

08-1374-CD  
Federated Fin. Vs Jan M. Simbeck

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

FEDERATED FINANCIAL

Plaintiff No. 08-1374-CD

vs. COMPLAINT IN CIVIL ACTION

JAN M SIMBECK

Defendant 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

WWR#6772633

FILED Atty pd.  
M 11/16/2010 \$195.00  
JUL 28 2010  
W.A. Shaw Sheriff  
Prothonotary/Clerk of Courts

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

FEDERATED FINANCIAL

Plaintiff

vs.

Civil Action No.

JAN M SIMBECK

Defendant

**COMPLAINT IN CIVIL ACTION 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

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

COMPLAINT

1. Plaintiff is a corporation with offices in 30955 NORTHWESTERN HWY FARMINGTON HILLS, MI 48334-0000 .
2. Defendant is an adult individual residing at 8 REYNOLDS AVENUE DU BOIS,PA 15801.
3. Defendant applied for and received a credit card issued by ADVANTA bearing the account number 0013 .
4. This account was subsequently assigned to Plaintiff for value.
5. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of JULY 7 2008, in the amount of \$2,917.16 . A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
6. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
7. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is entitled to the addition of finance charges at the rate of 24.99% per annum on the unpaid balance.
8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, JAN M SIMBECK individually, in the amount of \$2,917.16 with continuing finance charges thereon at the rate of 24.99% per annum from JULY 7 2008 plus costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.**

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



William T. Molczan, Esquire  
PA I.D. #47437  
Weltman, Weinberg & Reis, CO L.P.A  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

WWR#:6772633



www.advanta.com

Please check here if address, phone or  
e-mail changes are indicated on reverse side

**PAYMENT INFORMATION**

Account Number: 5475 8416 1199 0013  
Payment Due Date: NOW DUE  
New Balance: 2,817.86  
Minimum Payment Due: 863.00

PLEASE WRITE IN  
PAYMENT ENCLOSED:

--	--	--	--	--	--	--	--

MAPLE LEAF RESTAURANT  
JAN M SIMBECK  
7WEST LONG AVE  
DU BOIS PA 15801-2101

1062

MAKE PAYMENT TO:

ADVANTA BANK CORP  
PO BOX 8088  
PHILADELPHIA, PA 19101-8088

.....

.....

5475841611990013 0281786 0086300



Detach Top Portion and Enclose with Payment

**ADVANTA EXECUTIVE BUSINESS CARD STATEMENT**

**EXECUTIVE**  
BUSINESS CARD

**ACCOUNT SUMMARY**

Account Number	5475 8416 1199 0013
Total Credit Limit	5,000.00
Total Credit Available	0.00
Cash Advance Credit Limit	2,500.00
Cash Advance Credit Available	0.00
Billing Cycle Closing Date	07/05/06
Days In Billing Cycle	30
Payment Due Date	NOW DUE
Minimum Payment Due	863.00

**BALANCE SUMMARY**

Previous Balance	2,721.61
(+) Purchases & Cash Advances	0.00
(+) Miscellaneous Fees	39.00
(+) Finance Charge	57.25
(-) Payments	0.00
(-) Credits	0.00
(=) New Balance	2,817.86

**REBATE SUMMARY**

Previous Balance 0.00	+/- Earned/Adjusted This Statement 0.00	- Forfeited This Statement 0.00	= Current Balance 0.00
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**TRANSACTIONS**

Trans Date	Post Date	Reference Number	Activity Since Last Statement	Amount
07/05	07/05	*FINANCE CHARGE*	LATE FEE PURCHASES \$12.79 CASH ADVANCE \$44.46	39.00 57.25

**IMPORTANT NEWS**

YOUR ACCOUNT IS CURRENTLY CLOSED

**EXHIBIT**

YOUR CHARGE PRIVILEGES ARE TERMINATED! AVOID  
FURTHER DAMAGE TO YOUR CREDIT RATING. PLEASE  
CALL US AT 1-866-271-7529.

**FINANCE CHARGES**

Average Daily Balance	Nominal Annual Percentage Rate	Daily Periodic Rate	Annual Rate	Finance Charges Due to Daily Periodic Rates	Transaction Fees
Purchases 614.06	24.99%	0.06941%	24.99%	12.79	0.00
Cash Advances 2,135.11	24.99%	0.06941%	24.99%	44.46	0.00

**PAYMENT SUMMARY**

Payment Due	106.00
+ Amount Over Credit Limit	0.00
+ Past Due Amount	757.00
= Minimum Payment Due	863.00

**ADDITIONAL INFORMATION**

FREE 250 FULL-COLOR BUSINESS CARDS FROM VISTAPRINT. YOU  
CAN ALSO SAVE 20% ON FULL COLOR PRINTING AND DESIGN SERVICES  
WHEN YOU USE YOUR ADVANTA CARD. PROMOTE YOUR BUSINESS AND  
CUT BUSINESS PRINTING COSTS AT [WWW.VISTAPRINT.COM/BUSINESS](http://WWW.VISTAPRINT.COM/BUSINESS)

**FOR CUSTOMER SERVICE, PLEASE CONTACT US:**



Online:  
[www.advanta.com](http://www.advanta.com)



By Mail: Advanta Bank Corp. P.O. Box 30715,  
Salt Lake City, UT 84130-0715



By Phone:  
1-800-705-7255

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Joan L. Flees

VPOP Port Svcs of Federated Financial, 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.

Joan L. Flees  
July 17, 2008 (Signature)  
Christine Serrinetti  
CHRISTINE CLAIRE SERRINETTI  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF OAKLAND  
My Commission expires March 27, 2011  
Acting in the County of Oakland

WWR#6772633

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1374-CD

FEDERATED FINANCIAL  
vs  
JAN M. SIMBECK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/27/2008

HEARING:

PAGE: 104463

Home after  
1 PM  
on 7/30/08

DEFENDANT: JAN M. SIMBECK  
ADDRESS: 8 REYNOLDS AVE. Up By Wilson ~~HS~~ School.  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED   
William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS 7/30/08- N/H  
left notice

**SHERIFF'S RETURN**

NOW, 07-31-08 AT 1:00 AM / PM SERVED THE WITHIN

COMPLAINT ON JAN M. SIMBECK, DEFENDANT

BY HANDING TO JAN M. SIMBECK, DEFENDANT

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

ADDRESS SERVED 8 REYNOLDS AVE DUBOIS, PA. 15801

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

COMPLAINT FOR JAN M. SIMBECK

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

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

I MAKE RETURN OF **NOT FOUND** AS TO JAN M. SIMBECK

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Neely  
Deputy Signature

Jerome M. Neely  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104463  
NO: 08-1374-CD  
SERVICES 1  
COMPLAINT

*S*  
**FILED**

DEC 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

PLAINTIFF: FEDERATED FINANCIAL  
VS.  
DEFENDANT: JAN M. SIMBECK

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8727983	10.00
SHERIFF HAWKINS	WELTMAN	8727983	62.46

**FILED**

0/10:43 cm  
DEC 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

FILED

MAK 30 2009

112:50/20

William A. Shaw  
Prothonotary/Clerk of Courts

1 cent w/ notice

TO DEPT.

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

FEDERATED FINANCIAL

Plaintiff No. 08-1374-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

JAN M SIMBECK

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt,  
P.A.I.D.# 42524  
Weltman, Weinberg & Reis Co., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412)434-7955  
Fax: 412-338-7130

WWR#6772633  
Judgment Amount \$ 3387.73

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

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

FEDERATED FINANCIAL

Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, JAN M SIMBECK above named, in the default of an Answer, in the amount of \$3387.73 computed as follows:

Amount claimed in Complaint	\$2917.16
Interest from 7/7/08 to 3/13/09 at the legal interest rate of 24.99% per annum	\$470.57
<b>TOTAL</b>	<b>\$3387.73</b>

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  
P.A.I.D.# 42524  
Weltman, Weinberg & Reis Co., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412)434-7958  
Fax: 412-338-7130

WWR#6772633

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 8 REYNOLDS AVENUE DU BOIS, PA 15801

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

FEDERATED FINANCIAL

Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on MARCH 30, 2009

Assumpsit Judgment in the amount  
of \$3387.73 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

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

Prothonotary

By:   
PROTHONOTARY (OR DEPUTY)

JAN M SIMBECK  
8 REYNOLDS AVENUE  
DU BOIS, PA 15801

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

FEDERATED FINANCIAL CORPORATION

Plaintiff

Case No. 08-1374-CD

vs.

JAN M SIMBECK

Defendant

**IMPORTANT NOTICE**

TO:

JAN M SIMBECK  
8 REYNOLDS AVENUE  
DU BOIS, PA 15801

Date of Notice: 2/19/09

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

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

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

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

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

By:  
Matthew Urban  
P.A.I.D.# 90963

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, 1400 Koppers Building  
Pittsburgh, PA 15219  
Phone: (412) 434-7955  
6772633 G PIT SMI

Department of Defense Manpower Data Center

MAR-13-2009 04:49:34



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

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

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

*Mary M. Snavely-Dixon*

---

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

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

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

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

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

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

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

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

FEDERATED FINANCIAL

Case no: 08-1374-CD

Plaintiff  
vs.  
NON-MILITARY AFFIDAVIT

JAN M SIMBECK

Defendant

The undersigned, who first being 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, JAN M SIMBECK is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, JAN M SIMBECK is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 13 day  
of MARCH 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

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.

FILED

1/26/2018 9:00

JAN - 3 2018

S 20.W Noce Atty. Molczan / notice

BRIAN M. SIMBECK  
PROTHONOTARY & CLERK OF COURTS  
3cc Sh/t w/notices

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

FEDERATED FINANCIAL

Plaintiff

No. 08-1374-CD

vs.

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

JAN M SIMBECK

Defendant(s)

FIRST COMMONWEALTH BANK

Garnishee(s)

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 7<sup>th</sup> Avenue, Suite 2500  
Pittsburgh, PA 15219  
(412) 434-7955

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

FEDERATED FINANCIAL  
Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK  
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 JAN M SIMBECK , Defendant
3.	against FIRST COMMONWEALTH BANK, , , Garnishee
4.	Judgment Amount \$ 3,387.73
	Less payments/credits received \$ 27.54
	Interest \$ 1,761.98
	Costs \$
	<b>SUBTOTAL:</b> \$ 5,122.17
	Costs (to be added by Prothonotary): \$ _____

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

By: W.T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 7<sup>th</sup> Avenue, Suite 2500  
Pittsburgh, PA 15219  
(412) 434-7955

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

FEDERATED FINANCIAL

Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK

Defendant(s)

FIRST COMMONWEALTH BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: JAN M SIMBECK 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 ..... \$ 5,122.17

Costs to be added..... \$ 135.00

Prothonotary

DATED: 1/3/18

Bill Spurr  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

FEDERATED FINANCIAL  
Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK  
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  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 5010

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

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

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

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

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

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

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

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

(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 (2) 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  
m/3/18 9:04  
JAN - 3 2018  
Noce Atty.  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
3cc shrt.

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

FEDERATED FINANCIAL  
Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK  
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.  
436 7<sup>th</sup> Avenue, Suite 2500  
Pittsburgh, PA 15219  
(412) 434-7955

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

FEDERATED FINANCIAL  
Plaintiff

vs.

Civil Action No. 08-1374-CD

JAN M SIMBECK  
Defendant(s)

FIRST COMMONWEALTH BANK  
Garnishee(s)

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

RE: JAN M SIMBECK , 8 REYNOLDS AVENUE, DU BOIS, PA 15801

**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.

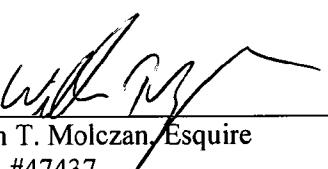
9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

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, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 7<sup>th</sup> Avenue, Suite 2500  
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)

13.

## EXHIBIT "A"

JAN M. SIMBECK

## ANSWERS TO INTERROGATORIES

1. Yes  
1a. Checking account number 7300438632 into Jeffrey L. Simbeck and Janet M. Simbeck with a current balance of \$848.94.
2. No
3. No
4. No
5. No
6. No
7. Yes, account number 7300438632 receives recurring Social Security direct deposits which are considered protected funds under Title 31, part 212 of the code of Federal Regulations. Therefore the account is not attached and funds were not held.
8. No
9. N/A
10. N/A
11. No
12. N/A

✓ FILED (GS)  
S MGS 11:37am NOCC  
JAN 18 2018

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

## VERIFICATION

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF INDIANA )

On this 16th day of January 2018 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 16<sup>th</sup> day of January 2018

James D. Bellas  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
SUSAN R. BELLAS, NOTARY PUBLIC  
CENTER TOWNSHIP, INDIANA COUNTY  
MY COMMISSION EXPIRES DEC. 17, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2018 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**

*Janet M. Simbeck  
8 Reynolds Ave.  
Dubois, PA 15801-1230*

*As Defendant*

**VIA REGULAR U.S. MAIL**

*William T. Molczan, Esquire  
Weltman, Weinberg & Reis Co., LPA  
436 7<sup>th</sup> Avenue, Suite 2500  
Pittsburgh, PA 15219*

*As Plaintiff*

Donna Yatsko  
Donna Yatsko  
Senior Transaction Specialist  
First Commonwealth Bank

WELTMAN, WEINBERG & REIS CO., L.P.A.  
BY: James P Valecko, Esquire  
I.D. No. 79596  
436 Seventh Avenue, Suite 2500  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959  
File # 6772633

Attorney for Plaintiff(s)

S FILED  
M/My 01/25/2018 10:16 AM  
JAN 25 2018  
ice Atty. Valecko  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

FEDERATED FINANCIAL

Clearfield County  
Court of Common Pleas

vs.

JAN M SIMBECK

NO. 08-1374-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

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

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

By \_\_\_\_\_

James P. Valecko, Esquire  
Attorney for Plaintiff

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

  
James P. Valecko, Esquire  
PA I.D. No. 79596  
436 Seventh Avenue, Suite 2500  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959

# SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Michael Churner  
Sheriff

John W Murarik  
Chief Deputy



Gary A Knaresboro  
Solicitor

Cynthia Butler-Aughenbaugh  
Office Manager

FEDERATED FINANCIAL  
vs.  
JAN M. SIMBECK

Case Number  
2008-1374-CD

## SHERIFF'S RETURN OF SERVICE

01/09/2018 02:20 PM - Deputy Mike Rowles, being duly sworn according to law, deposes and says, that the requested Writ of Execution was served by "personally" handing a true and attested copy to a person representing themselves to be ANNETTE AUGHENBAUGH 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.

01/10/2018 03:45 PM - Sheriff Michael Churner, being duly sworn according to law, deposes and says, that the Writ of Execution, Writ Notice, and Claim for Exemption was served upon JAN M. SIMBECK at 8 REYNOLDS AVENUE, DUBOIS, PA 15801 by U.S. regular mail.

SHERIFF COST: \$48.00

SO ANSWERS,

A handwritten signature of Michael Churner.

MICHAEL CHURNER, SHERIFF

COSTS						
DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT	
01/04/2018	RDR			\$9.00	\$0.00	
01/04/2018	Additional Fee	Additional Fee	13086313	\$0.00	\$250.00	
01/10/2018	Mileage			\$4.00	\$0.00	
01/10/2018	Service on Garnishee			\$9.00	\$0.00	
01/10/2018	Service (Additional Defendant)			\$6.00	\$0.00	
01/10/2018	Surcharge			\$20.00	\$0.00	
01/10/2018	Refund	(PAID 01/10/2018)	13460	\$202.00	\$0.00	
				\$250.00	\$250.00	
				BALANCE:	\$0.00	

02:48 pm 1/10/2018  
FILED  
JAN 10 2018  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS