

08-1486-CD
Discover Bank vs Dean Bennett

COPY

08-1486-CD

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

DISCOVER BANK

Plaintiff No. 1471-2007

vs.

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

DEAN R BENNETT

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 Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#6135204

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA

2008 JUN 13 A 9:47

FILED Atty pd. 20.00
Aug 11 2008
WM

William A. Shaw
Prothonotary/Clerk of Courts

*Pro's
Copy*

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 1 of 6

Plaintiff(s)
DISCOVER BANK
(vs)

Case No: 2007-01471

Defendant(s)
BENNETT DEAN R
CNB 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. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly:

- (1) Fill out the attached claim form and demand for a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

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

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

COURT ADMINISTRATOR

VENANGO COUNTY COURTHOUSE

FRANKLIN, PA 16323

6135804 ABR

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 2 of 6

DISCOVER BANK (vs) DEAN R BENNETT
Case No: 2007-01471

WRIT OF EXECUTION
(Money Judgments)
(Rule 3252)

Commonwealth of Pennsylvania
County of VENANGO

To the Sheriff of CLEARFIELD COUNTY

To satisfy the judgment, interest and costs against
BENNETT DEAN R
CNB BANK/GARNISHEE

- (1) you are directed to levy upon the property of the defendant(s) and to sell the defendant's interest therein;
- (2) you are also directed to attach the property of the defendant(s) not levied upon in the possession of
CNB BANK
as garnishee(s),

(Specifically describe Property)

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 3 of 6

DISCOVER BANK (vs) DEAN R BENNETT
Case No: 2007-01471

and to notify the garnishee(s) that

- (a) an attachment has been issued;
- (b) except as provided in paragraph (c), the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) 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.
- (3) if property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s), you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 4 of 6

DISCOVER BANK (vs) DEAN R BENNETT
Case No: 2007-01471

| | |
|-----------------------------|------------|
| Debt | \$7,416.91 |
| Interest | |
| Filing Fee PD . . | \$106.50 |
| Costs | |
| Sheriff PD . . | \$89.00 |
| Writ PD . . | \$20.00 |
| Satisfaction | \$7.50 |

Peggy L. Miller
Peggy L. Miller
Prothonotary

6/23/2008
Date Sealed

Attorney for Plaintiff:

WARMBRODT JAMES C
2718 KOPPERS BLDG
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 5 of 6

DISCOVER BANK (vs) DEAN R BENNETT
Case No: 2007-01471

CLAIM FOR EXEMPTION

To the Sheriff:

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

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

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

(i) set aside in kind (specify property to be set aside in kind); _____

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

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

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) My \$300 statutory exemption: in cash
 in kind (specify property); _____

(b) Other (specify amount and basis of exemption):

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

COURT OF COMMON PLEAS OF VENANGO COUNTY
CIVIL DIVISION

Page 6 of 6

DISCOVER BANK (vs) DEAN R BENNETT
Case No: 2007-01471

I request a prompt court hearing to determine the exemption.
Notice of the hearing should be given to me at (include phone#).

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. 4909 relating to unsworn falsification to authorities.

Date

(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF VENANGO COUNTY

SHERIFF OF CLEARFIELD COUNTY

814-765-2641
1 NORTH 2ND STREET, SUITE 116
CLEARFIELD, PA 16830