

08-1733-CD

Discover Bank vs Fayette Johnston

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

DISCOVER BANK

Plaintiff

vs.

FAYETTE JOHNSTON

Defendant

No: 2008-1733-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06921447 C A Pit ABR

FILED
m 2:08pm GK NO CC
SEP 15 2008 1 COMPL. TO ~~DE~~
William A. Shaw SHFF
Prothonotary/Clerk of Courts ATTY PAID 95.00

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

FAYETTE JOHNSTON

Defendant

COMPLAINT 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.

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
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 6500 New Albany Rd, New Albany, OH 43054.

2. Defendant is adult individual(s) residing at the address listed below:

FAYETTE JOHNSTON
3147 OKLAHOMA SALEM RD
DU BOIS, PA 15801

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXX0432 . A copy of Plaintiff's Statement of Account s attached hereto, marked as Exhibit "A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance due and owing to Plaintiff, as of September 03, 2008 , in the amount of \$1149.73 .

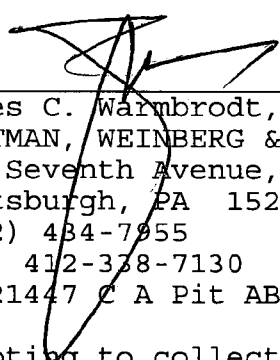
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$100.00 .

8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , FAYETTE JOHNSTON , INDIVIDUALLY , in the amount of \$1149.73 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$100.00 , and costs.



James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7055
FAX: 412-338-7130
06921447 C A Pit ABR

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.

DISCOVER CARD

\$0.00

\$218.00

Enter Amount Enclosed Below

Payment Due Date
June 29, 2008

\$ 6921447

34W3

30 SDSN6A01 0004645
FAYETTE JOHNSTON
3147 OKLAHOMA SALEM RD
DU BOIS PA 15801-5845

Will your payment get to us on time? Pay your bill online and your payment can be made to your account on the same day. Visit Discovercard.com/payments today.

PO BOX 15251
WILMINGTON DE 19886-5251

Address, e-mail or telephone change? Print change in space above, or go to Discovercard.com. Print your e-mail address to receive important Account information and special offers.

000001986458242732630000000000000000021800

Discover More Card Account Summary

Account number ending in 0432
Payment Due Date June 29, 2008
Minimum Payment Due \$218.00
Credit Limit \$500.00
Credit Available \$0.00
Cash Credit Limit \$300.00
Cash Credit Available \$0.00

Closing Date: May 30, 2008

page 1 of 1

Previous Balance	\$1,149.73
Payments And Credits	- 1,149.73
Purchases	+ 0.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 0.00
New Balance	= \$0.00

Cashback Bonus®

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
Cashback Bonus Balance Available to Redeem	\$ 0.00

Cashback Bonus® Anniversary
Date: February 10

How Can We Help You? It's your choice - 3 ways to help

Please have your Discover Card available.
For TDD (assistance for hearing impaired) see reverse side

1. Visit Discover.com to pay your bill for no cost, view your latest Account information, earn and redeem rewards and more
2. Call 1-800-DISCOVER (347-2683) for fast, easy self-service options or to speak with a Customer Service Account Manager
3. Write us at Discover Card, PO Box 30943, Salt Lake City, UT 84130

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Payments and Credits

Trans. Date	Post Date	
May 31	May 31	INTERNAL CHARGE-OFF

\$ -1,149.73

EXHIBIT

A

Finance Charge Summary

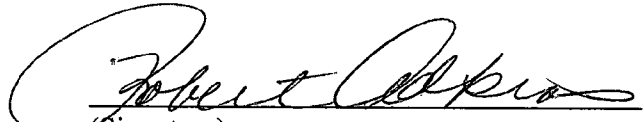
	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 21 days						
Purchases	\$0	0.07942%	28.99% F	28.99%	\$0	none
Cash Advances	\$0	0.07942%	28.99% F	28.99%	\$0	\$0

The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he is Robert Adkins,
(Name)
Accounts Manager of DFS Services LLC, plaintiff herein, that
(Title) (Company)

he is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his knowledge, information and belief.


(Signature)

WWR # 6921447
FAYETTE JOHNSTON
6011002102390432

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1733-CD

DISCOVER BANK
vs
FAYETTE JOHNSTON

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/15/2008 HEARING: PAGE: 104664

DEFENDANT: FAYETTE JOHNSTON
ADDRESS: 3147 OKLAHOMA SALEM RD
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 09-25-08 N/H NOTE

FILED

03:56 PM GIC
SEP 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 09-30-08 AT 2:15 AM / PM SERVED THE WITHIN

COMPLAINT ON FAYETTE JOHNSTON, DEFENDANT

BY HANDING TO STEVE JOHNSTON / DEFENDANTS FATHER

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

ADDRESS SERVED 3147 OKLAHOMA - SALEM RD. DUBOIS, PA. 15801

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR FAYETTE JOHNSTON

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO FAYETTE JOHNSTON

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Mark A. Couser
Deputy Signature

Mark A. Couser
Print Deputy Name

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

DISCOVER BANK

Plaintiff

vs.

FAYETTE JOHNSTON

Defendant

No. 2008-1733-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITH PREJUDICE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#6921447

FILED *icc + 1 Cert of*
m/12:05pm disc issued to
NOV 21 2008 *Att Warmbrodt*
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON

Defendant

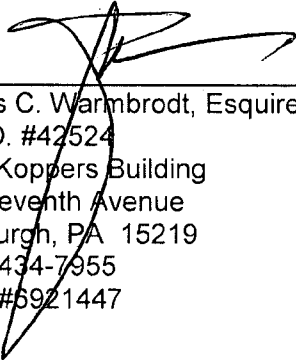
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Please kindly Settle and Discontinue the above-captioned matter upon the records of the Court
and mark the cost paid.

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

By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#6921447

SWORN TO AND SUBSCRIBED

before me this 7th day

of November, 2008


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009
Member, Pennsylvania Association of Notaries

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CIVIL DIVISION

COPY

Discover Bank

Vs.

No. 2008-01733-CD

Fayette Johnston

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 21, 2008, marked:

Settled, discontinued and ended with prejudice

Record costs in the sum of \$95.00 have been paid in full by James C. Warmbrodt Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of November A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104664
NO: 08-1733-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: FAYETTE JOHNSTON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8732098	10.00
SHERIFF HAWKINS	WELTMAN	8732098	62.46

5
FILED
03/14/08
JAN 12 2008
William A. Shattuck
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

CA

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

DISCOVER BANK,

Plaintiff

No. 2008-1733-CD

vs.

MOTION TO STRIKE PRAECIPE TO
SETTLE, DISCONTINUE, AND END,
WITH PREJUDICE

FAYETTE JOHNSTON,

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

WWR#06921447

5 FILED 1CC
MTH 31 2012
FEB 13 2012
William A. Shaw
Prothonotary/Clerk of Courts

Matthew D. Urban

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

DISCOVER BANK,

Plaintiff

No. 2008-1733-CD

vs.

FAYETTE JOHNSTON,

Defendant

**MOTION TO STRIKE PRAECIPE TO SETTLE, DISCONTINUE, and END, WITH
PREJUDICE**

AND NOW COMES, Plaintiff, by and through its counsel, Weltman, Weinberg & Reis, Co., L.P.A., and hereby files this Motion to Strike Praecipe to Settle, Discontinue, and End, With Prejudice and in support thereof, Plaintiff avers as follows:

1. On or about September 15, 2008, Plaintiff filed a Complaint against Defendant for payment of a debt.
2. On or about October 31, 2008, Plaintiff received a payment in the amount of \$1,545.34, which was applied to the Defendant's account as a settlement.
3. On or about November 06, 2008, Plaintiff prepared and forwarded a Praecipe to Settle, Discontinue, and End, With Prejudice on the above captioned lawsuit.
4. On or about November 10, 2008, Plaintiff received notice that the payment had been returned as "NSF" which means the account did not have sufficient funds to cover the check.

5. Allowing the Praecept to stand would unreasonably prejudice Plaintiff and cause an unreasonable expense to Plaintiff, as the settlement proceeds have not been paid.

6. Pa.R.C.P. 229(c) provides that the court, upon petition and after notice, may strike off discontinuance in order to protect the rights of any party from unreasonable inconvenience, vexation, harassment, expense, or prejudice.

7. Additionally, granting this motion will not prejudice the Defendant

WHEREFORE, Plaintiff requests an Order striking the Praecept to Settle, Discontinue, and End, With Prejudice on this matter.

Respectfully Submitted:



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 # 06921447

CERTIFICATE OF SERVICE

I, Matthew D. Urban, hereby certify that a true and correct copy of the Motion to Strike Praecipe to Settle, Discontinue, and End, With Prejudice was served on Defendant by regular U. S. Mail, postage prepaid, this 10th day of February, 2012, addressed as follows:

FAYETTE JOHNSTON
3147 OKLAHOMA SALEM RD
DUBOIS, PA 15801



Matthew D. Urban, Esq.

CA

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

DISCOVER BANK

Plaintiff

No. 2008-1733-CD

vs.

FAYETTE JOHNSTON

Defendant

FILED

FEB 16 2012

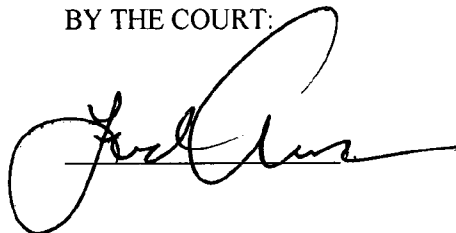
6/4:00/2012
William A. Shaw
Prothonotary/Clerk of Courts

CGATTO Atty

ORDER OF COURT

AND NOW, to wit, this 15 day of Feb, 2012, upon consideration of the record,
it is HEREBY, ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion to Strike Praecipe
to Settle, Discontinue, and End, With Prejudice on the above captioned matter is scheduled for
Friday, March 16, 2012 at 1:30, am (p.m.) in Courtroom No. 1,
Clearfield County Courthouse -

BY THE COURT:



FILED

FEB 16 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to _____ at _____.

_____, et al.(s) _____ Plaintiff(s) Attorney - _____ Other _____

_____, et al.(s) _____ Defendant(s) Attorney _____

_____, et al.(s) _____ Special Instructions: _____

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

DISCOVER BANK

Plaintiff

vs.

FAYETTE JOHNSTON

Defendant

No. 2008-1733-CD

AFFIDAVIT OF SERVICE OF
ORDER OF COURT

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#06921447

^S FILED NO CC
MJE:37/61
FEB 27 2012
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

No. 2008-1733-CD

FAYETTE JOHNSTON

Defendant

AFFIDAVIT OF SERVICE OF ORDER OF COURT

BEFORE ME, the undersigned authority, personally appeared Matthew D. Urban, Esquire, who according to law deposes and says that a copy of the Order of Court has been served on the following Defendant, Fayette Johnston.

1. On or about February 21, 2012, Plaintiff received a signed Order of Court dated February 15, 2012, scheduling Plaintiff's Motion to Strike Praecept to Settle, Discontinue, and End, With Prejudice for Friday, March 16, 2012, at 1:30 p.m. Said Order of Court is attached as Exhibit "1".

2. On or about February 22, 2012, Plaintiff mailed the Order of Court to 3147 Oklahoma Salem Road, Dubois, PA 15801.

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

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

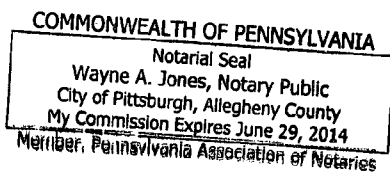
WWR#06921447

Sworn to and subscribed

before me this 22

day of February, 2012.


NOTARY PUBLIC



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

DISCOVER BANK

Plaintiff

No. 2008-1733-CD

vs.

FAYETTE JOHNSTON

Defendant

ORDER OF COURT

AND NOW, to wit, this 15 day of FEB, 2012, upon consideration of the record,
it is HEREBY, ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion to Strike Praecept
to Settle, Discontinue, and End, With Prejudice on the above captioned matter is scheduled for

Friday March 16, 2012 at 1:30 a.m./p.m. Court Room #1
Clearfield County Court House

BY THE COURT:

/S/ Fredric J Ammerman

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

FEB 16 2012

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

EXHIBIT

"1"

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

DISCOVER BANK,

Plaintiff

No. 2008-1733-CD

vs.

FAYETTE JOHNSTON,

Defendant

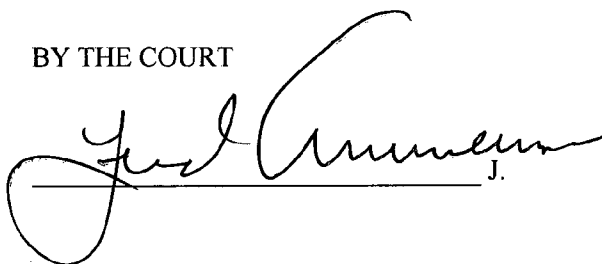
FILED ICC AHY
8/15/12
MAR 16 2012
William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, to-wit, this 16 day of March, 2012, upon Plaintiff's Motion to Strike Praecipe to Settle, Discontinue, and End, With Prejudice, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion is GRANTED and said Praecipe entered on November 21, 2008, shall be stricken from the record.

It is further ORDERED, that the Prothonotary of Clearfield, Pennsylvania shall amend the docket entries to reflect the content of this Order.

BY THE COURT


J.

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant FAYETTE JOHNSTON above named, in the default of an Answer, in the amount of \$1442.80 computed as follows:

Amount claimed in Complaint	\$1317.80
Less payments / adjustments made	\$0.00
Attorney's fees	\$125.00
TOTAL	\$1442.80

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: William T. Molczan
William T. Molczan 47437

06921447 C A Pit SJS

Plaintiff's address is:

c/o WELTMAN, WEINBERG & REIS CO., L.P.A.,
436 Seventh Avenue, Suite 1400 Pittsburgh, PA 15219

And that the last known address of the Defendant is :

FAYETTE JOHNSTON
120 LEWIS ST APT 6
REYNOLDSVILLE, PA 15851

FILED

APR 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

TO DEAR

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

DISCOVER BANK
Plaintiff

Case No. 2008-1733-CD

vs.

FAYETTE JOHNSTON
Defendant

IMPORTANT NOTICE

TO:
FAYETTE JOHNSTON
120 LEWIS ST APT 6
REYNOLDSVILLE, PA 15851

Date of Notice: 3/27/12

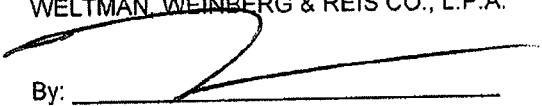
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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
CLEARFILED 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
(412) 338-7130
6921447 A PIT M4Z

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-1733-CD

NON-MILITARY AFFIDAVIT

FAYETTE JOHNSTON

The undersigned is the duly authorized agent and/or attorney for the Plaintiff in the within matter and states as follows:

Affiant 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, FAYETTE JOHNSTON is not in 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 DMDC does not possess any information indicating that the below individual is in the military service:

FAYETTE JOHNSTON
120 LEWIS ST APT 6
REYNOLDSVILLE, PA 15851

Affiant further states that the averments contained herein are true and correct to the best of Affiant's knowledge, information and belief and that these averments are made subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsification to authorities.



AFFIANT



Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name: JOHNSTON First Name: FAYETTE Date Of Interest: Apr-13-2012

Active Duty End Date	Status	Service Component
On Active Duty On Date of Interest		
	No	NA
This response reflects the individual's active duty status based on the Date of Interest.		

Left Active Duty Within 367 Days of Date Of Interest		
	No	NA
This response reflects whether the individual left active duty status within 367 days preceding the Date of Interest.		

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Date of Interest:		
	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty		

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the date of interest as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) 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 DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as 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 only 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 was on active duty for the date of interest, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the date of interest and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

If you obtain additional information about the person (e.g., a SSN, First Name), you can submit your request again at this Web site and we will provide a new certificate for that query

This response reflects the following information: (1) The individual's Active Duty status on the Date of Interest (2) Whether the individual left Active Duty status within 367 days preceding the Date of Interest (3) Whether the individual or his/her unit received early notification to report for active duty on the Date of Interest.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN, and date of interest provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Report ID: null

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
 ☒ Defendant
 ☐ Garnishee

You are hereby notified that the following Order of Judgment was entered against you on April 23, 2012.

(xx) Assumpsit Judgment in the amount of \$1442.80 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.

(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ Confession
 ☒ Default
 ☐ Verdict
 ☐ Arbitration Award

Prothonotary

By: 
 PROTHONOTARY (OR DEPUTY)

FAYETTE JOHNSTON
120 LEWIS ST APT 6
REYNOLDSVILLE, PA 15851

Plaintiff's address is:

c/o WELTMAN, WEINBERG & REIS CO., L.P.A.,
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955

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

DISCOVER BANK
Plaintiff

vs.

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

No. 2008-1733-CD

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

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

5
FILED 30006
JUN 13 10:00 AM
JUN 14 2012
Writs
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
Duty pd.
\$20.00

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

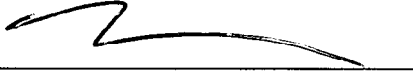
PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

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

1. directed to the Sheriff of CLEARFIELD County:
2. against FAYETTE JOHNSTON , Defendant
3. against FIRST COMMONWEALTH BANK, , , Garnishee
4. Judgment Amount \$ \$1,442.80
- Less payments/credits received \$ \$0.00
- Interest \$ \$5.69
- Costs \$
- SUBTOTAL:** \$ **\$1,448.49**
- 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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

WRIT OF EXECUTION
NOTICE

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

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

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

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
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.

FILED

JUN 14 2012

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

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

WRIT OF EXECUTION

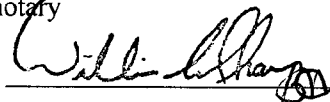
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: FAYETTE JOHNSTON Defendant(s);
You are also directed to attach the property of the defendant not levied upon in the possession of FIRST
COMMONWEALTH BANK; ; , AS GARNISHEE, 14303 CLEARFIELD SHAWVILLE HWY CLEARFIELD,
PA 16830; ; and to notify the garnishee that:

- a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - iii. Any funds in an account of the defendant (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated
Amount due\$ \$1,448.49

Costs to be added..... \$ _____

Prothonotary costs 135.00
Prothonotary



Deputy

DATED: 6/14/12

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

INTERROGATORIES IN ATTACHMENT

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

S
FILED
JUN 13 2012
JUN 14 2012
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

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

RE: FAYETTE JOHNSTON , 120 LEWIS ST APT 6, REYNOLDSVILLE, PA 15851

Suggested Reference No.: XXX-XX-8890
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: 
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

To Deputy 6/29/12

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1733-CD

DISCOVER BANK

vs

SERVICE # 1 OF 2

FAYETTE JOHNSTON

TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 09/12/2012 **RUSH** HEARING: PAGE: 109761

DEFENDANT: FIRST COMMONWEALTH BANK, Garnishee

ADDRESS: 14303 CLEARFIELD SHAWVILLE HWY.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

FILED
9/11/58
JUL 02 2012
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6-29-12 AT 1:20 AM / PM **SERVED** THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON FIRST COMMONWEALTH BANK, Garnishee, DEFENDANT

BY HANDING TO Christina Taylor / Office Manager

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

ADDRESS SERVED 14303 Clearfield Shawville Hwy Clearfield Pa
() Residence () Employment () Sheriff's Office () Other

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES FOR FIRST COMMONWEALTH BANK, Garnishee

AT (ADDRESS) _____

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

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

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2012

So Answered 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. 109761

2 of 2

DISCOVER BANK

NO. 08-1733-CD

-vs-

FAYETTE JOHNSTON

WRIT OF EXECUTION/
INTERROGATORIES TO
GARNISHEE

TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF'S RETURN

NOW JULY 2, 2012 MAILED THE WITHIN:
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION
TO: FAYETTE JOHNSTON, DEFENDANT
AT: 120 LEWIS ST., APT. 6, REYNOLDSVILLE, PA. 15851
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 109761
NO: 08-1733-CD
SERVICES 2
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: FAYETTE JOHNSTON
TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	10553240	20.00
SHERIFF HAWKINS	WELTMAN	10553240	28.00

Sworn to Before Me This

_____ Day of _____ 2012

So Answers,



Chester A. Hawkins
Sheriff

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: FAYETTE JOHNSTON Defendant(s);
You are also directed to attach the property of the defendant not levied upon in the possession of FIRST
COMMONWEALTH BANK; ; AS GARNISHEE, 14303 CLEARFIELD SHAWVILLE HWY CLEARFIELD,
PA 16830; ; and to notify the garnishee that:

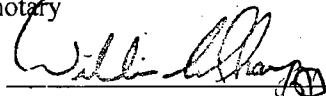
- a. An attachment has been issued;
- b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the
account of the defendant and from delivering any property of the defendant or otherwise
disposing thereof;
- c. The attachment shall not include any funds in an account of the defendant with a bank or other
financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as
being funds that upon deposit are exempt from execution, levy or attachment under
Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the
defendant (s) with a bank or other financial institution containing any funds which are
deposited electronically on a recurring basis and are identified as being funds that upon
deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds
on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a
recurring basis and are identified as being funds that upon deposit are exempt from
execution, levy or attachment under Pennsylvania or federal law
 - iii. Any funds in an account of the defendant (s) with a bank or other financial institution in
which funds on deposit exceed \$10,000.00 at any time if all funds are deposited
electronically on a recurring basis and are identified as being funds that upon deposit are
exempt from execution, levy or attachment under Pennsylvania or federal law

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

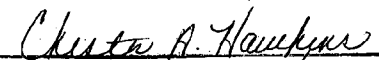
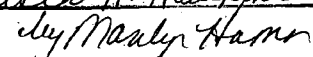
Amount due \$ \$1,448.49

Costs to be added..... \$ _____

Prothonotary costs 135.00
Prothonotary


Deputy

DATED: 6/14/12
Received this writ this 14th day
of June A.D. 2012
At 5:30 A.M. (P.M.)


Sheriff 

WWR No. 6921447

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

WRIT OF EXECUTION

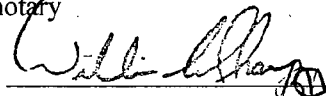
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: FAYETTE JOHNSTON Defendant(s);
You are also directed to attach the property of the defendant not levied upon in the possession of FIRST
COMMONWEALTH BANK; ; AS GARNISHEE, 14303 CLEARFIELD SHAWVILLE HWY CLEARFIELD,
PA 16830; ; and to notify the garnishee that:


- a. An attachment has been issued;
 - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
 - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
 - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - ii. Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
 - iii. Any funds in an account of the defendant (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated
- Amount due \$ \$1,448.49

Costs to be added..... \$ _____

Prothonotary costs 135.00
Prothonotary


Deputy

DATED: 6/14/12
Received this writ this 14th day
of June A.D. 2012
At P.F. 30 A.M. (P.M.)


Sheriff by Mandy Hamer

WWR No. 6921447

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

INTERROGATORIES IN ATTACHMENT

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

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

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

RE: FAYETTE JOHNSTON , 120 LEWIS ST APT 6, REYNOLDSVILLE, PA 15851

Suggested Reference No.: XXX-XX-8890
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: 
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

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
CIVIL DIVISION

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

INTERROGATORIES IN ATTACHMENT

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

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

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

RE: FAYETTE JOHNSTON , 120 LEWIS ST APT 6, REYNOLDSVILLE, PA 15851

Suggested Reference No.: XXX-XX-8890
XXX-XX-

IMPORTANT NOTICES TO GARNISHEE!

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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

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(Name)

_____ of _____, garnishee herein,
(Title) (Company)

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Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

(SIGNATURE)

RECEIVED

JUN 29 2012

FILED

JUL 05 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK
Plaintiff

vs.

Civil Action No. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

FIRST COMMONWEALTH BANK
Garnishee(s)

INTERROGATORIES IN ATTACHMENT

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

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DISCOVER BANK
Plaintiff

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

RE: FAYETTE JOHNSTON , 120 LEWIS ST APT 6, REYNOLDSVILLE, PA 15851

Suggested Reference No.: XXX-XX-8890
XXX-XX-

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For all answers to this and the foregoing Interrogatories, see Exhibit "A" attached hereto and made part of hereof.

INTERROGATORIES IN ATTACHMENT

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_____ of _____, garnishee herein,
(Title) (Company)

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(SIGNATURE)

EXHIBIT "A"
ANSWERS TO INTERROGATORIES

1. Yes
 - a. Checking account number 7110335860 into Fayette J. Johnston or Carolyn R. Johnston with a current balance of \$181.16.
2. No
3. No
4. No
5. No
6. No
7. Yes, client receives recurring deposits but do not know if deposits are exempt.
8. No
9. June 29, 2012
10. June 29, 2012
11. No
12. See #11 above

VERIFICATION

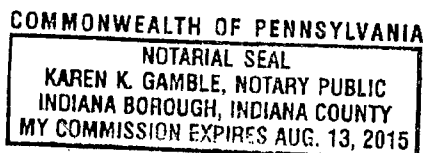
COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF INDIANA)

On this 2nd day of July 2012 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared DIANE R PEEL, who being duly sworn according to law, acknowledged that she is a Legal Services Specialist I of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.


Diane R. Peel, Legal Services Specialist I
First Commonwealth Bank

Sworn and subscribed to before me
This 2nd day of July 2012

Karen K. Camble
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2012 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA CERTIFIED U.S. MAIL

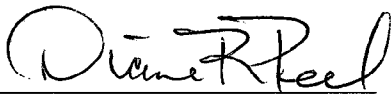
*Fayette J. Johnston
Carolyn R. Johnston
120 Lewis St Apt 6
Reynoldsville, PA 15851-1071*

As Defendants.

VIA REGULAR U.S. MAIL

*Matthew D. Urban, Esquire
Weltman, Weinberg & Reis Co., LPA
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219*

As Plaintiff



Diane R. Peel
Legal Services Specialist I
First Commonwealth Bank

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

BY: James C. Warmbrodt, Esquire

I.D. No.42524

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 6921447

Attorney for Plaintiff(s)

FILED

JUL 16 2012
William A. Shaw
Prothonotary/Clerk of Courts

DISCOVER BANK

CLEARFIELD County
Court of Common Pleas

vs.

FAYETTE JOHNSTON

NO. 2008-1733-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION

TO THE PROTHONOTARY:

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

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

By _____

James C. Warmbrodt, Esquire
Attorney for Plaintiff

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

BY: William T. Molezan, Esquire

Attorney for Plaintiff(s)

I.D. No.47437

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 6921447

DISCOVER BANK

CLEARFIELD County
Court of Common Pleas

vs.

FAYETTE JOHNSTON,

NO. 2008-1733-CD

and

FIRST COMMONWEALTH BANK

Garnishee(s)

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

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

By



William T. Molezan, Esquire
Attorney for Plaintiff

FILED

1103281
JUL 18 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

BY: Sarah E. Ehasz, Esquire

Attorney for Plaintiff(s)

I.D. No.86469

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 6921447

FILED

m/12:00pm

JUL 23 2012

4

William A. Shaw

Prothonotary/Clerk of Courts

pd \$7.00 Att
ICC Att
Ehasz

DISCOVER BANK
Plaintiff

CLEARFIELD County
Court of Common Pleas

vs.

NO. 2008-1733-CD

FAYETTE JOHNSTON
Defendant(s)

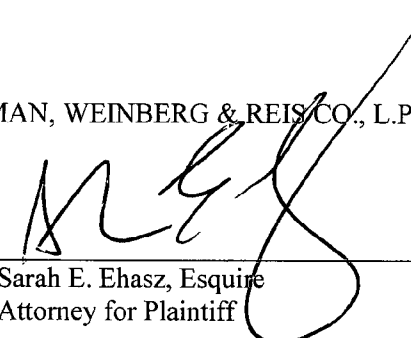
PRAECIPE FOR SATISFACTION OF JUDGMENT

TO THE PROTHONOTARY:

Please kindly Satisfy the Judgment of the above-captioned matter upon the records of the
Court and mark the cost paid.

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

By


Sarah E. Ehasz, Esquire
Attorney for Plaintiff

FAYETTE JOHNSTON
120 LEWIS ST APT 6
REYNOLDSVILLE, PA 15851

FILED

JUL 23 2012

William A. Shaw
Prothonotary/Clerk of Courts