

07-1560-CD  
Capital One vs Eugene Hawkins

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

CAPITAL ONE BANK

Plaintiff

No: 07-1560-C

vs.

COMPLAINT IN CIVIL ACTION

EUGENE D HAWKINS  
AKA EUGENE HAWKINS JR

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05985035 C N Pit KXW

FILED 10/3/2004  
SEP 21 2004 Atty pd.  
85.00  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No

EUGENE D HAWKINS  
AKA EUGENE HAWKINS JR

Defendant

COMPLAINT AND NOTICE TO DEFEND

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

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

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

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

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK is a corporation with offices at 140 EAST SHORE DR GLEN ALLEN , VA 23059 .

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

EUGENE D HAWKINS  
3171 BLOOM RD  
CLEARFIELD, PA 16830

3. Defendant applied for and received a credit card bearing the account number 5178052458491434 .

4. Defendant made use of said credit card and has a current balance due of \$3661.99 , as of August 17, 2007 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 28.240% per annum on the unpaid balance from August 17, 2007 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

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

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant , EUGENE D HAWKINS , INDIVIDUALLY , in the amount of \$3661.99 with continuing interest thereon at the rate of 28.240% per annum from August 17, 2007 plus costs.

  
James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05985035 C N Pit KXW

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.

## Your account is about to charge off as a bad debt.

- We report an R9 rating to credit bureaus when an account charges off.
- Lenders and employers nationwide can access credit bureau reports.
- An R9 will limit our ability to offer you financial solutions.
- You will still be responsible for repaying the debt.

### Good news – it's not too late.

- Call 1-800-955-6600 for payment options.
- Pay with our free Check by Phone service.
- If you have online account access, log on to your account and pay now at [www.capitalone.com](http://www.capitalone.com).
- If you prefer, simply use the remittance coupon below.

The purpose of this letter is to collect a debt. Any information obtained will be used for that purpose.  
 © 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

045-0404


 PLATINUM MASTERCARD ACCOUNT  
 5178-0524-5849-1434

DEC 14, 2005 - JAN 13, 2006

Page 1 of 1

#### Account Summary

Previous Balance	\$2,382.47
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$57.81
 New Balance	 \$2,475.28
Minimum Amount Due	\$2,475.28
Payment Due Date	February 13, 2006
 Total Credit Line	 \$2,000
Total Available Credit	\$0.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$0.00

#### Payments, Credits and Adjustments

##### Transactions

1	13 JAN	PAST DUE FEE	\$35.00
---	--------	--------------	---------

This account's Non-Introductory Rates as of 12/20/05 are: purchase A.P.R. = 15.65%V, cash advance A.P.R. = 22.74%V and special transfer A.P.R. = 15.65%V. If the A.P.R. is followed by "V," then your corresponding A.P.R. is a variable rate.

You were assessed a past due fee of \$35.00 on 01/13/2006 because your minimum payment was not received by the due date of 01/13/2006. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

#### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

Send payments to:  
 Attn: Remittance Processing  
 Capital One Bank  
 P.O. Box 790216  
 St. Louis, MO 63179-0216

Send inquiries to:  
 Capital One  
 P.O. Box 30285  
 SLC, UT 84130-0285

## EXHIBIT

#### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$2,410.32	.0773% P	28.24%	\$57.81
CASH	\$0.00	.0773% P	28.24%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

28.24%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



0000000 0 5178052458491434 13 2475280050002475289

New Balance	\$2,475.28
Minimum Amount Due	\$2,475.28
Payment Due Date	February 13, 2006
Total enclosed	\$ <input type="text"/>
Account Number:	5178-0524-5849-1434

Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt. #
City	State ZIP
Home Phone	Alternate Phone
Email Address	

Capital One Bank  
 P.O. Box 790216  
 St. Louis, MO 63179-0216

018987



#9001459750156802# MAIL ID NUMBER  
 EUGENE D HAWKINS  
 3171 BLOOM RD  
 CLEARFIELD PA 16830-4103



VERIFICATION

CAPITAL ONE BANK

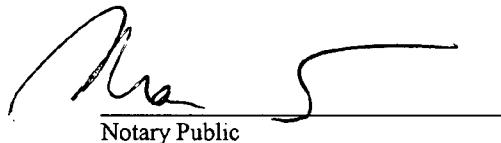
vs

HAWKINS, EUGENE D

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that he/she is, TRACY TAYLOR, Authorized Agent, of CAPITAL ONE BANK, Plaintiff Herein, that he/she is duly authorized to make this Declaration, 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.



