

06-1339-CD

[Marcap Vendor Finance Corp. vs D. Myers

2006-1339-CD

Marcap Bendor vs Dan Myers

06-1339-CD

 COPY

Wisniewski & Mensing, LLP
By: Stephanie J. Mensing, Esquire
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Attorney for Plaintiff, Marcap Vendor Finance Corp.

FILED Atty
C 12:25 PM mensing
AUG 21 2006 pd 2000

William A. Shaw
Prothonotary/Clerk of Courts

Marcap Vendor Finance Corp. : Court of Common Pleas
Plaintiff : Franklin County
vs. :
Myers, Dan, et al. : Docket No. 2004-3380
Defendants :

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

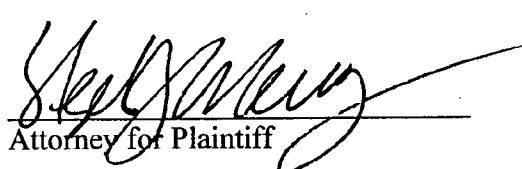
Issue a Writ of Execution in the above matter,

1. directed to the Sheriff of Clearfield County;
2. against Defendant Dinos Place Inc.; and
3. against County National Bank, Garnishee;
4. and enter this Writ in the Judgment Index
 - a. against Dinos Place Ind., defendant, and
 - b. against County National Bank, as garnishee, as
 - i. a lis pendens against real property of the defendant in the name of garnishee as follows:

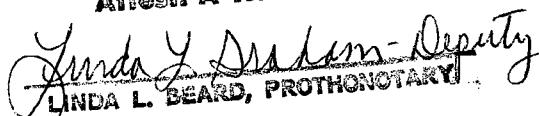
5. Amount due: \$15,596.14
Interest From December 30, 2004: \$ 1,497.60
Costs to be added: \$ 271.00

2006 AUG -8 PM 12:33
LINDA L. BEARD
PROTHONOTARY
DEPUTY

PROTHONOTARY
FRANKLIN COUNTY PA


Attorney for Plaintiff

Attest: A TRUE COPY


Linda L. Beard - Deputy
LINDA L. BEARD, PROTHONOTARY

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Marcap Vendor Finance Corp.	:	Court of Common Pleas
Plaintiff	:	Franklin County
 vs.	:	Docket No. 2004-3380
 Myers, Dan, et al.	:	
Defendants	:	

**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 to be held or taken to pay the judgment. You may have legal rights to prevent your property from be 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. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Legal Reference Service of Franklin-Fulton Counties
Franklin County Courthouse
Chambersburg PA 17201
717-261-3848

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Defendants	:	

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Franklin

To the Sheriff of Clearfield County:

To satisfy the judgment, interest, and costs against Dino's Place, Inc., Defendant.

1. You are directed to levy upon the property of the defendant and to sell their interest herein;
2. You are also directed to attach the property of the defendant not levied upon in the possession of County National Bank, 1 South Second Street, Clearfield, PA 16830, account number 0002263424, account number 0007008303, and account number 0007705643 as garnishee and to notify the garnishee that
 - a. An attachment has been issued;
 - b. The garnishee is enjoined from paying any debt to or for the account of the defendants and from delivering any property of the defendants or otherwise disposing thereof;
3. If the 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 that he has been added as a garnishee and is enjoined as above stated.

Attest: A TRUE COPY

Linda L. Beard - Deputy
LINDA L. BEARD, PROTHONOTARY

Amount due: \$15,596.14
Interest From December 30, 2004: \$ 1,497.60
Costs to be added: \$ 271.00

Lynda L. Beard
Franklin County Prothonotary

Seal of the Court

August 8, 2006

By: Lynda L. Beard, Deputy

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA
AND FEDERAL LAW**

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be proved by law

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Marcap Vendor Finance Corp.	:	Court of Common Pleas	
	Plaintiff	:	Franklin County
		:	
vs.		:	Docket No. 2004-3380
		:	
Myers, Dan, et al.		:	
	Defendants	:	

CLAIM FOR EXEMPTION

To the Sheriff:

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

1. From my personal property in my possession which has been levied upon,
 - a. I desire that my \$300 statutory exemption be
 - i. [] set aside in kind (specify property to be set aside in kind)
 - ii. [] paid in cash following the sale of the property levied upon; or
 - b. I claim the following exemption (specify property and basis of exemption):
2. From my property which is in the possession of a third party, I claim the following exemptions:
 - a. My \$300 statutory exemption: [] in cash; [] in kind (specify property):
 - b. Social Security benefits on deposit in the amount of \$ _____
 - c. Other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption. Notice of the hearing should be give to me at: _____
(address)

(telephone number)

I verify that the statements made by me in the 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 THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY, Clearfield County Courthouse, 1 North Second Street, Suite 116, Clearfield, PA 16830; Phone: 814-765-2641

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Plaintiff	:	Franklin County
	:	
vs.	:	Docket No. 2004-3380
	:	
Myers, Dan, et al.	:	
Defendants	:	
	:	
And	:	
	:	
County National Bank,	:	
	:	
Garnishee	:	

INTERROGATORIES TO THE ABOVE NAMED GARNISHEE

To: County National Bank

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

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

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

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

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant 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 direction or consent and if so, what was the consideration therefor?

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 the defendant's direction or otherwise discharge any claim of the defendant against you?

Prothonotary

Dated: _____

Deputy