

Discover Bank vs Shelly Donahue
2006-1762-CD

06-1762-CD
Discover Bank vs Shelly J. Donahue

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
CIVIL DIVISION

Page 1 of 5

Plaintiff(s)
DISCOVER BANK
(vs)
Defendant(s)
DONAHUE SHELLY J

Case No: 2006-00176

00-1762-CD

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

FILED
M 11/4/06
OCT 27 2006
Atty's Weltman,
Wainberg & Reis
pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts

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.

LAUREL LEGAL SERVICES, IMC

PHONE: (814) 849-3044
18 WESTERN AVENUE, SUITE 1
BROOKVILLE, PA 15825

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
CIVIL DIVISION

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DISCOVER BANK (vs) SHELLY J. DONAHUE
Case No: 2006-00176

WRIT OF EXECUTION
(Money Judgments)
(Rule 3252)

Commonwealth of Pennsylvania
County of JEFFERSON

To the Sheriff of CLEARFIELD COUNTY

To satisfy the judgment, interest, attorney's commission and costs
against: DONAHUE SHELLY J

- (1) You are directed to levy upon the property of the defendant(s)
and to sell his, her, or their, interest therein:
- (2) You are also directed to attach the property of the
defendant(s) not levied upon in the possession of
COUNTY NATIONAL BANK
as Garnishee(s).

(Specifically describe Property)

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
CIVIL DIVISION

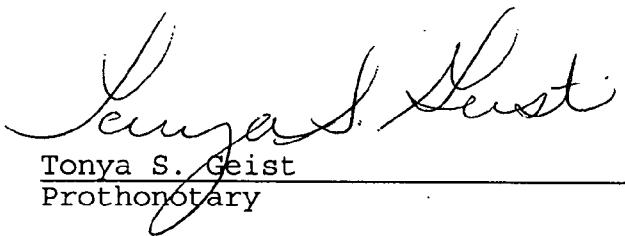
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DISCOVER BANK (vs) SHELLY J. DONAHUE
Case No: 2006-00176

and to notify the Garnishee(s) that

- (a) An attachment has been issued.
- (b) The garnishee(s) is enjoined from paying any debt to or the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.
- (c) If property of the defendant(s) not levied upon and subject to attachment is found in possession of anyone other than the named garnishee(s), you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Debt.	\$3,875.03
INTEREST	\$104.47
Attorney's Commission	
Filing Fee.	\$95.50
JUDGMENT FILING FEE	\$14.00
Attorney * Pd	
Sheriff	\$58.16
Writ.	\$23.00
Satisfaction.	\$7.50



Tonya S. Geist
Prothonotary

10/16/2006
Date Sealed

Attorney for Plaintiff:

MOLCZAN, WILLIAM T.
2718 KOPPERS BLDG
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
CIVIL DIVISION

Page 4 of 5

DISCOVER BANK (vs) SHELLY J. DONAHUE
Case No: 2006-00176

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 to

(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 for 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):

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 provided by law

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
CIVIL DIVISION

Page 5 of 5

DISCOVER BANK (vs) SHELLY J. DONAHUE
Case No: 2006-00176

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

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. 4909 relating to unsworn falsification to authorities.

Date

(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF CLEARFIELD COUNTY

SHERIFF OF CLEARFIELD COUNTY
CHESTER HAWKINS
PHONE: (814) 765-2641
1 NORTH SECOND STREET
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102074
NO: 176-2006-CD ~~806-1762-CD~~
SERVICE # 1 OF 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: SHELLY J. DONAHUE
TO: COUNTY NATIONAL BANK, Garnishee

SHERIFF RETURN

NOW, October 31, 2006 AT 2:55 PM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON COUNTY NATIONAL BANK, Garnishee DEFENDANT AT RT 255, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBIN K. NOLAN, TELLER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8364399	10.00
SHERIFF HAWKINS	WELTMAN	8364399	35.30

FILED
0320cm (S)
NOV - 3 2006

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
by Maury Hanks*
Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff No. 176-2006-CD

vs.

**PRAECIPE RE-ISSUE WRIT OF EXECUTION
(BANK ATTACHMENT ONLY)**

SHELLY J DONAHUE

Defendant

COUNTY NATIONAL 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#04975413

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL DIVISION
DISCOVER BANK

Plaintiff

vs.

Civil Action No. 176-2006-CD

SHELLY J DONAHUE

Defendant

COUNTY NATIONAL BANK,

Garnishee

PRAECIPE RE-ISSUE 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 Shelly J. Donahue, Defendant
3. against County National Bank, Garnishee
4. Judgment Amount \$ 3,875.03

Interest \$ 104.47

Costs \$

SUBTOTAL: \$ 3,979.50

Costs (to be added by Prothonotary): \$ _____

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.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#04975413

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 176-2006-CD

SHELLY J DONAHUE
Defendant

COUNTY NATIONAL BANK
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: Shelly J. Donahue Defendant(s);

(1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;

(2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify him/her/them that he/she/they has been added as a garnishee and is enjoined as above stated.

Amount due \$ 3,979.50

Costs to be added..... \$ _____

Prothonotary

Deputy

DATED: _____

WWR#04975413

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF JEFFERSON

DISCOVER BANK

Plaintiff

No. 176-2006-CD

vs.

SHELLY J DONAHUE

Defendant

COUNTY NATIONAL 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
PA BAR ASSOCIATION
P.O. BOX 186
HARRISBURG, PA 17108
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):

(b) (2) paid in cash following the sale of the property levied upon; or
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 Jefferson County
Jefferson County Courthouse
200 Main Street, Brooksville, PA 15825
Telephone Number: (814) 849-1615

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 JEFFERSON COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff No. 176-2006-CD

vs.

INTERROGATORIES IN ATTACHMENT COUNTY NATIONAL BANK

SHELLY J DONAHUE

Defendant

and

COUNTY NATIONAL 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#04975413

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 176-2006-CD

SHELLY J DONAHUE
Defendant

and

COUNTY NATIONAL BANK
Garnishee

TO: COUNTY NATIONAL BANK Suggested Reference No.: XXX-XX-2430
ROUTE 255, RE: SHELLY J DONAHUE
DU BOIS, PA. 15801 9 1/2 N PARK ST.,
SYKESVILLE, PA 15865

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?

2. 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.

3. 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.

4. If the answer to Interrogatory 3 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

5. 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?

6. If the answer to Interrogatory 5 is in the affirmative, describe the nature, fair market value, and present location of each of said properties.

7. 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?

8. If the answer to Interrogatory 7 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

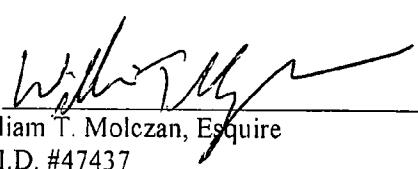
9. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

10. If the answer to Interrogatory 9 is in the affirmative, describe the nature, fair market value, and present location of each of such properties.

11. 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?

12. If the answer to Interrogatory 11 is in the affirmative, describe the amount or nature, fair market value and present location of each of such payments and properties.

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

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WWR#04975413