

07-2087-CD

LVNV Funding vs Douglas Smith

128971

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

LVNV Funding LLC  
(Plaintiff)

CIVIL ACTION

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

No. 07-2087-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Douglas Smith  
(Defendant)

Filed on Behalf of:

LVNV Funding LLC  
(Plaintiff/Defendant)

12 W. Weber Ave  
(Street Address)

Du Bois PA 15801  
(City, State ZIP)

David J. Apothaker, Esquire

(Filed by)

2417 Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

FILED  
m/2:10/24 Atty pd.  
DEC 21 2007 85.00

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Sheriff

Our File No.: 128971  
APOTHAKE & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esq.  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

LVNV FUNDING LLC  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,

vs.

DOUGLAS SMITH  
12 W WEBER AVE  
DU BOIS, PA 15801

Defendant.

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY

) NO.:  
)  
)  
)  
)  
)  
)  
)  
)  
)

### NOTICE

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

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

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esq.  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

LVNV FUNDING LLC  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
Plaintiff,

vs.

DOUGLAS SMITH  
12 W WEBER AVE  
DU BOIS, PA 15801  
Defendant.

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
) NO.:  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL ACTION COMPLAINT  
FIRST COUNT

1. Plaintiff, LVNV FUNDING LLC, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is DOUGLAS SMITH, an adult individual residing at 12 W WEBER AVE DU BOIS, PA 15801.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$908.72.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

9. The original creditor is CITI-SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$908.72 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

BY: \_\_\_\_\_

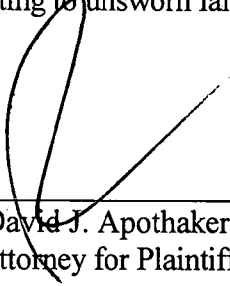
David J. Apothaker

Dated: 12/13/2007

Our File No.: 128971

### VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



---

David J. Apothaker  
Attorney for Plaintiff

DATE: 12/13/2007

LVNV FUNDING LLC  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

DOUGLAS SMITH  
12 W WEBER AVE  
DU BOIS, PA 15801

STATEMENT OF ACCOUNT

Debtor's Name:	DOUGLAS SMITH
Account Number:	1150106695267
Original Creditor:	CITI-SEARS
Balance Due:	\$908.72

Our File No.: 128971

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103571  
NO: 07-2087-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC  
vs.  
DEFENDANT: DOUGLAS SMITH

SHERIFF RETURN

NOW, January 16, 2008 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON DOUGLAS SMITH DEFENDANT AT STOLTZ HYUNDAI-820 BEAVER DR, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DOUGLAS SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	68419	10.00
SHERIFF HAWKINS	APOTHAKE	68419	56.38

FILED  
9/3:00LM  
APR 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff



Our File No.: 128971  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

LVNV FUNDING LLC

Plaintiff,

vs.

DOUGLAS SMITH

Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY

) NO.: 07-2087-CD

) Civil Action  
)  
)  
)

**PRAECIPE TO ENTER DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, LVNV FUNDING LLC, and against Defendant, DOUGLAS SMITH, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on January 16, 2008 by the CLEARFIELD Sheriff's Department. Copies of the proofs of service are attached hereto as Exhibit "A".

I certify, a copy of the Notice of Intention To Take Default was mailed on May 9, 2008, and also attached hereto.

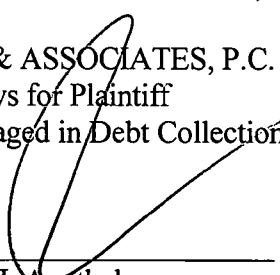
5 FILED  
m/3:55pm  
FEB 19 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
per \$20.00 Atty  
iccd notice to  
deft  
iccd statement  
to Atty.

Assess damages in the amount of:

(a)	Balance:	\$908.72
(b)	Interest from December 13, 2007	\$53.50
(c)	Costs	\$151.38
TOTAL		\$1,113.60

APOTHAKE & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:

  
\_\_\_\_\_  
David J. Apothaker

Dated: 2/10/2009

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS

TO: DOUGLAS SMITH  
12 W WEBER AVE  
DU BOIS, PA 15801

LVNV FUNDING LLC

Plaintiff,

vs.

DOUGLAS SMITH

Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY

)

)

) NO.: 07-2087-CD

)

)

Civil Action

)

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

\_\_\_ JUDGMENT IN REPLEVIN

\_\_\_ JUDGMENT BY CONFESSION

\_\_\_ JUDGMENT FOR POSSESSION

\_\_\_ JUDGMENT ON AWARD OF  
ARBITRATORS

\_\_\_ JUDGMENT ON VERDICT

\_\_\_ JUDGMENT ON COURT FINDINGS

\_\_\_ JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apothaker, Esq. at this telephone number: 215-634-8920

*William L. Shanon*  
Prothonotary 2-19-2008

Our File No.: 128971  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

LVNV FUNDING LLC	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	NO.: 07-2087-CD
DOUGLAS SMITH	)	
	)	Civil Action
Defendant.	)	
	)	

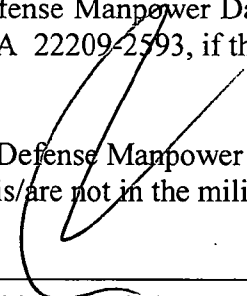
**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 12 W WEBER AVE DU BOIS, PA 15801.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

  
\_\_\_\_\_  
David J. Apothaker  
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Department of Defense Manpower Data Center

FEB-10-2009 09:26:09



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SMITH	DOUGLAS	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 "defenseink.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

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

LVNV FUNDING LLC

vs.

DOUGLAS SMITH

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
)  
) NO. 07-2087-CD  
)

To: DOUGLAS SMITH  
12 W WEBER AVE  
DU BOIS, PA 15801

NOTICE, RULE 237.5  
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: May 9, 2008

**IMPORTANT NOTICE**

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 OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

/s/ David J. Apothaker  
DAVID J. APOTHAKE, ESQUIRE  
APOTHAKE & ASSOCIATES, PC  
A Law Firm Engaged in Debt Collection  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorney for Plaintiff  
Attorney ID #38423

128971-2  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103571  
NO: 07-2087-CD  
SERVICE # 1 OF 1  
COMPLAINT

COPY

PLAINTIFF: LVNV FUNDING LLC  
vs.  
DEFENDANT: DOUGLAS SMITH

SHERIFF RETURN

NOW, January 16, 2008 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON DOUGLAS SMITH DEFENDANT AT STOLTZ HYUNDAI-820 BEAVER DR, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DOUGLAS SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	68419	10.00
SHERIFF HAWKINS	APOTHAKE	68419	56.38

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

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

LVNV Funding, LLC  
Plaintiff(s)

No.: 2007-02087-CD

Real Debt: \$1113.60

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Douglas Smith  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 19, 2009

Expires: February 19, 2014

Certified from the record this February 19, 2009



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



Our File No.: 128971

LVNV FUNDING LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 07-2087-CD

DOUGLAS SMITH  
Defendant(s)

PRAECIPE FOR WRIT OF EXECUTION

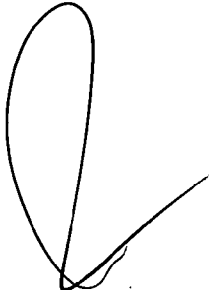
To the Prothonotary:

Issue a Writ of Execution in the above matter,

- (1) directed to the Sheriff of CLEARFIELD County;
- (2) against DOUGLAS SMITH, defendant(s); and
- (3) against TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801, Garnishee(s);
- (4) and index this writ in the judgment index
  - (a) against DOUGLAS SMITH, defendant(s), and
  - (b) against TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801, as Garnishee(s), as a lis pendens against the real property of the defendant(s) in the name of Garnishee(s) as follows:

Bank Attachment Only - All assets and accounts, including, but not limited to, bank accounts, brokerage firm accounts, stocks, cd's, insurance, safety deposit boxes, etc.

(5) Amount Due	\$1113.60
Interest from February 19, 2009	\$275.13
<b>Minus Payments made</b>	<b>-\$</b>
Plus Costs	\$240.00
Total	\$1628.73

  
\_\_\_\_\_  
David J. Apothaker, Esquire  
Attorney for Plaintiff(s)

S  
pd \$20.00 Atty  
ICC + writ to  
Atty  
6cc + 6ccs to  
Shff  
FILED  
m 19:42 am  
MAR 24 2014  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

Our File No.: 128971

LVNV FUNDING LLC  
Plaintiff

vs.

DOUGLAS SMITH  
Defendant(s)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.: 07-2087-CD

WRIT OF EXECUTION (Money Judgment)

## **WRIT OF EXECUTION**

### **NOTICE**

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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

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

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

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

Midpenn Legal Services  
211 E Locust St  
Clearfield, PA 16830  
Phone: (814) 765-9646

## WRIT OF EXECUTION

Commonwealth of Pennsylvania, County of CLEARFIELD

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: DOUGLAS SMITH; defendant(s):

(1) You are directed to attach the property of the defendant(s) not levied upon in the possession of TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801 as Garnishee(s) and to notify the Garnishee(s) that

(a) An attachment has been issued:

(b) Except as provided in paragraph (c), the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(c) The attachment shall not include

(i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

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

Amount Due	\$1113.60
Interest from February 19, 2009	\$275.13
Minus Payments made	-\$
Costs to be added	\$240.00
Total	\$1628.73

Prothonotary costs

\$125.00

*for k. Spoke*

Dated: March 24, 2014

Prothonotary of CLEARFIELD County

BY: \_\_\_\_\_

### MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

- (1) \$300.00 statutory exemption
- (2) Bibles, school books, sewing machines, uniforms and equipment
- (3) Most wages and unemployment compensation
- (4) Social Security benefits
- (5) Certain retirement funds and accounts
- (6) Certain veteran and armed forces benefits
- (7) Certain insurance proceeds
- (8) Such other exemptions as may be provided by law

NO. 07-2087-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LVNY FUNDING LLC.

VS.

DOUGLAS SMITH

WRIT OF EXECUTION  
(Money Judgments)

Claim	\$1113.60
Interest From February 19, 2009	\$275.13

**Minus payments  
made**                      **-\$**

<u>Costs</u>	
Dept. of Court Records	\$40.00
Sheriff Fee	\$200.00

Apothaker & Associates, P.C.  
David J. Apothaker, Esquire  
520 Fellowship Road C306  
PO Box 5496  
Mount Laurel, NJ 08054  
(800) 672-0215  
ID # 38423

LVNV FUNDING LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.  
DOUGLAS SMITH  
Defendant(s)

NO.: 07-2087-CD

### CLAIM FOR EXEMPTION

To the Sheriff:

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

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

(a) I desire that my \$300 statutory exemption be

☐ (i) set aside in kind (specify property to be set aside in kind): \_\_\_\_\_;

☐ (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): \_\_\_\_\_.

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

(a) my \$300 statutory exemption: ☐ in cash; ☐ in kind (specify property): \_\_\_\_\_;

(b) other (specify amount and basis of exemption): \_\_\_\_\_.

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

\_\_\_\_\_ (Address),

\_\_\_\_\_ (Telephone Number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statement herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

Clearfield County Sheriff's Office  
1 North Second Street  
Clearfield, PA 16830  
Phone: 814-765-2641 Ext: 5015

Our File No.: 128971

LVNV FUNDING LLC

Plaintiff

vs.

DOUGLAS SMITH  
847 W LONG AVE  
DU BOIS, PA 15801  
XXX-XX-5945

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 07-2087-CD

Civil Action

### INTERROGATORIES TO GARNISHEE

TO: TIMBERLAND FCU, Garnishee:

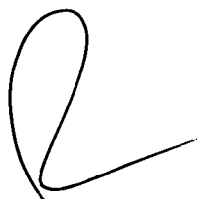
You are required to file answers to the following Interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you.

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed defendant(s) any money or were liable to defendant(s) for any reason?
2. At the time you were served or at any subsequent time was there in your possession, custody, control or in the joint possession, custody or control of yourself and one or more persons any property of any nature owned solely or in part by the defendant(s)?
3. At the time you were served or any subsequent time did you hold legal title to any property of any nature owed solely or in part by the defendant(s) or in which the defendant held or claimed any interest?
4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant(s) had any interest?
5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and 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(s) or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant(s) against you?
7. If you are a bank or other financial institution, at the time you were served or any subsequent time did the defendant(s) 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 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(s) 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 exemption under 42PA.C.S. §8123? If so, identify each account.
9. How much is the value of any property in your possession belonging to the defendant(s)?
10. In the space below, the plaintiff may set forth additional appropriate interrogatories.

Dated: 2/20/14



---

David J. Apothaker, Esquire  
APOTHAKE & ASSOCIATES, P.C.  
520 Fellowship Road C306  
PO Box 5496  
Mount Laurel, New Jersey 08054  
(856) 780-1000  
Attorneys for Plaintiff

To Deputy 3/26/14

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 07-2087-CD

LVNV FUNDING LLC

VS

DOUGLAS SMITH

TO: TIMBERLAND FCU, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 06/22/2014 ~~RU~~ HEARING: PAGE: 111669

DEFENDANT: TIMBERLAND FCU, Garnishee  
ADDRESS: 821 BEAVER DRIVE  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

16 FILED

APR 02 2014  
01/12:07/16  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

SHERIFF'S RETURN

NOW, 03-28-14 AT 11:14 AM PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON TIMBERLAND FCU, Garnishee, DEFENDANT

BY HANDING TO KATHY URBAN / RECEPTION

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

ADDRESS SERVED 821 Beaver dr Dubois Pa 15801  
( ) Residence ( ☒ ) Employment ( ) Sheriff's Office ( ) Other

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

WRIT OF EXECUTION, INTERROGATORIES FOR TIMBERLAND FCU, Garnishee

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

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

I MAKE RETURN OF **NOT FOUND** AS TO TIMBERLAND FCU, Garnishee

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2014

So Answers: WESLEY B THURSTON, SHERIFF

BY: [Signature]  
Deputy Signature

Mark A. Cowart  
Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 111669

2 of 2

LVNV FUNDING LLC

VS

DOUGLAS SMITH

TO: TIMBERLAND FCU, Garnishee

NO. 07-2087-CD

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW MARCH 31, 2014 MAILED THE WITHIN:  
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIES  
TO: DOUGLAS SMITH, DEFENDANT  
AT: 847 W. LONG AVE., DUBOIS, PA 15801  
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 111669  
NO: 07-2087-CD  
SERVICES 2

WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: LVNV FUNDING LLC  
vs.  
DEFENDANT: DOUGLAS SMITH  
TO: TIMBERLAND FCU, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	99150	20.00
SHERIFF THURSTON	APOTHAKE	99150	45.78

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2014

So Answers,

*Wesley B. Thurston*

WESLEY B. THURSTON  
Sheriff

Our File No.: 128971

LVNV FUNDING LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 07-2087-CD

DOUGLAS SMITH  
Defendant(s)

PRAECIPE FOR WRIT OF EXECUTION

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

To the Prothonotary:

Issue a Writ of Execution in the above matter,

MAR 24 2014

(1) directed to the Sheriff of CLEARFIELD County;

(2) against DOUGLAS SMITH, defendant(s); and

(3) against TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801, Garnishee(s);

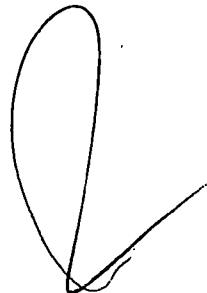
(4) and index this writ in the judgment index

(a) against DOUGLAS SMITH, defendant(s), and

(b) against TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801, as Garnishee(s), as a  
lis pendens against the real property of the defendant(s) in the name of Garnishee(s) as follows:

Bank Attachment Only - All assets and accounts, including, but not limited to, bank accounts, brokerage  
firm accounts, stocks, cd's, insurance, safety deposit boxes, etc.

(5) Amount Due	\$1113.60
Interest from February 19, 2009	\$275.13
Minus Payments made	-\$
Plus Costs	\$240.00
Total	\$1628.73



David J. Apothaker, Esquire  
Attorney for Plaintiff(s)

A TRUE COPY  
ATTEST: Mark Spivey  
PROTHONOTARY-CLERK

Our File No.: 128971

LVNV FUNDING LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 07-2087-CD

DOUGLAS SMITH  
Defendant(s)

WRIT OF EXECUTION (Money Judgment)

## WRIT OF EXECUTION

### NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

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

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

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

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

Midpenn Legal Services  
211 E Locust St  
Clearfield, PA 16830  
Phone: (814) 765-9646

# WRIT OF EXECUTION

Commonwealth of Pennsylvania, County of CLEARFIELD

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: DOUGLAS SMITH; defendant(s):

(1) You are directed to attach the property of the defendant(s) not levied upon in the possession of TIMBERLAND FCU 821 BEAVER DRIVE DU BOIS, PA 15801 as Garnishee(s) and to notify the Garnishee(s) that

(a) An attachment has been issued:

(b) Except as provided in paragraph (c), the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(c) The attachment shall not include

(i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

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

Amount Due	\$1113.60
Interest from February 19, 2009	\$275.13
Minus Payments made	-\$
Costs to be added	\$240.00
Total	\$1628.73

Prothonotary costs \$125.00

Dated: March 24, 2014

Mark Spale  
Prothonotary of CLEARFIELD County

BY: \_\_\_\_\_

## MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

- (1) \$300.00 statutory exemption
- (2) Bibles, school books, sewing machines, uniforms and equipment
- (3) Most wages and unemployment compensation
- (4) Social Security benefits
- (5) Certain retirement funds and accounts
- (6) Certain veteran and armed forces benefits
- (7) Certain insurance proceeds
- (8) Such other exemptions as may be provided by law

Received this writ this 24<sup>th</sup> day  
of March A.D. 2014  
At P.O. A.M. (P.M.)  
Wesley B. Thurston  
Sheriff  
My Maury Hamer

NO. 07-2087-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING LLC

VS.

DOUGLAS SMITH

WRIT OF EXECUTION

(Money Judgments)

Claim	\$1113.60
Interest From February 19, 2009	\$275.13
Minus payments made	-\$

Costs

Dept. of Court Records	\$40.00
Sheriff Fee	\$200.00

Apothaker & Associates, P.C.  
David J. Apothaker, Esquire  
520 Fellowship Road C306  
PO Box 5496  
Mount Laurel, NJ 08054  
(800) 672-0215  
ID # 38423

LVNV FUNDING LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 07-2087-CD

DOUGLAS SMITH  
Defendant(s)

**CLAIM FOR EXEMPTION**

To the Sheriff:

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

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

(a) I desire that my \$300 statutory exemption be

☐ (i) set aside in kind (specify property to be set aside in kind): \_\_\_\_\_;

☐ (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): \_\_\_\_\_.

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

(a) my \$300 statutory exemption: ☐ in cash; ☐ in kind (specify property): \_\_\_\_\_;

(b) other (specify amount and basis of exemption): \_\_\_\_\_.

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

\_\_\_\_\_ (Address),

\_\_\_\_\_ (Telephone Number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

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

**THIS CLAIM TO BE FILED WITH:**

Clearfield County Sheriff's Office  
1 North Second Street  
Clearfield, PA 16830  
Phone: 814-765-2641 Ext: 5015

LVNV FUNDING LLC

Plaintiff

vs.

DOUGLAS SMITH  
847 W LONG AVE  
DU BOIS, PA 15801  
XXX-XX-5945

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 07-2087-CD

Civil Action

### INTERROGATORIES TO GARNISHEE

TO: TIMBERLAND FCU, Garnishee:

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.

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed defendant(s) any money or were liable to defendant(s) for any reason?
2. At the time you were served or at any subsequent time was there in your possession, custody, control or in the joint possession, custody or control of yourself and one or more persons any property of any nature owned solely or in part by the defendant(s)?
3. At the time you were served or any subsequent time did you hold legal title to any property of any nature owed solely or in part by the defendant(s) or in which the defendant held or claimed any interest?
4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant(s) had any interest?
5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and 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(s) or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant(s) against you?
7. If you are a bank or other financial institution, at the time you were served or any subsequent time did the defendant(s) have funds on deposit in an account in which funds are deposited electronically on a recurring

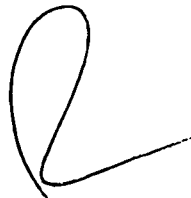


basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or Federal law? If so, identify each account and state the reason for the exemption and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant(s) 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 exemption under 42PA.C.S. §8123? If so, identify each account.
9. How much is the value of any property in your possession belonging to the defendant(s)?
10. In the space below, the plaintiff may set forth additional appropriate interrogatories.

Dated:

2/21/14



---

David J. Apothaker, Esquire  
APOTHAKE & ASSOCIATES, P.C.  
520 Fellowship Road C306  
PO Box 5496  
Mount Laurel, New Jersey 08054  
(856) 780-1000  
Attorneys for Plaintiff

CE 117

NO 11-14

RECORDED & INDEXED

20140221 10:00:00 AM

Our File No.: 128971  
APOTHAKE & ASSOCIATES, P.C.  
By: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
520 Fellowship Road C306  
PO Box 5496  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorneys for Plaintiff

S  
pd \$ 7.00  
Atty  
FILED  
m/ 2:38pm  
APR 16 2014  
ICE Atty  
Apothaker  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

LVNV FUNDING LLC  
Plaintiff

vs.

DOUGLAS SMITH

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY


NO.: 07-2087-CD

Civil Action

**PRAECIPE TO DISSOLVE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

Kindly mark the attachment against the Garnishee, TIMBERLAND FCU, dissolved.

  
\_\_\_\_\_  
David J. Apothaker, Esquire  
Attorney for Plaintiff

Our File No.: 128971  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

FILED  
JUN 13 2014  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
PA \$ 7.00  
AAH  
m/10:49  
S  
ICC A-Jay  
Apothaker

LVNV FUNDING LLC	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	
DOUGLAS SMITH	)	NO. 07-2087-CD
	)	
Defendant.	)	
	)	

**PRAECIPE TO MARK JUDGMENT SATISFIED**

TO THE PROTHONOTARY:

Please mark the Judgment Satisfied against the Defendant. Judgment has been paid in full.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By: \_\_\_\_\_  
David J. Apothaker, Esquire

