

08-1371-CD
Capital One vs Graylon Burnisky et al

FILED *(initials)*

JUL 28 2008

12:50 PM

William A. Shaw

Prothonotary/Clerk of Courts

2 CPM TO SHAW

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 2008-1371-CB
v.)
GRAYLON BURNISKY and RHONDA K. BURNISKY)
Defendant(s))

**COMPLAINT IN CIVIL
ACTION**

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) NO.
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

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 falla 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 SIGUIENTE 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 POSIBLE 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 PATENAUME & 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 PATENAUME 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:
Patenaude & 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
Fatenaude & 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

0/2:00pm
JUL 30 2008

William A. Shaw
Prothonotary/Clerk of Courts



SHERIFF'S RETURN

NOW, 7/30/08 AT 9:30 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 S. Hunter
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

FILED

9/2/08 LM

JUL 30 2008

LS

William A. Shaw
Prothonotary/Clerk of Courts
OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 7/30/08 AT 9:30 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	PATENAUME	23822	20.00
SHERIFF HAWKINS	PATENAUME	23822	39.21

FILED
010:43cm
DEC 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

FILED *ER*

MAR 19 2009

3
M/1:10/
William A. Shaw
Prothonotary/Clerk of Courts
Court Copy w/Notice
TO DEFENDANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

**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) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

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
TOTAL	\$4,547.30

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

NO. 2008-1371

V.

GRAYLON BURNISKY and RHONDA K BURNISKY

Defendant(s)

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

COMMONWEALTH OF PENNSYLVANIA

55

COUNTY OF CLEARFIELD

1

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.

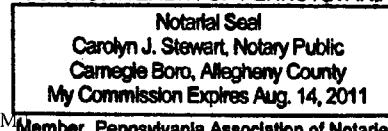
Date: February 02, 2009

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

Sworn to and subscribed before me this

110 day of May, 2009.

Carolyn J. Stewart
Notary Public COMMONWEALTH OF PENNSYLVANIA



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)	
)	
Plaintiff)	NO. 2008-1371
)	
)	
v.)	
)	
GRAYLON BURNISKY and RHONDA K. BURNISKY)	
)	
Defendant(s))	
)	

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) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

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. Meholic, Court Administrator 230 East Market Street
Clearfield PA 16830
814-765-2641

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

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

IS/

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

**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) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendant(s))

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
 Judgment of Confession Verdict Court Order
 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

3
FILED
M/940/35
DEC 23 2015
S 20-0 Noce Atty. Morris
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
4th Flr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff)
) NO. 2008-1371
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)

**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)
) NO. 2008-1371
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)

PRAECIPE FOR WRIT OF EXECUTION

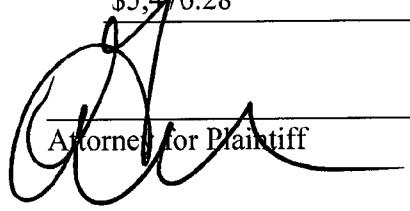
To The Prothonotary:

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	<u>\$4,547.30</u>
Interest from March 19, 2009	<u>\$928.98</u>
At 6.00 % per annum on \$2,738.03	<u>\$</u>
Court Cost	<u>\$</u>
Less: Payment	<u>\$0.00</u>
Total	<u>\$5,476.28</u>


Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff)
) NO. 2008-1371
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)

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)
) NO. 2008-1371
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)

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
Total	\$5,476.28

Prothonotary costs 135.00

Seal
BY 12/23/2015

Brk O'neill
Prothonotary

LAW OFFICES OF
PATENAUDE & 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:

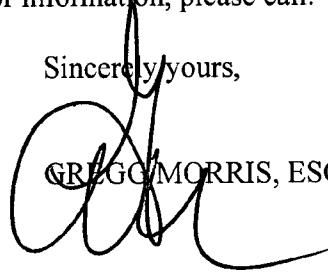
Enclosed you will find a check payable to your office in the amount of \$200.00. Please serve the Writ of Execution regarding the matter captioned above on the Defendant's Bank at the following address:

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,


GREGG 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)
) NO. 2008-1371
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)

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)
) NO. 2008-1371
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)

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,
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Plaintiff)
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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)

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)
) NO. 2008-1371
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)

**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)
) NO. 2008-1371
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)

**OFFICES OF PATERNAUDE & 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 party 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:
Paternaude & Felix, A.P.C.

Date: December 18, 2015

Gregg M. 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 PRAEICEPE, 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 PRAEICEPE, 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 PRAEICEPE, 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

January 18, 2016

WESLEY B THURSTON, SHERIFF

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
				\$200.00	\$200.00
			BALANCE:	\$0.00	

FILED
S
01 JAN 19 P 2:55 PM
2016
BRIAN K. SPENCER
PROTHONOTARY
CLERK OF COURT
21400
01 BNJ
NO CC

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

(c) CountySuite Sheriff, Teleosoft, Inc.

FILED

JUN 19 1981 2:55 PM
RECEIVED
BRIAN KASPEROWICZ
PROTHONOTARY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 2008-1371
v.)
GRAYLON BURNISKY and RHONDA K BURNISKY)
Defendants)
NORTHWEST SAVINGS BANK)
Garnishee)

**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

2016 JAN 21 A 9:00
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS
id

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

)

)

Plaintiff

) NO. 2008-1371

)

)

v.

)

)

GRAYLON BURNISKY and RHONDA K BURNISKY

)

)

Defendants

)

)

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

TC: 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 J. Morris, Esquire
Paterno & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

