

07-1753-CD

Discover Bank vs Kelly F. Shaw

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

DISCOVER BANK

Plaintiff

No: 07-1753-CD

vs.

COMPLAINT IN CIVIL ACTION

KELLY F SHAW

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
06135167 C A Pit WLG

FILED Atty pd. 85.00
13-43754
OCT 29 2008 1CC Sheriff
JK

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff
vs. Civil Action No

KELLY F SHAW

Defendant

COMPLAINT AND NOTICE TO DEFEND

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

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

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

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

COMPLAINT

1. Plaintiff, is a corporation with offices at 6500 New Albany Rd, New Albany, OH 43054.

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

KELLY F SHAW
310 S CHURCH ST
DU BOIS, PA 15801

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number 6011002680768819 . A copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance due and owing to Plaintiff, as of August 29, 2007 , in the amount of \$5850.51 .

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

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

7. Plaintiff avers that such attorneys' fees will amount to \$1000.00

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

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , KELLY F SHAW , INDIVIDUALLY , in the amount of \$5850.51 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1000.00 , and costs.


James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06135167 C A Pit WLG

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

VERIFICATION

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

Accounts Manager of DFS Services, LLC, plaintiff herein, that
(Title) (Company)

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


(Signature)

WWR # 6135167
KELLY F SHAW
6011002680768819

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103372
NO: 07-1753-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: KELLY F. SHAW

SHERIFF RETURN

NOW, November 01, 2007 AT 11:25 AM SERVED THE WITHIN COMPLAINT ON KELLY F. SHAW DEFENDANT AT (RESIDENCE) 310 S. CHURCH ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SAMANTHA SHAW, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8477981	10.00
SHERIFF HAWKINS	WELTMAN	8477981	36.43

FILED
03:00pm
FEB 15 2008
WS

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

*Chester A. Hawkins
Sgt. Marilyn Hamer*
Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW

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 March 20, 2008

FILED *pd \$20.00 Atty
m/12:15 pm 1cc+notice to
MAR 20 2008 deft
WM*
William A. Shaw
Prothonotary/Clerk of Courts *Statement to Atty.*

Assumpsit Judgment in the amount
of \$6935.51 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: William A. Shaw
PROTHONOTARY (OR DEPUTY)

KELLY F SHAW
310 S CHURCH ST
DU BOIS, PA 15801

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 OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff No. 07-1753-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

KELLY F SHAW

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.
2718 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#06135167
Judgment Amount \$ 6935.51

**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

Case # 07-1753-CD

KELLY F SHAW

Defendant(s)

IMPORTANT NOTICE

TO: KELLY F SHAW
310 S CHURCH ST
DU BOIS, PA 15801

Date of Notice: 1-23-08
WWR#: 06135167

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

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, KELLY F SHAW above named, in the default of an Answer, in the amount of \$6935.51 computed as follows:

Amount claimed in Complaint	\$5935.51
Interest from date of judgment at the legal interest rate of 6.00% per annum	
Attorney's fees	\$1000.00
TOTAL	\$6935.51

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, ESQUIRE
PA I.D.#47437
Weltman, Weinberg & Reis Co., L.P.A.
2718 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#06135167

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 Defendant is: 310 S CHURCH ST DU BOIS, PA 15801

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

DISCOVER BANK

Case no: 07-1753-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

KELLY F SHAW

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, KELLY F SHAW is not in the military service.

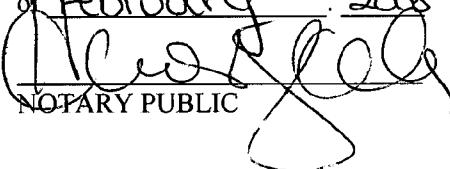
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, KELLY F SHAW is not in the military service.

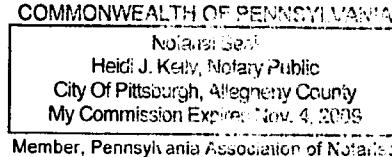
Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 12 day

of February, 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.

Department of Defense Manpower Data Center

FEB-12-2008 04:53:02



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SHAW			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: TQLOFTGAFY

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

Discover Bank
Plaintiff(s)

No.: 2007-01753-CD

Real Debt: \$6,935.51

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Kelly F. Shaw
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 20, 2008

Expires: March 20, 2013

Certified from the record this March 20, 2008



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

S
FILED PA \$ 20.00
MAY 23 2014
JUN 16 2014 1CC + 1Writ to
BRIAN K. SPENCER Atty
PROTHONOTARY & CLERK OF COURTS 1CC + 1Writs
Liu
f Shff.

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

DISCOVER BANK

Plaintiff

No. 07-1753-CD

vs.

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

KELLY F SHAW

Defendant(s)

S & T BANK

Garnishee(s)

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James P. Valecko, Esquire
PA I.D. #79596
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 7th Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW
Defendant(s)

S & T 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 KELLY F SHAW , Defendant	
3.	against S & T BANK, , , Garnishee	
4.	Judgment Amount	\$ 6,935.51
	Less payments/credits received	\$ 0.00
	Interest	\$ 2,590.27
	Costs	\$
	SUBTOTAL:	\$ 9,525.78
	Costs (to be added by Prothonotary):	\$ _____

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

By: 

James P. Valecko, Esquire

PA I.D. #79596

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

436 7th Avenue, Suite 1400

Pittsburgh, PA 15219

(412) 434-7955

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW

Defendant(s)

S & T BANK

Garnishee(s)

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KELLY F SHAW Defendant(s);

You are also directed to attach the property of the defendant not levied upon in the possession of S & T BANK; ; , AS GARNISHEE, 5522 SHAFFER RD, SUITE 99 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 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 \$ \$9,525.78

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

Prothonotary costs \$125.00

Prothonotary

Birk. Spale, Jr.

Deputy

DATED: June 16, 2014

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW
Defendant(s)

S & T 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.

5
m FILED 3CC Shft
2:31pm
JUN 16 2014
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW

Defendant(s)

INTERROGATORIES IN ATTACHMENT

S & T BANK

Garnishee(s)

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James P. Valecko, Esquire
PA I.D. #79596
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 7th Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW
Defendant(s)

S & T BANK
Garnishee(s)

TO: S & T BANK, 5522 SHAFFER RD, SUITE 99, DUBOIS, PA 15801

RE: KELLY F SHAW, 310 S CHURCH ST, DU BOIS, PA 15801

Suggested Reference No.: XXX-XX-6855
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: 

James P. Valecko, Esquire

PA I.D. #79596

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

436 7th Avenue, Suite 1400

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)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

9 3:35pm 6/1/2014 6K

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK,) CIVIL DIVISION
)
Plaintiff,) NO.: 07-1753-CD
)
vs.)
)
KELLY F. SHAW,)
)
Defendant,)
)
vs.)
)
S&T BANK,)
)
Garnishee.)

ANSWERS TO INTERROGATORIES

AND NOW, comes S&T Bank, Garnishee ("S&T Bank"), by its attorneys, Grenen & Birsic, P.C., files the following Answers to Interrogatories:

1. No.
 - a. Not applicable.
2. Defendant, Kelly F. Shaw, 310 S. Church Street, Dubois, PA 15801-1961

("Defendant") has the following account(s) with S&T Bank:

- (i) Savings Account No. *****7479 which had a balance as of the date of service of the Interrogatories upon S&T Bank of \$80.00 (less Defendant's \$300.00 statutory exemption and \$250.00 for S&T Bank processing fee and attorneys fees and costs).

Pursuant to Pa.R.C.P. 3111.1 et. seq., no holds were placed on these funds as the balance was less than the \$300.00 statutory exemption set forth in 42 Pa.C.S. §8123 and is not subject to attachment.

3. No.
4. No.

5. No.
6. No.
7. No.
8. Yes. See Answer to Interrogatory No. 2.
9. Not applicable.
10. Not applicable.
11. Not applicable.
12. Not applicable.

WHEREFORE, S&T Bank respectfully requests that the Garnishment be discontinued as to
S&T Bank.

Respectfully submitted,



BRIAN M. KILE
Pa ID No.89240
Grenen & Birsic, P.C.
One Gateway Center, 9th Floor
Pittsburgh, PA 15222
(412) 281-7650 (Telephone)
(412) 281-7657 (Facsimile)
bkile@grenenbirsic.com
Attorneys for S&T Bank

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK,) CIVIL DIVISION
)
 Plaintiff,) NO.: 07-1753-CD
)
 vs.)
)
 KELLY F. SHAW,)
)
)
 Defendant,)
)
)
 vs.)
)
)
 S&T BANK,)
)
)
 Garnishee.)

VERIFICATION

Wendy Pinchock, Deposit Services Specialist II, and duly authorized representative of S&T Bank, deposes and says subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities that the facts set forth in the foregoing Answers to Interrogatories are true and correct to her information and belief.

Wendy Pindock
Wendy Pindock
Deposit Services Specialist II

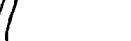
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answers to Interrogatories in Attachment was mailed to the following on this 9 day of July, 2014, by first class mail, postage prepaid:

James P. Valecko, Esquire
Weltman, Weinberg & Reis Co, LPA
436 7th Avenue, Suite 1400
Pittsburgh, PA 15219

Kelly F. Shaw
310 S. Church Street
Dubois, PA 15801-1961


BRIAN M. KILE
Pa ID No.89240
Grenen & Birsic, P.C.
One Gateway Center, 9th Floor
Pittsburgh, PA 15222
(412) 281-7650 (Telephone)
(412) 281-7657 (Facsimile)
bkile@grenenbirsic.com
Attorneys for S&T Bank

FILED
JUL 11 2011
SARAH S. SPANNER
PROSECUTOR FOR THE PEOPLE

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

BY: James P Valecko, Esquire
I.D. No. 79596
436 Seventh Avenue, Suite 2500
Pittsburgh, PA 15219
Phone: 412.434.7955
Fax: 412.434.7959
File # 6135167

Attorney for Plaintiff(s)

DISCOVER BANK

Clearfield County
Court of Common Pleas

VS.

KELLY F SHAW

NO. 07-1753-CD

and

S & T BANK

Garnishee(s)

PRAEICE TO DISCONTINUE ATTACHMENT EXECUTION

TO THE PROTHONOTARY:

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

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

ANSWER

James P. Valecko, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CREDIT ACCEPTANCE,) CIVIL DIVISION, ARBITRATION
SACOR FINANCIAL, INC., Assignee,) AND STATUTORY APPEALS ONLY
)
) NO.: 2008-349-CD
Plaintiff,)
) ISSUE NO.
)
vs.)
)
NICOLE BODNAR,) TYPE OF PLEADING: Notice of Intent to
) Serve a Subpoena to Produce Documents
) and Things for Discovery Pursuant to Rule
) 4009.21
)
)
Defendant.) CODE:
)
)
) FILED ON BEHALF OF: Plaintiff,
) NATIONAL CREDIT ACCEPTANCE,
) SACOR FINANCIAL, INC., Assignee
)
)
) COUNSEL OF RECORD FOR THIS
) PARTY:
)
) Reed James Davis
) Pa. I.D. #64343
)
) DAVIS LAW GROUP
) a professional corporation
) 393 Vanadium Road, Suite 301
) Pittsburgh, PA 15243
) 412-489-1390

234\130036\14071601.SubNotice.lad

JK FILED No CC
M 19.35cm
JUL 21 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CREDIT ACCEPTANCE,) CIVIL DIVISION, ARBITRATION
SACOR FINANCIAL, INC., Assignee,) AND STATUTORY APPEALS ONLY
)
Plaintiff,) NO. 2008-349-CD
)
vs.)
)
NICOLE BODNAR,)
)
Defendant.)

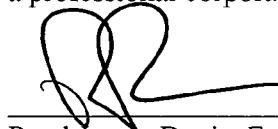
NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Plaintiff, National Credit Acceptance, Sacor Financial, Inc., Assignee , intends to serve a subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: 7/17/14

By:

DAVIS LAW GROUP
a professional corporation

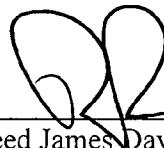


Reed James Davis, Esquire
PA I.D. #64343
Attorney for Plaintiff
393 Vanadium Road, Suite 301
Pittsburgh, PA 15243
(412) 489-1390

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Plaintiff's Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served by United States mail, postage pre-paid, this 17th day of July, 2014, to:

NICOLE BODNAR
2473 Old Erie Pike
West Decatur PA 16878



Reed James Davis, Esquire
Pa. ID # 64343
393 Vanadium Road, Suite 301
Pittsburgh, PA 15243
(412) 489-1390
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

National Credit Acceptance
Sacor Financial, Inc.
Plaintiff(s)

Vs.

Nicole Bodnar
Defendant(s)

*

*

No. 2008-00349-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009.22

TO: M&T Bank

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Reed James Davis
ADDRESS: 393 Vanadium Rd, Ste 301
Pittsburgh PA 15243
TELEPHONE: (412) 489-1390
SUPREME COURT ID # 64343
ATTORNEY FOR: Plaintiff

BY THE COURT:

Brian K. Spencer

Prothonotary/Clerk, Civil Division

DATE: Monday, July 14, 2014
Seal of the Court

Deputy

CASE TITLE: SAC vs. NICOLE BODNAR

CASE NUMBER: CV-0000345-07

DEFENDANT 1:

NAME: NICOLE BODNAR

SOCIAL SECURITY: xxx-xx-4460

AKA:

ADDRESS: 2473 OLD ERIE PIKE WEST

C/S/Z: DECATUR, PA 16878

PHONE #:

DEFENDANT 2:

NAME:

SOCIAL SECURITY:

AKA:

ADDRESS:

C/S/Z:

PHONE #:

Please produce the following documents and things with respect to all account wherein the defendant is a account holder, signer or beneficiary:

1, Copy of defendants customer record profile on computer system or hard file (detailing most recent address, employer and best contact information)

2, Copy of account agreement

3, Copy of signature card

4, Copies of statement(s) for any checking, savings or securities account(s) for the last 3 recent monthly cycles

5, Cancelled check(s) and other debits (front and back) for the last 3 recent monthly cycles

6, Deposits made to the accounts (front and back) for the last 3 recent monthly cycles

7, Any and all records, including but not limited to a printout of records stored in an electronic data format, of the last 3 recent ACH Transactions made on account, to include: Deposit Account information (i.e. Bank routing information) provided by the customer

8, If the account is now closed, provide all documents related to that account for the final six months the account was open.

CASE TITLE: SAC vs. NICOLE BODNAR

CASE NUMBER: CV-0000345-07

DEFENDANT 1:

NAME: NICOLE BODNAR

SOCIAL SECURITY: xxx-xx-4460

AKA:

ADDRESS: 2473 OLD ERIE PIKE WEST

C/S/Z: DECATUR, PA 16878

PHONE #:

DEFENDANT 2:

NAME:

SOCIAL SECURITY:

AKA:

ADDRESS:

C/S/Z:

PHONE #:

9. NOTE: IF COPIES OF ACTUAL CHECKS ARE NOT AVAILABLE, PLEASE PROVIDE THE ABA ROUTING NUMBER(S), THE ACCOUNT NUMBER(S) AND THE CHECK NUMBER(S) ON SAID ACCOUNT(S)

NOTE: IF UNABLE TO PROVIDE THE INFORMATION REQUESTED OR SOME OF THE INFORMATION REQUESTED PLEASE SEND A LETTER STATING THIS AND THE REASON (S) WHY.

To Deputy 6/20/14

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 07-1753-CD

DISCOVER BANK

vs

KELLY F. SHAW

TO: S&T BANK, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 09/14/2014 RUSH HEARING: PAGE: 111907

DEFENDANT: S&T BANK, Garnishee
ADDRESS: 5522 SHAFFER RD., SUTIE 99
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

16 FILED

S JUL 02 2014
07 10:37 LG
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

SHERIFF'S RETURN

NOW, 6-25-14 AT 11:05 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON S&T BANK, Garnishee, DEFENDANT

BY HANDING TO Melanie McGinnis Vice Pres.

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

ADDRESS SERVED 5522 Shaffer Rd. Sutie 99, Dubois, Pa. 15801
() Residence Employment () Sheriff's Office () Other

NOW _____ AT _____ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES FOR S&T BANK, Garnishee

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO S&T BANK, Garnishee

REASON UNABLE TO LOCATE _____

So Answers: WESLEY B THURSTON, SHERIFF

SWORN TO BEFORE ME THIS

BY: Wesley Boul Deputy Signature

DAY OF 2014

Wesley Boul
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 111907

2 of 2

DISCOVER BANK
vs
KELLY F. SHAW
TO: S&T BANK, Garnishee

NO. 07-1753-CD
WRIT OF EXECUTION/
INTERROGATORIES TO
GARNISHEE

SHERIFF'S RETURN

NOW JULY 1, 2014 MAILED THE WITHIN:
PRAECIPE, WRIT NOTICE, WRIT, CLAIM FOR EXEMPTION & INTERROGATORIE
TO: KELLY F. SHAW, DEFENDANT
AT: 310 S CHURCH ST., DUBOIS, PA 15801
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 111907
NO. 07-1753-CD
SERVICES 2
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: KELLY F. SHAW
TO: S&T BANK, Garnishee

SHERIFF RETURN

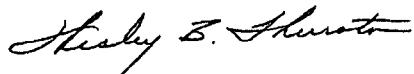
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	11635673	20.00
SHERIFF THURSTON	WELTMAN	11635673	45.28

Sworn to Before Me This

So Answers,

____ Day of _____ 2014



WESLEY B. THURSTON
Sheriff

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

DISCOVER BANK

Plaintiff

No. 07-1753-CD

vs.

KELLY F SHAW

Defendant(s)

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

S & T BANK

Garnishee(s)

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James P. Valecko, Esquire
PA I.D. #79596
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 7th Avenue, Suite 1400
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.

JUN 16 2014

A TRUE COPY

ATTEST: Dick. Spaul
PROTHONOTARY-CLERK

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW
Defendant(s)

S & T 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 KELLY F SHAW , Defendant		
3. against S & T BANK, , , Garnishee		
4. Judgment Amount	\$	\$6,935.51
Less payments/credits received	\$	\$0.00
Interest	\$	\$2,590.27
Costs	\$	
SUBTOTAL:	\$	\$9,525.78
Costs (to be added by Prothonotary):	\$	_____

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

By: 

James P. Valecko, Esquire

PA I.D. #79596

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

436 7th Avenue, Suite 1400

Pittsburgh, PA 15219

(412) 434-7955

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW

Defendant(s)

S & T BANK

Garnishee(s)

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KELLY F SHAW Defendant(s);
You are also directed to attach the property of the defendant not levied upon in the possession of S & T BANK; ; ,
AS GARNISHEE, 5522 SHAFFER RD, SUITE 99 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 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 \$ 9,525.78

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

Prothonotary costs \$125.00

Prothonotary

Kirk. Spaul

un

DATED: June 16 2014

Deputy

Received this writ this 17th day
of June A.D. 2014
At 8:30 A.M./P.M.

Wesley B Thurston
Sheriff by Maelyn Hansen

WWR No. 6135167

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 07-1753-CD

KELLY F SHAW
Defendant(s)

S & T 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.