

08-598-CD
Discover Bank vs Matthew J. Wingard

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK

Plaintiff

No: 08-598-CD

vs.

COMPLAINT IN CIVIL ACTION

MATTHEW J WINGARD

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06558031 C A Pit SXA

Dec 31, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Will A. Shaw (GK)

Deputy Prothonotary

Prothonotary

11/24/08 Atty pd. \$95.00
W.A. Shaw
S. ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff
vs. Civil Action No
MATTHEW J WINGARD
Defendant

COMPLAINT AND NOTICE TO DEFEND

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

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

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

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

COMPLAINT

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

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

MATTHEW J WINGARD
619 W LONG AVE
DU BOIS, PA 15801

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXXXXXX0739 . A copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance due and owing to Plaintiff, as of March 19, 2008 , in the amount of \$6357.47 .

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

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

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

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

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , MATTHEW J WINGARD , INDIVIDUALLY , in the amount of \$6357.47 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1000.00 , and costs.


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436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-378-7130
06558031 C A Pit SXA

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

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Robert Adkins
(Name)
Accounts Manager of DFS Services, LLC, plaintiff herein, that
(Title) (Company)

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


(Signature)

WWR # 6558031
MATTHEW J WINGARD
6011002052470739

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

103989

DISCOVER BANK

Case # 08-598-CD

vs.

MATTHEW J. WINGARD

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW July 16, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO MATTHEW J. WINGARD, DEFENDANT. MOVED TO PITTSBURGH.

SERVED BY: /

FILED
D 2:57 PM
JUL 16 2008
24
William A. Shaw
Notary/Clerk of Courts

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8670616	10.00
SHERIFF HAWKINS	WELTMAN	8670616	33.60

Sworn to Before me This

So Answers,

____ Day of _____ 2008

*Contractor
by Marilyn Hawkins*
Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

No: 08-598-CD

vs.

COMPLAINT IN CIVIL ACTION

MATTHEW J WINGARD

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
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(412) 434-7955
FAX: 412-338-7130
06558031 C A Pit SXA

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

APR 02 2008

Attest.

William L. Hause
Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff
vs. Civil Action No

MATTHEW J WINGARD

Defendant

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

MATTHEW J WINGARD
619 W LONG AVE
DU BOIS, PA 15801

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4. Defendant made use of said credit card and currently has a balance due and owing to Plaintiff, as of March 19, 2008 , in the amount of \$6357.47 .

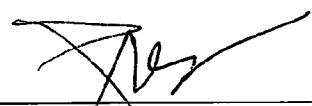
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7. Plaintiff avers that such attorneys' fees will amount to \$1000.00

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Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant, MATTHEW J WINGARD, INDIVIDUALLY, in the amount of \$6357.47 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1000.00, and costs.


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FAX: 412-338-7130
06558031 C A Pit SXA

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



New Balance
\$6,357.47

Minimum Payment Due
\$706.00

Payment Due Date
February 4, 2008

Account Number ending in 0739
Enter Amount Enclosed Below

3 DEL
PA

\$ 658031
Please make check payable to Discover Card.
Minimum payment due includes a past due
amount of \$537.00.

05 SDSN6A01 0007148
MATTHEW WINGARD
619 W LONG AVE
DU BOIS PA 15801-1730

Know what's on your statement--before you
even get it. Keep track online with daily
updates and up to 12 months of history. Visit
Discovercard.com/register

PO BOX 15251 ######
WILMINGTON DE 19886-5251

####

Address, e-mail or telephone change? Print change in space
above, or go to Discovercard.com. Print your e-mail address to
receive important Account information and special offers.

000006011002052470739063574700000000070600

Discover More Card Account Summary

		Closing Date: January 5, 2008	page 1 of 1
Account number ending in	0739	Previous Balance	\$ 6,164.88
Payment Due Date	February 4, 2008	Payments And Credits	0.00
Minimum Payment Due	\$706.00	Purchases	+ 39.00
Credit Limit	\$7,700.00	Cash Advances	+ 0.00
Credit Available	\$1,342.00	Balance Transfers	+ 0.00
Cash Credit Limit	\$1,925.00	Finance Charges	+ 153.59
Cash Credit Available	\$1,342.00	New Balance	= \$ 6,357.47

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

Cashback Bonus®

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
 Cashback Bonus Balance	 \$ 0.00
Available to Redeem	\$ 0.00

Cashback Bonus® Anniversary

Date: May 5

How Can We Help You?

Please have your Discover Card available.

Manage your account online at Discovercard.com

Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:

Discover More Card, PO Box 30943
Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):

For assistance, see reverse side.

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

	Trans. Date	Post Date		
Other/Miscellaneous	Jan 5	Jan 5	LATE FEE	\$ 39.00

Information For You

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

EXHIBIT

Finance Charge Summary

Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
------------------------	----------------------	---------------------------------	-------------------------	--------------------------	---------------------------------

current billing period: 31 days

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Robert Adkins,
(Name)
Accounts Manager of DFS Services, LLC, plaintiff herein, that
(Title) (Company)

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


(Signature)

WWR # 6558031
MATTHEW J WINGARD
6011002052470739

FILED

JUL 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff No. 08-598-CD

vs. PRAECIPE TO REINSTATE COMPLAINT

MATTHEW J WINGARD

Defendant FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS, CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#6558031

FILED 10/10/08
REINSTATE TO SHERIFF
DEC 31 2008
Atty pd. 7.00
William A. Shaw
Prothonotary/Clerk of Courts
(610)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

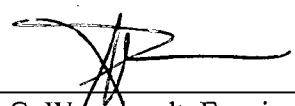
MATTHEW J WINGARD

Defendant

PRAECIPE TO REINSTATE COMPLAINT

Kindly reinstate the Complaint in the above captioned matter.

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

By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 234-7955

WWR #6558031

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

DISCOVER BANK

Plaintiff No:

vs.

COMPLAINT IN CIVIL ACTION

MATTHEW J WINGARD

Defendant FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06558031 C A Pit SXA

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

DISCOVER BANK

Plaintiff
vs. Civil Action No

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Payment Due Date
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\$ 1558031 3 DEL PA
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Minimum payment due includes a past due
amount of \$537.00.

05 SDSN6A01 0007148
MATTHEW WINGARD
619 W LONG AVE
DU BOIS PA 15801-1730

Know what's on your statement--before you
even get it. Keep track online with daily
updates and up to 12 months of history. Visit
Discovercard.com/register

PO BOX 15251 
WILMINGTON DE 19886-5251



Address, e-mail or telephone change? Print change in space
above, or go to Discovercard.com. Print your e-mail address to
receive important Account information and special offers.

000006011002052470739063574700000000070600

Discover More Card Account Summary

Account number ending in 0739
Payment Due Date February 4, 2008
Minimum Payment Due \$706.00
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Cash Credit Limit \$1,925.00
Cash Credit Available \$1,342.00

Closing Date: January 5, 2008

page 1 of 1

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Payments And Credits	0.00
Purchases	+ 39.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 153.59
New Balance	= \$6,357.47

You may be able to avoid Periodic Finance Charges, see the
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Cashback Bonus®

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

Cashback Bonus Balance Available to Redeem \$ 0.00

Cashback Bonus® Anniversary

Date: May 5

How Can We Help You?

Please have your Discover Card available.

Manage your account online at Discovercard.com

Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:

Discover More Card, PO Box 30943
Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):

For assistance, see reverse side.

Transactions

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Information For You

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EXHIBIT

Finance Charge Summary

Average
Daily
Balances

Daily
Periodic
Rates

Nominal
ANNUAL
PERCENTAGE
RATES

ANNUAL
PERCENTAGE
RATES

Periodic
FINANCE
CHARGES

Transaction
Fee
FINANCE
CHARGES

current billing period: 31 days

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Robert Adkins,
(Name)
Accounts Manager of DFS Services, LLC, plaintiff herein, that
(Title) (Company)

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(Signature)

WWR # 6558031
MATTHEW J WINGARD
6011002052470739

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-598-CD

DISCOVER BANK

vs

MATTHEW J. WINGARD

SERVICE # 1 OF 1

PRAECIPE & COMPLAINT

SERVE BY: 01/30/2009

HEARING:

PAGE: 105105

DEFENDANT: MATTHEW J. WINGARD
ADDRESS: 619 W LONG AVE.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 1-5-09 AT 1:06 AM / PM SERVED THE WITHIN

PRAECIPE & COMPLAINT ON MATTHEW J. WINGARD, DEFENDANT

BY HANDING TO Beverly King / Mother

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

ADDRESS SERVED 619 West Long Ave DuBois, Pa. 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

PRAECIPE & COMPLAINT FOR MATTHEW J. WINGARD

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MATTHEW J. WINGARD

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Neely
Deputy Signature

Jerome M. Neely
Print Deputy Name

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

DISCOVER BANK

Plaintiff

No: 08-598-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

MATTHEW J WINGARD

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06558031 C A Pit JLI
Judgment Amount \$7357.47

6/8 **FILED** Atty pd.
MAY 01 2009 20.00
MAY 01 2009
William A. Shaw
Prothonotary/Clerk of Courts to Def.
ICCA Notice

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONTARY:

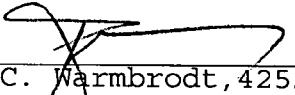
Kindly enter Judgment against the Defendant MATTHEW J WINGARD

above named, in the default of an Answer, in the amount of \$7357.47 computed as follows:

Amount claimed in Complaint	\$6357.47
Less payments / adjustments made	\$0.00
Attorney's fees	\$1000.00
TOTAL	\$7357.47

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

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

By: 
James C. Warmbrodt, 42524

06558031 C A Pit JLI

Plaintiff's address is:

c/o WELTMAN, WEINBERG & REIS CO., L.P.A., 436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219 And that the last known address of the Defendant is:
619 W LONG AVE DU BOIS, PA 15801

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following Order of Judgment
was entered against you on May 1, 2009.

Assumpsit Judgment in the amount of \$7357.47 plus costs.
 Trespass Judgment in the amount of \$ _____ plus costs.
 If not satisfied within sixty (60) days, your motor vehicle
operator's license and/or registration will be suspended
by the Department of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.
 Entry of Judgment of
 Court Order
 Non-Pros
 Confession
 Default
 Verdict
 Arbitration Award

Prothonotary

By: Willie L. Chan
PROTHONOTARY (OR DEPUTY)

MATTHEW J WINGARD
619 W LONG AVE
DU BOIS, PA 15801

Plaintiff's address is:
c/o WELTMAN, WEINBERG & REIS CO., L.P.A., 436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219 (412) 434-7955

Department of Defense Manpower Data Center

APR-22-2009 06:21:24



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

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

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

Mary M. Snavely-Dixon

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

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

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

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

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

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

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

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

DISCOVER BANK

Plaintiff

Case No. 08-598-CD

vs.

MATTHEW J WINGARD

Defendant

IMPORTANT NOTICE

TO:
MATTHEW J WINGARD
619 W LONG AVE
DU BOIS, PA 15801

Date of Notice: 4/6/09

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, EXT 50-51

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

By: _____

Michael Dougherty
P.A.I.D.# 76046
WELTMAN, WEINBERG & REIS CO., L.P.A.
325 Chestnut Street, Suite 501
Philadelphia, PA 19106
(800) 570-3931
FAX: (215) 599-1505
6558031 A PHI A4J

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD

NON-MILITARY AFFIDAVIT

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

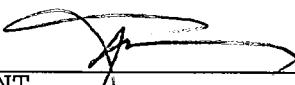
That he/she is the duly authorized agent of the Plaintiff in the within matter.

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

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, MATTHEW J WINGARD 619 W LONG AVE DU BOIS, PA 15801 is not in military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMSC), which states that the Defendant, MATTHEW J WINGARD 619 W LONG AVE DU BOIS, PA 15801 is not in the military service.

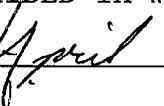
Further Affiant sayeth naught.

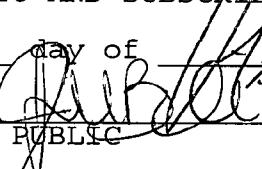

AFFIANT

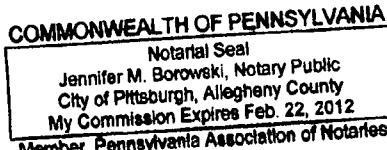
SWORN TO AND SUBSCRIBED in my presence this

23

day of


April, 2009.


NOTARY PUBLIC



FILED

MAY 01 2009

William A. Sheer
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105105
NO: 08-598-CD
SERVICES 1
PRAECIPE & COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: MATTHEW J. WINGARD

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8799831	10.00
SHERIFF HAWKINS	WELTMAN	8799831	29.90

S FILED
03:06pm
JUN -2 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

No. 08-598-CD

vs.

MATTHEW J WINGARD

Defendant(s)

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

FIRST COMMONWEALTH BANK

Garnishee(s)

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

FILED
MJS/AM
AUG 17 2011
Atty pd.
\$80.00
S
William A. Shaw
Prothonotary/Clerk of Courts
3 C.C. & levants
to Sheriff

6K

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of CLEARFIELD County:

2. against MATTHEW J WINGARD , Defendant

3. against FIRST COMMONWEALTH BANK, , , Garnishee

4. Judgment Amount \$ 7357.47

Less payments/credits received \$ 0

Interest \$ 1005.45

Costs \$

SUBTOTAL: \$ 8362.92

Costs (to be added by Prothonotary): \$ 142.00

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

By: William T. Molczan
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

**WRIT OF EXECUTION
NOTICE**

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

The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. **SUCH PROPERTY IS SAID TO BE EXEMPT**. No matter what you may owe, there is a **DEBTOR'S EXEMPTION** established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. **IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.**

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

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

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

CLAIM FOR EXEMPTION

TO THE SHERIFF:

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

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

(a) I desire that my statutory \$300.00 exemption be:

(1) set aside in kind (specify property, to be set aside in kind):

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

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

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption: in cash in kind
(specify property):

Social Security benefits on deposit in the amount of \$ _____

(b) Other (specify amount & basis for exemption):

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: _____ TELEPHONE NUMBER: _____

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

Date: _____ Defendant: _____

THIS CLAIM TO BE FILED WITH:

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

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

Under paragraph (3) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

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

FILED

AUG 17 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK.

Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD

Defendant(s)

FIRST COMMONWEALTH BANK

Garnishee(s)

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: MATTHEW J WINGARD Defendant(s); You are also directed to attach the property of the defendant not levied upon in the possession of FIRST COMMONWEALTH BANK; , AS GARNISHEE, 14303 CLEARFIELD SHAWVILLE HWY CLEARFIELD, PA 16830; ; and to notify the garnishee that:

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

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

Amount due \$ 8362.92

Costs to be added..... \$

142.00 Prothonotary costs

Prothonotary

Deputy

DATED: 8/17/11

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD

Defendant(s)

FIRST COMMONWEALTH BANK

Garnishee(s)

INTERROGATORIES IN ATTACHMENT

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

FILED
AUG 17 2011 4CC
Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
GC

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

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

RE: MATTHEW J WINGARD, 619 W LONG AVE, DU BOIS, PA 15801

Suggested Reference No.: XXX-XX-1905
XXX-XX-

IMPORTANT NOTICES TO GARNISHEE!

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

B. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.

C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason (including funds on deposit for checking or savings accounts and certificates of deposit)?

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

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

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

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

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

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

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

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

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

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

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law?

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

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

By: William T. Molczan
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

VERIFICATION

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

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

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

_____ (SIGNATURE)

FILED

AUG 17 2011

William A. Shaw
Prothonotary/Clerk of Courts

To: Deputy 8/18/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-598-CD

DISCOVER BANK

vs

MATTHEW J. WINGARD

TO: FIRST COMMONWEALTH BANK, GARNISHEE

WRIT OF EXECUTION, INTERROGATORIES
RUSH

SERVE BY: 09/16/2011

HEARING:

PAGE: 108781

FILED
01/14/2011
S. J. 2011

DEFENDANT: FIRST COMMONWEALTH BANK, Garnishee
ADDRESS: 14303 CLEARFIELD/SHAWVILLE HWY
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS: Date Time Results

OCCUPIED
Date Time Results

William A. Shantz
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, August 31 2011 AT 10⁴⁵ AM/PM SERVED THE WITHIN
WRIT OF EXECUTION, INTERROGATORIES ON FIRST COMMONWEALTH BANK, Garnishee, DEFENDANT
BY HANDING TO Christina Taylor Office Manager

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

ADDRESS SERVED 14303 Clearfield Shawville Hwy Clearfield PA
(Residence) Employment (Sheriff's Office) (Other) 16030

NOW _____ AT _____ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES FOR FIRST COMMONWEALTH BANK, Garnishee

AT (ADDRESS) _____

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

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

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2011

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jeffrey L. Rhone
Deputy Signature

