

06-1755-CD  
Comm of PA vs Deborah D. Harris

Comm of PA vs Deborah Harris  
2006-1755-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Commonwealth of PA CIVIL ACTION  
(Plaintiff) Linda Price

\_\_\_\_\_  
(Street Address)

Harrisburg, PA

(City, State ZIP)

No. 06-1755-C

Type of Case: \_\_\_\_\_

Type of Pleading: \_\_\_\_\_

Filed on Behalf of:

vs.

Deborah J. Harris

(Defendant)

812 Buchanan St

36 1/2 S. 4th St

(Street Address)

(Plaintiff/Defendant)

New Millport, PA 16860

(City, State ZIP)

06-0115

Deborah Harris  
(Filed by)

812 Buchanan St

(Address) New Millport, PA 16861

760-0115

(Phone)

Deborah Harris  
(Signature)

**FILED** Def. pd.

01/5/06

20.00

OCT 26 2006 ~~CC~~ Def.

William A. Shaw  
Prothonotary/Clerk of Courts  
Notice to Def.  
Statement to  
Plff

Estate

LCP

09-1755-CD

Promissory Note

2009.20.11 2:04

\$14,000.00  
October 18, 2006

RE: Fay Litzinger  
TPCIS C280150449 Y UNIT/  
ESTATE OF DEBORAH HARRIS

I, DEBORAH HARRIS, of 301 1/2 S. 4TH ST., CLEARFIELD, 16830, CLEARFIELD COUNTY COMMONWEALTH OF PENNSYLVANIA, promise to pay to the order of the COMMON WEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, Estate Recovery Program, Post office Box 8486, Harrisburg, Pennsylvania 17105-8486, Attention: Linda Price or such other place as the Commonwealth of Pennsylvania, Department of Public Welfare may designate, the sum of **FOURTEEN THOUSAND DOLLARS** (\$14,000.00) with no interest, in consecutive monthly installments. Said monthly installments shall be due and payable as follows:

In equal monthly installments payable to the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE in the amount of \$500.00, the first of said installments due on or before 30 days from the date of execution of this Note, and one payment on the same date each calendar month thereafter for a period no longer than 28 months, without defalcation. DEBORAH HARRIS promises to pay to the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE said remaining amount in equal monthly installments in accordance with the payment terms set forth herein.

The outstanding balance of principal due hereunder may be prepaid in whole or in part without penalty or premium.

All parties hereto agree that if the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE extends the time for payment of all or any part of the amount owing, such extension shall not affect the liability of DEBORAH HARRIS of this Note. Acceptance by the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE of any payments or principal after default shall not operate to extend the time of payment of any amount then remaining unpaid or constitute a waiver of any other rights of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE under this Note.

DEBORAH HARRIS waives demand and presentment for payment, notice of dishonor, notice of protest and protest of this Note.

Upon failure to pay any part of the principal when due, the legal holder hereof may declare the full amount of this Note then remaining unpaid as immediately due and payable and proceed to collect the same at once. If this Note is collected by an attorney, either with or without suit, or if legal proceedings be taken for the collection of any amount due hereunder, I agree to pay all actual expenditures incurred by the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE in any attempt to collect any amount due under this Note, including all costs of legal action brought thereon and reasonable attorney's fees.

The failure of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE at anytime to exercise any options or right hereunder shall not constitute a waiver of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE'S right to exercise such option or right at any time.

**CONFESION OF JUDGMENT-UPON EVENT OF DEFAULT, I HEREBY AUTHORIZE ANY PROTHONOTARY, CLERK OF COURTS, OR ATTORNEY DESIGNATED BY THE HOLDER HEREOF TO APPEAR FOR ME IN COURT OF RECORD IN THE COMMONWEALTH OF PENNSYLVANIA, FOR ANY AMOUNT DUE AND PAYABLE ON THIS NOTE, AND WAIVE THE ISSUANCE OF SERVICE OF PROCESS, AND CONFESS A JUDGMENT AGAINST IN FAVOR OF THE HOLDER OF THIS NOTE, FOR THE PRINCIPAL OF THIS NOTE, TOGETHER WITH COSTS OF ANY ACTION BROUGHT THEREON, INCLUDING REASONABLE ATTORNEY'S FEES. DEBORAH HARRIS HEREBY WAIVES ALL RIGHT TO STAY OF EXECUTION AND EXEMPTION OF PROPERTY IN ANY SUIT ON THIS NOTE.**

This Note shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, intending to be legally bound, **DEBORAH HARRIS** has caused this Note to be executed and delivered on the date first written above.

Commonwealth of Pennsylvania  
Department of Public Welfare

Department of Public Welfare  
  
Linda C. Price  
Linda Price 10/24/06

Witness:

Lynn Miller

Maker:

Deborah Harris (SEAL)  
Deborah Harris

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF )

On this, the 26<sup>th</sup> day of October, 2006, before me a notary public, the undersigned officer personally appeared Deborah D. Harris, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

as to Deborah  
Harris Only.

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**FILED**

**OCT 26 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

WILLIAM A. SHAW  
Prothonotary  
PA. Commission on  
Filing Motions in the Trial Courts  
Cassie G. Co., Clerk of Courts  
PA

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Commonwealth of Pennsylvania

Vs.

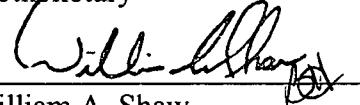
No. 2006-01755-CD

Deborah Harris

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$14,000.00 on October 26, 2006.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

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

Commonwealth of Pennsylvania  
Plaintiff(s)

No.: 2006-01755-CD

Real Debt: \$14,000.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Deborah Harris  
Defendant(s)

Entry: \$20.00

Instrument: Promissory Note

Date of Entry: October 26, 2006

Expires:

Certified from the record this 26th 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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

Plaintiff

v.

DEBORAH HARRIS

Defendant

CIVIL DIVISION

No. 2006-01755-CD

**PETITION TO STRIKE  
JUDGMENT**

Filed on behalf of:

THE DEPARTMENT OF  
PUBLIC WELFARE

Counsel for Plaintiff:

Lisa B. Dees, Esq.  
PA ID #88483

Office of General Counsel  
Department of Public Welfare  
Health and Welfare Building  
3<sup>RD</sup> Floor, West  
7<sup>TH</sup> and Forester Streets  
Harrisburg, PA 17120  
717-783-2800  
717-772-0717 (Fax)

FILED NO CC  
MAY 17 2007  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	:	<b>CIVIL DIVISION</b>
<b>DEPARTMENT OF PUBLIC WELFARE</b>	:	<b>No. 2006-01755-CD</b>
<b>Plaintiff,</b>	:	
<b>v.</b>	:	
	:	
<b>DEBORAH HARRIS</b>	:	
<b>Defendant</b>	:	

**PETITION TO STRIKE JUDGMENT**

**AND NOW**, comes the Commonwealth of Pennsylvania, Department of Public Welfare, by its attorney, Lisa B. Dees, to respectfully request that the JUDGMENT entered in the above-captioned matter on October 26, 2006 be stricken and respectfully states the following in support thereof:

1. Fay Litzinger was the recipient of Medical Assistance-Long Term Care ("MA-LTC") benefits in Clearfield County, Pennsylvania.
2. Fay Litzinger passed away on May 15, 2005.
3. The Commonwealth of Pennsylvania, Department of Public Welfare ("Department") maintains a claim for medical assistance provided during the life of Fay Litzinger in the amount of \$155,985.06. (Statement of Claim attached hereto and made a part hereof as Exhibit "A").
4. The decedent was the owner of real property located at 808 Buchanan Street, New Millport, PA 16861.
5. Pursuant to 62 P.S. § 1412, the Department is authorized to recover from the probate estate of an individual the amount of services paid for all nursing facility services.
6. A portion of the medical expenses, specifically, \$17,890.04 was incurred during the last six months of the decedent's life and is a secured class 3 claim pursuant to 20 Pa. C.S.A. § 3392(3).

7. The Department entered into an agreement with the decedent's granddaughter, Deborah Harris, by which she agreed to reimburse the Department in the amount of \$14,000.00 as full satisfaction of the Department's claim.

8. A Judgment was filed against Deborah Harris in the Clearfield County Court of Common Pleas on October 26, 2006. (See Copy of Promissory Note and JUDGMENT attached hereto and made a part hereof as Exhibit "B").

9. C. Scott Rainey has agreed to settle the Department's class 3 claim in the amount of \$10,000.00. In exchange, the Department has agreed to remove the Judgment entered against Deborah Harris in the amount of \$14,000.00 to allow C. Scott Rainey to record his Title Deed for the property located at 808 Buchanan Street, New Millport, PA 16861.

10. Deborah Harris has no objections to this JUDGMENT being stricken from this Honorable Court's record.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Public Welfare respectfully requests that this Honorable Court strike and remove the Judgment entered in the amount of \$14,000.00 against Deborah Harris on October 26, 2006.

Respectfully submitted,

  
Lisa B. Dees  
Assistant Counsel  
Attorney I.D. No. 88483

Date: May 11, 2007

Department of Public Welfare  
Office of General Counsel  
3<sup>rd</sup> Floor West, Health & Welfare Building  
Harrisburg, PA 17120  
(717) 783-2800

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

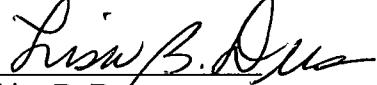
COMMONWEALTH OF PENNSYLVANIA,	:	CIVIL DIVISION
DEPARTMENT OF PUBLIC WELFARE	:	No. 2006-01755-CD
Plaintiff,	:	
v.	:	
DEBORAH HARRIS	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing document on the following person by First Class Mail, addressed as follows:

Courtney L. Kubista, Esquire  
501 E. Market Street, Suite 3  
Clearfield, PA 16830

Deborah Harris  
301 ½ S. 4<sup>th</sup> Street  
Clearfield, PA 16830

  
Lisa B. Dees  
Assistant Counsel  
Attorney ID # 88483  
Department of Public Welfare  
Office of General Counsel  
3<sup>rd</sup> Floor, West  
Health & Welfare Building  
Harrisburg, PA 17120  
(717) 787-3424  
(717) 772-0717 (fax)

Date: May 11, 2007

**VERIFICATION**

I, Lisa B. Dees, hereby swear and affirm that the facts contained in the foregoing Petition to Strike are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

May 11, 2007  
Date

  
Lisa Dees  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Public Welfare

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
BUREAU OF FINANCIAL OPERATIONS  
DIVISION OF THIRD PARTY LIABILITY  
ESTATE RECOVERY PROGRAM  
PO BOX 8486  
HARRISBURG, PA 17105-8486

July 7, 2005

COURTNEY L KUBISTA ESQUIRE  
501 E MARKET ST STE 3  
CLEARFIELD PA 16830

Re: FAY LITZINGER  
CIS #: 280150449  
SSN: 188-22-8823  
Date of Death: 05/15/2005

Dear Attorney Kubista:

Please be advised that the Department of Public Welfare maintains a claim in the amount of \$155,985.06 against the above-mentioned estate. This claim is for restitution of medical assistance granted on behalf of the decedent for which the Probate Estate is now responsible to reimburse the Department according to Act 49, 62 P.S. 1412, effective August 15, 1994, as amended by Act 20-95, effective June 30, 1995. Enclosed is the Department's itemized statement of claim.

A portion of this medical expense, namely \$17,890.04, was incurred during the last six months of the decedent's life; therefore, it is a Class 3 claim pursuant to Section 3392 of the Decedents, Estates, and Fiduciaries Code, 20 Pa. C.S.A. 3392(3). The balance of the claim, namely \$138,095.02, is to be entered as a priority Class 6 claim against the estate.

Please acknowledge receipt of this letter and advise whether the Commonwealth's claim is admitted and when payment may be expected. If the estate accounting is complete, please provide a copy. If the estate contains real estate, please provide copies of the deed, the latest tax assessment, and a current appraisal, if available.

Sincerely,

*Linda C. Price*

Linda C. Price  
Claims Investigation Agent  
717-772-6741  
717-705-8150 FAX

Enclosure

EXHIBIT

"A"



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
BUREAU OF FINANCIAL OPERATIONS  
TPL SECTION - CASUALTY UNIT  
PO BOX 8486  
HARRISBURG PA 17105-8486

July 7, 2005

STATEMENT OF CLAIM SUMMARY

NAME	Estate of LITZINGER, FAY		
ID	280 150 449		

MEDICAL	CLASS	CLASS	AL
	INPATIENT	OUTPATIENT	LONG TERM CARE
	878.00	840.00	1,716.00
	69.66	56,935.56	56,996.22
	14,070.54	72,504.00	86,574.54
	2,883.84	7,816.46	10,699.30
REIMBURSEMENT TO DRW	17,890.04	138,095.02	156,986.06



Estate

LCP

09-1755-

Promissory Note

\$14,000.00  
October 18, 2006

RE: Fay Litinger

TUS 8016044

I, DEBORAH HARRIS, of 301 1/2 S. 4TH ST., CLEARFIELD, 16830, CLEARFIELD COUNTY COMMONWEALTH OF PENNSYLVANIA, promise to pay to the order of the COMMON WEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, Estate Recovery Program, Post office Box 8486, Harrisburg, Pennsylvania 17105-8486, Attention: Linda Price or such other place as the Commonwealth of Pennsylvania, Department of Public Welfare may designate, the sum of **FOURTEEN THOUSAND DOLLARS (\$14,000.00)** with no interest, in consecutive monthly installments. Said monthly installments shall be due and payable as follows:

In equal monthly installments payable to the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE in the amount of \$500.00, the first of said installments due on or before 30 days from the date of execution of this Note, and one payment on the same date each calendar month thereafter for a period no longer than 28 months, without defalcation. DEBORAH HARRIS promises to pay to the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE said remaining amount in equal monthly installments in accordance with the payment terms set forth herein.

The outstanding balance of principal due hereunder may be prepaid in whole or in part without penalty or premium.

All parties hereto agree that if the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE extends the time for payment of all or any part of the amount owing, such extension shall not affect the liability of DEBORAH HARRIS of this Note. Acceptance by the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE of any payments or principal after default shall not operate to extend the time of payment of any amount then remaining unpaid or constitute a waiver of any other rights of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE under this Note.

DEBORAH HARRIS waives demand and presentment for payment, notice of dishonor, notice of protest and protest of this Note.

Upon failure to pay any part of the principal when due, the legal holder hereof may declare the full amount of this Note then remaining unpaid as immediately due and payable and proceed to collect the same at once. If this Note is collected by an attorney, either with or without suit, or if legal proceedings be taken for the collection of any amount due hereunder, I agree to pay all actual expenditures incurred by the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE in any attempt to collect any amount due under this Note, including all costs of legal action brought thereon and reasonable attorney's fees.

The failure of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE at any time to exercise any option or right hereunder shall not constitute a waiver of the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE'S right to exercise such option or right at any time.

CONFESION OF JUDGMENT-UPON EVENT OF DEFAULT, I HEREBY AUTHORIZE ANY PROTHONOTARY, CLERK OF COURTS, OR ATTORNEY DESIGNATED BY THE HOLDER HEREOF TO APPEAR FOR ME IN COURT OF RECORD IN THE COMMONWEALTH OF PENNSYLVANIA, FOR ANY AMOUNT DUE AND PAYABLE ON THIS NOTE, AND WAIVE THE ISSUANCE OF SERVICE OF PROCESS, AND CONFESS A JUDGMENT AGAINST IN FAVOR OF THE HOLDER OF THIS NOTE, FOR THE PRINCIPAL OF THIS NOTE, TOGETHER WITH COSTS OF ANY ACTION BROUGHT THEREON, INCLUDING REASONABLE ATTORNEY'S FEES. DEBORAH HARRIS HEREBY WAIVES ALL RIGHT TO STAY OF EXECUTION AND EXEMPTION OF PROPERTY IN ANY SUIT ON THIS NOTE.

EXHIBIT

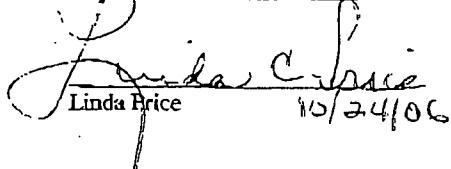
tables

"B"

This Note shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, intending to be legally bound, DEBORAH HARRIS has caused this Note to be executed and delivered on the date first written above.

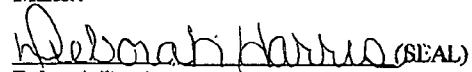
Commonwealth of Pennsylvania  
Department of Public Welfare

  
Linda Price 10/24/06

Witness:



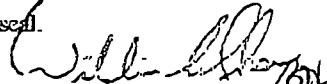
Maker:

  
Deborah Harris (SEAL)

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF )  
) SS:  
)

On this, the 21<sup>st</sup> day of October, 2006, before me a notary public, the undersigned officer personally appeared Deborah D. Harris, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

In witness whereof, I hereunto set my hand and official seal.

  
Notary Public

as to Deborah  
Harris Only

WILLIAM A. SHAW  
Notary Public  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Commonwealth of Pennsylvania

Vs.

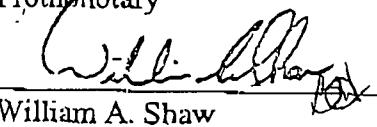
No. 2006-01755-CD

Deborah Harris

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$14,000.00 on October 26, 2006.

William A. Shaw  
Prothonotary

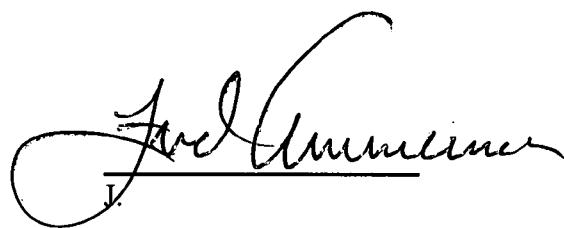
  
William A. Shaw

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, : CIVIL DIVISION  
DEPARTMENT OF PUBLIC WELFARE : No. 2006-01755-CD  
Plaintiff, :  
v. :  
: :  
DEBORAH HARRIS :  
Defendant :  
:

ORDER

AND NOW, this 17<sup>th</sup> day of May, 2007, upon consideration of the Commonwealth of Pennsylvania, Department of Public Welfare's Petition to Strike the JUDGMENT filed against Deborah Harris on October 26, 2006, the Commonwealth of Pennsylvania, Department of Public Welfare's motion is granted. The JUDGMENT is hereby stricken and removed.



FILED  
01240311 MAY 18 2007  
MAY 18 2007  
Atty Dees  
G.P.

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**MAY 18 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/18/07

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: