

07-240-CD

Discover Bank vs Phyllis A. Emigh

Discover Bank vs Phyllis A Emigh

2007-240-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103721  
NO: 07-240-CD  
SERVICE # 1 OF 1  
WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: PHYLLIS A. EMIGH  
TO: COUNTY NATIONAL BANK, Garnishee

FILED  
02-5961  
FEB 14 2008  
LAW  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF RETURN**

NOW, February 13, 2008 AT 9:55 AM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON COUNTY NATIONAL BANK, Garnishee DEFENDANT AT 1 S. SECOND ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CINDY PEARCE, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

| PURPOSE         | VENDOR  | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | WELTMAN | 8623159 | 10.00  |
| SHERIFF HAWKINS | WELTMAN | 8623159 | 20.41  |

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,

*Chester A. Hawkins*  
by *Marilyn Harris*  
Chester A. Hawkins  
Sheriff

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

FEB 06 2008

Attest,

*William A. Brown*  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 2007-240-CD

vs.

**PRAECEIPE FOR WRIT OF EXECUTION  
(BANK ATTACHMENT ONLY)**

PHYLLIS A EMIGH

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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05699117

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

**DISCOVER BANK**  
**Plaintiff**

VS.

Civil Action No. 2007-240-CD

**PHYLLIS A EMIGH**  
**Defendant**

**COUNTY NATIONAL BANK**  
**Garnishee**

## WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: PHYLLIS A EMIGH 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 COUNTY NATIONAL BANK, as garnishee, Main Street, Northern Cambria , Pennsylvania 15714 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 stated

Amount due ..... \$ 4455.38

Rec'd Costs to be added is 6 day ..... \$ ..... Prothonotary costs \$125.00  
of FEB A.D. 2008  
At 3:00 A.M (P.M)

## Prothonotary

Sheriff by Marty Harr

W. S. Wall  
Deputy

DATED: 2-6-88

If Social Security or Supplemental 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 Social Security 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

DISCOVER BANK

Plaintiff

vs.

No. 2007-240-CD

PHYLLIS A EMIGH

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  
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.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

vs.

No. 2007-240-CD

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL BANK

GARNISHEE

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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 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.

WWR#05699117

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

DISCOVER BANK

Plaintiff No. 2007-240-CD

vs.

## **INTERROGATORIES IN ATTACHMENT COUNTY NATIONAL BANK**

PHYLLIS A. EMIGH

**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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05699117

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 2007-240-CD

PHYLLIS A EMIGH  
Defendant

and

COUNTY NATIONAL BANK  
Garnishee

TO: COUNTY NATIONAL BANK  
MAIN STREET  
Northern Cambria, Pennsylvania 15714

Suggested Reference No.: XXX-XX-9863

RE: PHYLLIS A EMIGH  
3355 SCHOONOVER RD  
MORRISDALE, PA 16858

**IMPORTANT NOTICES TO GARNISHEE!**

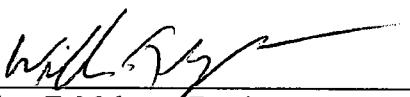
A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.

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.

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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05699117

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)

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

FEB 06 2008

Attest.

*William C. Chan*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 2007-240-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION  
(BANK ATTACHMENT ONLY)**

PHYLLIS A EMIGH

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.  
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WWR#05699117

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2007-240-CD

PHYLLIS A EMIGH  
Defendant

COUNTY NATIONAL BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: PHYLLIS A EMIGH Defendant(s);

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

Amount due ..... \$ 4455.38

Costs to be added..... \$ \_\_\_\_\_ Prothonotary costs \$ 125.00  
Received this writ this 6 day  
of FEB A.D. 2008  
At 3:00 A.M./P.M. 3:00 P.M.

Prothonotary

Chet A Hawley  
Sheriff by Marilyn Haar

W.H.H.  
Deputy

DATED: 2-6-08

If Social Security or Supplemental 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 Social Security 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

DISCOVER BANK

Plaintiff

vs.

No. 2007-240-CD

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL BANK  
GARNISHEE

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P.O. BOX 186  
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7. Certain veteran & armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

vs.

No. 2007-240-CD

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL BANK

GARNISHEE

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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,

(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.

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**FILED**

**FEB 14 2008**

**William A. Shaw**  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

No.: 2007-240-CD

vs.

PHYLLIS A EMIGH

**PRAECIPE FOR ENTRY OF  
JUDGMENT BY CONSENT**

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
Paid# 42524  
Weltman, Weinberg & Reis Co.  
2718 Koppers Bldg  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05699117

**FILED** Atty pd. 20.00  
MAY 22 2007 Notice & CC  
to Def.

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

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 2007-240-CD

PHYLLIS A EMIGH

Defendant

**PRAECIPE FOR JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against Defendant, PHYLLIS A EMIGH, in the amount of \$5659.85 plus costs, based upon the consent of the parties.

CONSENTED TO:

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

PHYLLIS A EMIGH ,

By: \_\_\_\_\_  
Attorney for Plaintiff

WWR#05699117

By: \_\_\_\_\_  
Defendant

Phyllis Emigh

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 2007-240-CD

PHYLLIS A EMIGH

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT  
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, PHYLLIS A EMIGH, above-named, in the amount of \$5659.85 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

1. Defendant admits indebtedness to Plaintiff in the amount of \$5159.85 with continuing interest thereon at a rate of 6.00% per annum from Date of Judgement, plus attorneys' fees in the amount of \$500.00 and costs.

2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, PHYLLIS A EMIGH, in the amount of \$5159.85 plus continuing interest thereon at the rate of 6.00% per annum from Date of Judgement, plus attorneys' fees in the amount of \$500.00 and costs.

3. Plaintiff agrees not to Execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:

(a) \$1000.00 downpayment due by MARCH 16, 2007;

(b) \$350.00 due by APRIL 16, 2007

(c) no less than \$350.00 per month due on the 16<sup>TH</sup> day of each consecutive month thereafter until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of "DISCOVER BANK"  
5. All payments due under this agreement are to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219.

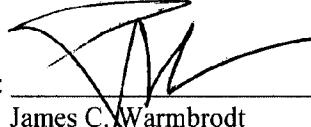
6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.

8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

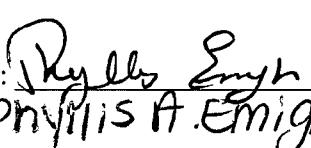
9. Intending to be legally bound, the parties set their hands and seals this 10 day of May,  
2007.

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

By: 

James C. Warmbrodt  
Paid# 42524  
Weltman, Weinberg & Reis Co.  
2718 Koppers Bldg  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05699117

By:   
Phyllis A. Emigh

**FILED**

**MAY 22 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

COPY

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 2007-240-CD

PHYLLIS A EMIGH

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 5/22/07

Assumpsit Judgment in the amount  
of \$5659.85 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-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award  
 By Consent

Prothonotary

PHYLLIS A EMIGH  
3355 SCHOONOVER RD  
MORRISDALE, PA 16858

By: Willie Shroyer  
PROTHONOTARY (OR DEPUTY)

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

COPY

Discover Bank  
Plaintiff(s)

No.: 2007-00240-CD

Real Debt: \$5,659.85

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Phyllis A. Emigh  
Defendant(s)

Entry: \$20.00

Instrument: Consent Judgment

Date of Entry: May 22, 2007

Expires: May 22, 2012

Certified from the record this 22nd day of May, 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

FILED

FEB 06 2008

12:40 PM

William A. Shaw  
Prothonotary/Clerk of Courts

4 years w/ 6 months  
to 5th

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

DISCOVER BANK

Plaintiff No. 2007-240-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION  
(BANK ATTACHMENT ONLY)**

PHYLLIS A EMIGH

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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05699117

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

Plaintiff

vs.

Civil Action No. 2007-240-CD

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL 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 PHYLLIS A EMIGH, Defendant
3. against COUNTY NATIONAL BANK, Garnishee
4. Judgment Amount \$ 5659.85
- Less payments of 1400.00
- Interest \$ 195.53
- Costs \$
- SUBTOTAL:** \$ 4455.38
- Costs (to be added by Prothonotary): **Prothonotary costs \$125--** \$

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

By:   
William T. Molczan, Esquire

PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05699117

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2007-240-CD

PHYLLIS A EMIGH  
Defendant

COUNTY NATIONAL BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: PHYLLIS A EMIGH 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 COUNTY NATIONAL BANK, as garnishee, Main Street, Northern Cambria, Pennsylvania 15714 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 stated

Amount due ..... \$ 4455.38

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

Prothonotary

  
Deputy

DATED: 2-6-08

If Social Security or Supplemental 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 Social Security 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

DISCOVER BANK

**Plaintiff**

**No. 2007-240-CD**

vs.

PHYLLIS A EMIGH

**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  
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.

**FILED**  
FEB 06 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 2007-240-CD

vs.

PRAECIPE TO SETTLE, DISCONTINUE  
& END AS TO THE GARNIShee  
COUNTY NATIONAL BANK ONLY

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL BANK

Garnishee 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#05699117

FILED ICC Atty  
m 11:10 am  
MAR 03 2008 Molczan  
W.A. Shaw

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2007-240-CD

PHYLLIS A EMIGH

Defendant

COUNTY NATIONAL BANK

Garnishee

**PRAECIPE TO SETTLE DISCONTINUE AND END  
AS TO THE GARNISHEE, COUNTY NATIONAL BANK, ONLY**

**TO THE PROTHONOTARY OF COUNTY:**

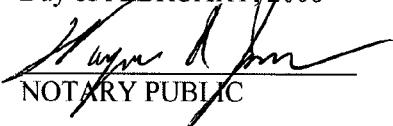
**Please kindly Settle Discontinue and End the above captioned matter as to Garnishee, COUNTY NATIONAL BANK, only, upon the records of the Court and mark the cost paid.**

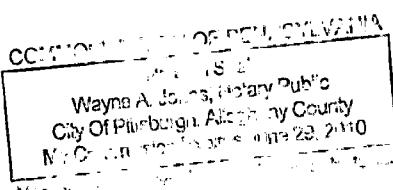
WELTMAN, WEINBERG & REIS CO., L.P.A.

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#05699117

Sworn to and subscribed  
Before me the 25  
Day of FEBRUARY, 2008

  
NOTARY PUBLIC



**FILED**

**MAR 03 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

No: 2007-240-CJ

vs.

PHYLLIS A EMIGH

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05699117 C A Pit WLG

FILED pd \$85.00 AM  
M/12/10cm KCS/ff  
FEB 15 2007  
S

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff  
vs. Civil Action No

PHYLLIS A EMIGH

Defendant

COMPLAINT 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.

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 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 at 6500 NEW ALBANY ROAD  
NEW ALBANY , OH 43054 .

2. Defendant is adult individual(s) residing at the address listed  
below:

PHYLLIS A EMIGH  
3355 SCHOONOVER RD  
MORRISDALE, PA 16858

3. Defendant applied for and received a credit card issued by  
Plaintiff bearing the account number 6011002090704354 . A copy of  
Plaintiff's Statement of Account is attached hereto, marked as Exhibit  
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance  
due and owing to Plaintiff, as of January 29, 2007 , in the amount of  
\$5159.85 .

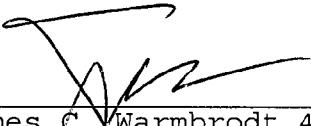
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides  
that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$500.00 .

8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , PHYLLIS A EMIGH , INDIVIDUALLY , in the amount of \$5159.85 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.

  
James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05699117 C A Pit WLG

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.



New Balance  
\$5,159.85

Minimum Payment Due  
\$5,159.85

Account Number 6011 0020 9070 4354  
Enter Amount Enclosed Below

\$

Please make check payable to Discover Card.  
Minimum payment due includes a past due  
amount of \$2,397.00.

15 SDSNA01 0005316  
PHYLLIS EMIGH  
3355 SCHOONOVER RD  
MORRISDALE PA 16858-7107

5699117

Consolidate bills quickly and securely  
with a Balance Transfer to your Discover  
Card - Call 1-877-353-0989 or visit  
Discovercard.com/balance transfer TODAY!

PO BOX 15251   
WILMINGTON DE 19886-5251

Address, e-mail or telephone change? Print change in space  
above, or go to Discovercard.com. Print your e-mail address to  
receive important Account information and special offers.

000006011002090704354051598500000000515985

01/14

## Discover Card Account Summary

|                       |                     |
|-----------------------|---------------------|
| Account Number        | 6011 0020 9070 4354 |
| Payment Due Date      | December 14, 2006   |
| Minimum Payment Due   | \$5,159.85          |
| Credit Limit          | \$3,500.00          |
| Credit Available      | \$-1,659.00         |
| Cash Credit Limit     | \$0.00              |
| Cash Credit Available | \$0.00              |

Closing Date: November 15, 2006 page 1 of 1

|                      |               |
|----------------------|---------------|
| Previous Balance     | \$ 5,159.85   |
| Payments And Credits | 0.00          |
| Purchases            | + 0.00        |
| Cash Advances        | + 0.00        |
| Balance Transfers    | + 0.00        |
| Finance Charges      | + 0.00        |
| Net Balance          | = \$ 5,159.85 |

## Cashback Bonus®

Cashback Bonus® Anniversary

Date: June 15

Opening Cashback Bonus Balance \$ 0.00  
New Cashback Bonus Earned + 0.00

Cashback Bonus Balance \$ 0.00  
Available to Redeem \$ 0.00

## How Can We Help You?

Please have your Discover Card available.

Manage your account online at Discovercard.com

Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:

Discover Card, PO Box 30943  
Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):  
For assistance, see reverse side.

## Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

## Information For You

Cut back on mailbox clutter! Sign up for Paperless Statements and simplify the way you manage your account. We'll send you an e-mail as soon as your statement is available online. And, while you're at Discovercard.com, you can pay your bill quickly and easily. Sign up at Discovercard.com/ps

Through the generosity of our Cardmembers, Discover(R) Card has donated more than \$15 million to the Make-A-Wish Foundation(R). You can make a child's dream come true by electing to donate your Cashback Bonus(R) to the Make-A-Wish Foundation. To learn how, please visit Discovercard.com or visit Wish.org.

## Finance Charge Summary

|                                 | Average Daily Balances | Daily Periodic Rates | Nominal ANNUAL PERCENTAGE RATES | ANNUAL PERCENTAGE RATES | Periodic FINANCE CHARGES | Transaction Fee FINANCE CHARGES |
|---------------------------------|------------------------|----------------------|---------------------------------|-------------------------|--------------------------|---------------------------------|
| current billing period: 31 days |                        |                      |                                 |                         |                          |                                 |
| Purchases                       | \$0                    | 0.06847%             | 24.99% F                        | 24.99%                  | \$0                      | none                            |
| Cash Advances                   | \$0                    | 0.06847%             | 24.99% F                        | 24.99%                  | \$0                      | \$0                             |

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he is Robert Adkins,  
(Name)  
Accounts Manager of Discover Financial Services, LLC., plaintiff herein, that  
(Title) (Company)

he is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

  
(Signature)

WWR # 5699117  
PHYLLIS A EMIGH  
6011002090704354

**FILED**

**FEB 15 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102455  
NO: 07-240-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: PHYLLIS A. EMIGH

**SHERIFF RETURN**

---

NOW, February 20, 2007 AT 10:59 AM SERVED THE WITHIN COMPLAINT ON PHYLLIS A. EMIGH DEFENDANT AT 3355 SCHOONOVER RD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PHYLLIS A. EMIGH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

| PURPOSE         | VENDOR  | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | WELTMAN | 8406971 | 10.00  |
| SHERIFF HAWKINS | WELTMAN | 8406971 | 30.61  |

**FILED**  
09:40am  
MAY 11 2007  
(JM)

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,

*Chester A. Hawkins  
by Marilyn Harr*  
Chester A. Hawkins  
Sheriff

**FILED**

**MAY 11 2007**

William A. Shaw  
Prothonotary/Clerk of Courts