

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

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

DISCOVER BANK

Plaintiff

vs.

MATTHEW J WINGARD

Defendant

No: 08-598-CD

COMPLAINT IN CIVIL ACTION

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.

William A. Shaw  
Deputy Prothonotary

Prothonotary

FILED  
m11214461  
11/22/08  
William A. Shaw  
Prothonotary/Clerk of Courts

Att. pd.  
\$95.00  
ICC Sheriff

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 XXXXXXXXXXXXXXXX0739 . A copy of Plaintiff's Statement of Account s 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 .

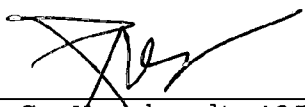
5. Defendant is in default by failing to make payments when due.

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.



---

James C. Warnbrodt, 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

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

\$ 6558031 3 DEL PA

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  
Payment Due Date February 4, 2008  
Minimum Payment Due \$706.00  
Credit Limit \$7,700.00  
Credit Available \$1,342.00  
Cash Credit Limit \$1,925.00  
Cash Credit Available \$1,342.00

Previous Balance	\$6,164.88
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  
reverse side for details.

## Cashback Bonus®

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

Cashback Bonus Balance Available to Redeem	\$ 0.00
	\$ 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 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**  
12:57 PM  
JUL 16 2008

William A. Shaw  
Prothonotary/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

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

So Answers,

  
Chester A. Hawkins  
Sheriff



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

DISCOVER BANK

Plaintiff

vs.

MATTHEW J WINGARD

Defendant

No: 08-598-CD

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FILED ON BEHALF OF  
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COUNSEL OF RECORD OF  
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436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(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. Shaw*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff

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Civil Action No

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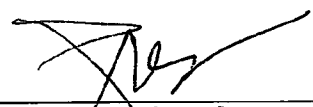
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06558031 C A Pit SXA

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05 SDSN6A01 0007148  
MATTHEW WINGARD  
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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

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Opening Cashback Bonus Balance	\$ 0.00
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Cashback Bonus Balance Available to Redeem	\$ 0.00
--	---------

Cashback Bonus® Anniversary  
Date: May 5

## How Can We Help You?

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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
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current billing period: 31 days

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

**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**  
DEC 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ICC & 1 Compl.  
Reinstated to Sheriff

Att'y pd. 7.00

(GIL)



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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-598-CD

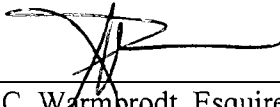
MATTHEW J WINGARD

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By:   
James C. Warmorodt, 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

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CIVIL DIVISION

DISCOVER BANK

Plaintiff

No:

vs.

COMPLAINT IN CIVIL ACTION

MATTHEW J WINGARD

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FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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CIVIL DIVISION

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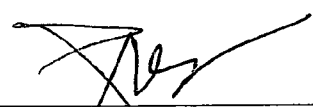
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PO BOX 15251  
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Address, e-mail or telephone change? Print change in space  
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receive important Account information and special offers.

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Cashback Bonus® Anniversary  
Date: May 5

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EXHIBIT  
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Transaction  
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current billing period: 31 days

VERIFICATION

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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.

Robert Adkins  
(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. Nexius*  
Deputy Signature

Jerome M. Nexius  
Print Deputy Name

FILED  
01/30/09  
JAN 05 2009  
William A. Shaw  
Prothonotary/Clerk of Courts



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

<sup>5</sup>FILED Any pd.  
MAY 01 2009 20.00  
G/A William A. Shaw ICC Notice  
Prothonotary/Clerk of Courts to Def.

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  
          (xx) Defendant  
          (    ) Garnishee

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

(xx) 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.

(xx) Entry of Judgment of  
      (    ) Court Order  
      (    ) Non-Pros  
      (    ) Confession  
      (xx) Default  
      (    ) Verdict  
      (    ) Arbitration Award

Prothonotary

By: William L. Lush  
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. Snavelly-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: 4/10/09

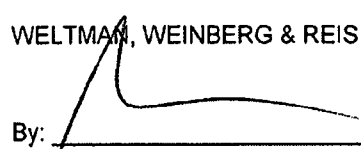
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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  
CLEARFILED 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

NON-MILITARY AFFIDAVIT

MATTHEW J WINGARD

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

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Jennifer M. Borowski, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Feb. 22, 2012  
Member, Pennsylvania Association of Notaries

FILED

MAY 01 2009

William A. Shew  
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

**FILED**  
0/3:06pm  
JUN -2 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2009

So Answers,



Chester A. Hawkins  
Sheriff



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

DISCOVER BANK  
Plaintiff

No. 08-598-CD

vs.

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

MATTHEW J WINGARD  
Defendant(s)

FIRST COMMONWEALTH BANK  
Garnishee(s)

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Moleczan, 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

William A. Shaw  
Prothonotary/Clerk of Courts

Att. pd.

600.00

300 Colewnts  
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. \$500.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

- (1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,
- (a) I desire that my statutory \$300.00 exemption be:  
( ) (1) set aside in kind (specify property, to be set aside in kind: \_\_\_\_\_  
\_\_\_\_\_  
( ) (2) paid in cash following the sale of the property levied upon; or  
(b) I claim the following exemption: (specify property and basis of exemption): \_\_\_\_\_  
\_\_\_\_\_
- (2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:
- (a) my \$300.00 statutory exemption: ( ) in cash ( ) in kind  
(specify property): \_\_\_\_\_
- (b) Social Security benefits on deposit in the amount of \$ \_\_\_\_\_
- (c) Other (specify amount & basis for exemption): \_\_\_\_\_  
\_\_\_\_\_

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

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

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

**THIS CLAIM TO BE FILED WITH:**

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

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

Under paragraph (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:

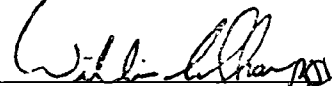
- a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in 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..... \$

Prothonotary

142.00 Prothonotary costs

  
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** 4cc  
AUG 17 2011 Sheriff  
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)

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

SERVICE # 1 OF 2

MATTHEW J. WINGARD

TO: FIRST COMMONWEALTH BANK, GARNISHEE

**RUSH** WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 09/16/2011

HEARING:

PAGE: 108781

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

OCCUPIED

Attempts	Date	Time	Results	Date	Time	Results

**SHERIFF'S RETURN**

NOW, August 31 2011 AT 10<sup>45</sup> 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 (X) Employment ( ) Sheriff's Office ( ) Other 16830

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

NO. 08-598-CD

-VS-

MATTHEW J. WINGARD

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

TO: FIRST COMMONWEALTH BANK, Garnishee

**SHERIFF'S RETURN**

NOW SEPTEMBER 1, 2011 MAILED THE WITHIN:

PRAECIPE, 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

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

So Answers,



Chester A. Hawkins  
Sheriff

FILED

SEP 06 2011  
Missile  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/l

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 1<sup>ST</sup> 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 1<sup>st</sup> day of September 2011

Susan Lindenberg  
Notary Public

**COMMONWEALTH OF PENNSYLVANIA**  
**NOTARIAL SEAL**  
**SUSAN L. LINDENBERG, NOTARY PUBLIC**  
**INDIANA BOROUGH, INDIANA COUNTY**  
**MY COMMISSION EXPIRES APRIL 10, 2014**

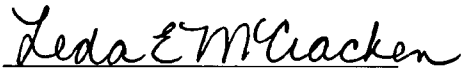
**CERTIFICATE OF SERVICE**

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  
Assistant Vice President  
First Commonwealth Bank

FILED

SEP 06 2011

William A. Shaw  
Prothonotary/Clerk of Courts



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

BY: James C Warmbrodt, Esquire

**Attorney for Plaintiff(s)**

I.D. No.42524

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 6558031

DISCOVER BANK

Clearfield County  
Court of Common Pleas

vs.

MATTHEW J WINGARD

NO. 08-598-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

**FILED** *no CC*  
*MT 11:05 AM*  
**SEP 23 2011**

William A. Shaw  
Prothonotary/Clerk of Courts

*6K*

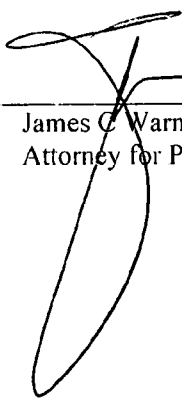
**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

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

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

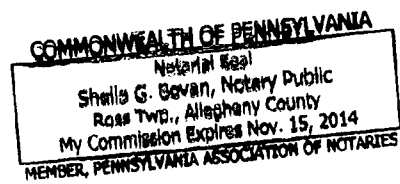
By

  
James C Warmbrodt, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 14 day of September, 2011

  
NOTARY PUBLIC



FILED

SEP 23 2011

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

:

:

VS.

:

NO. 08-598-CD

MATTHEW J WINGARD

:

:

<sup>S sms</sup>  
**FILED**

PRAECIPE FOR APPEARANCE

**JAN 20 2015**

m/0800 sm

**BRIAN K. SPENCER**

PROTHONOTARY & CLERK OF COURTS

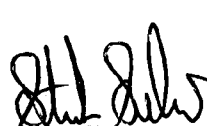
TO THE PROTHONOTARY:

Please enter my appearance for DISCOVER BANK

NO CC

in the above case.

Date: December 18, 2014

 / 317475

Signature/ID Number

Stephen Selinger  
Print Name

Eltman, Eltman & Cooper, PC  
Firm

140 Broadway, 26<sup>th</sup> Fl  
Address

New York, NY 10005

FILED

2016 JUN 10 A 10:53

5 BRIAN K. SPENCER 122 Shff  
PROTHONOTARY & 6 Writs Shff  
CLERK OF COURTS  
Atty pd. 20.00  
Cell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

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

Attorney for :

Address:

Telephone:

Supreme Court ID No.



TIA DINH, ESQ.

DISCOVER BANK

101 Hudson Street Suite 2703  
Jersey City, NJ 07302

(212) 660-3100

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

Seal of the Court

Clerk of Judicial Records

By: Frank Spade

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**

S 2016 JUN 10 A 10:48

NO. 08-598-CD

BRIAN K. SPENCER  
PROTHONOTARY &  
CLERK OF COURTS

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY: DISCOVER BANK

Please enter my appearance for \_\_\_\_\_

in the above case.

Date: June 6, 2016



/ 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

2016 JUL 11 P 12:07

DISCOVER BANK

Plaintiff

No. 08-598-CD

S  
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**

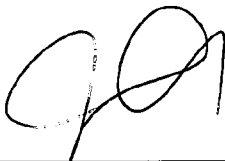
*Matthew J Wingard  
1800 Whited Street Lot 40  
Pittsburgh PA 15210*

*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, Asst. Vice President  
First Commonwealth Bank

Sworn and subscribed to before me  
This 6<sup>th</sup> day of July 2016

  
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
				<b>\$200.00</b>	<b>\$200.00</b>

BALANCE: **\$0.00**

FILED NOCE  
JUN 21 2016 (15)  
01:11:43 PM  
CLERK OF COURTS  
PITTSBURGH, PA

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. Spade  
Civil Division Deputy Prothonotary

Received this writ this 10<sup>th</sup> day  
of June A.D. 2016  
At 3:00 A.M. (P.M.)  
Wesley B. Thurston  
Sheriff Myra Lynn Hamer



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.

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.



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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

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DISCOVER BANK

VS

MATTHEW J WINGARD  
1800 WHITED STREET LOT 40  
PITTSBURGH, PA 15210; defendant

FIRST COMMONWEALTH BANK  
Attn: Ellen Buterbaugh  
Philadelphia and 6<sup>th</sup> Streets  
P.O. Box 400  
Indiana, PA 15701-0400; garnishee

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY  
: Pennsylvania Civil Division  
:  
: No. 2008-00598-CD  
:  
: PRAECIPE TO ENTER JUDGMENT AGAINST  
: 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  
12:17  
SEP 06 2016  
M/HS/AS  
SPENCER K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
1cc Atty Dinh  
1cc Def w/ Notice  
1cc 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

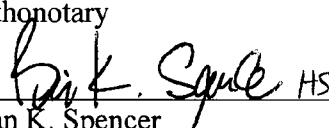
Matthew J. Wingard,  
Defendant

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

ca

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
	:	CLEARFIELD COUNTY
VS	:	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 6 <sup>th</sup> Streets	:	
P.O. Box 400	:	
Indiana, PA 15701-0400; garnishee	:	

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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  
OCT 17 2016  
M/HS/HS  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
Jce Atty  
Dinh