TRACY TAYLOR



Notary Public

5178052458491434  
A049  
WELTMAN, WEINBERG & REIS CO., L.P.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103229  
NO: 07-1560-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: EUGENE D. HAWKINS aka EUGENE HAWKINS JR.

**SHERIFF RETURN**

NOW, October 03, 2007 AT 8:45 AM SERVED THE WITHIN COMPLAINT ON EUGENE D. HAWKINS aka EUGENE HAWKINS JR DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EUGENE D. HAWKINS AKA, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2994660	10.00
SHERIFF HAWKINS	WELTMAN	2994660	21.00

**FILED**

0/3:45 AM  
JAN 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

Day of 2008  
2007

So Answers,

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

FILED *(P)*

APR 10 2008

*4/12/08*

William A. Shaw  
Prothonotary/Clerk of Courts

*Chancery w/ notice*

DEPT.

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

CAPITAL ONE BANK

Plaintiff No. 07-1560-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

EUGENE D HAWKINS

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
Weltman, Weinberg & Reis, CO L.P.A  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

WWR#5985035  
Judgment Amount \$ 4313.64

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, EUGENE D HAWKINS above named, in the default of an Answer, in the amount of \$4313.64 computed as follows:

Amount claimed in Complaint	\$3661.99
Interest from 8/17/07 to 4/3/08 at the legal interest rate of 28.24% per annum	\$651.65
<b>TOTAL</b>	<b>\$4313.64</b>

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: Weltman  
William T. Molczan, Esquire  
PA I.D. #47437  
Weltman, Weinberg & Reis, CO L.P.A  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

WWR#5985035

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 3171 BLOOM RD CLEARFIELD,PA 16830

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 4-10-08

Assumpsit Judgment in the amount  
of \$4313.64 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)

EUGENE D HAWKINS  
3171 BLOOM RD  
CLEARFIELD, PA 16830

Plaintiff's address is:

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

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

CAPITAL ONE BANK

Case no: 07-1560-CD

Plaintiff  
vs.  
NON-MILITARY AFFIDAVIT

EUGENE D HAWKINS

Defendant

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, EUGENE D HAWKINS is not in the military service.

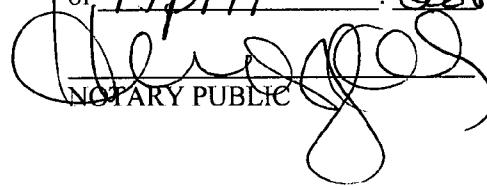
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, EUGENE D HAWKINS is not in the military service.

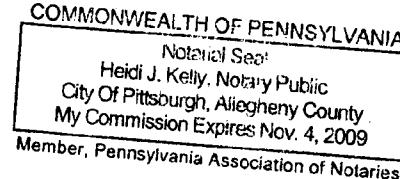
Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 3 day

of April 2008

  
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.

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case # 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

IMPORTANT NOTICE

TO: EUGENE D HAWKINS  
3171 BLOOM RD  
CLEARFIELD, PA 16830

Date of Notice: 03/20/00  
WWR#: 05985035

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.  
1400 KOPPERS BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

Department of Defense Manpower Data Center

AUG-28-2007 14:38:47



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
HAWKINS	EUGENE		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

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: **GQMEOYIAZA**

FILED  
APR 10 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

APR 10 2008  
dsc  
100-1234567890  
100-1234567890

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

CAPITAL ONE BANK (USA),NA

Plaintiff

No. 07-1560-CD

vs.

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

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

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

**FILED**  
MJA:52/47 Atty pd.  
DEC 12 2011 4:20.00  
S William A. Shaw 300 Q.L.  
Prothonotary/Clerk of Courts Writs to  
Sheriff  
6K

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

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

## **PRAEICE 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 EUGENE D HAWKINS , Defendant          |                       |                   |
| 3. | against CNB BANK, , , Garnishee               |                       |                   |
| 4. | Judgment Amount                               | \$                    | \$4,313.64        |
|    | Less payments/credits received                | \$                    | \$2,561.00        |
|    | Interest                                      | \$                    | \$443.87          |
|    | Costs   | \$                    |                   |
|    | <b>SUBTOTAL:</b>                              | \$                    | <b>\$2,196.51</b> |
|    | Costs (to be added by Prothonotary):          | Prothonotary costs \$ | <u>125.00</u>     |

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

By:  
M

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

CAPITAL ONE BANK (USA),NA

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: EUGENE D HAWKINS Defendant(s);  
You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; ,  
AS GARNISHEE, PO BOX 42, 1 S SECOND ST CLEARFIELD, PA 16830; ; 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 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(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 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 (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 identified 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 ..... \$ 2,196.51

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

DATED: 12/12/11

  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

**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

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

**INTERROGATORIES IN ATTACHMENT**

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

FILED  
M/2/52/2011 NO CC  
DEC 12 2011  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K

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

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

TO: CNB BANK, PO BOX 42, 1 S SECOND ST, CLEARFIELD, PA 16830

RE: EUGENE D HAWKINS , 3171 BLOOM RD, CLEARFIELD, PA 16830

Suggested Reference No.:        XXX-XX-5836  
                                      XXX-XX-

**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

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 12/15/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 07-1560-CD

CAPITAL ONE BANK (USA), NA

vs

EUGENE D. HAWKINS

TO: CNB BANK, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 03/10/2012 RUSH HEARING: PAGE: 109157

FILED

DEFENDANT: CNB BANK, Garnishee  
ADDRESS: PO BOX 42, 1 S. SECOND ST.  
CLEARFIELD, PA 16830

DEC 13 2011

012-366

William A. Shaw

Prothonotary, Clerk & Clerk

66

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS:	Date	Time	Results	Date	Time	Results
	/	/		/	/	

SHERIFF'S RETURN

NOW, 12-16-11 AT 1:15 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON CNB BANK, Garnishee, DEFENDANT

BY HANDING TO Cindy Pearce 1 SEC.

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

ADDRESS SERVED 15<sup>th</sup> 2nd St CLFD.  
(Residence) (Employment) (Sheriff's Office) (Other)

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES FOR CNB BANK, Garnishee

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF NOT FOUND AS TO CNB BANK, Garnishee

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_ 2011

So Answers CHESTER A. HAWKINS, SHERIFF

BY

George F. Dohmen

Deputy Signature

Print Deputy Name

George F. Dohmen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 109157

2 of 2

CAPITAL ONE BANK (USA), NA

NO. 07-1560-CD

-vs-

EUGENE D. HAWKINS

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

TO: CNB BANK, Garnishee

**SHERIFF'S RETURN**

NOW DECEMBER 19, 2011 MAILED THE WITHIN:

PRAECIPE, WRIT, WRIT NOTICE & CLAIM FOR EXEMPTION & INTERROGATORIE

TO: EUGENE D. HAWKINS, DEFENDANT

AT: 3171 BLOOM RD., CLEARFIELD, PA. 16830

IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 109157  
NO: 07-1560-CD  
SERVICES 2  
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: CAPITAL ONE BANK (USA), NA

vs.

DEFENDANT: EUGENE D. HAWKINS

TO: CNB BANK, Garnishee

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	10246298	20.00
SHERIFF HAWKINS	WELTMAN	10246298	28.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2011



Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK (USA),NA  
Plaintiff

No. 07-1560-CD

vs.

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

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

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

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

DEC 12 2011

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts  
WWR No. 5985035

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

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

**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 EUGENE D HAWKINS , Defendant

3. against CNB BANK, , , Garnishee

4. Judgment Amount \$ \$4,313.64

Less payments/credits received \$ \$2,561.00

Interest \$ \$443.87

Costs \$

**SUBTOTAL:** \$ \$2,196.51

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

CAPITAL ONE BANK (USA),NA

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: EUGENE D HAWKINS Defendant(s);

You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; , AS GARNISHEE, PO BOX 42, 1 S SECOND ST CLEARFIELD, PA 16830; ; 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 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(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 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 (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 identified 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 ..... \$ 2,196.51

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

*Willie L. Hausey*

Deputy

DATED: 12/12/11

Received this writ this 13 day  
of November A.D. 2011  
At 11:30 A.M./P.M.

WWR No. 5985035

*Chet A. Hawkins*  
S. A. T. by *Marilyn Hausey*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA),NA  
Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS  
Defendant(s)

CNB BANK  
Garnishee(s)

**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 CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK (USA),NA

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: EUGENE D HAWKINS Defendant(s); You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; , AS GARNISHEE, PO BOX 42, 1 S SECOND ST CLEARFIELD, PA 16830; ; 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 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(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 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 (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 identified 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 ..... \$ \$2,196.51

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

*W.H. Ober*

Deputy

DATED: 12/12/11

At this 13 day  
Dec A.D. 2011  
11:30 A.M.

Chesler A. Hawkins  
Sheriff by Marilyn Hause

WWR No. 5985035

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

CAPITAL ONE BANK (USA),NA

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: EUGENE D HAWKINS Defendant(s); You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; , AS GARNISHEE, PO BOX 42, 1 S SECOND ST CLEARFIELD, PA 16830; ; and to notify the garnishee that:

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- (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 ..... \$ 2,196.51

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

  
Deputy

DATED: 12/12/11

Received this writ this 13 day  
of Dec A.D. 2011  
11:30 A.M./P.M.

Christa A. Hawkins  
S. Sheriff  
by Marlynn Hamm

WWR No. 5985035

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

CAPITAL ONE BANK (USA),NA

Plaintiff

vs.

Civil Action No. 07-1560-CD

EUGENE D HAWKINS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: EUGENE D HAWKINS Defendant(s);  
You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; ,  
AS GARNISHEE, PO BOX 42, 1 S SECOND ST CLEARFIELD, PA 16830; ; 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;
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    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (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 identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
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    - 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 identified 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 ..... \$ 2,196.51

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

  
Deputy

DATED: 12/12/11

Received this writ this 13 day  
of December A.D. 2011  
11:30 A.M.

Chesler A. Hawkins  
by Marley Ham

WWR No. 5985035

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

CAPITAL ONE BANK (USA), NA, :  
Plaintiff : NO. 2007-1560-CD  
vs. :  
EUGENE D. HAWKINS, :  
Defendant :  
and :  
CNB BANK, :  
Garnishee :  
:

5 FILED

DEC 23 2011  
01 10:25 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 47

**GARNISHEE CNB BANK' S CERTIFICATE OF SERVICE**

I, Peter F. Smith, attorney for CNB Bank, in the above-captioned matter, hereby certify that I served the Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U. S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

U. S. FIRST CLASS MAIL  
Matthew D. Urban, Esquire  
Weltman Weinberg & Reis Co  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

CERTIFIED MAIL &  
U. S. FIRST CLASS MAIL  
Eugene D. Hawkins, Jr.  
3171 Bloom Road  
Clearfield, PA 16830

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for the Garnishee  
P.O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

Date: 12/23/11

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

CAPITAL ONE BANK (USA), NA,	:	
	:	Plaintiff
vs.	:	
EUGENE D. HAWKINS,	:	
	:	Defendant
and	:	
CNB BANK,	:	
	:	Garnishee

## GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, CNB Bank, by its attorney, Peter F. Smith, who answers the Interrogatories as follows:

1. Yes.
  - 1a. Checking Account #2291532. The account has a balance of \$4,479.88 on the date and time the Writ was served from CNB Bank. This is before CNB's \$160 fee for responding to this Garnishment.  
IRA Savings Account #4239341. This account had a balance of \$15,318.38, however it is exempt from execution.
  2. No
  3. No.
  4. No.
  5. No.
  6. No.
  7. N/A.

8. See answer 1a.

9. December 16, 2011

10. Checking account #2291532 was placed on hold on December 16, 2011.

11. N/A

12. N/A

Date: 12-19-11



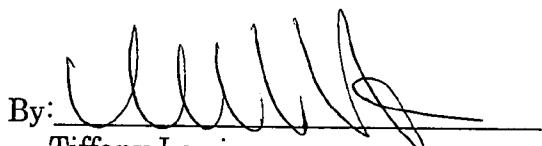
Peter F. Smith, Esquire  
Attorney for the Garnishee  
Attorney I.D. # 34291  
30 S. 2<sup>nd</sup> St., P.O. Box 130  
Clearfield, PA 16830  
(814) 765-5595

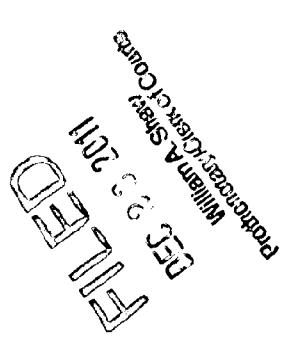
## VERIFICATION

I verify that the statements made in these Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

CNB Bank

Dated: 12-21-11

By:   
Tiffany Lewis,  
Records and Research



**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 # 5985035

**Attorney for Plaintiff(s)**

11/11/11 NO CC  
m 11.31.11  
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**CAPITAL ONE BANK (USA),NA**

Clearfield County  
Court of Common Pleas

WILLIAM A. JONES  
NOTARY PUBLIC  
CLEARFIELD COUNTY, PA

6L

vs.

**EUGENE D HAWKINS**

**NO. 07-1560-CD**

and

**CNB BANK**

**Garnishee(s)**

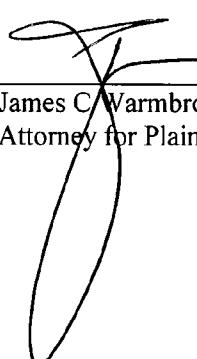
**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

**TO THE PROTHONOTARY:**

Kindly marked the above matter discontinued and ended as to Garnishee(s), CNB BANK,  
only.

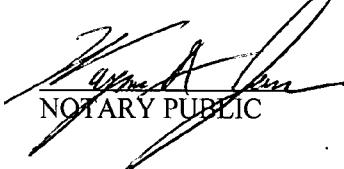
**WELTMAN, WEINBERG & REIS CO., L.P.A.**

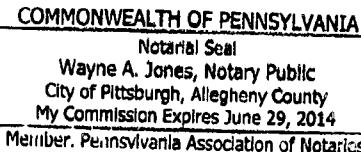
By \_\_\_\_\_

  
James C. Warmbrodt, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 8 day of January, 2012

  
NOTARY PUBLIC



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

BY: Sarah E. Ehasz, Esquire

I.D. No.86469

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

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File # 5985035

Attorney for Plaintiff(s)

S **FILED** pd \$7.00 Atty

1/11/05 LM JAN 19 2012 ICC Atty

William A. Shaw  
Prothonotary/Clerk of Courts

CAPITAL ONE BANK

CLEARFIELD County  
Court of Common Pleas

vs.

EUGENE D HAWKINS

NO. 07-1560-CD

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

TO THE PROTHONOTARY:

Please kindly Satisfy the Judgment of the above-captioned matter upon the records of the Court and mark the cost paid.

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

By \_\_\_\_\_

Sarah E. Ehasz, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 3 day of January, 2012

NOTARY PUBLIC

