

08-1371-CD  
Capital One vs Graylon Burnisky al

JUL 28 2008  
m/12:50 (u)

William A. Shaw  
Prothonotary/Clerk of Courts  
2 CANT TO SHIP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

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)  
) NO.  
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**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.

Usted ha sido demandado en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted fall de tomar accion como se describe anteriormente, el caso pude proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad au otros derechos importantes para usted.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO

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.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSO A PERSONAS QUE CALIFICAN.

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
 )  
Plaintiff ) NO.  
 )  
v. )  
 )  
GRAYLON BURNISKY and RHONDA K BURNISKY )  
 )  
Defendant(s) )  
 )

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , by and through its attorney, GREGG MORRIS, ESQUIRE and the law offices of PATENAUE & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , is a corporation and for the purpose of this litigation, maintaining a place of business c/o PATENAUE AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is GRAYLON BURNISKY, an adult individual, believed to currently reside at 46 SKYLAND DR MORRISDALE, PA 16858-8834.
3. Defendant is RHONDA K BURNISKY, an adult individual, believed to currently reside at 46 SKYLAND DR MORRISDALE, PA 16858-8834.
4. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4862362160255611, for the purchase of good and services.
5. The Defendant(s) has/have made or authorized a number of purchases and as of September 26, 2006, Defendant(s) owes \$2,738.03 on said account plus interest at 28.99 %.

6. Plaintiff maintains accurate books of account recording all credits and debits for this account.

7. The Defendant(s) have/has received monthly billing statements from Plaintiff setting forth the nature and amount of all charges made by Defendant(s), and the transactions between Plaintiff and Defendant(s) give rise to an account stated, upon which Plaintiff has relied.

8. The Defendant(s) made payments, but have/has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the sum of \$2,738.03, plus interest and costs.

9. By failing to object or dispute the statements, Defendant(s) have/has assented to and agreed to the correctness of the balance due on the credit card account so as to constitute and account stated.

10. Despite repeated demands, Defendant(s) have/has failed to make the required installment payments when due and therefore the full amount of the account is now due and payable.

**WHEREFORE**, Plaintiff demands Judgment in its favor, and against Defendant(s), in the amount of \$2,738.03, plus interest as set forth herein from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully submitted:  
Paternaude & Felix, A.P.C.

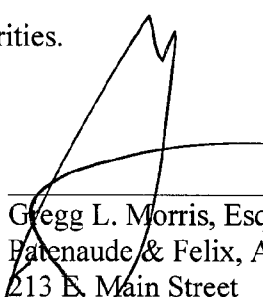
Date: \_\_\_\_\_

\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

### VERIFICATION

The undersigned, Gregg L. Morris, hereby states that he is the attorney for Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. Counsel has signed the verification at the request of Plaintiff as a matter of time and convenience. Plaintiff has represented to counsel that there is a debt due and owing from Defendant to Plaintiff in the amount as set forth within the foregoing pleading. Plaintiff has provided counsel with all relevant information in order to allow counsel to sign this verification. Plaintiff agrees to provide a verification signed by Plaintiff upon request by Defendant. The statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

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



\_\_\_\_\_  
Gregg L. Morris, Esquire  
Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1371-CD

CAPITAL ONE BANK (U.S.A.) N.A.

vs

GRAYLON BURNISKY and RHONDA K. BURNISKY  
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 08/27/2008

HEARING:

PAGE: 104460

DEFENDANT: RHONDA K. BURNISKY  
ADDRESS: 46 SKYLAND DR.  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**FILED**

0/12:00 AM  
JUL 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 7/30/08 AT 930 (AM) PM **SERVED** THE WITHIN

COMPLAINT ON RHONDA K. BURNISKY, DEFENDANT

BY HANDING TO

Dustin Burnisky, son

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

ADDRESS SERVED

46 Skyland dr Morrisdale Pa

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

COMPLAINT FOR RHONDA K. BURNISKY

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

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

I MAKE RETURN OF **NOT FOUND** AS TO RHONDA K. BURNISKY

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS / SHERIFF

BY:

Deputy Signature

S. Hunter  
Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1371-CD

CAPITAL ONE BANK (U.S.A.) N.A.

vs

GRAYLON BURNISKY and RHONDA K. BURNISKY  
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 08/27/2008

HEARING:

PAGE: 104460

DEFENDANT: GRAYLON BURNISKY  
ADDRESS: 46 SKYLAND DR.  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

ATTEMPTS

FILED

9/12:00Lm  
JUL 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
OCCUPIED

**SHERIFF'S RETURN**

NOW, 7/30/08 AT 930 AM / PM SERVED THE WITHIN

COMPLAINT ON GRAYLON BURNISKY, DEFENDANT

BY HANDING TO Dustin Burnisky, son

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

ADDRESS SERVED 46 Skyland dr Morrisdale Pa

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

COMPLAINT FOR GRAYLON BURNISKY

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

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

I MAKE RETURN OF **NOT FOUND** AS TO GRAYLON BURNISKY

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter

Deputy Signature

S. Hunter

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104460  
NO: 08-1371-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.) N.A.  
vs.  
DEFENDANT: GRAYLON BURNISKY and RHONDA K. BURNISKY

*S*  
**FILED**

**DEC 24 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUDE	23822	20.00
SHERIFF HAWKINS	PATENAUDE	23822	39.21

**FILED**

01/10:43 am  
**DEC 24 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

FILED <sup>(E)</sup>

MAR 19 2009

M/1:10/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
CENT COPY w/NOTICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, TO DEFENDANT  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

NO. 2008-1371

**PRAECIPE FOR DEFAULT  
JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

NO. 2008-1371

**PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT**

TO: PROTHONOTARY

Please enter a judgment against the defendant, above named, for failure to file an Answer to Plaintiff's complaint.

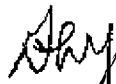
Amount claimed in Complaint	\$2,738.03
Interest from September 26, 2006	\$1,809.27
Less payments received	\$0.00
Attorney's fees	\$0.00
<b>TOTAL</b>	<b>\$4,547.30</b>

With continuing interest on the principal amount of \$4,547.30, with interest at the legal rate, plus costs of suit.

I hereby certify that a written notice of intention to file this praecipe was mailed to the defendants and defendants' counsel (if known), after the default had occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the Notice is attached.

Respectfully submitted:

Patenaude & Felix, A.P.C.



Date: February 02, 2009

Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K. BURNISKY

Defendant(s)

NO. 2008-1371

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF  
NOTICE PURSUANT TO PA.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA

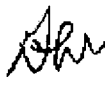
COUNTY OF CLEARFIELD

SS.

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), GRAYLON BURNISKY and RHONDA K. BURNISKY, is not in the military service of the United States of America to the best of his knowledge, information and belief and certifies that Notice of Intent to take Default Judgment was mailed in accordance with Pa.R.C.P.237.1, as evidenced by the attached copy.

Respectfully submitted:

Patenaude & Felix, A.P.C.

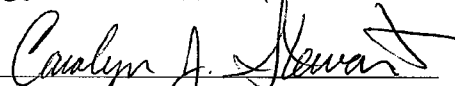


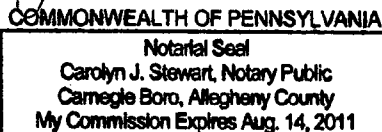
Date: February 02, 2009

Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

Sworn to and subscribed before me this

16 day of Mar, 2009.

  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

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) NO. 2008-1371  
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**IMPORTANT NOTICE**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.), N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

NO. 2008-1371

To: GRAYLON BURNISKY  
46 SKYLAND DR  
MORRISDALE PA 16858-8834

RHONDA K BURNISKY  
46 SKYLAND DR  
MORRISDALE PA 16858-8834

Date of Notice: December 31, 2008

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

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

Clearfield County Courthouse  
David S. Meholick, Court Administrator 230 East Market Street  
Clearfield PA 16830  
814-765-2641

Respectfully submitted  
Patenaude & Felix, A.P.C.

**IS**

Date: December 31, 2008

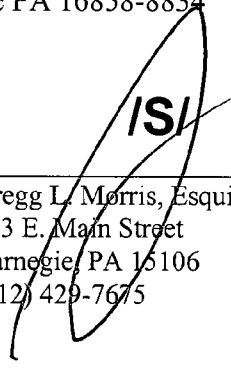
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

I, GREGG MORRIS, attorney for Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , hereby certify  
that a true and correct copy of foregoing document was served this date by ordinary mail upon the following:

Graylon Burnisky  
46 Skyland Dr  
Morrisdale PA 16858-8834

Rhonda K Burnisky  
46 Skyland Dr  
Morrisdale PA 16858-8834

Date: December 31, 2008

  
\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

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) NO. 2008-1371  
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**NOTICE OF ORDER, DECREE  
OR JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K. BURNISKY

Defendant(s)

NO. 2008-1371

**NOTICE OF ORDER, DECREE OR JUDGMENT**  
**AGAINST GRAYLON BURNISKY and RHONDA K. BURNISKY ONLY**

TO: ( ) Plaintiff ( x ) Defendant ( ) Garnishee ( ) Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered  
against you on MARCH 19, 2009.

- ( ) Decree Nisi in Equity  
( ) Final Decree in Equity  
( X ) Judgment of ( ) Confession ( ) Verdict ( ) Court Order  
( X ) Default ( ) Non-suit  
( ) Non-Pros ( ) Arbitration Award

- ( X ) Judgment in the amount of \$4,547.30, plus costs.  
( ) District Justice Transcript of Judgment in the amount of \$\_\_\_\_\_,  
plus costs.  
( ) If not satisfied within sixty (60) days, your motor vehicle operator's license will be  
suspended by the Department of Transportation.

Prothonotary

By

  
Deputy

If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire  
213 East Main St  
Carnegie PA 15106  
(412)-429-7675

(34)

**FILED**  
11/940/34  
**DEC 28 2015**  
20.00 Noce Atty. Morris  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
4th Shift

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**PRAECIPE FOR WRIT OF  
EXECUTION**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**PRAECIPE FOR WRIT OF EXECUTION**

To The Prothonotary:

Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Clearfield County;
- (2) against, GRAYLON BURNISKY and RHONDA K BURNISKY Defendant(s);
- (3) against, NORTHWEST SAVINGS BANK, Garnishee;
- (4) and index this writ
- (a) against, Defendant(s) GRAYLON BURNISKY and RHONDA K BURNISKY,  
Defendant(s); and
- (b) against NORTHWEST SAVINGS BANK, Garnishee;

as a *lis pendens* against personal property of the Defendant(s) in the name of the garnishee as follows:

(5) Amount due	\$4,547.30
Interest from March 19, 2009	
At 6.00 % per annum on \$2,738.03	\$928.98
Court Cost	\$
Less: Payment	\$0.00
Total	\$5,476.28

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

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) NO. 2008-1371  
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**WRIT OF EXECUTION**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**WRIT OF EXECUTION**

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against GRAYLON BURNISKY and  
RHONDA K BURNISKY, Defendant(s),

(1) You are directed to levy upon the property of the defendant(s) and to sell his interest  
therein;

(2) You are also directed to attach the property of the defendant(s) not levied upon in the  
possession of NORTHWEST SAVINGS BANK as Garnishee, and to notify garnishee that

(a) an attachment has 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 of each account of the defendant in 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.

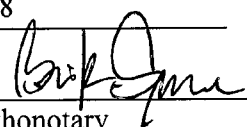
(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such person that he/she has been added as a garnishee and is enjoined as above stated.

Amount due	\$4,547.30	
Interest from March 19, 2009		
At 6.00 % per annum on \$2,738.03	\$928.98	
Court Cost	\$	
Less: Payment	\$0.00	Prothonotary costs 135.00
Total	\$5,476.28	

Seal

BY

12/23/2015

  
Prothonotary

LAW OFFICES OF  
**PATENAUE & FELIX, A.P.C.**  
A PROFESSIONAL LAW CORPORATION  
4545 MURPHY CANYON ROAD, 3RD FLOOR, SAN DIEGO, CALIFORNIA 92123  
TEL (858) 244-7600 OR (800) 832-7675 FAX (858) 836-0318  
www.pandf.us

**ARIZONA**

3260 NORTH HAYDEN RD #209  
SCOTTSDALE, AZ 85251  
TEL: (800) 832-7675  
FAX: (480) 247-2783

**NEVADA**

7271 W. CHARLESTON BLVD #100  
LAS VEGAS, NV 89117  
TEL: (702) 952-2032  
(800) 867-3092  
FAX: (702) 992-6286

**NEW MEXICO**

215 CENTRAL AVENUE, #3E  
ALBUQUERQUE, NM 87102  
TEL: (800) 832-7675  
FAX: (858) 836-0318

**OREGON**

1618 SW 1st AVE., #205  
PORTLAND, OR 97201  
TEL: (503) 208-2676  
(800) 832-7675  
FAX: (503) 954-3586

**PENNSYLVANIA**

213 EAST MAIN STREET  
CARNEGIE, PA 15106  
TEL: (412) 429-7675  
(866) 772-7675  
FAX: (412) 429-7679

**WASHINGTON**

19401 40th AVE. WEST, #280  
LYNNWOOD, WA 98036  
TEL: (425) 361-1662  
(800) 832-7675  
FAX: (425) 967-3508

December 18, 2015

SHERIFF  
1 NORTH SECOND ST  
STE 116  
CLEARFIELD PA 16830

Re.: CAPITAL ONE BANK (U.S.A.), N.A. v. GRAYLON BURNISKY, et. al.  
Our File No.: 07-36010

To Whom It May Concern:

Enclosed you will find a check payable to your office in the amount of \$200.00. Please serve the Writ of Execution regarding the matter captioned above on the Defendant's Bank at the following address:

NORTHWEST SAVINGS BANK  
1900 RIVER ROAD  
CLEARFIELD PA 16830

Please provide a copy of the return of service to me in the enclosed self addressed stamped envelope. Your cooperation in doing so is greatly appreciated.

If you require additional documentation or information, please call. Thank you.

Sincerely yours,

  
GREG MORRIS, ESQUIRE

Enclosure

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**WRIT OF EXECUTION NOTICE**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**WRIT OF EXECUTION**  
**NOTICE**

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

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

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

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

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

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT ADMINISTRATOR 230 EAST MARKET STREET  
CLEARFIELD PA 16830  
**814-765-2641**

MAJOR EXEMPTIONS UNDER  
PENNSYLVANIA AND  
FEDERAL LAW

- A. \$300 statutory exemption
- B. Bibles, school books, sewing machines, uniforms and equipment
- C. Most wages and unemployment compensation
- D. Social Security Benefits
- E. Certain retirement funds and accounts
- F. Certain veteran and armed forces benefits
- G. Certain insurance proceeds
- H. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

CLAIM FOR EXEMPTION  
TO THE SHERIFF:

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

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

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

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

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

I request a prompt hearing to determine the exemption. Notice of the hearing should be given to 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. Section 4904 relating to unsworn falsification to authorities.

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

\_\_\_\_\_  
Defendant

THIS CLAIM TO BE FILED WITH  
THE OFFICE OF THE SHERIFF  
OF CLEARFIELD COUNTY COURT OF COMMON PLEAS  
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**INTERROGATORIES IN  
ATTACHMENT EXECUTION**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.  
Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY  
46 Skyland Dr Morrisdale Pa 16858-8834  
Defendant(s)

NORTHWEST SAVINGS BANK  
1900 River Road Clearfield Pa 16830  
Garnishee

NO. 2008-1371

**OFFICES OF PATENAUE & FELIX**  
**BY: GREGG MORRIS, ESQUIRE**  
213 East Main St  
Carnegie PA 15106  
858-244-7675

**You are hereby notified to  
plead to the enclosed  
Interrogatories within 20  
days from the date of  
hereof or a default  
judgment may be entered  
against you.**

Gregg Morris, Esquire  
Attorney for Plaintiff

**INTERROGATORIES IN ATTACHMENT EXECUTION**

You are required to answer the following interrogatories about Defendant(s) whose address is 46 SKYLAND DR, MORRISDALE PA 16858-8834. You must file with the Court answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in a default judgment being entered against you. A copy of said answers must be served on the undersigned. If your answer to any of the following interrogatories is affirmative, specify the amount, value and/or nature of the subject property.

1. At the time you were served or at any subsequent time, did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed them any money or were you liable to them for any reason? If yes, please specify as set forth herein.

2. At the time you were served, or at any subsequent time, was there in your possession, custody or control, or in joint possession, custody or control of yourself or others, any property of any nature owned solely or in part by the Defendant(s)? If yes, please list and describe the property.

3. At the time you were served, or at any subsequent time, did you hold legal title to any property or any nature owned solely or in part by the Defendant(s)? If yes please list and describe the property.

4. At the time you were served, or at any subsequent time, did you hold as fiduciary any property in which the Defendant(s) had an interest? If yes, please list and describe the property.



5. At any time before or after you were served, did the Defendant(s) transfer or deliver any property to you, or to any person, or place pursuant to your directions or consent? If yes, what was the consideration therefore?

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

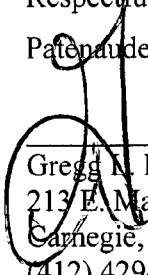
7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution,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

Respectfully submitted:

Patepaude & Felix, A.P.C.

Date: December 18, 2015



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Gregg N. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

# SHERIFF'S OFFICE OF CLEARFIELD COUNTY

**Wesley B Thurston**  
Sheriff

**Gary A Knaresboro**  
Solicitor

**Michael Churner**  
Chief Deputy

**Cynthia Butler-Aughenbaugh**  
Office Manager



CAPITAL ONE BANK (U.S.A.) N.A.  
vs.  
GRAYLON BURNISKY (et al.)

**Case Number**  
2008-1371-CD

## SHERIFF'S RETURN OF SERVICE

- 01/14/2016 11:45 AM - DEPUTY GEORGE DEHAVEN, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE REQUESTED PRAECIPE, WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE (with defendants envelopes) WAS SERVED BY "PERSONALLY" HANDING A TRUE AND ATTESTED COPY TO A PERSON REPRESENTING THEMSELVES TO BE MIKE RYAN MGR, WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE WITHIN NAMED GARNISHEE, NORTHWEST SAVINGS BANK, AT 1900 RIVER ROAD, CLEARFIELD, PA 16830 AND ATTACHED AS DIRECTED.
- 01/18/2016 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE PRAECIPE, WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE WAS SERVED UPON RHONDA K. BURNISKY AT 46 SKYLAND DR, MORRISDALE, PA 16858 BY U.S. REGULAR MAIL.
- 01/18/2016 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE PRAECIPE, WRIT OF EXECUTION, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIES WAS SERVED UPON GRAYLON BURNISKY AT 46 SKYLAND DR, MORRISDALE, PA 16858 BY U.S. REGULAR MAIL.

SHERIFF COST: \$64.00

SO ANSWERS,

*Wesley B. Thurston*

WESLEY B THURSTON, SHERIFF

January 18, 2016

### COSTS

DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
01/12/2016	Advance Fee	Advance Fee	85397	\$0.00	\$200.00
01/12/2016	RDR			\$9.00	\$0.00
01/18/2016	Service			\$9.00	\$0.00
01/18/2016	Service (Additional Defendant)			\$12.00	\$0.00
01/18/2016	Surcharge			\$30.00	\$0.00
01/18/2016	Mileage			\$4.00	\$0.00
01/18/2016	Refund	(PAID 01/18/2016)	10414	\$136.00	\$0.00
				<b>\$200.00</b>	<b>\$200.00</b>
BALANCE:				<b>\$0.00</b>	

5  
 01/18/2016  
 BMT  
 No CC  
 2016 JAN 19 PM 2:55  
 BRIAN K. SPENCER  
 PROTHONOTARY & CLERK  
 CLERK OF COURTS  
 CLEARFIELD COUNTY

Plaintiff Attorney: PATENAUDE & FELIX, 213 E. MAIN ST., CARNEGIE, PA 15106

(c) CountySuite Sheriff, Teleosoft, Inc.

**FILED**

22 JAN 19 PM 2:55

BRIAN KASPERBERG  
PROthonotary  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendants

NORTHWEST SAVINGS BANK

Garnishee

NO. 2008-1371

**PRAECIPE TO SETTLE  
AND DISCONTINUE WITHOUT  
PREJUDICE AS TO  
GARNISHEE ONLY**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

**FILED**  
2016 JAN 27 A 9:00  
BRIAN K. SPENCER  
PROTHONOTARY &  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

v.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendants

NO. 2008-1371

**PRAECIPE TO SETTLE AND DISCONTINUE WITHOUT PREJUDICE AS TO  
GARNISHEE ONLY**

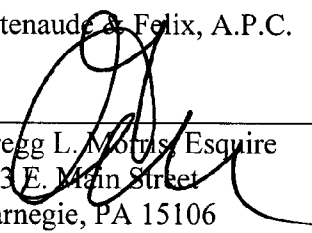
TO: Prothonotary

Please settle and discontinue the matter captioned above without prejudice as to  
Garnishee only. Thank you.

Respectfully submitted:

Patenaude & Felix, A.P.C.

Date: January 25, 2016

  
\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

I, GREGG MORRIS, attorney for Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. ,  
hereby certify that a true and correct of the foregoing document was served this date by US First

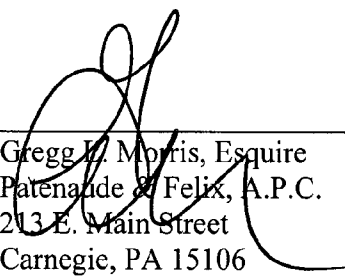
Class Mail, postage prepaid upon the following:

NORTHWEST SAVINGS BANK  
1900 RIVER ROAD  
CLEARFIELD PA 16830

GRAYLON BURNISKY  
46 SKYLAND DR  
MORRISDALE PA 16858

RHONDA K BURNISKY  
46 SKYLAND DR  
MORRISDALE PA 16858

Date: January 25, 2016



---

Gregg L. Morris, Esquire  
Patenande & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675