

08-1421-CD  
Capital One vs Ken Cialiari al

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

CAPITAL ONE BANK

Plaintiff

No. 08-1421-CD

vs.

COMPLAINT IN CIVIL ACTION

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

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  
(412) 434-7955

WWR#06664423

FILED *Atypd. 95.00*  
M 11/08/02  
AUG 01 2008  
*cc*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*cc Sheriff*

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

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

CLEARFIELD COUNTY

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 50-510

COMPLAINT

1. Plaintiff is a corporation with offices at 15000 CAPITAL ONE DRIVE RICHMOND, VA 23238.
2. Defendant, KEN CALIARI, is an adult individual with a last known address of 194 HOOVERTOWN RD PENFIELD, PA 15849, and engaged in business as CALIARI CONCRETE CONSTRUCTIONS with a last known address of 194 HOOVERTOWN RD PENFIELD, PA 15849.
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXXXX8344.
4. Defendant made use of said credit card and has a current balance due and owing to Plaintiff, as of May 29, 2008, in the amount of \$6,981.16. A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
5. 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.
6. Plaintiff avers that the Cardholder Agreement between the parties provides the Plaintiff is entitled to the addition of finance charges at the rate of 25.90% per annum on the unpaid balance.
7. 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 prays for judgment in its favor and against Defendant, KEN CALIARI individually and D/B/A CALIARI CONCRETE CONSTRUCTIONS, in the amount of \$6,981.16 with continuing interest thereon at the rate of 25.90% per annum from May 29, 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  
(412) 434-7955

WWR#:06664423



**1. How to Avoid a Finance Charge.**

**a. Grace Period.** You will have a minimum grace period of 25 days without finance charge on new purchases, new balance transfers, new special purchases and new other charges if you pay your total "New Balance", in accordance with the important Notice for payments below, and in time for it to be credited by your next statement closing date. There is no grace period on cash advances and special transfers. In addition, there is no grace period on any transaction if you do not pay the total "New Balance."

**b. Accruing Finance Charge.** Transactions which are not subject to a grace period are assessed finance charge 1) from the date of the transaction or 2) from the date the transaction is processed by your Account or 3) from the first calendar day of the next billing period. Additionally, if you did not pay the "New Balance" from the previous billing period in full, finance charges continue to accrue to your unpaid balance until the unpaid balance is paid in full. This means that you may still owe finance charges, even if you pay the entire New Balance indicated on the front of your statement by the next statement closing date, but did not do so for the previous month. Unpaid finance charges are added to the applicable segment of your Account.

**c. Minimum Finance Charge.** For each billing period that your account is subject to a finance charge, a minimum total FINANCE CHARGE of \$0.50 will be imposed.

**d. Temporary Reduction in Finance Charge.** We reserve the right to not assess any or all finance charges for any given billing period.

**2. Average Daily Balance (Including New Purchases).** Finance charge is calculated by multiplying the daily balance of each segment of your account (e.g., cash advance, purchase, special transfer, and special purchase) by the corresponding daily periodic rate(s) that has been previously disclosed to you. At the end of each day during the billing period, we apply the daily periodic rate for each segment of your account to the daily balance of each segment. Then at the end of the billing period, we add up the results of these daily calculations to arrive at your periodic finance charge for each segment. We add up the results from each segment to arrive at the total periodic finance charge for your account. To get the daily balance for each segment of your account, we take the beginning balance for each segment and add any new transactions and any periodic finance charge calculated on the previous day's balance for that segment. We then subtract any payments or credits posted as of that day that are allocated to that segment. This gives us the segment daily balance for each segment of your account. However, if you had the New Balance shown on your previous statement is full (or if your new balance was zero or a credit amount), new transactions, which post to your purchase or special purchase segments are not added to the daily balances. We calculate the average daily balance by adding all the daily balances together and dividing the sum by the number of the days in the current billing cycle. To calculate your total finance charge, multiply

your average daily balance by the daily periodic rate and by the number of days in the billing period. Due to rounding on a daily basis or due to minimum finance charge assessment, there may be a variance between this calculation and the amount of finance charge actually assessed.

**3. Annual Percentage Rates (APR).**

a. The term "Annual Percentage Rate" may appear as "APR" on the front of this statement.

b. If the code P (Quarterly Prime), L (Quarterly LIBOR), C (Quarterly CD), or S (Bankcard Prime) appears on the front of this statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary quarterly and may increase or decrease based on the stated indices, as found in The Wall Street Journal, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period covered by your statement ending in the months of January, April, July and October.

c. If the code C (Monthly Prime), F (Monthly LIBOR), or G (Treasury LIBOR) appears on the front of your statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary monthly and may increase or decrease based on the stated indices, as found in The Wall Street Journal, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period each month.

**4. Assessment of Late, Overlimit and Returned Payment Fees.** Under the terms of your customer agreement, we reserve the right to waive or not to assess any fees without prior notification to you without waiving our right to assess the same or similar fees at a later time.

**15. Renewing Your Account.** If a membership fee appears on the front of your statement, you have 30 days from the date this statement was mailed to you to avoid paying the fee or to have such fee credited to you if you cancel your account without having to pay the membership fee. To cancel your account, you must notify us by calling our Customer Relations Department and pay your "New Balance" in full (excluding the membership fee) prior to the end of the thirty-day period.

