

06-1631-CD
CACV of Colorado vs Kimberly Graham

2006-1631-CD
Merriman Investments vs Kimberly Graham

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

CACV OF COLORADO, LLC

Plaintiff

No. 2006-1631-C0

vs.

COMPLAINT IN CIVIL ACTION

KIMBERLY GRAHAM

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#05275775

FILED pd \$85.00 Atty
M/2/2006 1CC Atty
OCT 05 2006 1CC Shft

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No.

KIMBERLY GRAHAM

Defendant

COMPLAINT IN CIVIL ACTION 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

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

COMPLAINT

1. Plaintiff is a corporation with offices in 370 17th Street, Suite 5000, Denver, CO 80202.

2. Defendant is residing at 426 PINE ST

CURWENSVILLE,PA 16833 .

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number 4417168813905704 .

4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of AUGUST 4, 2006, in the amount of \$6944.22. A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.

5. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.

6. Plaintiff is entitled to the addition of interest at the rate of 6.000% per annum on the unpaid balance from the date of judgment.

7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, KIMBERLY GRAHAM individually, in the amount of \$6944.22 with continuing finance charges thereon at the rate of 6.000% per annum from AUGUST 4, 2006 plus costs.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
SHALL BE USED FOR THAT PURPOSE.

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

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

WWR#:05275775

05275775

May 31 2006

Page 1 of 2

Statement for account number: 4417 1888 1390 5704

New Balance	Payment Due Date	Post Due Amount	Minimum Payment
\$6,826.19	02/07/05	\$696.00	\$1,033.00

Amount Enclosed Make your check payable to Bank One.
New address or e-mail? Print on back.**BANK ONE.**

Did you know you could
transfer balances online?
Check out if you qualify by
going to www.bankoneBT.com.

441718881390570400103300006855191

CARDMEMBER SERVICE
PO BOX 15153

WILMINGTON DE 19886-5153

00000 BX Z01305
KIMBERLY GRAHAM
428 PINE ST
CURWENSVILLE PA 16828-1043

185000 180 281 22488139057045#

BANK ONE.

Statement Date:	12/14/04 - 01/13/05	CUSTOMER SERVICE
Payment Due Date:	02/07/05	In U.S. 1-800-436-7927
Minimum Payment Due	\$1,033.00	Espanol 1-888-446-0308
		TDD 1-800-655-8080
		Outside U.S. call collect 1-302-594-8200

VISA ACCOUNT SUMMARY

Previous Balance	\$6,748.68	Total Credit Line	\$12,000	P.O. Box 15288
Purchases, Cash, Debits	\$820.00	Available Credit	\$5,144	Wilmington, DE 19886-5288
Finance Charges	\$88.51	Cash Advance Line	\$2,400	PAYMENT ADDRESS
New Balance	\$6,826.19	Available for Cash	\$2,400	P.O. Box 15153 Wilmington, DE 19886-5153

VISIT US AT:
www.cardmemberservices.com

EXHIBIT
1**TRANSACTIONS**

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount	
			Credit	Debit
01/07		LATE FEE		\$20.00

FINANCE CHARGES

PERIODIC RATE(S) AND APP(S) MAY VARY						
Category	Daily Periodic Rate 31 days in cycle	Corresponding APR	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee	FINANCE CHARGES
Purchases	.04107%	14.99%	\$6,794.91	\$88.51	\$0.00	\$88.51
Cash advances	.04107%	14.99%	\$0.00	\$0.00	\$0.00	\$0.00

Total finance charges **\$88.51**Effective Annual Percentage Rate (APR): **14.99%**

The Corresponding APR is the rate of interest you pay when you carry a balance on purchases or cash advances.

The Effective APR represents your total finance charges - including transaction fees, such as cash advance and balance transfer fees - expressed as a percentage.

IMPORTANT NEWS

BANK ONE AND CHASE HAVE MERGED. DURING THE MERGER TRANSITION
YOU MAY RECEIVE COMMUNICATIONS FROM US UNDER BOTH THE BANK
ONE AND CHASE BRANDS. THANK YOU FOR YOUR CONTINUED BUSINESS
AND WELCOME TO CHASE!

Last chance to ensure you receive a Free Year End Summary!
Just login online at www.cardmemberservices.com by 2/15/05 and
a copy will be automatically available online by 3/15/05!
It's that simple! Don't Delay!

Use your credit card to pay your bills from
one easy-to-use website. Just visit
www.cardmemberservices.com/payyourbills.
Choose to pay bills individually or set-up
automatic monthly payments. It's that easy!

This Statement is a Facsimile - Not an original

X 000001 R500006 000 N Z 12 06/01/05 Page 1 of 1 05688 MA MA 00688 019100000640000063801

WELTMAN, WEINBERG & REIS

Co., L.P.A.

ATTORNEYS AT LAW
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219

(412) 434-7955 FAX (412) 434-7959

CLEVELAND • COLUMBUS • CINCINNATI • PITTSBURGH • DETROIT

July 31, 2006

RE: CAPITAL ONE BANK vs. KIMBERLY

COURT #:

TO THE SHERIFF OF CLEARFIELD COUNTY:

**PLEASE SERVE THE DEFENDANT(S) AT THE FOLLOWING
ADDRESS(ES):**

KIMBERLY GRAHAM
426 PINE ST
CURWENSVILLE, PA 16833

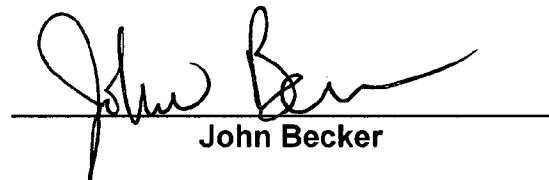
PLEASE CONFIRM SERVICE BY SENDING NOTICE TO:

WELTMAN, WEINBERG & REIS, CO., L.P.A.
2718 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219
(412) 434-7955

WWR NO. 05275775

VERIFICATION

**The undersigned does hereby verify subject to the penalties of
18 PA C.S. 4904 relating to unsworn falsifications to authorities, that he is
John Becker, Authorized Agent of CACV of Colorado, LLC, plaintiff herein,
that he 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
knowledge, information and belief.**



John Becker

**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.**

WWR# 5275775 BXH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102002
NO: 06-1631-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CACV OF COLORADO, LLC
vs.
DEFENDANT: KIMBERLY GRAHAM

FILED
07314601
JAN 18 2007
CM

SHERIFF RETURN

William A. Shaw
Prothonotary/Clerk of Courts

NOW, October 16, 2006 AT 12:20 PM SERVED THE WITHIN COMPLAINT ON KIMBERLY GRAHAM DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KIMBERLY GRAHAM BERNETTI, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2574959	10.00
SHERIFF HAWKINS	WELTMAN	2574959	24.34

Sworn to Before Me This

____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

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

CACV OF COLORADO, LLC

Plaintiff No. 2006-1631

vs. PRAECIPE FOR DEFAULT JUDGMENT

KIMBERLY GRAHAM

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#05275775
Judgment Amount \$ 7157.68

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. 2000
MJD:3741 ICC Defendant
FEB 20 2007 w/ Notice

William A. Shaw
Prothonotary/Clerk of Court
Statement to
Atty
GW

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

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

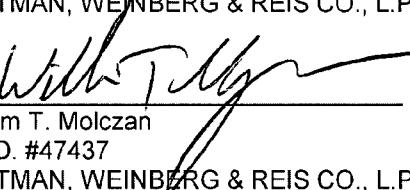
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, KIMBERLY GRAHAM above named, in the default of an Answer, in the amount of \$7157.68 computed as follows:

Amount claimed in Complaint	\$6944.22
Interest from AUGUST 4, 2006 TO FEBRUARY 7, 2007 at the legal interest rate of 6.00% per annum	\$213.46
TOTAL	\$7157.68

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

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#05275775

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendant is: 426 PINE ST CURWENSVILLE, PA 16833

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

COPY

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM

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 2/20/07

Assumpsit Judgment in the amount
of \$7157.68 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: Will H. May Jr.
PROTHONOTARY (OR DEPUTY)

KIMBERLY GRAHAM
426 PINE ST
CURWENSVILLE, PA 16833

Plaintiff's address is:

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

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

CACV OF COLORADO, LLC

Plaintiff

Case # 2006-1631

KIMBERLY GRAHAM

Defendant(s)

IMPORTANT NOTICE

TO: KIMBERLY GRAHAM
426 PINE ST
CURWENSVILLE, PA 16833

Date of Notice: 1/24/07
WWR#: 05275775

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: Patrick Thomas Woodman
PATRICK THOMAS WOODMAN
PA I.D. #34507
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 KOPPERES BLDG, 436 7TH AVE.
PITTSBURGH, PA 15219
(412) 220-7070

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

CACV OF COLORADO, LLC

Case no: 2006-1631

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

KIMBERLY GRAHAM

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.

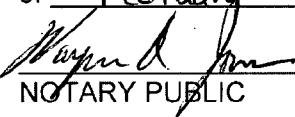
Affiant further states that based upon investigation it is the affiant's belief that the Defendant,
KIMBERLY GRAHAM is not in the military service.

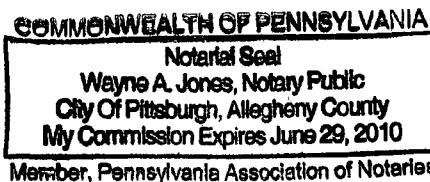
Affiant further states that this belief is supported by the attached certificate from the Defense
Manpower Data Center (DMDC), which states that the Defendant, KIMBERLY GRAHAM is not in the
military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 12 day
of February, 2007.


NOTARY PUBLIC



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

Department of Defense Manpower Data Center

FEB-07-2007 06:46:32



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
GRAHAM	KIMBERLY		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: BRSDXPLYSOV

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

COPY

CACV of Colorado, LLC
Plaintiff(s)

No.: 2006-01631-CD

Real Debt: \$7,157.68

Atty's Comm: \$

Vs.

Costs: \$

Kimberly Graham
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 20, 2007

Expires: February 20, 2012

Certified from the record this 20th day of February, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

CACV OF COLORADO LLC

Plaintiff No. 2006-1631

vs.

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

KIMBERLY GRAHAM

Defendant

S&T BANK,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#5275775

FILED *Atty pd.*
M 12:11 PM *20.00*
JUL 30 2007 *3CC & Lewants*
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
(60)

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

Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM

Defendant

S&T BANK,

Garnishee

PRAECIPE FOR WRIT OF EXECUTION

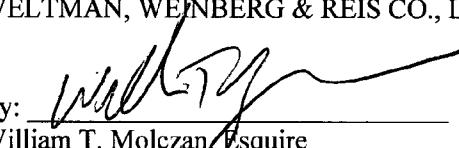
TO THE PROTHONOTARY:

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

1. directed to the Sheriff of CLEARFIELD County:
2. against KIMBERLY GRAHAM, Defendant
3. against S&T BANK, Garnishee
4. Judgment Amount \$ 7157.68

Interest	\$	182.36
Costs	\$	
SUBTOTAL:	\$	7340.04
Costs (to be added by Prothonotary):	\$	<u>125.00</u> Prothonotary cost

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 Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5275775

CACV OF COLORADO LLC

Plaintiff

No. 2006-1631

vs.

**INTERROGATORIES IN ATTACHMENT
S&T BANK**

KIMBERLY GRAHAM

Defendant

and

S&T BANK

Garnishee

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5275775

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

CACV OF COLORADO LLC

Plaintiff

vs.

Civil Action No.: 2006-1631

KIMBERLY GRAHAM
Defendant

and

S&T BANK
Garnishee

TO: S&T BANK Suggested Reference No.: XXX-XX-8578
614 LIBERTY BLVD
DUBOIS PA 15801

RE: KIMBERLY GRAHAM
426 BEERS RD
DUBOIS,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?

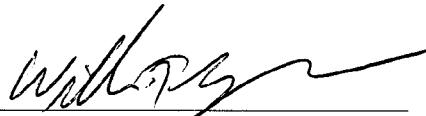
5. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

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.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5275775

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 CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CACV OF COLORADO LLC
Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM
Defendant

S&T BANK
Garnishee

WRIT OF EXECUTION

COPY

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KIMBERLY GRAHAM 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 S&T BANK, as garnishee, 614 Liberty Blvd 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 \$ 7340.04

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

Prothonotary

John M. Basso
Deputy

DATED: 7/30/07
WWR#5275775

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

CACV OF COLORADO LLC

Plaintiff

No. 2006-1631

vs.

KIMBERLY GRAHAM

Defendant
S&T BANK
Garnishee

WRIT OF EXECUTION
NOTICE

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

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

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

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

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

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

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

CLAIM FOR EXEMPTION

TO THE SHERIFF:

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

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

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

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

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

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

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

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

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

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

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: _____ TELEPHONE NUMBER: _____

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

Date: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

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

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

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

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

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

CACV OF COLORADO LLC, :
Plaintiff : No. 2006-1631
:
vs. :
:
KIMBERLY GRAHAM, :
Defendant :
:
S&T BANK, :
Garnishee :
:

FILED
S 10:31 AM
SEP 13 2007
NO CC
JS
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for S & T Bank in the above-captioned matter, hereby certify that I served the original Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

William T. Molczan, Esquire
WELTMAN, WEINGBERG & REIS CO.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

CERTIFIED MAIL
Kimberly Graham
426 Beers Road
Dubois, PA 15801

Date: September 5, 2007


Peter F. Smith, Esquire
Attorney for S & T Bank
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

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

CACV OF COLORADO, LLC

Plaintiff No. 2006-1631

vs.

**PRAECLPICE TO SETTLE, DISCONTINUE
& END AS TO THE GARNISHEE
S&T BANK ONLY**

KIMBERLY GRAHAM

Defendant

S&T BANK

Garnishee FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#5275775

FILED 1cc to
M/11/25 2006 Atty
JUL 24 2006 URBAN
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM

Defendant

S&T BANK

Garnishee

**PRAECIPE TO SETTLE DISCONTINUE AND END
AS TO THE GARNISHEE , S&T BANK, ONLY**

TO THE PROTHONOTARY OF COUNTY:

Please kindly Settle Discontinue and End the above captioned matter as to Garnishee, S&T BANK, only, upon the records of the Court and mark the cost paid.

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

By: 

Matthew D. Urban, Esq.

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-79555

WWR#5275775

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

Sworn to and subscribed

Before me the

Day of JULY, 2008

NOTARY PUBLIC

SHAPIRO LAW OFFICE, P.C.
Kenneth S. Shapiro, Esq.
Attorney I.D. #26850
P.O. Box 1050
33 Rock Hill Rd., Suite 150
Bala Cynwyd, PA 19004-5050
(610) 668-0707

No. of Pages 1

FILED

JAN 24 2011

112-356
William A. Shaw
Prothonotary/Clerk of Courts

CACV Of Colorado, Llc : Court Of Common Pleas
Plaintiff : Clearfield County, PA

v. : ATC

Kimberly Graham : CIVIL CASE NO. 2006-1631

Defendant(s)

ENTRY OF APPEARANCE

TO THE DIRECTOR OF THE DEPARTMENT OF COURT RECORDS OF CLEARFIELD COUNTY, PENNSYLVANIA (CIVIL DIVISION):

Kindly enter my appearance on behalf of CACV Of Colorado, Llc, Plaintiff herein.

I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

Papers may be served at the address set forth below:

Kenneth S. Shapiro, Esq.
Attorney ID # 26850
Shapiro Law Office, PC
P.O. Box 1050
33 Rock Hill Road – Suite 150
Bala Cynwyd, PA 19004-5050
Telephone # 610-668-0707
FAX # 610-668-1815

Respectfully submitted,
SHAPIRO LAW OFFICE, P.C.

By: Kenneth S. Shapiro
Kenneth S. Shapiro, Esq.
For the firm

Dated: JAN 21 2011

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20642
NO: 06-1631-CD

PLAINTIFF: CACV OF COLORADO LLC

vs.

DEFENDANT: KIMBERLY GRAHAM

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 7/31/2007

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED

5 FILED
0/8/45 AM
JAN 16 2012

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED KIMBERLY GRAHAM

DEPUTIES UNABLE TO LOCATE KIMBERLY GRAHAM DOES NOT LIVE AT 426 BEERS ROAD, DUBOIS, PENNSYLVANIA. MAY LIVE IN TREASURE LAKE.

8/28/2007 @ 1:38 PM SERVED S&T BANK

SERVED S&T BANK, GARNISHEE, BY HANDING TO NORMAN H. JOHNSTON, PERSONAL BANKER FOR S&T BANK, AT HIS PLACE OF EMPLOYMENT S&T BANK, 614 LIBERTY BLVD., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20642
NO: 06-1631-CD

PLAINTIFF: CACV OF COLORADO LLC

VS.

DEFENDANT: KIMBERLY GRAHAM

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$80.50

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,


In Counter Better-Orvalch
Chester A. Hawkins
Sheriff

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

CACV OF COLORADO LLC
Plaintiff

vs.

Civil Action No. 2006-1631

KIMBERLY GRAHAM
Defendant

S&T BANK
Garnishee

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Amount due \$ 7340.04

Costs to be added..... \$

125.00

Prothonotary costs

Prothonotary

Prothonotary costs

Received July 31 2007 @ 3:00 P.M.
Chester A. Hauke
by Cynthia Butler Deppenbach


Deputy

DATED: 7/30/07
WWR#5275775

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COUNTY OF CLEARFIELD

CACV OF COLORADO LLC

Plaintiff

No. 2006-1631

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Defendant

S&T BANK

Garnishee

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1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
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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,

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

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(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.

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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.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME KIMBERLY GRAHAM NO. 06-1631-CD

NOW, January 14, 2012, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Kimberly Graham 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	18.43
MILEAGE POSTING	
CSDS	
COMMISSION	0.00
POSTAGE	1.64
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	18.43
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	9.00
COPIES	10.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$80.50

DEED COSTS:

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$0.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	7,340.04
INTEREST @	0.00
FROM TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	30.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$7,370.04
COSTS:	
ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	80.50
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$205.50

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