

07-408-CD
Target Nat'l Bank vs Cheri Smith

Target National Bank vs Cheri Smith
2007-408-CD

GREGG L. MORRIS, ESQ.
PATENAUDA & FELIX, A.P.C.
213 E. MAIN STREET
CARNEGIE, PA 15106
(412) 429-7675
FACSIMILE (412) 429-7679
PA ID#69006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK

)

Plaintiff,

)

) NO. 07-408-CD

v.

)

CHERI SMITH ,

)

Defendant(s).

)

)

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
TARGET NATIONAL BANK,
Plaintiff

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 East Main Street
Carnegie, PA 15106
(412) 429-7675

FILED Atty pd. 85.00
M 10/20/07 MAR 1 2008 CC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK,)
)
Plaintiff,) NO.
)
v.)
)
CHERI SMITH ,)
)
Defendant.)
)

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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

David S. Meholick
Court Administration
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK,)
Plaintiff) NO.
v.)
CHERI SMITH,)
Defendant.)

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, TARGET NATIONAL BANK, by and through its attorney, GREGG L. MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, TARGET NATIONAL BANK, is a corporation and for the purpose of this litigation, maintaining a place of business c/o Patenaude and Felix, A.P.C., 213 East Main Street, Carnegie, Pennsylvania 15106.

2. Defendant is CHERI SMITH, an adult individual, believed to currently reside at 411 BRISBIN ST., HOUTZDALE, PA 16651.

3. Heretofore, the Defendant opened a TARGET NATIONAL BANK account with Plaintiff being Account No. 4352375043244047 , for the purchase of goods and services.

4. The Defendant has made or authorized a number of purchases and as of 12/21/06, Defendant owes \$3,908.81 on said account plus interest.

5. Plaintiff maintains accurate books of account recording all credits and debits for this account.

6. The Defendant has received monthly billing statements from Plaintiff setting forth the nature and amount of all charges made by Defendant, and the transactions between Plaintiff and Defendant give rise to an account stated, upon which Plaintiff has relied.

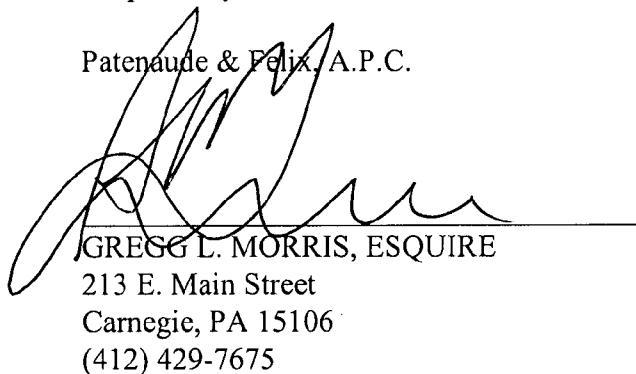
7. The Defendant made payments, but has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the sum of \$3,908.81, plus interest and costs.

8. By failing to object or dispute to the statements including the statement attached hereto as Plaintiff's Exhibit "A", Defendant has assented to and agreed to the correctness of the balance due on the credit card account so as to constitute an account stated.

9. Despite repeated demands, Defendant has failed to make the required installment payments when due and therefore the full amount of the account is now due and payable.

WHEREFORE, Plaintiff demands Judgment in its favor, and against Defendant, in the amount of \$3,908.81, plus legal interest from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully Submitted:


Patenauade & Felix, A.P.C.

GREGG L. MORRIS, ESQUIRE
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675



TARGET

2050.14151



00000

Account Number: 4352-3750-4324-4047
CHERI SMITH

Statement Closing Date: December 18, 2006
Page 1 of 1

Target Visa Account Summary

Total Credit Limit	\$0	Previous Balance	\$3,873.81
Cash Limit	\$0	Payments & Credits	0.00
Available Credit	\$0	Purchases & Advances	0.00
Portion Available for Cash	\$0	Other Charges	35.00
The Cash Limit is a portion of the Total Credit Limit		FINANCE CHARGES	0.00

Questions? Call Us:

Target Credit Services 1-888-755-5856
TDD/TDY 1-800-347-5842
Outside the U.S. 11-612-307-8622 (Call Collect)

Calling will not preserve your billing-error rights

New Balance	\$3,908.81
Amount Past Due	\$832.56
Minimum Payment Due (includes any Amount Past Due)	\$3,908.81
Payment Due Date	January 12, 2007

Payments & Credits

No payments or credits were received last month.

Other Charges

Dec. 13	LATE PAYMENT FEE	\$35.00	
		Total Other Charges	\$35.00

Finance Charges

Days in Billing Period: 30

Balance Type	Daily Periodic Rate	Corresponding Annual Percentage Rate	Average Daily Balance	Periodic FINANCE CHARGE	Transaction FINANCE CHARGE
Purchases	0.06821%	24.90%	\$0.00	\$0.00	\$0.00
Cash	0.06821%	24.90%	\$0.00	\$0.00	\$0.00
Total FINANCE CHARGES:					\$0.00
Actual ANNUAL PERCENTAGE RATE:					0.00%

Target National Bank, an affiliate of Target Stores

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

INCLUDE THIS PORTION WITH YOUR PAYMENT MADE PAYABLE TO TARGET NATIONAL BANK



TARGET



Account Number 4352-3750-4324-4047
New Balance \$3,908.81
Minimum Payment Due \$3,908.81
Payment Due Date January 12, 2007

NEW PHONE, HOME OR
E-MAIL ADDRESS?
PLEASE UPDATE ON
REVERSE SIDE.

OFFICE COPY

STATEMENT PAGE NOT PRINTED

CHERI SMITH
PO BOX 67
SANDY RIDGE, PA 16677-0067

Amount
Enclosed

\$

Exhibit A

3000350390881039088190435237504324404771

In _____ Court

Judicial (Circuit/District)

Original Creditor Name: TARGET NATIONAL BANK
Debtor Name: SMITH, CHERI
Co-Debtor Name:
Account Number: 4352375043244047

AFFIDAVIT OF ACCOUNT

STATE OF MINNESOTA
COUNTY OF HENNEPIN ss:

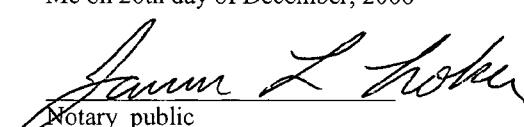
The undersigned, TIFFANY LEWIS states that:

1. I am a representative of TARGET NATIONAL BANK and am authorized to Verify current balances due and owing to TARGET NATIONAL BANK on credit card accounts.
2. As of the date of this affidavit I have reviewed the records of the above listed person and account, and that the amount due and owing to TARGET NATIONAL BANK on this account, over and above all known legal set offs is \$3908.81.
3. That reasonable inquiry has been made to determine if the defendant is in the military service of the United States of America, and to the best of my knowledge that defendant is not in such military service and is therefore not entitled to the rights and privileges provided under the Soldiers and Sailors Civil Relief Act of 1940, as amended.

That the above information is true to the best of my knowledge, information and belief, and based upon the books and business records of TARGET NATIONAL BANK.

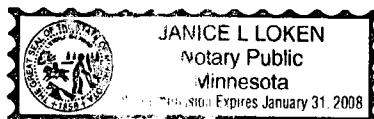

Authorized Agent of TARGET NATIONAL BANK

Subscribed and sworn to before
Me on 26th day of December, 2006


Notary public

My commission expires: 1/31/08

4352375043244047
A144 PATENAUME & FELIX, A.P.C



The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that she is, Tiffany Lewis, Assistant Secretary, of Target National Bank, Plaintiff Herein, that she is duly authorized to make this Declaration, and hat the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of her knowledge, information and belief.



Tiffany Lewis
Authorized Agent of Target National Bank/Target Visa

4352375043244047
A144
PATENAUME & FELIX, A.P.C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102573
NO: 07-408-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: TARGET NATIONAL BANK
vs.
DEFENDANT: CHERI SMITH

SHERIFF RETURN

NOW, March 21, 2007 AT 11:26 AM SERVED THE WITHIN COMPLAINT ON CHERI SMITH DEFENDANT AT 411 BRISBIN ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHERI SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
03-15-07
JUL 13 2007
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PATENAUME	11941	10.00
SHERIFF HAWKINS	PATENAUME	11941	52.92

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK

Plaintiff

) NO. 07-408-CD

v.

CHERI SMITH

Defendant(s)

**PRAECIPE FOR DEFAULT
JUDGMENT**

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

FILED Atty pd 20.00
M 11 2007 1CC Notice
AUG 03 2007 to Def.
William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff) NO. 07-408-CD
v.)
CHERI SMITH)
Defendant(s))

PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT

TO: PROTHONOTARY

Please enter a judgment against the defendant, above named, for failure to file an Answer to Plaintiff's complaint.

Amount claimed in Complaint	\$3,908.81
Interest from December 21, 2006	\$0.00
Less payments received	
Attorney's fees	\$0.00
TOTAL	\$3,908.81

With continuing interest on the principal amount of \$3,908.81, with interest at the legal rate, plus costs of suit.

I hereby certify that a written notice of intention to file this praecipe was mailed to the defendants and defendants' counsel (if known), after the default had occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the Notice is attached.

Respectfully submitted:
Patahade & Felix, A.P.C.

Date:

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff) NO. 07-408-CD
v.)
CHERI SMITH)
Defendant(s))

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF
NOTICE PURSUANT TO PA.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF CLEARFIELD)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), CHERI SMITH, is not in the military service of the United States of America to the best of his knowledge, information and belief and certifies that Notice of Intent to take Default Judgment was mailed in accordance with Pa.R.C.P.237.1, as evidenced by the attached copy.

Respectfully submitted:
Paterno & Felix, A.P.C.

Date:

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

Sworn to and subscribed before me this
____ day of _____, 20____.

Notary Public

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
)
 Plaintiff) NO. 07-408-CD
)
)
 v.)
)
 CHERI SMITH)
)
 Defendant(s))
)

IMPORTANT NOTICE

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)	
)	
Plaintiff)	NO. 07-408-CD
)	
)	
v.)	
)	
CHERI SMITH)	
)	
Defendant(s))	
)	

To: Cheri Smith
411 Brisbin St.
Houtzdale Pennsylvania 16651

Date of Notice: July 17, 2007

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.

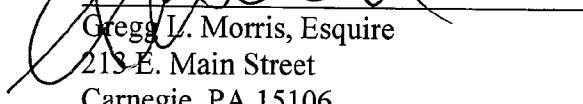
YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Clearfield County Courthouse
David S. Meholic, Court Administrator 230 East Market Street
Clearfield PA 16830
814-765-2641

Respectfully submitted:
Paterno & Felix, A.P.C.

Date: _____



Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

I, GREGG MORRIS, attorney for Plaintiff, TARGET NATIONAL BANK, hereby certify that a true and correct copy of foregoing document was served this date by ordinary mail upon the following:

Cheri Smith
Defendant
411 Brisbin St.
Houtzdale PA 16651

Date: _____

Gregg L. Morris, Esquire
Paternoade & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

NOTICE OF ORDER, DECREE OR JUDGMENT

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff) NO. 07-408-CD
v.)
CHERI SMITH)
Defendant(s))

COPY

NOTICE OF ORDER, DECREE OR JUDGMENT
AGAINST CHERI SMITH ONLY

TO: ()Plaintiff (x)Defendant ()Garnishee ()Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on August 3, 2007.

Decree Nisi in Equity
 Final Decree in Equity
 Judgment of Confession Verdict Court Order
 Default Non-suit
 Non-Pros Arbitration Award

(X) Judgment in the amount of \$3,908.81, plus costs.
() District Justice Transcript of Judgment in the amount of \$ _____, plus costs.
() If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation.

Prothonotary

By

Deputy

If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire
213 East Main St
Carnegie PA 15106
(412)-429-7675

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

COPY

Target National Bank

Plaintiff(s)

No.: 2007-00408-CD

Real Debt: \$3,908.81

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Cheri Smith

Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 3, 2007

Expires: August 3, 2012

Certified from the record this 3rd day of August, 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

10
S 10/29/2013
W/ 10/2/2013
William A. Shaw
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, 3rd CIRCUIT TO
PENNSYLVANIA
ATTY

TARGET NATIONAL BANK)
Plaintiff)
v.)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)
w/ 3 writs issued
NO. 07-408-CD TO SHERIFF OF
INDIANA CO.

**PRAECIPE FOR WRIT OF
EXECUTION**

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

PRAECIPE FOR WRIT OF EXECUTION

To The Prothonotary:

Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Indiana County;
- (2) against, CHERI SMITH Defendant(s);
- (3) against, PSECU, Garnishee;
- (4) and index this writ
 - (a) against, Defendant(s) CHERI SMITH, Defendant(s); and
 - (b) against PSECU, Garnishee;

as a *lis pendens* against real property of the Defendant(s) in the name of the garnishee as follows:

(5) Amount due	<u>\$3,908.81</u>
Interest from August 03, 2007	<u></u>
At 6.00 % per annum	<u>\$1,421.95</u>
Court Cost	<u></u>
Less: Payment	<u>\$0.00</u>
Total	<u>\$5,330.76 + COSTS</u>

Prothonotary costs

~~80 125.06~~

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

WRIT OF EXECUTION

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

WRIT OF EXECUTION

To the Sheriff of Indiana County:

To satisfy the judgment, interest and costs against CHERI SMITH, Defendant(s),

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

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of PSECU as Garnishee, and to notify garnishee that

(a) an attachment has 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] (i) the first \$10,000 of each account of the defendant in with a bank or other financial institution containing any funds which 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.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all 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.

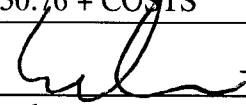
(iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant 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 such person that he/she has been added as a garnishee and is enjoined as above stated.

<u>Amount due</u>	\$3,908.81
Interest from August 03, 2007	
<u>At 6.00 % per annum</u>	\$1,421.95
Court Cost	
Less: Payment	\$0.00
<u>Total Due</u>	\$5,330.76 + COSTS

Prothonotary costs \$125.00

Seal
BY _____


Prothonotary

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2014
Clearfield Co., Clearfield, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

WRIT OF EXECUTION NOTICE

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
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. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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

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

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

CLEARFIELD COUNTY COURTHOUSE
DAVID S. MEHOLICK, COURT ADMINISTRATOR 230 EAST MARKET STREET
CLEARFIELD PA 16830
814-765-2641

**MAJOR EXEMPTIONS UNDER
PENNSYLVANIA AND
FEDERAL LAW**

- A. \$300 statutory exemption
- B. Bibles, school books, sewing machines, uniforms and equipment
- C. Most wages and unemployment compensation
- D. Social Security Benefits
- E. Certain retirement funds and accounts
- F. Certain veteran and armed forces benefits
- G. Certain insurance proceeds
- H. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

CLAIM FOR EXEMPTION
TO THE SHERIFF:

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

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300 statutory exemption be
____(i) set aside in kind (specify the property to be set aside in kind): _____

____(ii) paid in cash following the sale of the property levied upon; or
(b) I claim the following exemption (specify property and basis of exemption): _____

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300 statutory exemption be ____ in cash; ____ in kind (specify the property to be set aside in kind): _____.

