAM FARRETT, BRANCH MANAGER, AT HER PLACE OF EMPLOYMENT, NATIONAL CITY BANK, 200 N. BRADY STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA

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

@ SERVED MICHELLE TIMKO

DEPUTIES ATTEMPTED TO SERVE MICHELLE TIMKO, AT 5768 WAYNE ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, NOT HOME.

@ SERVED

NOW, JANUARY 26, 2008 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20853  
NO: 06-1313-CD

PLAINTIFF: CAPITAL ONE BANK

VS.

DEFENDANT: MICHELLE TIMKO

Execution PERSONAL PROPERTY / INTERROGATORIES

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$99.28

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

*Chester A. Hawkins*  
Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO  
Defendant

NATIONAL CITY BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: MICHELLE TIMKO 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 NATIONAL CITY BANK, as garnishee, 200 N BRADY ST DU BOIS PA 15801 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 sated

Amount due ..... \$ 3562.66

Costs to be added..... \$ 65.00 Prothonotary costs

Received this writ this 15<sup>th</sup> day  
of September A.D. 2008  
At 3:00 A.M./P.M.

Prothonotary

Charles A. Newlands  
Sheriff by Cynthia Butler, Deputy Sheriff

Willie L. Shan  
Deputy

DATED: 9/15/08

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK  
Plaintiff

vs.

No. 06-1313-CD

MICHELLE TIMKO

Defendant

**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.

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

NAME MICHELLE TIMKO

NO. 06-1313-CD

NOW, January 24, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Michelle Timko to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR SERVICE	9.00
MILEAGE LEVY	22.23
MILEAGE POSTING	22.23
HANDBILLS	
COMMISSION	0.00
POSTAGE	0.59
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	22.23
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE COPIES	9.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$99.28</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

		DEBT-AMOUNT DUE INTEREST @ % FROM TO	3,051.14 0.00
PROTH SATISFACTION		LATE CHARGES AND FEES	
COMMISSION		COST OF SUIT-TO BE ADDED	166.82
FORECLOSURE FEES			
ATTORNEY COMMISSION			
REFUND OF ADVANCE			
REFUND OF SURCHARGE			30.00
SATISFACTION FEE			
ESCROW DEFICIENCY			
PROPERTY INSPECTIONS			
INTEREST			344.07
MISCELLANEOUS			
<b>TOTAL DEBT AND INTEREST</b>			<b>\$3,816.31</b>
<b>COSTS:</b>			
ADVERTISING			0.00
TAXES - COLLECTOR			
TAXES - TAX CLAIM			
DUE			
LIEN SEARCH			
ACKNOWLEDGEMENT			
SHERIFF COSTS			99.28
LEGAL JOURNAL COSTS			0.00
PROTHONOTARY			125.00
MORTGAGE SEARCH			
MUNICIPAL LIEN			
<b>TOTAL COSTS</b>			<b>\$224.28</b>
<b>TOTAL COSTS</b>			<b>\$3,816.31</b>

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

CHESTER A. HAWKINS, Sheriff

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

CAPITAL ONE BANK }  
VS } NO. 06-1313-CD  
MICHELLE TIMKO }  
}

O R D E R

NOW, this 28th day of January, 2009, this being the date set for Hearing on the Defendant's Claim for Exemption as well as the Plaintiff's Motion to Dismiss Defendant's Claim for Exemption; the Court noting that Attorney Eric Cummings, Esquire, has appeared on behalf of the Plaintiff while neither the Defendant Michelle Timko a/k/a Michelle Gavlen or Christopher Gavlen having appeared nor has anyone appeared on their behalf, it is the ORDER of this Court that the Claim for Exemption be and is hereby DISMISSED. The Motion to Dismiss Defendant's Claim for Exemption filed on behalf of the Plaintiff is hereby DISMISSED as moot.

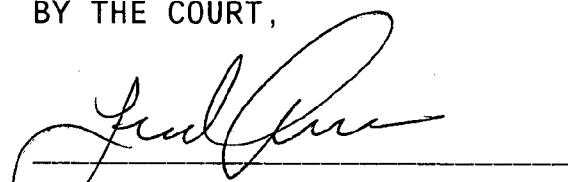
FILED  
01/30/2009  
JAN 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

CC:  
Michelle Timko  
Christopher Gavlen  
5768 Wayne Road  
DeBois, PA 15801

(610)

BY THE COURT,

  
\_\_\_\_\_  
President Judge

**FILED**

**JAN 30 2009**

William A. Straw  
Prothonotary/Clerk of Courts

DATE: 1/30/09

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other Attorney  
 Defendant(s)  Defendant(s) Attorney

Christopher Cummings  
Christopher Gauvin

FILED  
311130 LM  
JUL 06 2010

pd \$7.00 Atty  
2cc Atty Rowland

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff No. 06-1313-CD

vs. PRAECIPE FOR SATISFACTION OF  
MICHELLE TIMKO JUDGMENT

Defendant(s) FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Lyndsay E Rowland, Esquire  
PA I.D. # 205520  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5215389 JAM

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1313-CD

MICHELLE TIMKO

Defendant(s)

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

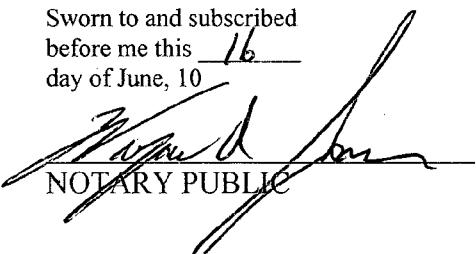
At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned Judgment.

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

By:   
Lyndsay E. Rowland, Esquire  
PA I.D. # 205520  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #5215389

Sworn to and subscribed  
before me this 16  
day of June, 10

  
NOTARY PUBLIC