**16. If You Close Your Account.** You can request to close your account by calling our Customer Relations Department. You must destroy your credit card(s) and account access checks, cancel all preauthorized billing and cease using your account. After your request to close, if you continue to transact or do not cancel preauthorized billing arrangements, we will consider receipt of a charge your authorization to keep your account open. Additionally, your account will not be closed until you pay all amounts you owe us including: any transaction you have authorized, finance charges, past due fees, overlimit fees, minimum payment fees, late fees, advance fees and any other fees assessed to your account. You are responsible for these amounts whether they appear on your account at the time you request to close the account or they are incurred subsequent to your request to close the account. This may result in charges appearing on your account after you have requested the account to be closed.

**7. Using Your Account.** Your card or account cannot be used in connection with any internet gambling transactions.

**8. Notice About Electronic Check Conversion.**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your bank account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your bank account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

**BILLING RIGHTS SUMMARY**

(In Case of Errors or Questions about Your Bill)

If you think your bill is wrong, or if you need more information on a transaction or bill, write to us on a separate sheet as soon as possible at the address for inquiries shown on the front of this statement. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can call our Customer Relations number, but doing so will not preserve your rights. In your letter, give us the following information: your name and account number, the dollar amount of the suspected error, a description of the error and an explanation, if possible, of why you believe there is an error; or if you need more information, a description of the item you are unsure about. You do not have to pay any amount in question while we are investigating it, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

**† Special Rule for Credit Card Purchases**

If you have a problem with the quality of property or services that you purchased with a credit card and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the property or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.) Please remember to sign all correspondence.

**† Does not apply to consumer non-credit card accounts**

**‡ Does not apply to business non-credit card accounts**

Capital One supports information privacy protection: see our website at [www.capitalone.com](http://www.capitalone.com)

Capital One is a federally registered service mark of Capital One Financial Corporation. All rights reserved. © 2005 Capital One

**Important Notice:** Payments you mail to us will be credited to your account as of the business day we receive it, provided (1) you send the bottom portion of this statement and your check in the enclosed remittance envelope and (2) your payment is received in our processing center by 3 p.m. ET (12 noon PT). Please allow at least five (5) business days for postal delivery. Payments received by us at any other location or in any other form may not be credited as of the day we receive them. Our business days are Monday through Saturday, excluding holidays. Please do not use staples, paper clips, etc. when preparing your payment. When you send us a check(s), you authorize us to make a one-time electronic transfer debit from your bank account for the amount of the check. This authorization applies to all checks received during the billing cycle even if sent by someone else. If we cannot process the transfer, you authorize us to make a charge against your bank account using the check, a paper draft or other item.

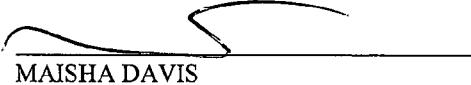
VERIFICATION

CAPITAL ONE BANK (USA), N.A.

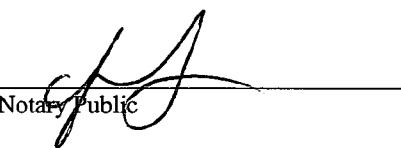
vs

CALIARI, KEN

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that he/she is, MAISHA DAVIS, Authorized Agent, of CAPITAL ONE BANK (USA), N.A., Plaintiff Herein, that he/she is duly authorized to make this Declaration, 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.



MAISHA DAVIS



Notary Public

JAMELA SINGLETARY  
NOTARY PUBLIC  
GEORGIA, DEKALB COUNTY  
MY COMMISSION EXPIRES NOV 4, 2011

4802132466088344

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104500  
NO: 08-1421-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: KEN CALIARI indiv. and d/b/a CALIARI CONCRETE CONSTRUCTIONS

SHERIFF RETURN

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8728719	20.00
SHERIFF HAWKINS	WELTMAN	8728719	64.95

FILED  
01/09/2008  
JAN 06 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1421-CD

CAPITAL ONE BANK

vs

KEN CALIARI indiv. and d/b/a CALIARI CONCRETE CONSTRUCTIONS  
COMPLAINT

SERVE BY: 08/31/2008

HEARING:

PAGE: 104500

FILED

SERVICE # 1 OF 20/9:00pm

AUG 29 2008

DEFENDANT: KEN CALIARI, ind.  
ADDRESS: 194 HOOVERTOWN RD  
PENFIELD, PA 15849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8-13-08 - Def does not live at above address. It is his  
MOTHERS - He picks up mail there

SHERIFF'S RETURN

NOW, 8-27-08 AT 3:39 AM  PM SERVED THE WITHIN

COMPLAINT ON KEN CALIARI, ind., DEFENDANT

BY HANDING TO Ken Caliari, Defendant

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

ADDRESS SERVED PREDATOR PERFORMANCE 2574 Oklahoma Shenna RD. DuBois PA.

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

COMPLAINT FOR KEN CALIARI, ind.

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

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

I MAKE RETURN OF **NOT FOUND** AS TO KEN CALIARI, ind.

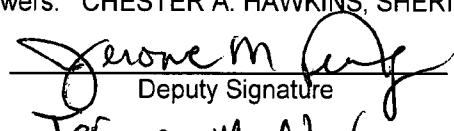
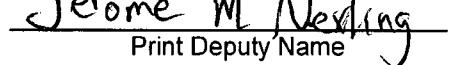
REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature  
  
Print Deputy Name

FWS 6097

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1421-CD

CAPITAL ONE BANK

vs

KEN CALIARI indiv. and d/b/a CALIARI CONCRETE CONSTRUCTIONS  
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 08/31/2008

HEARING:

PAGE: 104500

FILED

09/00 LM

AUG 29 2008

LS

DEFENDANT: KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS  
ADDRESS: 194 HOOVERTOWN RD.  
PENFIELD, PA 15849

ALTERNATE ADDRESS

603-0161

SERVE AND LEAVE WITH: DEFENDANT/PIC

William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

8-13-08. Def Does not live at this address - it is his  
Mothers - HE picks up mail there.