(b) other (specify the amount and the basis of the exemption): _____

I request a prompt hearing to determine the exemption. Notice of the hearing should be given to 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. Section 4904 relating to unsworn falsification to authorities.

Date: _____
Defendant

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF
OF CLEARFIELD COUNTY COURT OF COMMON PLEAS
CLEARFIELD, PA 16830

(814)-76-5-26

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

**INTERROGATORIES IN
ATTACHMENT EXECUTION**

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

OFFICES OF PATENAUDE & FELIX
BY: GREGG MORRIS, ESQUIRE
213 East Main St
Carnegie PA 15106
858-244-7675

**You are hereby notified to
plead to the enclosed
Interrogatories within 20
days from the date of
hereof or a default
judgment may be entered
against you.**

Gregg Morris, Esquire
Attorney for Plaintiff

INTERROGATORIES IN ATTACHMENT EXECUTION

You are required to answer the following interrogatories about Defendant(s) whose address is 411 BRISBIN ST., HOUTZDALE PA 16651. You must file with the Court answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in a default judgment being entered against you. A copy of said answers must be served on the undersigned. If your answer to any of the following interrogatories is affirmative, specify the amount, value and/or nature of the subject property.

1. At the time you were served or at any subsequent time, did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed them any money or were you liable to them for any reason? If yes, please specify as set forth herein.

2. At the time you were served, or at any subsequent time, was there in your possession, custody or control, or in joint possession, custody or control of yourself or others, any property of any nature owned solely or in party by the Defendant(s)? If yes, please list and describe the property.

3. At the time you were served, or at any subsequent time, did you hold legal title to any property of any nature owned solely or in part by the Defendant(s)? If yes please list and describe the property.

4. At the time you were served, or at any subsequent time, did you hold as fiduciary any property in which the Defendant(s) had an interest? If yes, please list and describe the property.

5. At any time before or after you were served, did the Defendant(s) transfer or deliver any property to you, or to any person, or place pursuant to your directions or consent? If yes, what was the consideration therefore?

6. At any time after you were served, did you pay, transfer, or deliver any money or property to the Defendant(s) or to any person or place pursuant to their direction, or otherwise discharge any claim of the Defendant(s) 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.

Respectfully submitted:
Patenaude & Felix, A.P.C.

Date: August 24, 2013

Gregg L. Morris, Esquire
210 E. Main Street
Carnegie, PA 15106
(412) 429-7675



September 17, 2013

P
FILED
SEP 19 2013
9 AM 12:35 PM
William A. Shaw
Prothonotary/Clerk of Courts
no 41

CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD COUNTY PROTHONOTARY
230 EAST MARKET STREET
PO BOX 549
CLEARFIELD, PA 16830

RE: Writ of Execution
TARGET NATIONAL BANK VS. CHERI SMITH

Dear Clerk:

PSECU received a Writ of Execution on 9/16/13. Enclosed are the answers to interrogatories for the following member(s):

Cheri Smith - Docket No. 31433-CD-2013; NO. 07-408-CD

Should you have any questions, you may contact me toll free at (800) 237-7328. At the menu prompt, enter 6 then extension 3136.

Sincerely,

Shirley Osman

Shirley Osman
Account Management Service Advisor

CC: Gregg L. Morris, Esquire
Cheri Smith

INDIANA COUNTY
PROTHONOTARY AND
CLERK OF COURTS

2013 SEP -9 PM 12:25

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.) 31433 CD 2013
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

**INTERROGATORIES IN
ATTACHMENT EXECUTION**

Filed on behalf of:
TARGET NATIONAL BANK

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK)
Plaintiff)
) NO. 07-408-CD
v.)
)
CHERI SMITH)
411 Brisbin St. Houtzdale Pa 16651)
Defendant(s))
)
PSECU)
2410 Philadelphia Street Indiana Pa 15701)
Garnishee)

**OFFICES OF PATENAUME & FELIX
BY: GREGG MORRIS, ESQUIRE
213 East Main St
Carnegie PA 15106
858-244-7675**

**You are hereby notified to
plead to the enclosed
Interrogatories within 20
days from the date of
hereof or a default
judgment may be entered
against you.**

Gregg Morris, Esquire
Attorney for Plaintiff

INTERROGATORIES IN ATTACHMENT EXECUTION

You are required to answer the following interrogatories about Defendant(s) whose address is 411
BRISBIN ST., HOUTZDALE PA 16651. You must file with the Court answers to the following
interrogatories within twenty (20) days after service upon you. Failure to do so may result in a default
judgment being entered against you. A copy of said answers must be served on the undersigned. If your
answer to any of the following interrogatories is affirmative, specify the amount, value and/or nature of
the subject property.

1. At the time you were served or at any subsequent time, did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed them any money or were you liable to them for any reason? If yes, please specify as set forth herein. **No.**

2. At the time you were served, or at any subsequent time, was there in your possession, custody or control, or in joint possession, custody or control of yourself or others, any property of any nature owned solely or in party by the Defendant(s)? If yes, please list and describe the property. **Yes.** See Attached.

3. At the time you were served, or at any subsequent time, did you hold legal title to any property or any nature owned solely or in part by the Defendant(s)? If yes please list and describe the property. **No.**

4. At the time you were served, or at any subsequent time, did you hold as fiduciary any property in which the Defendant(s) had an interest? If yes, please list and describe the property. **No.**

5. At any time before or after you were served, did the Defendant(s) transfer or deliver any property to you, or to any person, or place pursuant to your directions or consent? If yes, what was the consideration therefore? No.

6. At any time after you were served, did you pay, transfer, or deliver any money or property to the Defendant(s) or to any person or place pursuant to their direction, or otherwise discharge any claim of the Defendant(s) against you. No.

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.

SEE Attached.

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.

See Attached.

Respectfully submitted:
Patenaude & Felix, A.P.C.

Date: August 24, 2013

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

TARGET NATIONAL BANK,

Plaintiff

VS.

CHERI SMITH

Defendant

and

PA STATE EMPLOYEES CREDIT UNION.

Garnishee

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Writ Docket No. 31433-CD-2013; NO. 07-408.

ANSWERS TO INTERROGATORIES

Total Account Balance: \$ 0.00

Total Amount Available for Garnishment: \$ 0.00

This is a Dormant Account- dormant 697 days. There are no reoccurring deposits.
Jointly held Spousal Account.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TARGET NATIONAL BANK

)

)

Plaintiff

) NO. 07-408-CD

)

)

v.

)

)

CHERI SMITH

)

)

Defendant(s)

)

)

**PRAECIPE TO SETTLE AND DISCONTINUE WITHOUT PREJUDICE AS TO
GARNISheeE ONLY**

TO: Prothonotary

Please settle and discontinue the matter captioned above without prejudice as to
Garnishee only. Thank you.

Respectfully submitted,
Patenaude & Felix, A.P.C.

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

Date: September 19, 2013
NOTARIAL SEAL
MELINDA S PERRY
Notary Public
CARNEGIE BORO., ALLEGHENY COUNTY
My Commission Expires Jun 2, 2015

Sworn to and subscribed before me this

19 day of Sept. 2013

Melinda S. Perry
Notary Public

I, GREGG MORRIS, attorney for Plaintiff, TARGET NATIONAL BANK , hereby certify that a true and correct of the foregoing document was served this date by US First Class Mail, postage prepaid upon the following:

PSECU
2410 PHILADELPHIA STREET
INDIANA PA 15701

Date: September 19, 2013



Gregg L. Morris, Esquire
Paterno & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675