

08-2088-CD
Maxwell Truck & Equ. Vs Eric Porter

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

08-2088-CJ

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

ERIC J. PORTER

Defendant

Type of Pleading:
WRIT OF EXECUTION

5 **FILED** Atty pd. 2000
M 11/12/01
OCT 31 2008
William A. Shaw
Prothonotary/Clerk of Courts

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
BABST, CALLAND, CLEMENTS AND
ZOMNIR, PC.
AMY H. MARSHALL, ESQUIRE
Supreme Court # 74852
330 Innovation Boulevard, Suite 302
State College, PA 16803
(814) 867.8055/(814) 867.8051 - Fax
E-mail: amarshall@bccz.com

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CENTRE :
:

To the Sheriff of Centre County:

To satisfy the judgment, interests and costs against Defendant(s) *ERIC J. PORTER, of 160 Industrial Park Road, Clearfield, Pennsylvania 16830.*

(1) You are directed to levy upon the personal property of the Defendant(s) and to sell its/their interest therein;

(2) You are also directed to attach the property of the Defendant(s) not levied upon in the possession of the Garnishee, N/A

and to notify the Garnishee that

(a) an attachment has been issued; N/A

(b) the Garnishee is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant(s) or otherwise disposing thereof; N/A

(3) If property of the Defendant(s) not levied upon and subject to attachment is found in the possession of any one other than a named Garnishee, you are directed to notify him that he has been added as a Garnishee and is enjoined as above stated N/A

Amount Due	\$1,253.56	<u>COSTS TO BE ADDED</u>
Interest From 4/25/08	(to be added)	PRO.I.....\$21.00pd
Attorneys Fees	\$1,000.00	WRIT..... 23.00pd

Date: 09/25/08

Debra C. Immel
Debra C. Immel, Prothonotary

Seal of the Court:

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

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

08-2088-C

Plaintiff

v.

Type of Pleading: PRAECIPE FOR
WRIT OF EXECUTION

ERIC J. PORTER

Defendant

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:

BABST, CALLAND, CLEMENTS AND
ZOMNIR, PC.

AMY H. MARSHALL, ESQUIRE

Supreme Court # 74852

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FILED FOR RECORD

2009 SEP 25 P 1:05

PRAECIPE FOR WRIT OF EXECUTION

TO: THE PROTHONOTARY OF CENTRE COUNTY

Issue writ of execution in the above matter,

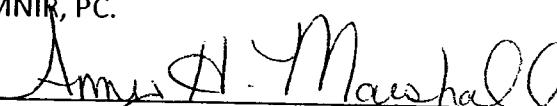
- (1) directed to the Sheriff of Centre County
- (2) against, Defendant(s), *ERIC J. PORTER, of 160 Industrial Park Road, Clearfield, Pennsylvania*; and
- (3) against n/a Garnishee,
- (4) and index this writ
- (5) against, Defendant(s) *ERIC J. PORTER*, and
- (6) against n/a, Garnishee;

as a lis pendens against real property of the Defendant in the name of the garnishee as follows: n/a

(7) Amount Due	\$1,253.56
Interest From	(to be added)
Attorneys Fees	\$1,000.00
Costs	(to be added)

BABST, CALLAND, CLEMENTS AND
ZOMNIR, PC.

By:


Amy H. Marshall, Esquire
Counsel for the Plaintiff

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

08-2088-CD

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

Type of Pleading:
WRIT OF EXECUTION

ERIC J. PORTER,

Filed on Behalf of: Plaintiff

Defendant

Counsel of Record for this Party:
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WRIT OF EXECUTION

NOTICE

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160 Industrial Park Road
Clearfield, PA 16830

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The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. 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.

Centre County Courthouse
Office of the Court Administrator
Allegheny Street
Bellefonte, PA 16823
(814) 355.6727

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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

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

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

ERIC J. PORTER,

Defendant

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:

BABST, CALLAND, CLEMENTS AND
ZOMNIR, PC.

AMY H. MARSHALL, ESQUIRE

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CLAIM FOR EXEMPTION

To the Sheriff:

I, the above named Defendant(s), *ERIC J. PORTER*, 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 of exemption):
_____;
- (2) From my property which is in the possession of a third party, I claim the following exemptions:
 - (a) My \$300 statutory exemption: ____ in cash: ____ in kind (specify property):
 - (b) Social Security benefits on deposit in the amount of \$_____;

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

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

(telephone number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____
Defendant

Date: _____
Defendant

THIS CLAIM TO BE FILED WITH THE OFFICE OF

THE SHERIFF OF CENTRE COUNTY:

CENTRE COUNTY COURTHOUSE

(814)355.6803

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20878
NO: 07-5269

PLAINTIFF: MAXWELL TRUCK & EQUIPMENT
vs.
DEFENDANT: ERIC J. PORTER

08-20878-CJ

Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 10/31/2008

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 6/29/2009

FILED
070505X
JUN 29 2009
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED ERIC J. PORTER

DEPUTIES WERE UNABLE TO SERVE ERIC J. PORTER AT 160 INDUSTRIAL PARK ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA.

@ SERVED

NOW, MAY 19, 2009 THE WRIT WAS REISSUED.

6/10/2009 @ 12:55 PM SERVED ERIC J. PORTER

SERVED ERIC J. PORTER, DEFENDANT, AT HIS RESIDENCE 705 GOOD STREET, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JODI PORTER WIFE OF THE DEFENDANT/ADULT AT RESIDENCE.

A TRUE AND ATTESTED COPY OF THE ORIGINAL REISSUED WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, JUNE 16, 2009 DEFENDANT PAID \$2,502.67 TO CURE THE DEFAULT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20878
NO: 07-5269

PLAINTIFF: MAXWELL TRUCK & EQUIPMENT
vs.
DEFENDANT: ERIC J. PORTER

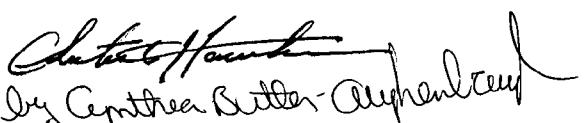
Execution PERSONAL PROPERTY

SHERIFF RETURN

SHERIFF HAWKINS \$107.11

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


by Cynthia Miller-Alphen-Camp
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEA^{OF}
CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

08-2088-CD

Plaintiff

v.

Type of Pleading:
WRIT OF EXECUTION

ERIC J. PORTER,

Filed on Behalf of: Plaintiff

Defendant

Counsel of Record for this Party:
BABST, CALLAND, CLEMENTS AND
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IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

ERIC J. PORTER,

Defendant

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
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CLAIM FOR EXEMPTION

To the Sheriff:

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

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

ERIC J. PORTER

Defendant

Type of Pleading:
WRIT OF EXECUTION

Filed on Behalf of: Plaintiff

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: ss.
COUNTY OF CENTRE :
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Amount Due	\$1,253.56	COSTS TO BE ADDED
Interest From 4/25/08	(to be added)	
Attorneys Fees	\$1,000.00	
		<u>PRO.I.....\$21.00pd</u>
		<u>WRIT..... 23.00pd</u>

Date: 09/25/08

Debra C. Immel
Debra C. Immel, Prothonotary

Seal of the Court:

Received this writ this 27th day
of May A.D. 2009
At 10:30 A.M. P.M.

Conrad G. Hawkins
Sheriff Sgt. Cynthia Butler-Cayford

MY PAPER FILED, THE WITHIN ACTION IS
REISSUED THIS 10th DAY OF May, 2009
Debra C. Immel
PROTHONOTARY

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

08-2088-CD

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

Type of Pleading:
WRIT OF EXECUTION

ERIC J. PORTER,

Filed on Behalf of: Plaintiff

Defendant

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MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

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Defendant

Filed on Behalf of: Plaintiff

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_____ (telephone number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant

Date: _____

Defendant

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THE SHERIFF OF CENTRE COUNTY:

CENTRE COUNTY COURTHOUSE

(814)355.6803

IN THE COURT OF COMMON PLEAS OF
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08-2088-CD

MAXWELL TRUCK & EQUIPMENT

No. 07-5269

Plaintiff

v.

Type of Pleading:
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Interest From 4/25/08	(to be added)	
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PRO.I.....	\$21.00pd
WRIT.....	23.00pd

Date: 09/25/08

Debra C. Immel
Debra C. Immel, Prothonotary

Seal of the Court:

Received this writ this 31st day
of October A.D. 2008
At 2:25 A.M./P.M.

Chas. G. Hawkins
Sheriff by Amber Butter Aughab

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME ERIC J. PORTER

NO. 07-5269

NOW, June 29, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Eric J. Porter to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	9.00
MILEAGE	9.00
LEVY	2.00
MILEAGE POSTING	2.00
HANDBILLS	
COMMISSION	0.00
POSTAGE	1.68
HANDBILLS	10.00
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
ADD'L POSTING	
ADD'L MILEAGE	21.80
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	
MISCELLANEOUS	26.63
TOTAL SHERIFF COSTS	\$107.11

PLAINTIFF COSTS, DEBT AND INTEREST:

	DEBT-AMOUNT DUE	1,253.56
	INTEREST @ %	0.00
	FROM TO	
PROTH SATISFACTION		
LATE CHARGES AND FEES		
COST OF SUIT-TO BE ADDED		
FORECLOSURE FEES		
ATTORNEY COMMISSION		
REFUND OF ADVANCE		
REFUND OF SURCHARGE		20.00
SATISFACTION FEE		
ESCROW DEFICIENCY		
PROPERTY INSPECTIONS		
INTEREST		78.00
MISCELLANEOUS		
TOTAL DEBT AND INTEREST		\$2,502.67

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
SHERIFF COSTS	107.11
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	44.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$151.11
TOTAL COSTS	\$2,502.67

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff