

08-231-CD  
LVNV Funding vs Preston Smith

128487

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

FILED

FEB 08 2008

W/2100/1  
William A. Shaw  
Prothonotary/Clerk of Courts

1 CENT TO ATT  
1 CENT TO SHFL

LVNY Funding, LLC  
(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

CIVIL ACTION

No. 2008-231-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Preston Smith  
(Defendant)

423 B S Main Street  
(Street Address)

DA BOIS, PA 15801  
(City, State ZIP)

Filed on Behalf of:

LVNY Funding, LLC  
(Plaintiff/Defendant)

David J. Apothaker, Esquire

(Filed by)

2417. Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

August 30, 2010 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

William A. Shaw  
Deputy Prothonotary

Our File No.: 128487  
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.

PRESTON SMITH  
423B S MAIN ST  
DU BOIS, PA 15801-1521

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

**Attorneys for Plaintiff**

**Defendant.**

) NO.:

7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$7,509.22.

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

9. The original creditor is SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$7,509.22 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: \_\_\_\_\_

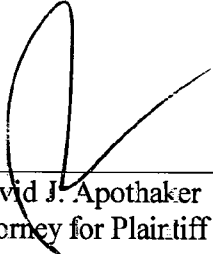
David J. Apothaker

Dated: 1/24/2008

Our File No.: 128487

### **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: 1/24/2008

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

PRESTON SMITH  
423B S MAIN ST  
DU BOIS, PA 15801-1521

STATEMENT OF ACCOUNT

Debtor's Name:	PRESTON SMITH
Account Number:	5121071751895941
Original Creditor:	SEARS
Balance Due:	\$7,509.22

Our File No.: 128487

EXHIBIT "A"

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **103744**

LVNV FUNDING LLC

Case # 08-231-CD

vs.

PRESTON SMITH

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW June 18, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO PRESTON SMITH, DEFENDANT. SEVERAL ATTEMPTS, NO RESPONSE

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	73932	10.00
SHERIFF HAWKINS	APOTHAKE	73932	52.38

**FILED**  
0/3:10LM  
JUN 18 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before me This

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

So Answers,

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

128487

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

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

FEB 08 2008

LVNY Funding, LLC  
(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520  
(Street Address)

Phila., PA 19114

(City, State ZIP)

CIVIL ACTION

Attest.

Wm. E. H.  
Prothonotary/  
Clerk of Courts

No. 2008-231-CO

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Preston Smith  
(Defendant)

423 B S Main Street  
(Street Address)

DA Bois, PA 15801  
(City, State ZIP)

Filed on Behalf of:

LVNY Funding, LLC  
(Plaintiff/Defendant)

David J. Apothaker, Esquire

(Filed by)

2417 Welsh Road Suite 21 #520  
(Address) Phila., PA 19114

215-634-8920  
(Phone)

[Signature]  
(Signature)

Our File No.: 128487  
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.

PRESTON SMITH  
423B S MAIN ST  
DU BOIS, PA 15801-1521  
Defendant.

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

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.

PRESTON SMITH

423B S MAIN ST

DU BOIS, PA 15801-1521

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

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) NO.:

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CIVIL ACTION COMPLAINT  
FIRST COUNT

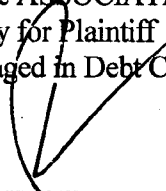
1. Plaintiff, LVNV FUNDING, LLC, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is PRESTON SMITH, an adult individual residing at 423B S MAIN ST DU BOIS, PA 15801-1521.
3. At the special 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 \$7,509.22.

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

9. The original creditor is SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$7,509.22 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

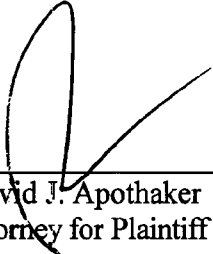
BY:   
David J. Apothaker

Dated: 1/24/2008

Our File No.: 128487

**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: 1/24/2008

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

PRESTON SMITH  
423B S MAIN ST  
DU BOIS, PA 15801-1521

STATEMENT OF ACCOUNT

Debtor's Name:	PRESTON SMITH
Account Number:	5121071751895941
Original Creditor:	SEARS
Balance Due:	\$7,509.22

Our File No.: 128487

EXHIBIT "A"

Our File No.: 128487  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C305  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

**FILED**

8/31/10  
AUG 30 2010

William A. Shaw  
Prothonotary/Clerk of Courts

for \$2000 Atty  
ICC & reinstated  
Complaint to  
Shiff & Atty.

LVNV FUNDING, LLC	) COURT OF COMMON PLEAS
Plaintiff,	) CLEARFIELD COUNTY
vs.	)
	)
PRESTON SMITH	) NO.: 2008-231-CD
Defendant.	)
	)

PRAECIPE TO  
REINSTATE COMPLAINT - CIVIL ACTION

TO THE PROTHONOTARY:

Kindly reinstate the Complaint in the above captioned Civil Action for an additional thirty (30) days.

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

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

Dated: 8/20/2010

To Deputy 8/2/10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-231-CD

LVNV FUNDING, LLC

vs  
PRESTON SMITH

SERVICE # 1 OF 1

PRAECIPE & COMPLAINT

SERVE BY: 09/29/2010 HEARING: PAGE: 107542

DEFENDANT: PRESTON SMITH  
ADDRESS: 423 B S. MAIN ST.  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

9-7-10 @ 11:45 AM - N/H left Notice

9-8-10 N/A

9-10-2010 N/H

09-15-10 NO Answer

**SHERIFF'S RETURN**

NOW, 9-17-10 AT 1:40 AM / PM **SERVED** THE WITHIN

PRAECIPE & COMPLAINT ON PRESTON SMITH, DEFENDANT

BY HANDING TO Tanya Schoalk, friend

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

ADDRESS SERVED 423 B South Main St. Dubois, Pa. 15801

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

PRAECIPE & COMPLAINT FOR PRESTON SMITH

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

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

I MAKE RETURN OF **NOT FOUND** AS TO PRESTON SMITH

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2010

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Perkins  
Deputy Signature

Jerome M. Perkins  
Print Deputy Name

Our File No.: 128487  
APOTHAKE & 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

FILED

JAN 18 2011

William A. Shaw  
Prothonotary/Clerk of Courts

CHARTER NOTICE TO

ATTY + DEPT

LVNV FUNDING, LLC

Plaintiff

vs.

PRESTON SMITH

Defendant

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 2008-231-CD

Civil Action

### PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, PRESTON SMITH, in the default of an  
Answer, in the amount of \$7,273.85 computed as follows:

Amount claimed in complaint:	\$	7,509.22
Less: Amount Paid:		(600.00)
Plus: Interest from January 24, 2008 to January 7, 2011 at the legal interest rate of 0.00% per annum		0.00
Costs		364.63
Attorney fees		0.00
<b>TOTAL</b>	<b>\$</b>	<b>7,273.85</b>

I certify that Defendant, PRESTON SMITH, last known address is 202 FOREST AVE  
DU BOIS, PA 15801.

David J. Apothaker, Esq.  
Attorney for Plaintiff

Dated: January 7, 2011

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS**

TO: PRESTON SMITH  
202 FOREST AVE  
DU BOIS, PA 15801

LVNV FUNDING, LLC	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
	)	
Plaintiff	)	
vs.	)	NO.: 2008-231-CD
	)	
PRESTON SMITH	)	Civil Action
	)	
Defendant	)	

**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: 800-672-0215

Our File No.: 128487  
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.

PRESTON SMITH

Defendant

---

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY  
)  
)  
)


) NO.: 2008-231-CD  
)  
)  
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)

) Civil Action  
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**CERTIFICATION PURSUANT TO RULE 237.1**

Pursuant to PA Rule Civil Procedure 237.1, I certify that a copy of the NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT has been sent to the Defendant or the Attorney of Record.

I verify that the statements made in this Certification 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.

---

David J. Apothaker, Esq.  
Attorney for Plaintiff

Dated: January 7, 2011

Our File No.: 128487  
APOTHAKE & 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.

PRESTON SMITH

Defendant

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY  
)  
)  
)

) NO.: 2008-231-CD  
)  
)

) Civil Action  
)  
)  
)

**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 202 FOREST 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. Snively-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, Esq.  
Attorney for Plaintiff

I verify that the statements made in this Certification 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.



**Military Status Report**  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
SMITH	PRESTON	Based on the information you have furnished, the DMDC does not possess any information indicating the individual's status.			

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 Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*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 DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as 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 status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/ris/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional 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 active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

**More information on "Active Duty Status"**

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

**Coverage Under the SCRA is Broader in Some Cases**

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:7F051OU149

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

LVNV FUNDING, LLC

vs.

PRESTON SMITH

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY

)

)

) NO. 2008-231-CD

)

To: PRESTON SMITH  
202 FOREST AVE  
DU BOIS, PA 15801

**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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
814-765-2641

15  
\_\_\_\_\_  
DAVID J. APOTHAKE, ESQUIRE  
APOTHAKE & ASSOCIATES, PC  
A Law Firm Engaged in Debt Collection  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff  
Attorney ID #38423

Date: November 18, 2010

Prothonotary/Clerk of Courts  
William A. Shaw

JAN 18 2011

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 107542  
NO: 08-231-CD  
SERVICES 1  
PRAECIPE & COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC  
vs.  
DEFENDANT: PRESTON SMITH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	196392	10.00
SHERIFF HAWKINS	APOTHAKE	196392	104.00

FILED  
9/2:03pm  
MAY 26 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2010

So Answers,

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

Our File No.: 128487

LVNV FUNDING, LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 2008-231-CD

PRESTON 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 PRESTON SMITH, defendant(s); and

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

(4) and index this writ in the judgment index

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

(b) against TIMBERLAND FCU 821 BEAVER DR 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 \$7273.85

Interest from January 18, 2011 \$1350.09

**Minus Payments made - \$686.00**

Plus Costs \$240.00

Total \$8177.94

**FILED**

4 JUL 07 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

M/207/B/S  
1cc Atty. Apothaker Jowpd  
bcc to Shrf.

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

Our File No.: 128487

LVNV FUNDING, LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 2008-231-CD

PRESTON 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: PRESTON 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 DR 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	\$7273.85
Interest from January 18, 2011	\$1350.09
<b>Minus Payments made</b>	<b>- \$686.00</b>
Costs to be added	\$240.00
Total	\$8177.94

Prothonotary costs 142.25

Dated: 7/7/14

  
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. 2008-231-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LYNV FUNDING, LLC

VS.

PRESTON SMITH

WRIT OF EXECUTION

(Money Judgments)

Claim	\$7273.85
Interest From January 18, 2011	\$1350.09
<b>Minus payments made</b>	<b>-\$686.00</b>

Costs

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

Apothaker Scian 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.: 2008-231-CD

PRESTON 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 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.: 128487

LVNV FUNDING, LLC

Plaintiff

vs.

PRESTON SMITH  
202 FOREST AVE  
DU BOIS, PA 15801  
XXX-XX-6922

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 2008-231-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.

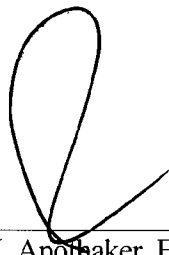
8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant(s) have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general exemption under 42PA.C.S. §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:

4/28/14



---

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

To Deputy 7/8/14

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 2008-231-CD

LVNV FUNDING, LLC

vs

PRESTON SMITH

TO: TIMBERLAND FCU, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES

FILED

SERVE BY: 10/05/2014 **RUSH** HEARING: PAGE: 111967

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

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

S JUL 11 2014  
07/11/14  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

SHERIFF'S RETURN

NOW, 7-8-14 AT 1:45 AM / PM SERVED THE WITHIN

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

BY HANDING TO Danni Volpe / Teller

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 (x) 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: Mike Bowles  
Deputy Signature

Mike Bowles  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 111967

2 of 2

LVNV FUNDING, LLC

vs

PRESTON SMITH

TO: TIMBERLAND FCU, Garnishee

NO. 2008-230-CD

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW JULY 10, 2014 MAILED THE WITHIN:  
PRAECIPE, WRIT NOTICE, WRIT, (2) CLAIM FOR EXEMPTION & INTERROGATORIE,  
TO: PRESTON SMITH, DEFENDANT  
AT: 202 FOREST AVE., DUBOIS, PA 15801  
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 111967  
NO: 2008-230-CD  
SERVICES 2

WRIT OF EXECUTION, INTERROGATORIES

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

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	106022	20.00
SHERIFF THURSTON	APOTHAKE	106022	45.78

Sworn to Before Me This

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

So Answers,

*Wesley B. Thurston*

WESLEY B. THURSTON  
Sheriff

Our File No.: 128487

LVNV FUNDING, LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

NO.: 2008-231-CD

PRESTON 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 PRESTON SMITH, defendant(s); and
- (3) against TIMBERLAND FCU 821 BEAVER DR DU BOIS, PA 15801, Garnishee(s);
- (4) and index this writ in the judgment index

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

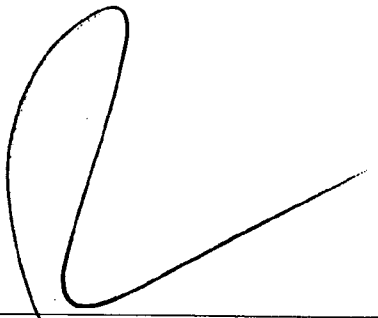
(b) against TIMBERLAND FCU 821 BEAVER DR DU BOIS, PA 15801, as Garnishee(s), as a lis pendens against the real property of the defendant(s) in the name of Garnishee(s) as follows:

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	\$7273.85
Interest from January 18, 2011	\$1350.09
Minus Payments made	-\$686.00
Plus Costs	\$240.00
Total	\$8177.94

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

JUL 07 2014

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

**A TRUE COPY**

**ATTEST:**

  
PROTHONOTARY-CLERK

Our File No.: 128487

LVNV FUNDING, LLC  
Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

vs.

PRESTON SMITH  
Defendant(s)

NO.: 2008-231-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: PRESTON 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 DR 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	\$7273.85
Interest from January 18, 2011	\$1350.09
<b>Minus Payments made</b>	<b>- \$686.00</b>
Costs to be added	\$240.00
Total	\$8177.94

Prothonotary costs 142.25

Dated: 7/7/2014

B. K. Spicer  
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 7<sup>th</sup> day  
of July A.D. 2014  
At P.O. A.M./P.M.  
Wesley B. Thurston  
Sheriff  
by Maury Hamer

NO. 2008-231-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC

VS.

PRESTON SMITH

WRIT OF EXECUTION  
(Money Judgments)

Claim	\$7273.85
Interest From January 18, 2011	\$1350.09
<b>Minus payments made</b>	<b>-\$686.00</b>
<u>Costs</u>	
Dept. of Court Records	\$40.00
Sheriff Fee	\$200.00

Apothaker Scian 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.: 2008-231-CD

PRESTON 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 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.: 128487

LVNV FUNDING, LLC

Plaintiff

vs.

PRESTON SMITH  
202 FOREST AVE  
DU BOIS, PA 15801  
XXX-XX-6922

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 2008-231-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 42 P.A.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:

4/28/17



---

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

Our File No.: 128487  
APOTHAKE SCIAN 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

FILED

OCT 14 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

M/350/315

200 PL la Atty Apothaker

LVNV FUNDING, LLC

Plaintiff

vs.

PRESTON SMITH

Defendant

TIMBERLAND FCU

Garnishee

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

NO.: 2008-231-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

**FILED**

**OCT 14 2014**

**BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS**