

06-1336-CD

MeLingle vs Amy Heavner et al

2006-1336-CD

MeLvin Lingle vs Amy Heavner et al

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Lingle Mel  
(Plaintiff)

718 Elk Ave  
(Street Address)

CLEARFIELD PA 16830  
(City, State ZIP)

VS.

Heavner Amy - DiGiorgio Chels  
(Defendant)

215 NW 4th Ave  
(Street Address)

CLEARFIELD PA 16830  
(City, State ZIP)

CIVIL ACTION

2006-1336-CJ  
No. LT-0000464-05

Type of Case: Statement of objection

Type of Pleading: objection of sale

Filed on Behalf of:

(Plaintiff/Defendant)

**FILED**  
0/145 cm  
AUG 21 2006  
No. 6

William A. Shaw  
Prothonotary

Chels DiGiorgio - Amy Heavner  
(Filed by)

215 NW 4th Ave CLEARFIELD  
(Address)

814-768-7607  
(Phone) 814-  
CE11-553-1530

CDL/Chels Amy J Heavner  
(Signature)

In the Court of Common Pleas of Clearfield County, Pennsylvania  
 Civil Division

Lingle MEL

Plaintiff

vs.

HEAVNER Amy - DiGiorgio Chrs

Defendant

2006-1336

No. LT 0000464-05

C.D.

AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff/Defendant in the above matter and because of my financial condition I am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name Amy HEAVNER - Chrs DiGiorgio

Address 215 NW 4th Ave

CLEARFIELD PA 16830

Social Security Number 193 - 54 - 4562  
210 54 0737

b. Date of last employment PRESENT

Employer MOORE & KYLER Contracting Inc.

Address 320 High St

CLEARFIELD PA

Salary/Wages..... \$ 10. PER HR \$400 wk Biwky

Type of work Gen Contractor

c. Other Income:

Business/Profession.....	\$ <u>N/A</u>
Self-employment.....	\$ <u>N/A</u>
Interest.....	\$ <u>N/A</u>
Dividends.....	\$ <u>N/A</u>
Pension.....	\$ <u>N/A</u>
Annuities.....	\$ <u>N/A</u>
Social Security Benefits.....	\$ <u>N/A</u>
Support Payments.....	\$ <u>300/WK</u>
Disability payments.....	\$ <u>N/A</u>
Unemployment Compensation/	
Supplements Benefits.....	\$ <u>N/A</u>
Workmen's Compensation.....	\$ <u>N/A</u>
Public Assistance.....	\$ <u>N/A</u>
Food Stamps.....	\$ <u>N/A</u>
Other.....	\$ <u>N/A</u>

d. Other contributions to my household support (please circle):

Name of Spouse, Boyfriend/Girlfriend, or Roommate/Housemate

Amy HEAVNER

Employer N/A

Salary/wages per month..... \$ N/A

Type of work N/A

Contributions from my child(ren).... \$   

Contributions from my parent(s),  
family members, or any other  
individuals..... \$ N/A

e. Property Owned:

Cash.....	\$ <u>30</u>
Checking Account.....	\$ <u>N/A</u>
Savings Account.....	\$ <u>N/A</u>
Certificates of Deposit.....	\$ <u>N/A</u>
Real Estate (including home).....	\$ <u>N/A</u>
Motor Vehicle(s) - Make <u>Plymouth Grand Voyager</u>	
Year <u>1997</u>	
Cost.....	\$ <u>1500</u>
Amount owed.....	\$ <u>1000</u>

Stocks, bonds..... \$ N/A  
Other..... \$ N/A  
Other..... \$ N/A  
Other..... \$ N/A

f. I have the following debts:

Utilities:	\$ <u>60</u> . <u>00</u>	, explain	<u>Phone - Per month</u>
	\$ <u>79</u> . <u>00</u>	, explain	<u>Cable - Per month</u>
	\$ <u>3100</u> . <u>00</u>	, explain	<u>Heat - Per</u>
Storage locker	\$ <u>74</u> . <u>20</u>	, explain	<u>Per month</u>
Groceries:	\$ <u>75</u> . <u>00</u>	wk	
Rent/Mortgage:	\$ <u>500</u> . <u>00</u>	, explain	<u>Per month</u>
Loan(s):	\$ <u>1,000</u> . <u>00</u>	, explain	<u>CAR</u>
Auto Expense:	\$ <u>65</u> . <u>00</u>	, explain	<u>Ins. CAR. Per month</u>
Child Care:	\$ <u>      </u> . <u>  </u>	, explain	
Miscellaneous:	\$ <u>150</u> . <u>00</u>	, explain	<u>TRAVEL EXPENSES for Visitations</u>
Child support	\$ <u>115</u> . <u>00</u>	- per wk, of children.	

g. Person(s) dependent upon you for support:

Wife/Husband's name Robin D. 6102610

Children, if any: (Child Support)

Name	<u>Brittany DiGiorgio</u>	Age	<u>13</u>
Name	<u>Christyn DiGiorgio</u>	Age	<u>16</u>
Name	<u>Cassandra DiGiorgio</u>	Age	<u>14</u>
Name	<u>Madison DiGiorgio</u>	Age	<u>6</u>
Name		Age	
Name		Age	

Other person(s) dependent upon you:

Name \_\_\_\_\_ Age \_\_\_\_\_  
Name \_\_\_\_\_ Age \_\_\_\_\_  
Name \_\_\_\_\_ Age \_\_\_\_\_

4. I understand that I have a continuing obligation to inform the Court of improvements in my financial circumstances which would permit me to pay the costs incurred herein.

## VERIFICATION

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to Unsworn Falsification to Authorities.

9-21-06

Date

CJ Dohm - Amy J. Heavner

Petitioner

DATE: 9/21/06

NAME: Chris DiGiorgio - Amy HEAVER

TELEPHONE NUMBER: (814) 768 - 7607

ADDRESS: 215 NW 4th Ave  
Clearfield PA.

OTHER PARTIES INVOLVED: Amy HEAVER  
same Household

REASON FOR FILING THIS PETITION (Write a brief description of your financial problem(s), please be specific. Failure to do so could result in your request being delayed or denied.) (Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because...)

UNABLE TO AFFORD THE FEE BECAUSE my INCOME  
EXCEEDS my INCOME. WE SUPPORT 6 CHILDREN - 2 IN HOUSE  
AND 4 NOT LIVING WITH US. BY CHILD-SUPPORT (COURT-ORDERED)  
PLUS PAYING ALL OUR BILLS FOR THE HOUSE

TYPE OF ACTION: (divorce, custody, District Justice appeal, etc. Please specify what type of action you are pursuing through this application.)

Statement of Objection

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Chris DiGiorgio - Amy HERNER, having filed with the Court an Affidavit requesting In Forma Pauperis standing, hereby consent to the release of any information which may be requested by the Judges of the Court of Common Pleas of Clearfield County, or by any employee of the Court Administrator's Office acting on the behalf and at the direction of any said Judge, relating to any employment compensation, Worker's Compensation, Social Security, Department of Public Welfare or Black Lung benefits which I may receive from any county, state or federal agency which administers or handles processing of any of the above described benefits. This consent shall also authorize the release to the said Court or designee of any information as to any compensation I am receiving, or have received in the past twelve (12) months, from any full or part-time employment of any type whatsoever.

This consent shall remain in effect for a period of twelve (12) months herefrom. A copy or FAX of this release shall have the same legal effect as the original.

Social Security Number: 210-54-0737 - 4421 Amy  
193 - 54 - 4562 - Chris  
Board of Assistance Number (food stamps, etc.): \_\_\_\_\_

DATE: 9/21/06 CFH -  
signature

In the Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Lingle MEI

S.S. UNKNOWN

Plaintiff

vs.

Heavner Amy DiGiorgio Chay  
210-54-0737 193-54-4562  
Defendant

No. 2006-1336  
LT 0000464-05 C.D.

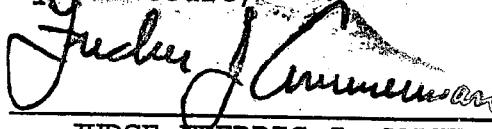
O R D E R

NOW, this 21 day of August,  
2006, upon consideration of the foregoing Affidavit in Support  
of Petition to Proceed in Forma Pauperis, it is the ORDER of this  
Court that said Petition is REDENIED / DENIED.

FSA

If the Petition is GRANTED, Filing / Mediation Conference  
fee is hereby WAIVED.

By the Court,

  
JUDGE FREDRIC J. AMMERMAN

FILED

03/29/06  
AUG 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

FILED ICC  
01/28/07 Def.  
AUG 22 2006

William A. Shaw  
Prothonotary/Clerk of Courts

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46<sup>th</sup>STATEMENT OF OBJECTION TO RULE 420  
ORDERS AND DETERMINATIONS  
OF DISTRICT JUSTICE

COMMON PLEAS NO.

2006-1336-CD

## STATEMENT OF OBJECTION

1. On 8-9-06  
(date)RICHARD A. IRELAND  
(name of District Justice)

District Justice, in connection with execution proceedings on the judgment rendered in the case of

Lingle Mel vs Heavner Amy-DiGiorgio C, Claim Number TA  
LT - 0000464-05, made  
(an order) (a determination) concerning:Check applicable  
box or boxes

FILED

03/29/06  
AUG 21 2006William A. Shaw  
Prothonotary/Clerk of Courts  
ICC DJ Ireland  
ICC Pff  
ICC Def.  
Def. pd. \$5.00

- an appeal taken by \_\_\_\_\_ from an \_\_\_\_\_  
(appraisal) (designation) of property made by the executing office.
- an appeal taken by \_\_\_\_\_ from a \_\_\_\_\_  
setting aside of property by the executing officer.
- a claim to all property levied upon filed by \_\_\_\_\_
- a claim to the following property levied upon filed by JUDGE IRELAND  
97 Plymouth Grand Voyager  
(brief description of property)
- an exception to distribution filed by \_\_\_\_\_
- a request made by \_\_\_\_\_ to set aside the sale of \_\_\_\_\_  
(brief description of property)

2. The (order) or (determination) referred to above was JUDGE IRELAND DISAGREE to  
My Objection for me Lingle to obtain a 2nd vehicle to  
satisfy a dept. He received 1 1991 Plymouth Grand Voyager.  
Now want my other van. After selling the 1st one
3. Chris DiGiorgio & Amy Heavner (owner), an aggrieved party in interest,  
(name of objecting party)

objects to this (order) (determination) of the District Justice.

(This form must be filed with the  
Prothonotary AND the District Justice  
WITHIN TEN (10) DAYS from the date of the  
order or determination to which objection is  
made.)

CJ DiGiorgio Amy Heavner  
(Signature of objecting party or his attorney or agent)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

MDJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD ST**  
**STE 113**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** **16830**

**NOTICE OF DETERMINATION OF  
PROPERTY CLAIMS AND DISPUTES**

PLAINTIFF:

**LINGLE, MEL**  
**718 ELK AVE**  
**CLEARFIELD, PA 16830**

NAME and ADDRESS

DEFENDANT:

**HEAVNER, AMY & CHRIS DIORGIO, ET AL**  
**215 NW 4TH AVE**  
**CLEARFIELD, PA 16830**

VS.

NAME and ADDRESS

Docket No.: **LT-0000464-05**  
Date Filed: **12/05/05**



**HEAVNER, AMY & CHRIS DIORGIO**  
**215 NW 4TH AVE**  
**CLEARFIELD, PA 16830**

THIS IS TO NOTIFY YOU THAT IN THE ABOVE CASE, THE FOLLOWING DECISION WAS MADE:

**OBJECTION DENIED**

Take van - March 13<sup>th</sup>  
Refiled - June 7, 2006

? Attorney General -

You have the right to file a Statement of Objection within ten (10) days from 8-9-06

The Statement of Objection must be filed with the Court of Common Pleas of **CLEARFIELD** County,  
on a form available from the Prothonotary at:

**Courthouse Address**

**CLEARFIELD COUNTY COURTHOUSE**  
**1 N SECOND STREET**  
**CLEARFIELD PA 16830**

**8/09/06**

Date of Decision

Magisterial District Judge

A handwritten signature in black ink, appearing to read "Dale DeLoach".

**DATE PRINTED: 8/10/06 4:16:00 PM**

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

MEL LINGLE

vs.

AMY HEAVNER AND  
CHRIS DIORGIO

: No. 06-1336-CD

**ORDER**

AND NOW, this 23<sup>rd</sup> day of August, 2006, it is the ORDER of the Court that an Evidentiary Hearing on the Statement of Objection filed in the above matter has been scheduled for Friday, September 22, 2006 at 10:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One-half (1/2) hour has been allotted for this matter.

**FILED**

043006  
AUG 23 2006

6P

William A. Shaw  
Prothonotary/Clerk of Courts  
1CC Piff. 718 E 1K Ave.  
Clearfield, PA 16830

2CC Defs- 215 NW 4th Ave.  
Clearfield, PA 16830

BY THE COURT:

  
HONORABLE FREDRIC J. AMMERMAN  
President Judge

**FILED**

**AUG 23 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/23/06

       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

MEL LINGLE

:

VS.

: NO. 06-1336-CD

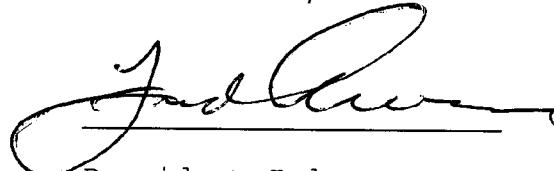
AMY HEAVNER and CHRIS DIORGIO

:

O R D E R

AND NOW, this 22nd day of September, 2006, following the taking of testimony relative the Statement of Objection filed by the Defendants, proceeding pro se, it is the ORDER of this Court that said Statement of Objection be and is hereby dismissed.

BY THE COURT,



President Judge

FILED

019:45/61  
SEP 26 2006

PIFF-718 EIK Ave.  
Clearfield PA

160830

Defs-

William A. Shaw  
Prothonotary/Clerk of Courts

215 NW 4th Ave.  
Clearfield, PA

160830

(60)

9/27/06 100MJ  
Ireland

DATE: September

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**

SEP 26 2006

William A. Shaw,  
Prothonotary/Clerk of Courts