SHERIFF'S RETURN

NOW, 8-27-08 AT 3:39 AM PM SERVED THE WITHIN

COMPLAINT ON KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS, DEFENDANT

BY HANDING TO Ken CALIARI, Defendant

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

ADDRESS SERVED PREDATOR PERFORMANCE 2574 Oklahoma Salem RD. DUBOIS PA.

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

COMPLAINT FOR KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS

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

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

I MAKE RETURN OF **NOT FOUND** AS TO KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS

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

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevius  
Deputy Signature

Jerome M. Nevius

Print Deputy Name

DAY OF 2008

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

CAPITAL ONE BANK

Plaintiff No. 08-1421-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

MATTHEW D. URBAN, ESQUIRE  
PA I.D.#90963  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6664423  
Judgment Amount \$ 8,001.44

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

**FILED** Atty pd. 20.00  
MAR 15 2009 1000 Notice  
MAR 26 2009 to Defs.

William A. Shaw  
Prothonotary/Clerk of Courts (60)

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
above named, in the default of an Answer, in the amount of \$8,001.44 computed as follows:

Amount claimed in Complaint	\$6,981.16
Interest from MAY 29, 2008 TO MARCH 17, 2009 at the legal interest rate of 25.90% per annum	\$1,020.28
<b>TOTAL</b>	<b>\$8,001.44</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: \_\_\_\_\_

MATTHEW D. URBAN, ESQUIRE

PA I.D.#90963

Weltman, Weinberg & Reis Co., L.P.A.

1400 Koppers Bldg.

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#6664423

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219

And that the last known address of the Defendant is: 194 HOOVERTOWN RD, PENFIELD, PA 15849

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case No. 08-1421-CD

vs.

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS

Defendant

IMPORTANT NOTICE

TO:  
KEN CALIARI  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

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

6664423 N PIT BNT

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

CAPITAL ONE BANK (USA),NA

Plaintiff

Case No. 08-1421-CD

vs.

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS

Defendant

IMPORTANT NOTICE

TO:  
CALIARI CONCRETE CONSTRUCTIONS  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

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.

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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.

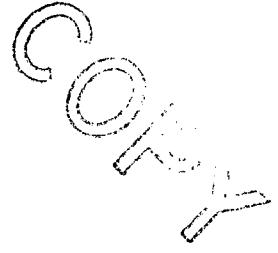
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA. 16830  
(814) 765-2641, EXT 50-51

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  
6664423 N PIT BNT

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



CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

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 3/20/09

Assumpsit Judgment in the amount  
of \$8,001.44 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-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award

Prothonotary

By: Willie Johnson  
PROTHONOTARY (OR DEPUTY)

KEN CALIARI  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 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

COPY

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

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 3120109

Assumpsit Judgment in the amount  
of \$8,001.44 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-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award

Prothonotary

By: William Weltman  
PROTHONOTARY (OR DEPUTY)

CALIARI CONCRETE CONSTRUCTIONS  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

CAPITAL ONE BANK

Case no: 08-1421-CD

Plaintiff  
vs.  
**NON-MILITARY AFFIDAVIT**

KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

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

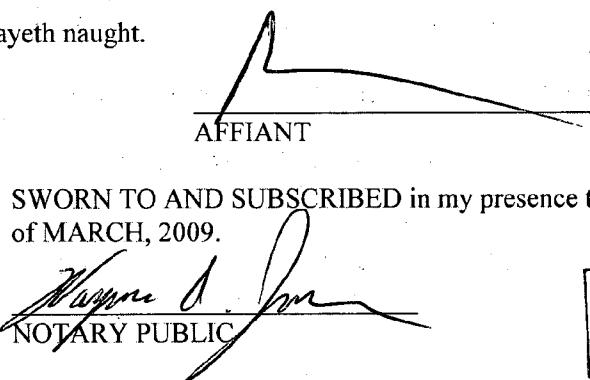
That he/she is the duly authorized agent of the Plaintiff in the within matter.

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.

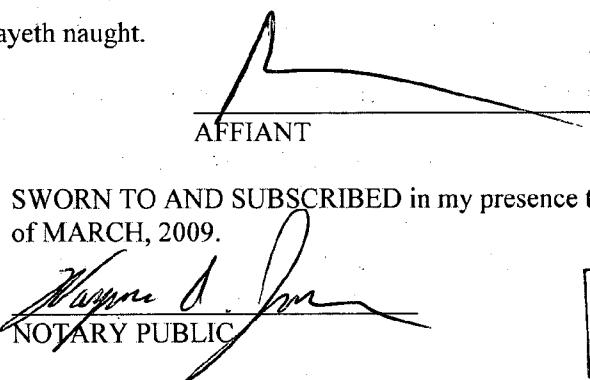
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
is not in the military service.

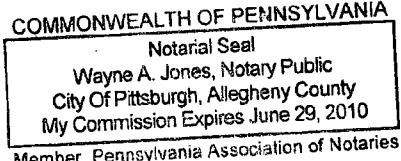
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, KEN CALIARI individually and  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 13 day  
of MARCH, 2009.

  
Wayne A. Jones  
NOTARY PUBLIC



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.



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
CALIARI	KEN		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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BRWPWLDFBU**

FILED<sup>BO</sup>

APR 12 2010

4 12:30 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

ISSUER 6 WRTS

TO

SHEP

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

CAPITAL ONE BANK (USA), NA

Plaintiff No. 08-1421-CD

vs.

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

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06664423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee

**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 KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS, Defendant
3. against PNC BANK, Garnishee
4. Judgment Amount \$ 8,001.44

Interest \$ 489.30

Costs \$

**SUBTOTAL:** \$ 8,490.74

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

**Prothonotary costs** \$ 135.00  
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: \_\_\_\_\_  
Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

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

CAPITAL ONE BANK (USA), NA  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

PNC BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of PNC BANK, as garnishee, 200 NORTH BRADY STREET DUBOIS, PA 15801 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
    - ii. 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.
- (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 ..... \$ 8,490.74

Costs to be added ..... \$ \_\_\_\_\_

Prothonotary costs *6135-*

Prothonotary



*Deputy*

DATED: 4-12-10  
WWR#06664423

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA), NA

**Plaintiff**

**No. 08-1421-CD**

vs.

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

**Defendant**

PNC BANK  
**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 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.**

LAWYER REFERRAL SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
TELEPHONE NO.: 1-800-692-7375

**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  
1 N. Second Street, Suite 116, Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
Telephone Number: (814) 765-2641 ext. 5986

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.

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

**CAPITAL ONE BANK (USA), NA**

Plaintiff No. 08-1421-CD

vs.

## **INTERROGATORIES IN ATTACHMENT PNC BANK**

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

and

PNC BANK

## Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#06664423

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No.: 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

and

PNC BANK  
Garnishee

TO: PNC BANK  
200 NORTH BRADY ST  
DUBOIS, PA 15801

Suggested Reference No.: XXX-XX-2209

RE: KEN CALIARI  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

**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 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: \_\_\_\_\_  
Matthew D. Urban, Esquire

PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#06664423

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)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1421-CD

CAPITAL ONE BANK (USA), NA

vs

KEN CALIARI d/b/a CALIARI CONCRETE CONSTRUCTIONS  
TO: PNC BANK, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVE BY: 07/11/2010 ASAP HEARING: PAGE: 106973

DEFENDANT: PNC BANK, Garnishee  
ADDRESS: 200 NORTH BRADY ST.  
DUBOIS, PA 15801

FILED

07 16 2010  
APR 16 2010

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, 04-15-2010 AT 11:10 AM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON PNC BANK, Garnishee, DEFENDANT

BY HANDING TO Kristina Smith Teller Supervisor

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

ADDRESS SERVED 200 North Brady St. Dubois, PA. 15801

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

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE FOR PNC BANK, Garnishee

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

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

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

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF 2010

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Hawkins  
Deputy Signature

Mark A. Hawkins  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 106973

2 of 2

CAPITAL ONE BANK (USA), NA

NO. 08-1421-CD

-vs-

KEN CALIARI dba CALIARI CONCRETE CONSTRUCTION  
TO: PNC BANK, Garnishee

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW APRIL 16, 2010 MAILED THE WITHIN:  
WRIT, PRAECIPE, WRIT NOTICE & CLAIM FOR EXEMPTION  
TO KEN CALIARI, DEFENDANT  
AT 194 HOOVERTOWN RD., PENFIELD, PA. 15849  
IN THE S.A.S.E.

FILED  
08:44am  
APR 19 2010  
W.A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 106973  
NO. 08-1421-CD  
SERVICES 2

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

PLAINTIFF: CAPITAL ONE BANK (USA), NA

vs.

DEFENDANT: KEN CALIARI d/b/a CALIARI CONCRETE CONSTRUCTIONS  
TO: PNC BANK, Garnishee

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	4540612	20.00
SHERIFF HAWKINS	WELTMAN	4540612	43.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2010

  
Chester A. Hawkins  
Sheriff

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

APR 12 2010

Attest:

*William L. Urban*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff

No. 08-1421-CD

vs.

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

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06664423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee

**PRAECIPE FOR WRIT OF EXECUTION**

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3. against PNC BANK, Garnishee
4. Judgment Amount \$ 8,001.44

Interest \$ 489.30

Costs \$

**SUBTOTAL:** \$ 8,490.74

Costs (to be added by Prothonotary):

\$ 135.68

Prothonotary costs

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

By:

Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

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

CAPITAL ONE BANK (USA), NA  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

PNC BANK  
Garnishee

**WRIT OF EXECUTION**

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    - 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
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Amount due ..... \$ 8,490.74

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

**Prothonotary costs**

Received this writ this 12<sup>th</sup> day  
of April A.D. 2010  
At 3:00 A.M. (P.M.)

Prothonotary



Deputy

Chester A. Hawkes  
Sheriff by Marye G. Hamer

DATED: 4-12-10  
WWR#06664423

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK  
Garnishee

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

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LAWYER REFERRAL SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
TELEPHONE NO.: 1-800-692-7375

**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  
1 N. Second Street, Suite 116, Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
Telephone Number: (814) 765-2641 ext. 5986

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.

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

APR 12 2010

Attest:

*William C. Chesser*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff

No. 08-1421-CD

vs.

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

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06664423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee

**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 KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS, Defendant
3. against PNC BANK, Garnishee
4. Judgment Amount \$ 8,001.44

Interest \$ 489.30

Costs \$

**SUBTOTAL:** \$ 8,490.74

Costs (to be added by Prothonotary): *135.00*  
Prothonotary costs *135.00*  
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: *[Signature]*  
Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

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

CAPITAL ONE BANK (USA), NA  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

PNC BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of PNC BANK, as garnishee, 200 NORTH BRADY STREET DUBOIS, PA 15801 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
    - ii. 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.
- (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 ..... \$ 8,490.74

Costs to be added ..... \$ \_\_\_\_\_

Prothonotary costs 135.00

Received this writ this 12<sup>th</sup> day  
of April A.D. 2010  
At 3:00 A.M./P.M.

Prothonotary

Chesler A. Hawkins  
Sheriff by Maryn Human

Willie

Deputy

DATED: 4-12-10  
WWR#06664423

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA), NA

**Plaintiff**

vs.

No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

**Defendant**

PNC BANK  
Garnishee

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**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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(a) I desire that my statutory \$300.00 exemption be:  
 (1) set aside in kind (specify property, to be set aside in kind):

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(c) Other (specify amount & basis for exemption): \_\_\_\_\_

I request a prompt court hearing to determine the exemption.

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

**THIS CLAIM TO BE FILED WITH:**

Office of the Sheriff of Clearfield County  
1 N. Second Street, Suite 116, Clearfield County Courthouse  
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Telephone Number: (814) 765-2641 ext. 5986

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

APR 12 2010

Attest:

*William A. Brown*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff No. 08-1421-CD

vs.

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

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06664423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee

**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 KEN CALIARI D/B/A CALIARI CONCRETE CONSTRUCTIONS, Defendant
3. against PNC BANK, Garnishee

4. Judgment Amount \$ 8,001.44

Interest \$ 489.30

Costs \$

**SUBTOTAL:** \$ 8,490.74

Costs (to be added by Prothonotary):

Prothonotary costs 135 \$

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

By:   
Matthew D. Urban, Esquire

PA I.D. #90963

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

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

CAPITAL ONE BANK (USA), NA  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

PNC BANK  
Garnishee

**WRIT OF EXECUTION**

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Amount due ..... \$ 8,490.74

Costs to be added..... \$ \_\_\_\_\_

Prothonotary costs \$ 135.00

Received this writ this 12<sup>th</sup> day  
of April A.D. 2010  
At 3:00 A.M./P.M.

Prothonotary

Chester A. Hawkins  
Sheriff

Myra Lynn Harris



Deputy

DATED: 4-12-10

WWR#06664423

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA), NA

**Plaintiff**

No. 08-1421-CD

vs.

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

**Defendant**

PNC BANK  
**Garnishee**

**WRIT OF EXECUTION**  
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**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

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

**THIS CLAIM TO BE FILED WITH:**

Office of the Sheriff of Clearfield County

1 N. Second Street, Suite 116, Clearfield County Courthouse

Clearfield, Pennsylvania 16830

Telephone Number: (814) 765-2641 ext. 5986

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statement filed in this case.

APR 12 2010

Attest.

*William A. Chisholm*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff No. 08-1421-CD

vs.

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

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
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WWR#06664423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

PNC BANK,

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**PRAECIPE FOR WRIT OF EXECUTION**

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

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3. against PNC BANK, Garnishee
4. Judgment Amount \$ 8,001.44

Interest \$ 489.30

Costs \$

**SUBTOTAL:** \$ 8,490.74

Costs (to be added by Prothonotary): *135.00* \$

**Prothonotary costs**

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

By: *[Signature]*

Matthew D. Urban, Esquire

PA I.D. #90963

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CIVIL DIVISION

CAPITAL ONE BANK (USA), NA  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
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Amount due ..... \$ 8,490.74

Costs to be added..... \$ \_\_\_\_\_

Prothonotary costs 135.00

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of April A.D. 2010 Prothonotary  
At 3:00 A.M./P.M.

Chesler A. Hawley

Sheriff by Mary Hearn

Deputy

DATED: 4-12-10  
WWR#06664423

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK (USA), NA

**Plaintiff**

vs.

**No. 08-1421-CD**

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(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  
1 N. Second Street, Suite 116, Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
Telephone Number: (814) 765-2641 ext. 5986

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.

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

CAPITAL ONE BANK (USA), NA

Plaintiff

No. 08-1421-CD

vs.

**INTERROGATORIES IN ATTACHMENT  
PNC BANK**

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS

Defendant

and

PNC BANK

Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#06664423

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No.: 08-1421-CD

KEN CALIARI  
D/B/A CALIARI CONCRETE CONSTRUCTIONS  
Defendant

and

PNC BANK  
Garnishee

TO: PNC BANK  
200 NORTH BRADY ST  
DUBOIS, PA 15801

Suggested Reference No.: XXX-XX-2209

RE: KEN CALIARI  
194 HOOVERTOWN RD  
PENFIELD, PA 15849

**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 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.

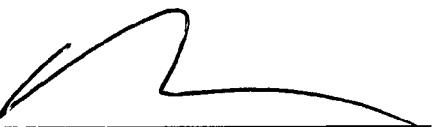
9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

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: 

Matthew D. Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#06664423

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)

**WELTMAN, WEINBERG & REIS CO., L.P.A.**  
BY: Matthew D. Urban, Esquire  
I.D. No.90963  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959  
File # 06664423

Attorney for Plaintiff(s)

FILED *accatty*  
*M/3; 50cm Urban*  
JUN 14 2010  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

CAPITAL ONE BANK (USA), NA

CLEARFIELD County  
Court of Common Pleas

vs.

KEN CALIARI and  
D/B/A CALIARI CONCRETE CONSTRUCTION

NO. 08-1421-CD

and

PNC BANK

Garnishee(s)

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

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

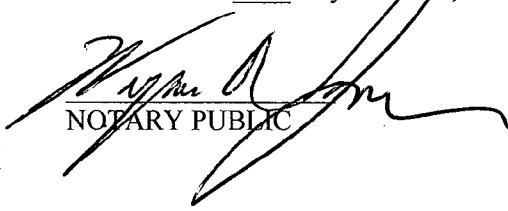
WELTMAN, WEINBERG & REIS CO., L.P.A.

By

Matthew D. Urban, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 2 Day of JUNE, 2010

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wayne A. Jones, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires June 29, 2010

Member, Pennsylvania Association of Notaries

PA 820.00  
AA  
FILED  
2:33pm  
JUL 05 2013  
6CC + 6 wrds  
bshff

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

No. 08-1421-CD

vs.

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

KEN CALIARI

CALIARI CONCRETE CONSTRUCTIONS

Defendant(s)

CNB BANK

Garnishee(s)

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

CNB 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 KEN CALIARI CALIARI CONCRETE CONSTRUCTIONS , Defendant
3. against CNB BANK, , , Garnishee
4. Judgment Amount \$ \$8,001.44

Less payments/credits received \$ \$0.00

Interest \$ \$2,040.05

Costs \$

**SUBTOTAL:** \$ **\$10,041.49**

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

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

By: William T. Molczan  
William T. Molczan, Esquire

PA I.D. #47437

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

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI

CALIARI CONCRETE CONSTRUCTIONS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KEN CALIARI CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s);

You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; ,  
AS GARNISHEE, 1 S SECOND ST 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 ..... \$ 10,041.49

Costs to be added..... \$ \_\_\_\_\_

Prothonotary costs \$ 155.00  
Prothonotary

DATED: July 5, 2013

cm  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

CNB BANK  
Garnishee(s)

**WRIT OF EXECUTION  
NOTICE**

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

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

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

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

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

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

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

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

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

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

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

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

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

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

(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 3CC Shft

2:33pm  
JUL 05 2013

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

**INTERROGATORIES IN ATTACHMENT**

CNB BANK  
Garnishee(s)

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

CNB BANK  
Garnishee(s)

TO: CNB BANK, 1 S SECOND ST, CLEARFIELD, PA 16830  
RE: KEN CALIARI , 617 HOOVERTOWN RD, PENFIELD, PA 15849  
CALIARI CONCRETE CONSTRUCTIONS , 194 HOOVERTOWN RD, PENFIELD, PA 15849

Suggested Reference No.:      XXX-XX-2209  
                                  XXX-XX-

**IMPORTANT NOTICES TO GARNISHEE!**

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

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

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

## INTERROGATORIES IN ATTACHMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VERIFICATION

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

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

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

\_\_\_\_\_  
(SIGNATURE)

To Deputy 7/8/13

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1421-CD

CAPITAL ONE BANK

vs

KEN CALIARI and CALIARI CONCRETE CONSTRUCTIONS  
TO: CNB BANK, Garnishee

SERVICE # 1 OF 3

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 10/03/2013

*RUSH*

HEARING: PAGE: 110824

DEFENDANT: CNB BANK, Garnishee  
ADDRESS: 1 S SECOND ST.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

*S FILED* *LG*

*JUL 16 2013*

*0/11/53 LG*

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 7-10-13 AT 238 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON CNB BANK, Garnishee, DEFENDANT

BY HANDING TO Anna Bailey, self customer service

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

ADDRESS SERVED 1 S. 2nd. st. Clearfield Pa 16830  
(  ) Residence (  ) Employment (  ) Sheriff's Office (  ) Other

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

WRIT OF EXECUTION, INTERROGATORIES FOR CNB BANK, Garnishee

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

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

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

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2013  
\_\_\_\_\_

So Answers CHESTER A. HAWKINS, SHERIFF

BY: S. Knepp

Deputy Signature

S. Knepp

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 110824

2 of 3

CAPITAL ONE BANK

NO. 08-1421-CD

vs

KEN CALIARI and CALIARI CONCRETE CONSTRUCTIONS  
TO: CNB BANK, Garnishee

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW JULY 11, 2013 MAILED THE WITHIN:  
PRAECIPE, WRIT, WRIT NOTICE & CLAIM FOR EXEMPTION  
TO: KEN CALIARI, DEFENDANT  
AT: 617 HOOVERTOWN RD., PENFIELD, PA. 15849  
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 110824

3 of 3

CAPITAL ONE BANK

NO. 08-1421-CD

vs

KEN CALIARI and CALIARI CONCRETE CONSTRUCTIONS  
TO: CNB BANK, Garnishee

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW JULY 11, 2013 MAILED THE WITHIN:  
PRAECIPE, WRIT, WRIT NOTICE & CLAIM FOR EXEMPTION  
TO: CALIARI CONCRETE CONSTRUCTIONS, DEFENDANT  
AT: 194 HOOVERTOWN RD., PENFIELD, PA. 15849  
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 110824  
NO: 08-1421-CD  
SERVICES 3  
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: KEN CALIARI and CALIARI CONCRETE CONSTRUCTIONS  
TO: CNB BANK, Garnishee

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	11160453	30.00
SHERIFF HAWKINS	WELTMAN	11160453	32.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2013



Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK

Plaintiff

No. 08-1421-CD

vs.

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

KEN CALIARI

CALIARI CONCRETE CONSTRUCTIONS

Defendant(s)

CNB BANK

Garnishee(s)

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

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

JUL 05 2013

Attest.

*William T. Molczan*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

CNB 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 KEN CALIARI CALIARI CONCRETE CONSTRUCTIONS , Defendant
3. against CNB BANK, , , Garnishee
4. Judgment Amount

Less payments/credits received	\$	\$0.00
Interest	\$	\$2,040.05
Costs	\$	
<b>SUBTOTAL:</b>	\$	<b>\$10,041.49</b>

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

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

By: William T. Molczan  
William T. Molczan, Esquire  
PA I.D. #47437

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

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI

CALIARI CONCRETE CONSTRUCTIONS

Defendant(s)

CNB BANK

Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: KEN CALIARI CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s);

You are also directed to attach the property of the defendant not levied upon in the possession of CNB BANK; ; ,  
AS GARNISHEE, 1 S SECOND ST 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

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 ..... \$ 10,041.49

Costs to be added..... \$

Prothonotary costs \$ 155.00

Prothonotary

*William L. Johnson*

Received this writ  
of July 1, 2013  
At 7:30 AM  
Sheriff John M. Kamm

DATED: July 5, 2013

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant(s)

CNB BANK  
Garnishee(s)

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

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

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

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

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

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

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

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

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

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

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

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

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

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

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

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

(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.

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

CAPITAL ONE BANK	:	NO. 08-1421-CD
	:	
Plaintiff	:	
vs.	:	
	:	
KEN CALIARI	:	S (LB)
CALIARI CONCRETE CONSTRUCTIONS	:	
	:	FILED
Defendant	:	01:40 P.M. GK
and	:	JUL 23 2013
	:	NO CC
CNB BANK,	:	
Garnishee	:	William A. Shaw
	:	Prothonotary/Clerk of Courts

**GARNISHEE CNB BANK'S CERTIFICATE OF SERVICE**

I, Peter F. Smith, attorney for CNB Bank in the above-captioned matter, hereby certify that I served the Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U. S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

U. S. FIRST CLASS MAIL  
William T. Molczan, Esquire  
Weltman, Weinberg & reis, Co. L.P.A  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

CERTIFIED MAIL  
Caliari Concrete Constructions  
194 Hoovertown Road  
Penfield, PA 15849

CERTIFIED MAIL  
Ken Caliari  
335 Klwanis Trail  
DuBois, PA 15801

Date: 7-19-13

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for the Garnishee  
P.O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

pd \$20.00  
A44  
FILED  
m 3:15pm  
9 SEP 12 2013 ICC not re to  
P.S.m.th E.S.  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff No. 08-1421-CD

vs.

PRAECIPE FOR JUDGMENT AGAINST  
GARNISHEE

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS

Defendant

CNB BANK

Garnishee 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 Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6664423

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS

Defendant

CNB BANK

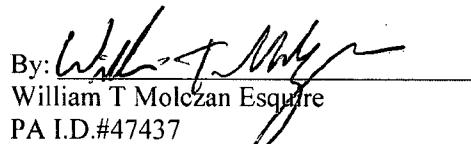
Garnishee

**PRAECIPE FOR JUDGMENT AGAINST GARNISHEE**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Garnishee, CNB BANK , in the amount of \$10196.49, which is less than Defendant owes to Plaintiff and which amount Garnishee has admitted owing to the Defendant, in answers to Interrogatories.

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

By:   
William T Molczan Esquire  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6664423

I hereby certify that the address of the Plaintiff is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Garnishee is: 30 SOUTH SECOND ST, PO BOX 130, CLEARFIELD, PA 16830

PETER F. SMITH  
ATTORNEY  
30 SOUTH SECOND STREET  
P.O. BOX 130  
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-5595  
FAX (814) 765-6662

E-mail  
pfsatty@verizon.net

July 23, 2013

**US Certified Mail**

Ken Caliari  
335 Klwanis Trail  
DuBois, PA 15801

**US Certified Mail**

Caliari Concrete Constructions  
194 Hoovertown Road  
Penfield, PA 15849

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

RE: Capital One Bank v. Caliari  
Clearfield County No. 08-1421-CD

Dear Mr. Molczan and Mr. Caliari:

I represent CNB Bank. I submit with each of your letters a true and correct copy of the Answers which I have prepared on behalf of CNB as Garnishee in the above captioned matter.

I know you will carefully review our Answers.

I discussed this matter with Mr. Caliari on Thursday. My discussion was followed by a telephone call from Amy of Mr. Molczan's office. I was pleased to learn that you are working on an amicable resolution.

Mr. Caliari told me that his mother Kathleen J. Caliari has sadly passed away. The bank has no record of her passing.

That must be accomplished before you and the other ift beneficiaries succeed to ownership of this account. Let me note there may also be Inheritance Tax or other claims which you should address.

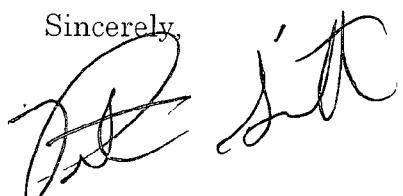
Mr. Caliari, I repeat a suggestion I made when we spoke, you should consult an attorney to assist you with resolving the Capital One claim and with your mother's last affairs.

6664423

July 23 2013  
Page Two

I do not, cannot and will not represent you. I represent only CNB Bank and the addition services you require are beyond the scope of that representation.

Sincerely,



Peter F. Smith

PFS/mbh  
Enclosures  
Cc: Kelly A. Kolesar, CNB Bank

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

CAPITAL ONE BANK

Plaintiff : NO. 08-1421-CD

vs.

KEN CALIARI,  
CALIARI CONCRETE CONSTRUCTIONS  
Defendant  
and

CNB BANK,  
Garnishee

**GARNISHEE'S ANSWERS TO INTERROGATORIES**

COMES NOW, CNB Bank, by its attorney, Peter F. Smith, who answers the Plaintiff's Interrogatories In Aid of its Execution as follows:

1. Neither admitted nor denied for the reasons set forth in answer 1a below.

1a. CNB records, at the date and time the Writ was served on it, indicate that Kathleen J. Caliari, believed to be the mother of the Defendant, Ken Caliari designated the Defendant and two other individuals Cheryl K. Caliari and Deborah L. Bricen as beneficiaries under savings account 4259347 which stipulates that the account was established by Kathleen J. Caliari "in trust for" the Defendant and other two individuals.

Counsel for CNB respectfully suggests -- that Plaintiff, Defendant and their respective attorneys should carefully review the following opinion -- that the Defendant does not and will not have a vested proprietary ownership interest in this account unless and until the person who established it, Kathleen J. Caliari, dies or takes further action which indicates a completed gift to the Defendant and/or the other individuals.

The balance in this account on the date and time the Writ was served on CNB was \$299,403.34.

The balance is subject to prior payment of CNB's contractual fee of \$160.00 for responding to this garnishment.

2. No.

3. No.

4. No.

5. No.

6. No.

7. No.

8. N/A.

9. N/A.

10. N/A.

11. Not to Plaintiff's knowledge, and at any rate the balance is far below \$10,000.00.

12. See answer 11.

Date: 7-19-13



Peter F. Smith, Esquire  
Attorney for the Garnishee  
Attorney I.D. # 34291  
30 S. 2<sup>nd</sup> St., P.O. Box 130  
Clearfield, PA 16830  
(814) 765-5595

## VERIFICATION

I verify that the statements made in these Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

CNB Bank

Dated: 7-22-13

By: Kelly A. Kolesar  
Kelly A. Kolesar  
Deposit Operations

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

CAPITAL ONE BANK	:	NO. 08-1421-CD
	Plaintiff	:
vs.	:	
	:	
KEN CALIARI	:	
CALIARI CONCRETE CONSTRUCTIONS	:	
	Defendant	:
and	:	
	:	
CNB BANK,	:	
	Garnishee	:

**GARNISHEE CNB BANK'S CERTIFICATE OF SERVICE**

I, Peter F. Smith, attorney for CNB Bank in the above-captioned matter, hereby certify that I served the Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U. S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

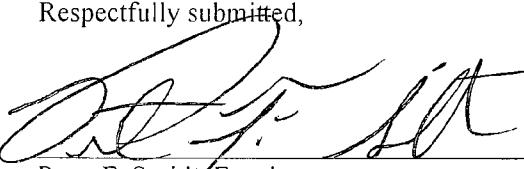
U. S. FIRST CLASS MAIL  
William T. Molczan, Esquire  
Weltman, Weinberg & reis, Co. L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

CERTIFIED MAIL  
Caliari Concrete Constructions  
194 Hoovertown Road  
Penfield, PA 15849

CERTIFIED MAIL  
Ken Caliari  
335 Klwanis Trail  
DuBois, PA 15801

Date: 7-19-13

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for the Garnishee  
P.O. Box 130, 30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 08-1421-CD

KEN CALIARI  
CALIARI CONCRETE CONSTRUCTIONS

Defendant

CNB BANK

Garnishee

NOTICE OF JUDGMENT OR ORDER

COPY

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the  
following Order or Judgment was  
entered against you on 9-12-2013

Assumpsit Judgment in the amount  
of \$10196.49 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-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By:

*W. L. Shaffer* LM  
PROTHONOTARY (OR DEPUTY)

Cnb Bank  
30 South Second St  
Po Box 130  
Clearfield, Pa 16830

**FILED**

**SEP 12 2013**

 William A. Gaskins  
**Prothonotary/Clerk of Courts**

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

BY: Ashley L. Sweeney, Esquire  
I.D. No.313667  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959  
File # 6664423

**Attorney for Plaintiff(s)**

**CAPITAL ONE BANK (USA),NA**

Clearfield County  
Court of Common Pleas

vs.

**KEN CALIARI CALIARI CONCRETE CONSTRUCTION**  
NO. 08-1421-CD

and

**CNB BANK**

Garnishee(s)

**PRAECIPE TO SATISFY ATTACHMENT EXECUTION**

**TO THE PROTHONOTARY:**

Kindly mark the above matter satisfied as to Garnishee(s), CNB BANK, only.

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

By

*Ashley L. Sweeney*  
Ashley L. Sweeney, Esquire  
Attorney for Plaintiff

FILED  
m 12:01pm  
S NOV 14 2013  
ICC Atty  
Sweeney  
pd \$7.00  
Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

WELTMAN, WEINBERG & REIS, CO., L.P.A.  
BY: Ashley L. Sweeney, 313667  
I.D. No. 313667  
436 7th Ave Ste 1400  
Pittsburgh PA 15219-1827  
(412) 434-7955  
FAX: 412-338-7130  
File # 06664423 C N Pit SJS

Attorney for Plaintiff(s)

CAPITAL ONE BANK (USA), NA

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

vs.

KEN CALIARI,  
CALIARI CONCRETE CONSTRUCTIONS,

CASE NO. 08-1421-CD

PRAECIPE TO SATISFY

FILED *pd \$7.00*  
*m 12.44cm*  
*DEC 02 2013*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*WAC A/H Sweeney*

TO THE PROTHONOTARY:

Kindly mark the case and judgment entered against Defendants KEN  
CALIARI, CALIARI CONCRETE CONSTRUCTIONS, as satisfied.

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

By *Ashley L. Sweeney*  
Ashley L. Sweeney  
Attorney for Plaintiff