

1097-CD
Discover Bank vs Steven Scaife

2007-1097-CD
Discover Bank vs Steven Scaife et al

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

DISCOVER BANK

Plaintiff

No. 07-1097-CD

vs.

COMPLAINT IN CIVIL ACTION

STEVEN SCAIFE
BRENDA SCAIFFE

Defendants

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#05947826

FILED *pd \$85.00 Atty*
m 1:49 cm
JUL 13 2007 ICC Shff
cm

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.

STEVEN SCAIFE
BRENDA SCAIFFE

Defendants

COMPLAINT IN CIVIL ACTION AND NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

COMPLAINT

1. Plaintiff is a corporation with offices in 6500 NEW ALBANY ROAD
NEW ALBANY, OH 43054-0000 .
2. Defendants are adult individuals residing at 134 WOOD ST PHILIPSBURG,PA 16866 .
3. Defendants applied for and received a credit card issued by Plaintiff bearing the account number 6011002183519859 .
4. Defendants made use of said credit card and has currently a balance due and owing to Plaintiff, as of JUNE 27, 2007, in the amount of \$16426.29. A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
5. Defendants are in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is entitled to the addition of finance charges at the rate of 6.00% per annum on the unpaid balance.
7. Plaintiff avers that the Agreement between the parties provides that Defendant will pay Plaintiff's attorneys' fees.
8. Plaintiff avers that such attorneys' fees will amount to \$1500.00.

9. Although repeatedly requested to do so by Plaintiff, Defendants have willfully failed and/or refused to pay the principal balance, finance charges, attorneys' fees or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendants, STEVEN SCAIFE AND BRENDA SCAIFE, jointly and severally, in the amount of \$16426.29 with continuing finance charges thereon at the rate of 6.00% per annum from JUNE 27, 2007 plus attorneys' fees of \$1500.00 and costs.

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

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

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

WWR#:05947826



New Balance
\$16,426.29

Minimum Payment Due
\$1,866.00

Payment Due Date
April 16, 2007

Account Number 6011 0021 8351 9859
Enter Amount Enclosed Below

\$
Please make check payable to Discover Platinum Card. You are overlimit. Pay the sum of the monthly minimum payment plus the overlimit amount of \$426.29.

17 SDSN6A01 0007992

STEVEN SCAIFE
BRENDA SCAIFE
134 WOOD ST
PHILIPSBURG PA 16866-8353

59417826

3SHM

Reduce clutter and view your statement as soon as it's available. Sign up for Paperless Statements today! Visit Discovercard.com/gopaperless

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.

000006011002183519859164262900000000186600

Discover Platinum Card Account Summary

Account Number 6011 0021 8351 9859
Payment Due Date April 16, 2007
Minimum Payment Due \$1,866.00
Credit Limit \$16,000.00
Credit Available \$0.00
Cash Credit Limit \$8,100.00
Cash Credit Available \$0.00

EXHIBIT

Closing Date: March 17, 2007 page 1 of 2

Previous Balance	\$15,998.07
Payments And Credits	0.00
Purchases	+ 78.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 350.22
New Balance	= \$16,426.29

You may be able to avoid Periodic Finance Charges, see the reverse side for details.

Cashback Bonus®

Cashback Bonus® Since Anniversary Date
of March 17: \$88.60

Opening Cashback Bonus Balance	\$ 196.33
New Cashback Bonus Earned	+ 0.00

Cashback Bonus Balance	\$ 196.33
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 Platinum 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.

	Trans. Date	Post Date		
Other/Miscellaneous	Mar 17	Mar 17	OVERLIMIT FEE	\$ 39.00
	Mar 17	Mar 17	LATE FEE	\$ 39.00

Information For You

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

*** ATTENTION *** Your account is seriously past due. Payment of the amount due and arrangements for future payments should be made immediately.

Get the flexibility of a home equity credit line with the certainty of a fixed-rate loan! The new Discover Home Equity Line of Credit is guaranteed never to increase more than 1.50 percentage points over your initial rate during the first 5 years. Apply online at Discoverhomeloans.com today.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he is 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.

Robert Adkins
(Signature)

WWR # 5947826
STEVEN SCAIFE
6011002183519859

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102993
NO: 07-1097-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: STEVEN SCAIFE and BRENDA SCAIFFE

SHERIFF RETURN

NOW, July 26, 2007 AT 2:32 PM SERVED THE WITHIN COMPLAINT ON STEVEN SCAIFE DEFENDANT AT 134 WOOD ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RYAN SCAIFE, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
03:00
DEC 05 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102993
NO: 07-1097-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: STEVEN SCAIFE and BRENDA SCAIFFE

SHERIFF RETURN

NOW, July 26, 2007 AT 2:31 PM SERVED THE WITHIN COMPLAINT ON BRENDA SCAIFFE DEFENDANT AT 134 WOOD ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RYAN SCAIFE, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102993
NO: 07-1097-CD
SERVICES 2
COMPLAINT

PLAINTIFF: DISCOVER BANK
VS.
DEFENDANT: STEVEN SCAIFE and BRENDA SCAIFFE

SHERIFF RETURN

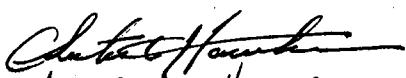
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8471116	20.00
SHERIFF HAWKINS	WELTMAN	8471116	55.04

Sworn to Before Me This

____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

FILED *E*

FEB 06 2008

W/2.15/c

William A. Shaw
Prothonotary/Clerk of Courts

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

~~NOT~~
CENT WITH NOTICE
TO DEP&H

DISCOVER BANK

Plaintiff

No. 07-1097-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

STEVEN SCAIFE
BRENDA SCAIFE

Defendants

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 Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05947826
Judgment Amount \$ 17926.29

THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendants

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendants, STEVEN SCAIFE
BRENDA SCAIFE above named, in the default of an Answer, in the amount of \$17926.29 computed as follows:

Amount claimed in Complaint	\$16426.29
Interest from date of judgment at the legal interest rate of 6% per annum	
Attorney's fees	\$1500.00
TOTAL	\$17926.29

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

By: WILLIAM T. MOLCZAN

WILLIAM T. MOLCZAN, ESQUIRE
PA I.D.#47437

Weltman, Weinberg & Reis Co., L.P.A.
1400 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05947826

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendants is: 134 WOOD ST PHILIPSBURG,PA 16866

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendants

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on FEB. 6, 2008

Assumpsit Judgment in the amount
of \$17926.29 plus costs.

Trespass Judgment in the amount
of \$_____ plus costs.

If not satisfied within sixty (60)
days, your motor vehicle operator's license and/or registration
will be suspended by the Department of Transportation, Bureau
of Traffic Safety, Harrisburg, PA.

Entry of Judgment of
 Court Order
 Non-Pro
 Confession
 Default
 Verdict
 Arbitration
Award

Prothonotary

By: 
PROTHONOTARY (OR DEPUTY)

STEVEN SCAIFE
BRENDA SCAIFE
134 WOOD ST
PHILIPSBURG, PA 16866

Plaintiff's address is:

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

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

DISCOVER BANK

Plaintiff

Case # 07-1097 CD

STEVEN SCAIFE

Defendant(s)

IMPORTANT NOTICE

TO: STEVEN SCAIFE
134 WOOD ST
PHILIPSBURG, PA 16866

Date of Notice: 12-17-07

WWR#: 05947826

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

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

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

DISCOVER BANK

Plaintiff

Case # 07-1097 (D)

BRENDA SCAIFE

Defendant(s)

IMPORTANT NOTICE

TO: BRENDA SCAIFE
134 WOOD ST
PHILIPSBURG, PA 16866

Date of Notice: 12-17-07
WWR#: 05947826

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

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

DISCOVER BANK

Case no: 07-1097-CD

Plaintiff
vs.

NON-MILITARY AFFIDAVIT

STEVEN SCAIFE
BRENDA SCAIFE

Defendants

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

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

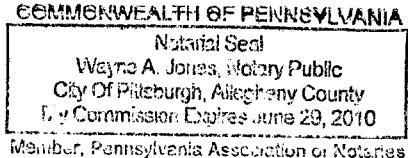
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, STEVEN SCAIFE
BRENDA SCAIFE is not in the military service.

Further Affiant sayeth naught.

Wayne A. Jones
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 14 day
of Jan 08.

Wayne A. Jones
NOTARY PUBLIC



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

Department of Defense Manpower Data Center

JAN-09-2008 12:00:09



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SCAIFE			Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: JFJPKFUYO

Department of Defense Manpower Data Center

JAN-09-2008 12:00:29



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SCAIFE			Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

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If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: JFJSNTHEYA

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

DISCOVER BANK

Plaintiff No. 07-1097-CD

vs.

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

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#5947826

FILED
Atty pd.
M/2/2011 \$0.00
S FEB 11 2011
6cc to
William A. Shaw
Prothonotary/Clerk of Courts
6 wnts
to Sheriff
(id)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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 STEVEN SCAIFE and BRENDA SCAIFE, Defendant
3. against FIRST COMMONWEALTH BANK, Garnishee
4. Judgment Amount \$ 17926.29

Interest \$ 3214.95

Costs \$

SUBTOTAL: \$ 21,141.24

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 125.00

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

By:

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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

No. 07-1097-CD

vs.

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
(814) 765-2641, ext. 50-51

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
Courthouse
1 N Second Street
Clearfield, PA 16830
Telephone Number: (814) 765-2641 ext.

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.

COPY

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

FIRST COMMONWEALTH BANK
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN SCAIFE and BRENDA SCAIFE Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK, as garnishee, 5355 Shaffer Road, DuBois, PA 15801 and to notify the garnishee that:
 - a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified 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 (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law

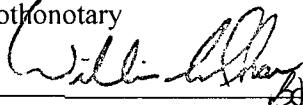
- (2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due \$ 21,141.24

Costs to be added..... \$

125.00 Prothonotary costs

Prothonotary



Deputy

DATED: 2/11/11
WWR#5947826

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

DISCOVER BANK

Plaintiff No. 07-1097-CD

vs.

STEVEN SCAIFE
BRENDA SCAIFE

**INTERROGATORIES IN ATTACHMENT
FIRST COMMONWEALTH BANK**

Defendant

and

FIRST COMMONWEALTH BANK

Garnishee FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

FILED
M 12 2011
FEB 11 2011
S
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.: 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

and

FIRST COMMONWEALTH BANK
Garnishee

TO: FIRST COMMONWEALTH BANK
5355 Shaffer Road
DuBois, PA 15801

Suggested Reference No.: XXX-XX-3064

RE: STEVEN SCAIFE
134 WOOD
PHILIPSBURG, PA 16866

BRENDA SCAIFE
144 TERRY ST
PHILIPSBURG, PA 16866

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 (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

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

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, Identify each account and state the reason for the exemption, the amount being withheld under each exemption and the amount of funds in each account, 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.

9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not 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?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

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

By: 
Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

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)

To Deputy 2/16/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 07-1097-CD

DISCOVER BANK

vs SERVICE # 1 OF 3

STEVEN SCAIFE & BRENDA SCAIFE

TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVE BY: 05/10/2011

RUSH

HEARING:

PAGE: 108175

DEFENDANT: FIRST COMMONWEALTH BANK, Garnishee

ADDRESS: 5355 SHAFFER ROAD
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED

0/3/14cm

FEB 22 2011

WAS
William A. Shaw
Prothonotary/Clerk of Courts
OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 2-22-11 AT 11:30 AM PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON FIRST COMMONWEALTH BANK, Garnishee,
DEFENDANT

BY HANDING TO Rachel Ward

P.I.C

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM/ HER THE CONTENTS
THEREOF.

ADDRESS SERVED 5355 Shaffer Rd., Dubois, Pa 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE FOR FIRST COMMONWEALTH BANK, Garnishee

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO FIRST COMMONWEALTH BANK, Garnishee

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2011

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108175

2 of 3

DISCOVER BANK

NO. 07-1097-CD

-vs-

STEVEN SCAIFE & BRENDA SCAIFE
TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION/
INTERROGATORIES TO
GARNISHEE

SHERIFF'S RETURN

NOW FEBRUARY 25, 2011 MAILED THE WITHIN:
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE,
TO: STEVEN SCAIFE, DEFENDANT
AT: 134 WOOD, PHILIPSBURG, PA. 16866
IN THE S.A.S.E.

FILED

9/11/07cm
FEB 28 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108175

3 of 3

DISCOVER BANK

NO. 07-1097-CD

-VS-

STEVEN SCAIFE & BRENDA SCAIFE
TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION/
INTERROGATORIES TO
GARNISHEE

SHERIFF'S RETURN

NOW FEBRUARY 25, 2011 MAILED THE WITHIN:
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE,
TO: BRENDA SCAIFE, DEFENDANT
AT: 114 TERRY ST, PHILIPSBURG, PA. 16866
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 108175
NO: 07-1097-CD
SERVICES 3

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: STEVEN SCAIFE & BRENDA SCAIFE
TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	5040029	30.00
SHERIFF HAWKINS	WELTMAN	5040029	49.38

Sworn to Before Me This

So Answers,

____ Day of _____ 2011



My Manly Hand

Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff No. 07-1097-CD

vs.

**INTERROGATORIES IN ATTACHMENT
FIRST COMMONWEALTH BANK**

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

and

FIRST COMMONWEALTH BANK

Garnishee FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

and

FIRST COMMONWEALTH BANK
Garnishee

TO: FIRST COMMONWEALTH BANK
5355 Shaffer Road
DuBois, PA 15801

Suggested Reference No.: XXX-XX-3064

RE: STEVEN SCAIFE
134 WOOD
PHILIPSBURG, PA 16866

BRENDA SCAIFE
144 TERRY ST
PHILIPSBURG, PA 16866

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 (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

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

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, Identify each account and state the reason for the exemption, the amount being withheld under each exemption and the amount of funds in each account, 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.

9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not 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?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

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

By: 
Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is _____
(Name)

____ of _____, garnishee herein,
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing

Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

(SIGNATURE)

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

DISCOVER BANK

Plaintiff No. 07-1097-CD

vs.

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

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#5947826

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

FEB 11 2011

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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 STEVEN SCAIFE and BRENDA SCAIFE, Defendant
3. against FIRST COMMONWEALTH BANK, Garnishee
4. Judgment Amount \$ 17926.29

Interest \$ 3214.95

Costs \$

SUBTOTAL: \$ 21,141.24

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 125.00

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

By: 

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

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

FIRST COMMONWEALTH BANK
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN SCAIFE and BRENDA SCAIFE Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK, as garnishee, 5355 Shaffer Road, DuBois, PA 15801 and to notify the garnishee that:
 - a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified 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 (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) 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 \$ 21,141.24

Costs to be added..... \$

125.00 Prothonotary costs

Prothonotary



Received this writ this 11 day
of FEB A.D. 2011
At 3:00 A.M. (P.M.)

Deputy

DATED: 2/11/11
WWR#5947826

Chesler A. Hawkins
Sheriff Myra M. Hause

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

vs.

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
(814) 765-2641, ext. 50-51

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
Courthouse
1 N Second Street
Clearfield, PA 16830
Telephone Number: (814) 765-2641 ext.

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

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

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

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

DISCOVER BANK

Plaintiff No. 07-1097-CD

vs.

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

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH BANK,

Garnishee,

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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

WWR#5947826

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

FEB 11 2011

Attest.

William C. Brown
Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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 STEVEN SCAIFE and BRENDA SCAIFE, Defendant
3. against FIRST COMMONWEALTH BANK, Garnishee
4. Judgment Amount \$ 17926.29

Interest \$ 3214.95

Costs \$

SUBTOTAL: \$ 21,141.24

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 105.00

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

By: 

Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

FIRST COMMONWEALTH BANK
Garnishee

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: STEVEN SCAIFE and BRENDA SCAIFE Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK, as garnishee, 5355 Shaffer Road, DuBois, PA 15801 and to notify the garnishee that:
 - a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified 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 (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are indentified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) 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 \$ 21,141.24

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

125.00 Prothonotary costs

Prothonotary

Received this writ this 11 day
of FEB A.D. 2011
At 3:00 A.M./P.M.

Deputy

Sheriff

Chesler A. Hawley
by Marilyn A. Hawley

DATED: 2/11/11
WWR#5947826

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK

Plaintiff

vs.

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

FIRST COMMONWEALTH 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
(814) 765-2641, ext. 50-51

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 Clearfield County
Courthouse
1 N Second Street
Clearfield, PA 16830
Telephone Number: (814) 765-2641 ext.

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.

RECEIVED
FEB 22 2011

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

DISCOVER BANK

Plaintiff

No. 07-1097-CD

Answr to

vs.

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

and

FIRST COMMONWEALTH BANK

Garnishee

FILED ON BEHALF OF:
Plaintiff

9 MAR 01 2011
a/12:30/11
William A. Shaw
Prothonotary/Clerk of Courts

no 4/1

COUNSEL OF RECORD OF
THIS PARTY:

Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.: 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE
Defendant

and

FIRST COMMONWEALTH BANK
Garnishee

TO: FIRST COMMONWEALTH BANK
5355 Shaffer Road
DuBois, PA 15801

Suggested Reference No.: XXX-XX-3064

RE: STEVEN SCAIFE
134 WOOD
PHILIPSBURG, PA 16866

BRENDA SCAIFE
144 TERRY ST
PHILIPSBURG, PA 16866

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.

For all answers to this and the foregoing Interrogatories, see Exhibit "A" attached hereto and made part of hereof.

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 (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

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

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, Identify each account and state the reason for the exemption, the amount being withheld under each exemption and the amount of funds in each account, 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.

9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not 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?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

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

By: 
Matthew D. Urban, Esquire
PA I.D. #90963
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#5947826

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. No
- a. N/A
2. No
3. No
4. No
5. No
6. No
7. N/A
8. N/A
9. February 22, 2011
10. N/A
11. N/A
12. N/A

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)

On this 25th day of February 2011 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared LEDA E MCCRACKEN, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

Leda E McCracken
Leda E. McCracken, Asst. Vice President
First Commonwealth Bank

Sworn and subscribed to before me
This 25th day of February 2011

Susan L. Lindenbreg
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
SUSAN L. LINDBERG, NOTARY PUBLIC
INDIANA BOROUGH, INDIANA COUNTY
MY COMMISSION EXPIRES APRIL 10, 2014

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2011 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA REGULAR U.S. MAIL

*Matthew D. Urban, Esquire
Weltman, Weinberg & Reis Co., LPA
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219*

As Plaintiff

Leda E. McCracken
Leda E. McCracken
Assistant Vice President
First Commonwealth Bank

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

BY: James C Warmbrodt, Esquire
I.D. No.42524
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
Phone: 412.434.7955
Fax: 412.434.7959
File # 5947826

Attorney for Plaintiff(s)

FILED *2cc Atty
m/2.10pm Warmbrodt*
MAR 23 2011

William A. Shaw
Prothonotary/Clerk of Courts

DISCOVER BANK

Clearfield County
Court of Common Pleas

vs.

STEVEN SCAIFE BRENDA SCAIFE

NO. 07-1097-CD

and

FIRST COMMONWEALTH BANK

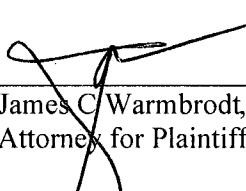
Garnishee(s)

PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION

TO THE PROTHONOTARY:

Kindly mark the above matter discontinued and ended as to Garnishee(s), FIRST
COMMONWEALTH BANK, only.

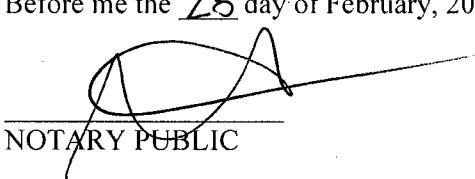
WELTMAN, WEINBERG & REIS CO., L.P.A.

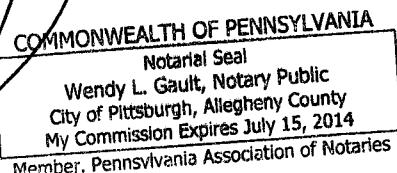
By 

James C Warmbrodt, Esquire
Attorney for Plaintiff

Sworn to and subscribed

Before me the 28 day of February, 2011


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

VS. : NO. 07-1097-CD

STEVEN SCAIFE

BRENDA SCAIFE

S smc
FILED

PRAECIPE FOR APPEARANCE

JAN 20 2015

m/08/00 SMC

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

no cc

TO THE PROTHONOTARY:

Please enter my appearance for DISCOVER BANK

in the above case.

Date: December 18, 2014


317475

Signature/ID Number

Stephen Selinger
Print Name

Eltman, Eltmann & Cooper, PC
Firm

140 Broadway, 26th Fl
Address

New York, NY 10005

12
FILED
S JUL 11 2016
M/11:31/16
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
pd \$26,00
1cc, 6 units &
Claims for exempt
& Interrogatories
Shff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK	:	No.	07-1097-CD
VS	:	Amount Due	\$17,926.29
	:	Interest from	2/6/2008
	:	Interest Accrued	\$8,915.17
		Payments (Credits)	\$0.00
STEVEN SCAIFE	:	Total	\$26,841.46
BRENDA SCAIFE			

PRAECIPE FOR WRIT OF EXECUTION

To the Clerk of Judicial Records - Civil Division:

Issue a writ of execution in the above matter,

- (1) direct the Sheriff of CLEARFIELD county;
- (2) against STEVEN SCAIFE AND BRENDA SCAIFE , defendant(s) and upon the
(Name of Defendant)

Following described property of the defendant(s)

(If real property supply six copies of the description)

against FIRST COMMONWEALTH BANK, garnishee(s) for the following property:

(3)and enter this writ in the judgment index

a) against STEVEN SCAIFE AND BRENDA SCAIFE, defendant(s)
defendant(s)

and

b) against FIRST COMMONWEALTH BANK, as garnishee(s)
garnishee(s)

as a lis pendens against real property of the defendant in name of garnishee as follows:

(Specifically described property)

Date:

Signature:



Print Name:

TIA DINH, ESQ.

Attorney for :

DISCOVER BANK

Address:

101 Hudson Street Suite 2702

Jersey City, NJ 07302

Telephone:

(212) 660-3100

Supreme Court ID No.

311406

** Where judgment has been entered under Rule 2951(a), attorneys' fees may be included if they are authorized in the instrument and there has been record appearance of council at any stage of the proceedings.

(Rev2/12)Pa.R.C.P.3251

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

DISCOVER BANK

: No.

07-1097-CD

VS

STEVEN SCAIFE
BRENDA SCAIFE

WRIT OF EXECUTION

To the Sheriff of CLEARFIELD County:

To satisfy the judgment, interest and costs against

STEVEN SCAIFE AND BRENDA SCAIFE

defendant,

(Name of Defendant)

(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein; _____

(2) you are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK

(Name of the Garnishee)

as garnishee, _____

(Specifically describe property)

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

- (i) the first \$10,000 of each account of the defendant 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 other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due	\$17,926.29	Plaintiff Pd	\$
Interest from 2/6/2008	\$8,915.17	Defendant Pd	\$
Payments (Credits)	\$0.00		
(Costs to be added)			
Prothonotary costs \$145.00			

Seal of the Court

Clerk of Judicial Records

By: *Mark. Spale* *LT*
Civil Division Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

CIVIL ACTION

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 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 \$300.00. There are 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.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms & 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.

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, 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.

Court Administrator
Court of Common Pleas of Clearfield County
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

CIVIL ACTION

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 (specific 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: in cash; in kind (specify property):

(b) other (specific amount and basis of exemption) _____

CLAIM FOR EXEMPTION – Continued

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

(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: _____

Signature of Defendant

**THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY
1 North 2nd Street, Clearfield, Pennsylvania, 16830
Phone 814-765-2641.**

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
134 WOOD ST
PHILIPSBURG, PA 16866
XXX-XX-3064

BRENDA SCAIFE
134 WOOD ST
PHILIPSBURG, PA 16866
XXX-XX-7138

Defendant

CIVIL ACTION

FIRST COMMONWEALTH BANK

Garnishee

INTERROGATORIES TO THE ABOVE NAMED GARNISHEE

TO: **FIRST COMMONWEALTH BANK**
14303 CLEARFIELD SHAWVILLE HWY ,
CLEARFIELD, PA 16830

IMPORTANT NOTICES TO GARNISHEE!

- a. You are required to file an answer 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 the 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 of 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

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reason?

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant?

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which the defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as a fiduciary any property in which the defendant had an interest?

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

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the 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?

a. If so, identify each account and state the amount of funds in each, 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.

9. At any time after you were served, did Defendant, either solely or in part, have any account (savings, checking, certificate of deposit, money market, deposits, safe deposit box, and any other debt and/or property) with your office?

If so, please provide:

a. The account number of each account;

b. The amount of money in each account.

c. The amount of money subject to garnishment after deducting all fees and exemptions.

10. At any time before or after you were served, did Defendant, either solely or in part, submit any applications for any loans from you. If so, please advise whether or not it was approved.



Tia Dinh, Esq.
Eltman Law, P.C.
101 Hudson St., Suite 2702
Jersey City, NJ 07302
T: 212-660-3100

VERIFICATION

I, _____ hereby state that I am authorized to answer the Garnishment Interrogatories in this case. I further verify that the facts contained in the foregoing attached answers to Interrogatories are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating the unsworn falsifications to authorities.

Date: _____

By: _____

Title: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CK

DISCOVER BANK

VS.

NO. 07-1097-CD

STEVEN SCAIFE

BRENDA SCAIFE

PRAECIPE FOR APPEARANCE

✓
FILED NOCL

S JUL 11 2016
0111.2912

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

TO THE PROTHONOTARY: DISCOVER BANK

Please enter my appearance for _____
in the above case.

Date:


/ 311406
Signature/ID Number

Tia Dinh
Print Name

Eltman Law, PC
Firm

101 Hudson Street, Suite 2702
Address

Jersey City, NJ 07302

FILED

JUL 11 2016

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

RECEIVED

JUL 14 2016

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
134 WOOD ST,
PHILIPSBURG, PA 16866
XXX-XX-3064

RECEIVED

JUL 14 2016

BRENDA SCAIFE
134 WOOD ST,
PHILIPSBURG, PA 16866
XXX-XX-7138

Defendant

CIVIL ACTION

FIRST COMMONWEALTH BANK

Garnishee

INTERROGATORIES TO THE ABOVE NAMED GARNISHEE

TO: **FIRST COMMONWEALTH BANK**
14303 CLEARFIELD SHAWVILLE HWY,
CLEARFIELD, PA 16830

2016 JUL 22 A 8:49
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

FILED

No CC

68

IMPORTANT NOTICES TO GARNISHEE!

- a. You are required to file an answer 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 the 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 of 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

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reason?

For all answers to this and the foregoing Interrogatories see Exhibit "A" attached hereto and made part of hereof.

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant?

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which the defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as a fiduciary any property in which the defendant had an interest?

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

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the 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?

a. If so, identify each account and state the amount of funds in each, 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.

9. At any time after you were served, did Defendant, either solely or in part, have any account (savings, checking, certificate of deposit, money market, deposits, safe deposit box, and any other debt and/or property) with your office?

If so, please provide:

a. The account number of each account;

b. The amount of money in each account.

c. The amount of money subject to garnishment after deducting all fees and exemptions.

10. At any time before or after you were served, did Defendant, either solely or in part, submit any applications for any loans from you. If so, please advise whether or not it was approved.



Tia Dinh, Esq.
Eltman Law, P.C.
101 Hudson St., Suite 2702
Jersey City, NJ 07302
T: 212-660-3100

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. No
2. No
3. No
4. No
5. No
6. No
7. No
- 7a. N/A
8. No
9. No
- 9a. N/A
- 9b. N/A
- 9c. N/A
10. No

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)

On this 18th day of July 2016 before me, a Notary Public in
and for said Commonwealth and County, personally appeared ELLEN BUTERBAUGH,
who being duly sworn according to law, acknowledged that she is Assistant Vice
President of First Commonwealth Bank, and that the facts set forth in the foregoing
Interrogatories are true and correct to the best of her knowledge and belief.

Ellen Buterbaugh
Ellen Buterbaugh, Asst. Vice President
First Commonwealth Bank

Sworn and subscribed to before me
This 15 day of July 2016



Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
SUSAN HENDRICK, NOTARY PUBLIC
CENTER TOWNSHIP, INDIANA COUNTY
MY COMMISSION EXPIRES DEC. 17, 2018

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2016 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA REGULAR U.S. MAIL

*Tia Dinh, Esquire
Eltman Law, P.C.
101 Hudson St., Suite 2702
Jersey City, NJ 07302*

As Plaintiff

Donna Yatsko
Donna Yatsko
Senior Transaction Specialist
First Commonwealth Bank

FILED

2016 JUL 22 A 8:49

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Wesley B Thurston
Sheriff

Gary A Knaresboro
Solicitor

Michael Churner
Chief Deputy



Cynthia Butler-Aughenbaugh
Office Manager

DISCOVER BANK
vs.
STEVEN SCAIFE (et al.)

Case Number
2007-1097-CD

SHERIFF'S RETURN OF SERVICE

- 07/13/2016 11:30 AM - DEPUTY MIKE ROWLES, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE REQUESTED WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE WAS SERVED BY "PERSONALLY" HANDING A TRUE AND ATTESTED COPY TO A PERSON REPRESENTING THEMSELVES TO BE CHERI CURRY, TELLER, WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE WITHIN NAMED GARNISHEE, FIRST COMMONWEALTH BANK, AT 14303 CLEARFIELD SHAWVILLE HWY, CLEARFIELD, PA 16830 AND ATTACHED AS DIRECTED.
- 07/14/2016 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE WAS SERVED UPON BRENDA L. SCAIFE AT 134 WOOD ST., PHILIPSBURG, PA 16866 BY U.S. REGULAR MAIL.
- 07/14/2016 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE WAS SERVED UPON STEVEN SCAIFE AT 134 WOOD ST., PHILIPSBURG, PA 16866 BY U.S. REGULAR MAIL.

SHERIFF COST: \$66.00

SO ANSWERS,

Wesley B. Thurston

July 14, 2016

WESLEY B THURSTON, SHERIFF

DATE	CATEGORY	MEMO	COSTS		
			CHK #	DEBIT	CREDIT
07/12/2016	Advance Fee	Advance Fee	4485	\$0.00	\$200.00
07/12/2016	RDR			\$9.00	\$0.00
07/14/2016	Service			\$9.00	\$0.00
07/14/2016	Service (Additional Defendant)			\$12.00	\$0.00
07/14/2016	Surcharge			\$30.00	\$0.00
07/14/2016	Mileage			\$4.00	\$0.00
07/14/2016	Postage			\$2.00	\$0.00
07/14/2016	Refund			\$134.00	\$0.00
				\$200.00	\$200.00
			BALANCE:	\$0.00	

FILED

Noe

JUL 14 2016

O/HS/HS *S*

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

DISCOVER BANK : No. 07-1097-CD
VS :
STEVEN SCAIFE :
BRENDA SCAIFE :

WRIT OF EXECUTION

To the Sheriff of CLEARFIELD County:

To satisfy the judgment, interest and costs against

STEVEN SCAIFE AND BRENDA SCAIFE

defendant,

(Name of Defendant)

(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein; _____

(2) you are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK

(Name of the Garnishee)

as garnishee, _____

(Specifically describe property)

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

- (i) the first \$10,000 of each account of the defendant 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 other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due	\$17,926.29	Plaintiff Pd	\$
Interest from	\$8,915.17	Defendant Pd	\$
2/6/2008			
Payments (Credits)	\$0.00		
(Costs to be added)			
		Prothonotary costs	\$145.00

Seal of the Court

Clerk of Judicial Records

By:

W. K. Sane, Jr.

Received this 11th Division May 2016 Deputy
of July A.D. 2016
At 3:00 A.M. P.M.

Wesley B Thurston
Sheriff by Maelyn Hahn

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

CIVIL ACTION

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 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 \$300.00. There are 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.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms & 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.

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, 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.

Court Administrator
Court of Common Pleas of Clearfield County
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 07-1097-CD

STEVEN SCAIFE
BRENDA SCAIFE

Defendant

CIVIL ACTION

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 (specific 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: in cash; in kind (specify property):

(b) other (specific amount and basis of exemption) _____

CLAIM FOR EXEMPTION – Continued

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

(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: _____

Signature of Defendant

**THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF CLEARFIELD COUNTY
1 North 2nd Street, Clearfield, Pennsylvania, 16830
Phone 814-765-2641.**

By: Tia Dinh, Esq.
Eltman Law, P.C.
Attorney ID # 311406
101 Hudson St., Ste 2702
Jersey City, NJ 07302
T (212) 660-3100
F (212) 660-3101
Attorney File #: 4387M0850

S **FILED**
M/19/2016
B7.W/cc Atty. Dinh.
DEC 19 2016
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK	:	No. <u>07-1097-CD</u>
VS	:	PRAECIPE TO DISSOLVE ATTACHMENT
STEVEN SCAIFE	:	
BRENDA SCAIFE ; defendant(s)	:	
FIRST COMMONWEALTH BANK, garnishee;	:	
	:	
	:	
	:	
	:	

To the Prothonotary of CLEARFIELD County Pennsylvania:

Kindly enter the above Praecipe to Dissolve the Attachment against Garnishee.

Date:

Signature: 
Print Name: TIA DINH, ESQ.
Attorney for : DISCOVER BANK
Address: 101 Hudson St., Suite 2702
Telephone: Jersey City, NJ 07302
Supreme Court ID No. (212) 660-3100
311406