Jeffrey L. Rhone
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108781

2 of 2

DISCOVER BANK
-VS-
MATTHEW J. WINGARD
TO: FIRST COMMONWEALTH BANK, Garnishee

NO. 08-598-CD

SHERIFF'S RETURN

NOW SEPTEMBER 1, 2011 MAILED THE WITHIN:
PRAECLPSE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE
TO: MATTHEW J. WINGARD, DEFENDANT
AT: 619 W LONG AVE., DUBOIS, PA. 15801
IN S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 108781
NO: 08-598-CD
SERVICES 2
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: MATTHEW J. WINGARD

TO: FIRST COMMONWEALTH BANK, GARNISHEE

SHERIFF RETURN

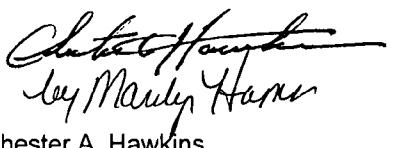
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	10078694	20.00
SHERIFF HAWKINS	WELTMAN	10078694	22.50

Sworn to Before Me This

So Answers,

____ Day of _____ 2011


by *Maury Harker*

Chester A. Hawkins
Sheriff

FILED

8 2008-06-20
mhs
William A. Shaw
Prothonotary/Clerk of Courts
no 611

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

INTERROGATORIES IN ATTACHMENT

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

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

AUG 17 2011

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

WWR No. 6558031

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 08-598-CD

MATTHEW J WINGARD
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

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

RE: MATTHEW J WINGARD, 619 W LONG AVE, DU BOIS, PA 15801

Suggested Reference No.: XXX-XX-1905
XXX-XX-

IMPORTANT NOTICES TO GARNISHEE!

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

B. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.

C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason (including funds on deposit for checking or savings accounts and certificates of deposit)?

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

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

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

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

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

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

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

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

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

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

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law?

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

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

By: William T. Molczan
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

VERIFICATION

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

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

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

(SIGNATURE)

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. No
- a. N/A
2. No
3. No
4. No
5. No
6. No
7. N/A
8. N/A
9. August 30, 2011
10. N/A
11. N/A
12. N/A

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF INDIANA

On this 1ST day of September 2011 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared LEDA E MCCRACKEN, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

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

Sworn and subscribed to before me
This 1st day of September 2011

Susan Lindenbey
Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

**SUSAN L. LINDBERG, NOTARY PUBLIC
INDIANA BOROUGH, INDIANA COUNTY
MY COMMISSION EXPIRES APRIL 10, 2014**

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2011 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA REGULAR U.S. MAIL

*William T. Molczan, Esquire
Weltman, Weinberg & Reis Co., LPA
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219*

As Plaintiff

Leda E. McCracken

Leda E. McCracken
Assistant Vice President
First Commonwealth Bank

Prothonotary/Clerk of Courts
William A. Shaw

SEP 06 2011

FILED

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

BY: James C Warmbrodt, Esquire
I.D. No.42524
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
Phone: 412.434.7955
Fax: 412.434.7959
File # 6558031

Attorney for Plaintiff(s)

DISCOVER BANK

Clearfield County
Court of Common Pleas

vs.

MATTHEW J WINGARD

NO. 08-598-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

FILED
MTH:09/01/11
SEP 23 2011
S

William A. Shaw
Prothonotary/Clerk of Courts

6K

PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION

TO THE PROTHONOTARY:

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

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

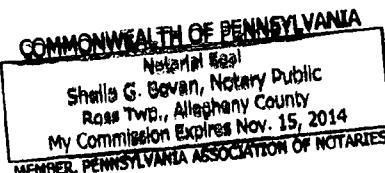
By _____

James C. Warmbrodt, Esquire
Attorney for Plaintiff

Sworn to and subscribed

Before me the 14 day of September, 2011

Shelly G. Gowan
NOTARY PUBLIC



FILED

SEP 23 2011

William A. Sherry
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

VS.

NO. 08-598-CD

MATTHEW J WINGARD

S SNS
FILED

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for DISCOVER BANK

in the above case.

JAN 20 2015
M 10:00 AM
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

NO CC

Date: December 18, 2014

 / 317475
Signature/ID Number

Stephen Seigner
Print Name

Eltman, Eltman & Cooper, PC
Firm

140 Broadway, 26th Fl
Address

New York, NY 10005

FILED

2016 JUN 10 A 10:53

5 BRIAN K. SPENCER 1cc Shff
PROTHONOTARY & 6writs Shff
CLERK OF COURTS
Atty pd. 20.00
6/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK	:	No.	08-598-CD
VS	:	Amount Due	\$7,357.47
MATTHEW J WINGARD	:	Interest from	05/01/2009
	:	Interest Accrued	\$ 3,100.02
	:	Total	\$10,457.49

PRAECIPE FOR WRIT OF EXECUTION

To the Clerk of Judicial Records - Civil Division:

Issue a writ of execution in the above matter,

- (1) direct the Sheriff of CLEARFIELD county;
- (2) against MATTHEW J WINGARD, defendant(s) and upon the
(Name of Defendant)
Following described property of the defendant(s)

(If real property supply six copies of the description)

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

(3) and enter this writ in the judgment index

a) against MATTHEW J WINGARD, defendant(s)
defendant(s)

and

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

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

(Specifically described property)

Date:

Signature:



Print Name:

TIA DINH, ESQ.

Attorney for :

DISCOVER BANK

Address:

101 Hudson Street Suite 2703

Jersey City, NJ 07302

Telephone:

(212) 660-3100

Supreme Court ID No.

311406

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

FILED

2016 JUN 10 A 10:53

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

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

DISCOVER BANK : No. 08-598-CD
VS :
MATTHEW J WINGARD :
:

WRIT OF EXECUTION

To the Sheriff of CLEARFIELD County:

To satisfy the judgment, interest and costs against

MATTHEW J WINGARD

defendant,

(Name of Defendant)

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

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

(Name of the Garnishee)

as garnishee, _____

(Specifically describe property)

and to notify the garnishee that

- a) An attachment has been issued;
- b) Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
- c) the attachment shall not include
 - (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited

electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

- (ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.
- (iii) Any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa. C.S. § 8123.

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

Amount due	<u>\$7,357.47</u>	Plaintiff Pd	<u>\$</u>
Interest from	<u>\$3,100.02</u>	Defendant Pd	<u>\$</u>
5/1/2009			
Payments (Credits)	<u>\$0.00</u>		
(Costs to be added)			
			Prothonotary costs <u>\$ 162.00</u>

Seal of the Court

Clerk of Judicial Records

By: B. K. Spale
Civil Division Deputy
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 08-598-CD

MATTHEW J WINGARD

Defendant

CIVIL ACTION

WRIT OF EXECUTION NOTICE

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

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

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

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

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

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 08-598-CD

MATTHEW J WINGARD

Defendant

CIVIL ACTION

CLAIM FOR EXEMPTION

To the Sheriff:

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

(1) From my personal property in my possession which has been levied upon,
(a) I desire that my \$300 statutory exemption be:

(i) set aside in kind (specific property to be set aside in kind);

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

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

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

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

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

CLAIM FOR EXEMPTION – Continued

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

(Address),

(Telephone number).

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

Date: _____

Signature of Defendant

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

VS.
MATTHEW J WINGARD

FILED

m *6K*
2016 JUN 10 A 10:48

NO. **08-598-CD**

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS *no cc*

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY: DISCOVER BANK

Please enter my appearance for _____
in the above case.


/ 311406

Signature/ID Number

Tia Dinh
Print Name

Eltman Law, PC
Firm

101 Hudson Street, Suite 2702
Address

Jersey City, NJ 07302

FILED

2016 JUN 10 A 10:48

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

NO
CC
S

2016 JUL 11 P 12:07

DISCOVER BANK

Plaintiff

No. 08-598-CD

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

MATTHEW J WINGARD
619 W Long Ave.
Du Bois, PA 15801
XXX-XX-1905

Defendant

CIVIL ACTION

FIRST COMMONWEALTH BANK

Garnishee

INTERROGATORIES TO THE ABOVE NAMED GARNISHEE

TO: **FIRST COMMONWEALTH BANK**
14303 Clearfield Shawville Hwy,
Clearfield, PA 16830

IMPORTANT NOTICES TO GARNISHEE!

- a. You are required to file an answer to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you.
- b. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.
- c. While service of the Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance of the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

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

INTERROGATORIES

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

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

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

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

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

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

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

- a. If so, identify each account and state the amount of funds in each, and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123 ?

If so, identify each account.

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

If so, please provide:

- a. The account number of each account;

b. The amount of money in each account.

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

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



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

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. No
2. Yes, checking account number 7301185596 into Matthew J Wingard with a current balance of \$791.62. Balance stated does not include the \$300.00 statutory exemption or First Commonwealth Bank's \$200.00 processing fee.
3. No
4. No
5. No
6. No
7. No
 - a. N/A
8. No
9. See #2
10. No

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2016 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA CERTIFIED U.S. MAIL

*Matthew J Wingard
1800 Whited Street Lot 40
Pittsburgh PA 15210*

As Defendant

VIA REGULAR U.S. MAIL

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

As Plaintiff



Julie L. Eiler
Section Coordinator
First Commonwealth Bank

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF INDIANA)

On this 6th day of July 2016 before me, a Notary Public in and for said Commonwealth and County, personally appeared ELLEN BUTERBAUGH, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

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

Sworn and subscribed to before me
This 6th day of July 2016

Susan Hendrick

Notary Public

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

SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Wesley B Thurston
Sheriff

Gary A Knaresboro
Solicitor

Michael Churner
Chief Deputy

Cynthia Butler-Aughenbaugh
Office Manager

DISCOVER BANK
vs.
MATTHEW J. WINGARD

Case Number
2008-598-CD

SHERIFF'S RETURN OF SERVICE

06/15/2016 02:55 PM - DEPUTY MIKE ROWLES, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE REQUESTED WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE WAS SERVED BY "PERSONALLY" HANDING A TRUE AND ATTESTED COPY TO A PERSON REPRESENTING THEMSELVES TO BE BRANDY POWELL, TELLER, WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE WITHIN NAMED GARNISHEE, FIRST COMMONWEALTH BANK, AT 14303 CLEARFIELD SHAWVILLE HWY, CLEARFIELD, PA 16830 AND ATTACHED AS DIRECTED.

06/21/2016 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE WRIT OF EXECUTION, WRIT NOTICE, AND CLAIM FOR EXEMPTION WAS SERVED UPON MATTHEW J. WINGARD AT 619 W LONG AVE., DUBOIS, PA 15801 BY U.S. REGULAR MAIL.

SHERIFF COST: \$48.00

SO ANSWERS,



June 21, 2016

WESLEY B THURSTON, SHERIFF

COSTS

DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
06/13/2016	Advance Fee	Advance Fee	4277	\$0.00	\$200.00
06/13/2016	RDR			\$9.00	\$0.00
06/21/2016	Service			\$9.00	\$0.00
06/21/2016	Service (Additional Defendant)			\$6.00	\$0.00
06/21/2016	Mileage			\$4.00	\$0.00
06/21/2016	Surcharge			\$20.00	\$0.00
06/21/2016	Refund			\$152.00	\$0.00
				\$200.00	\$200.00
			BALANCE:	\$0.00	

FILED NO
S JUN 21 2016 (K)
01114312
RONALD K. SPRINGER
CLEARFIELD COUNTY COURTS
P.O. BOX 1200, CLEARFIELD, PA 16830

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

DISCOVER BANK : No. 08-598-CD
VS :
MATTHEW J WINGARD :

WRIT OF EXECUTION

To the Sheriff of CLEARFIELD County:

To satisfy the judgment, interest and costs against

MATTHEW J WINGARD

defendant,

(Name of Defendant)

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

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

(Name of the Garnishee)

as garnishee, _____

(Specifically describe property)

and to notify the garnishee that

- a) An attachment has been issued;
- b) Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
- c) the attachment shall not include
 - (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited

electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

- (ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.
- (iii) Any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa. C.S. § 8123.

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

Amount due	\$7,357.47	Plaintiff Pd	\$
Interest from	\$3,100.02	Defendant Pd	\$
5/1/2009			
Payments (Credits)	\$0.00		
(Costs to be added)			

Prothonotary costs \$ 162.00

Seal of the Court

Clerk of Judicial Records

By: Frank. Sander
Civil Division Deputy

Prothonotary

Received this writ this 10th day
of June A.D. 2016
At 3:00 A.M (P.M)

Wiley B. Thurston
Sheriff Marilyn Harr

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 08-598-CD

MATTHEW J WINGARD

Defendant

CIVIL ACTION

WRIT OF EXECUTION NOTICE

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

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

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

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

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

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

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 08-598-CD

MATTHEW J WINGARD

Defendant

CIVIL ACTION

CLAIM FOR EXEMPTION

To the Sheriff:

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

(1) From my personal property in my possession which has been levied upon,
(a) I desire that my \$300 statutory exemption be:

(i) set aside in kind (specific property to be set aside in kind);

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

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

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

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

(b) other (specify amount and basis of exemption)

CLAIM FOR EXEMPTION – Continued

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

(Address),

(Telephone number).

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

Date: _____

Signature of Defendant

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

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

Plaintiff

No. 08-598-CD

MATTHEW J WINGARD
619 W Long Ave.
Du Bois, PA 15801
XXX-XX-1905

Defendant

CIVIL ACTION

FIRST COMMONWEALTH BANK

Garnishee

INTERROGATORIES TO THE ABOVE NAMED GARNISHEE

TO: **FIRST COMMONWEALTH BANK**
14303 Clearfield Shawville Hwy,
Clearfield, PA 16830

IMPORTANT NOTICES TO GARNISHEE!

- a. You are required to file an answer to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you.
- b. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.
- c. While service of the Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance of the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

INTERROGATORIES

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

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

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

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

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

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

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

- a. If so, identify each account and state the amount of funds in each, and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123 ?

If so, identify each account.

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

If so, please provide:

- a. The account number of each account;

b. The amount of money in each account.

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

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



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

VERIFICATION

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

Date: _____ By: _____

Title: _____

By: Tia Dinh, Esq.
Eltman Law, P.C.
Attorney ID # 311406
101 Hudson St., Ste 2702
Jersey City, NJ 07302
T (212) 660-3100
F (212) 660-3101
EEC # 4405M0863

DISCOVER BANK : IN THE COURT OF COMMON PLEAS OF
VS : CLEARFIELD COUNTY
: Pennsylvania Civil Division
:
MATTHEW J WINGARD : No. 2008-00598-CD
1800 WHITED STREET LOT 40 :
PITTSBURGH, PA 15210; defendant : PRAECIPE TO ENTER JUDGMENT AGAINST
:
FIRST COMMONWEALTH BANK : GARNISHEE
Attn: Ellen Buterbaugh :
Philadelphia and 6th Streets :
P.O. Box 400 :
Indiana, PA 15701-0400; garnishee :
:

To the Prothonotary of Clearfield County Pennsylvania:

Enter judgment in favor of Plaintiff and against the above-named garnishee, FIRST COMMONWEALTH BANK, in the sum of \$ \$291.62 admitted in its answers to interrogatories as being owing to the defendant and that is not greater than the sum due from defendant to plaintiff.

I certify that the precise last known address of plaintiff, defendant[s], and garnishee are as set forth in the above caption.

Dated:

8/31/16


Tia Dinh, Esq.

FILED
S 10:17 SEP 06 2016
MHS/AS
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
cc Atty Dinh
cc Def w/ Notice
cc Garnishee w/ Notice

NOTICE OF JUDGMENT

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

Discover Bank,
Plaintiff

Vs.

No. 2008-00598-CD

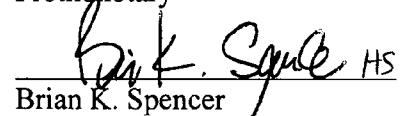
Matthew J. Wingard,
Defendant

First Commonwealth Bank,
Garnishee

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$291.62 on 09/06/16.

Brian K. Spencer
Prothonotary



Brian K. Spencer

By: Tia Dinh, Esq.
Eltman Law, P.C.
Attorney ID # 311406
101 Hudson St., Ste 2702
Jersey City, NJ 07302
T (212) 660-3100
F (212) 660-3101
EEC # 4405M0863

DISCOVER BANK : IN THE COURT OF COMMON PLEAS OF
VS : CLEARFIELD COUNTY
: Pennsylvania Civil Division
: :
MATTHEW J WINGARD : No. 2008-00598-CD
1800 WHITED STREET LOT 40 :
PITTSBURGH, PA 15210; defendant : PRAECIPE TO SATISFY JUDGMENT AGAINST
: GARNISHEE
: :
FIRST COMMONWEALTH BANK :
Attn: Ellen Buterbaugh :
Philadelphia and 6th Streets :
P.O. Box 400 :
Indiana, PA 15701-0400; garnishee :
:

To the Prothonotary of Clearfield County Pennsylvania:

Kindly mark the judgment satisfied as to FIRST COMMONWEALTH BANK only and dissolve attachment.

Dated:


Tia Dinh, Esq.

FILED
11:45 AM Oct 17 2016
S OCT 17 2016
M/HS/HS
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
Acty Dinh