

08-2101-CD  
Discover Bank vs Michael Tomechick

5  
**FILED** Atty Fwd 95.00  
m 3:00 P.M. 6K  
**NOV 03 2008** NO CC  
William A. Shaw *W.A. Shaw*  
Prothonotary/Clerk of Courts *compl. shff*

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

DISCOVER BANK,

Plaintiff

No. 2008-2101-CD

vs.

COMPLAINT IN CIVIL ACTION

MICHAEL TOMCHICK,

Defendant

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#6921541

*July 27-2009* Document  
Reinstated Received to Sheriff/Attorney  
for service.

*William A. Shaw* GK  
Deputy Prothonotary

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

DISCOVER BANK,

Plaintiff

vs.

Civil Action No.

MICHAEL TOMCHICK,

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

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 ROAD, NEW ALBANY, OH 43054.
2. Defendant is an adult individual residing at the address listed below:

MICHAEL TOMCHICK  
122 KIRK ST  
HOUTZDALE,PA 16651
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXXXX0372.
4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of OCTOBER 24, 2008 in the amount of \$3,154.07. 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 Agreement between the parties provides that Defendant will pay Plaintiff's attorneys' fees.
7. Plaintiff avers that such attorneys' fees will amount to \$500.00.
8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, MICHAEL TOMCHICK, individually, in the amount of \$3,154.07 with interest at the legal interest rate of 6% per annum from date of judgment plus attorneys' fees of \$500.00, and 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.

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



VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he 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 # 6921541  
MICHAEL (MIKE TOMCHICK  
6011002590550372

E73 - 5849

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2101-CD

DISCOVER BANK

vs

MICHAEL TOMCHICK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/03/2008

HEARING:

PAGE: 104870

DEFENDANT: MICHAEL TOMCHICK  
ADDRESS: 122 KIRK ST.  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

ATTEMPTS

12-2-08-10:16 AM 12-3-08-2:45 PM 12/14  
12-3-08-1:20 PM 12/14

*S*  
**FILED**

*0/8:30 AM*

*DEC 15 2008*

*(LM)*

William A. Shaw  
Prost. Occupied of Courts

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT ON MICHAEL TOMCHICK, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

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

ADDRESS SERVED \_\_\_\_\_

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

COMPLAINT FOR MICHAEL TOMCHICK

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

NOW 12-4-08 AT 8:12 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL TOMCHICK

REASON UNABLE TO LOCATE Nobody Home after trying harder

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: James E. Davis

Deputy Signature

James E. Davis  
Print Deputy Name

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

NOV 03 2008

Attest.

*William L. Chen*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK,

Plaintiff No. 2008-2101-CJ

vs. COMPLAINT IN CIVIL ACTION

MICHAEL TOMCHICK,

Defendant 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.  
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436 Seventh Avenue  
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(412) 434-7955

WWR#6921541

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

DISCOVER BANK,

Plaintiff

vs.

Civil Action No.

MICHAEL TOMCHICK,

Defendant

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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

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

COMPLAINT

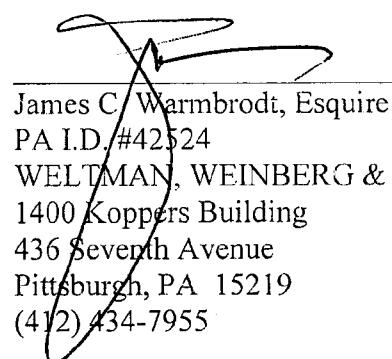
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**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.**

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

  
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) 234-7955



VERIFICATION

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(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 # 6921541  
MICHAEL (MIKE TOMCHICK  
6011002590550372

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104870  
NO: 08-2101-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: MICHAEL TOMCHICK

**SHERIFF RETURN**

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8793857	10.00
SHERIFF HAWKINS	WELTMAN	8793857	56.12

*S*  
013-45cm  
FEB 17 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
*WAS*

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

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

DISCOVER BANK

Plaintiff No. 08-2101-CD

vs. MOTION FOR ALTERNATE SERVICE

MICHAEL TOMCHICK

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

FILED *ice*  
MAY 04 2009 Atty Molczan  
JUN 04 2009

3  
William A. Shaw  
Prothonotary/Clerk of Courts

6K

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

DISCOVER BANK

Plaintiff No. 08-2101-CD

vs.

MICHAEL TOMCHICK

**Defendant**

**PLAINTIFF'S MOTION FOR ALTERNATE SERVICE**

AND NOW, comes Plaintiff, by counsel, Weltman, Weinberg & Reis Co., L.P.A. and requests this honorable court to enter an Order allowing the Plaintiff to make service upon Defendant, Michael Tomchick, by certified U.S. Mail and Certificate of Mailing, addressed to 122 Kirk St, Houtzdale, Pa 16651, averring in support thereof the following:

1. On or about November 3, 2008, Plaintiff filed a Complaint in Civil Action against Defendant to recover the unpaid balance due Plaintiff from Defendant in the amount of \$3,154.07.

2. When the Clearfield County Sheriff attempted to make service of Plaintiff's Complaint on Defendant, they were unable to do so, indicating that after several separate attempts no service was made. A true and correct copy of the return of no service is attached hereto, marked Exhibit "1", and made a part hereof.

3. Upon receipt of the return of no service, Plaintiff conducted an investigation with the United States Postal Service to confirm the physical address of the Defendant.

4. Pursuant to Plaintiff's request for information, the United States Postal Service confirmed Defendant's physical address of 122 Kirk St, Houtzdale, Pa 16651. A true and correct copy of Plaintiff's Postal Request is attached hereto, marked as Exhibit "2", and made a part hereof.

5. Plaintiff conducted an online white pages search and Plaintiff was unable to confirm a current address for Defendant of 122 Kirk St, Houtzdale, Pa 16651.

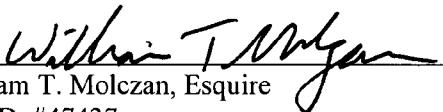
6. Plaintiff conducted a search of the Clearfield County Tax Assessment office, which confirmed the Defendant as being the registered owner of 122 Kirk St, Houtzdale, PA 16651.

7. Upon receipt of the Sheriff's return of no service, Plaintiff conducted an investigation with the LexisNexis Total Research System to confirm the physical address of the Defendant.

8. Pursuant to Plaintiff's request for information, LexisNexis Total Research System confirmed Defendant's physical address of 122 Kirk St, Houtzdale, PA 16651, a true and correct copy of the LexisNexis search results is attached hereto, marked as Exhibit "3", and made a part hereof.

9. Based upon the foregoing, Plaintiff believes and therefore avers that Defendant is attempting to avoid service of process in the above-captioned matter and Plaintiff therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Plaintiff leave to serve its Complaint on Defendant by alternative means.

WHEREFORE, Plaintiff requests this Honorable Court to enter an Order pursuant to PA.R.C.P. 430(a), authorizing the Plaintiff to serve Defendant by Certified U.S. Mail and Certificate of Mailing sent to an address (122 Kirk St, Houtzdale, Pa 16651) at which Defendant is presently receiving mail according to information obtained from the Post Office, or by allowing service by a competent adult.



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

DISCOVER BANK

NO. 08-2101-CD

Plaintiff

vs.

MICHAEL TOMCHICK

Defendant

AFFIDAVIT PURSUANT TO PA R.C.P. 430 (a)

BEFORE ME, a Notary Public, in and for the foregoing County and Commonwealth, personally appeared William T. Molczan, Esquire, of Weltman, Weinberg & Reis, Co., L.P.A., attorneys for Plaintiff, and deposes and says that the following accurately reflects efforts made to ascertain the exact whereabouts of Defendant named in the above-captioned matter.

- a. Plaintiff requested current address information from the United States Postal Service, which request for information confirmed the current address for Defendant as being 122 Kirk St, Houtzdale, Pa 16651.
- b. Plaintiff conducted an online white-pages search for the address of the Defendant that was unable to confirm the address as being 122 Kirk St, Houtzdale, Pa 16651.
- c. Plaintiff conducted an online tax-assessment search for the address of the Defendant that was able to confirm that the Defendant is the registered owner of 122 Kirk St, Houtzdale, PA 16651

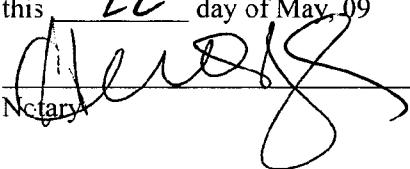
d. Plaintiff requested current address information from the LexisNexis Total Research System, which request for information confirmed the current address for Defendant as being 122 Kirk St, Houtzdale, PA 16651. A true and correct copy of the LexisNexis search results is marked Exhibit "3" attached hereto and made a part hereof.

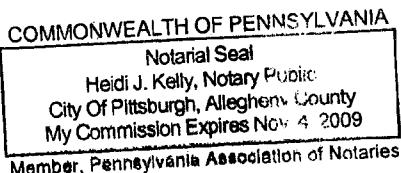
Finally, Affiant deposes and says that after the foregoing investigation, the exact whereabouts of the Defendant, Michael Tomchick, is 122 Kirk St, Houtzdale, Pa 16651.

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

  
\_\_\_\_\_  
Attorney for Plaintiff

Sworn to and subscribed before me  
this 22 day of May, 09

  
\_\_\_\_\_  
Notary



**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the within Motion for Alternate Service was served on the 2nd day of June, 2009, by first class, U.S. Mail, postage-prepaid, and by certified U.S. mail addressed as follows:

Michael Tomchick  
122 Kirk St  
Houtzdale, Pa 16651

  
\_\_\_\_\_  
Attorney for Plaintiff

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

DISCOVER BANK

Plaintiff No. 08-2101-CD

VS.

**BRIEF IN SUPPORT OF  
MOTION FOR ALTERNATE SERVICE**

MICHAEL TOMCHICK

**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  
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(412) 434-7955

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

DISCOVER BANK

Plaintiff No. 08-2101-CD

VS.

MICHAEL TOMCHICK

**Defendant**

BRIEF IN SUPPORT OF  
MOTION FOR ALTERNATIVE SERVICE

AND NOW, comes Plaintiff, by and through its attorneys, Weltman, Weinberg & Reis Co., L.P.A., and files the following Brief in Support of Petition For Alternative Service:

## FACTS OF CASE

This action arises out of Defendant's failure to pay a debt owed to Plaintiff. On or about November 3, 2008, Plaintiff filed a Complaint against Defendant seeking judgment for the unpaid debt in the amount of \$3,154.07 plus interest and costs. When the Clearfield County Sheriff attempted to make service of Plaintiff's Complaint they were unable to do so. Plaintiff now moves for alternative service.

## LEGAL ARGUMENT

If the Sheriff cannot make service, the plaintiff may move the court for a special order directing the method of service. Pa.R.C.P. 403(a). The motion shall be accompanied by an

affidavit stating the nature and extent of the investigation, which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made. Id.

Here, Plaintiff conducted an investigation with the United States Postal Service to confirm the physical address of the Defendant. Pursuant to Plaintiff's request for information, the United States Postal Service confirmed Defendant's physical address of 122 Kirk St, Houtzdale, Pa 16651. Plaintiff conducted an online white pages search and Plaintiff was unable to confirm a current address for Defendant. Plaintiff contacted the Clearfield County Tax Assessment office, which confirmed the Defendant's current physical address as 122 Kirk St, Houtzdale, Pa 16651. Plaintiff conducted an investigation with the LexisNexis Total Research System, which confirmed the physical address of the Defendant as being 122 Kirk St, Houtzdale, PA 16651.

Based upon the foregoing, Plaintiff believes and therefore avers that Defendant is attempting to avoid service of process in the above-captioned matter and Plaintiff therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Plaintiff leave to serve its Complaint on Defendant by alternative means.

WHEREFORE, Plaintiff prays that this Honorable Court sign the attached order allowing alternative service.

Respectfully Submitted,

By: Walter Morgan

E73:5849

6921541

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2101-CD

DISCOVER BANK

vs

MICHAEL TOMCHICK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/03/2008

HEARING:

PAGE: 104870

DEFENDANT: MICHAEL TOMCHICK  
ADDRESS: 122 KIRK ST.  
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

12-2-08-10:16 AM - 10/14 12-3-08-2:45 PM - 11/14  
12-3-08-1:30 PM - 11/14

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT ON MICHAEL TOMCHICK, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

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

ADDRESS SERVED \_\_\_\_\_

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

**EXHIBIT**

COMPLAINT FOR MICHAEL TOMCHICK

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

NOW 12-4-08 AT 8:12 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL TOMCHICK

REASON UNABLE TO LOCATE Nobody Home after trying harder

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis  
Deputy Signature  
James E. Davis  
Print Deputy Name

**Postmaster  
HOUTZDALE, PA 16651**

Date: March 5, 2009

REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: MICHAEL (MIKE TOMCHICK)  
122 KIRK ST.  
Address: HOUTZDALE, PA 16651

Note: Only one request may be made per completed form. The name and last known address are required for change of address information. The name, if known, and Post Office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(5)(ii). There is no fee for providing boxholder or change of address information.

1. Capacity of requester (e.g., process server, attorney, party representing self): **ATTORNEY**
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se—except a corporation acting pro se must cite statute):
3. The names of all known parties to the litigation: MICHAEL (MIKE TOMCHICK), DISCOVER BANK
4. The court in which the case has been or will be heard: PROTHONOTARY CLEARFIELD C
5. The docket or other identifying number (a or b must be filled out):  
 a. Docket or other identifying number: #2008-2101-CD  
 b. Docket or other identifying number has not been issued
6. The capacity in which this individual is to be served (e.g., defendant or witness): **DEFENDANT**

**WARNING**

**THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).**

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.

Signature

William T. Molczan, Esquire / PA ID# 47437  
Attorney  
Printed Name

WWR File No. 6921541  
User: ABR

No change of address order on file:   
Moved, left no forwarding address:   
No such address:

**FOR POST OFFICE USE ONLY**

NEW ADDRESS OR BOXHOLDER'S NAME POSTMASTER  
AND STREET ADDRESS

\_\_\_\_\_



TOMCHICK, MICHAEL G  
(DOB: 02/1957)  
(Age: 52)

122 KIRK ST  
HOUTZDALE, PA 16651-8813  
CLEARFIELD COUNTY  
(02/1988-Current)

EXHIBIT

3

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

DISCOVER BANK

Plaintiff  
vs.

No. 08-2101-CD

MICHAEL TOMCHICK

Defendant

**ORDER OF COURT**

AND NOW, to-wit, this 10<sup>th</sup> day of JUNE, 2009,

upon consideration of the foregoing Motion for Service of the Complaint in Civil Action Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Complaint in Civil Action may be made on Defendant, Michael Tomchick, by permitting the Plaintiff to mail a copy of the Complaint in Civil Action to the Defendant at the last known address being 122 Kirk St, Houtzdale, Pa 16651 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

BY THE COURT:

*Frederick C. Zimmerman*  
J.

5 **FILED** ICC  
01/24/2011 Atty Molczan  
JAN 10 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
CIV

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

DISCOVER BANK

Plaintiff No. 2008-2101-CD  
vs. PRAEICE TO REINSTATE COMPLAINT

MICHAEL MIKE TOMCHICK

Defendant(s) FILED ON BEHALF OF  
Plaintiff  
COUNSEL OF RECORD OF  
THIS PARTY:  
James C. Warmbrodt, Esquire  
PA ID #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Buidling  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6921541 DIS

FILED *(initials)*  
S JUL 14 2009 Atty pd.  
JUL 27 2009 7.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
1CC&1Compl.  
Reinstated to Sheriff  
1CC&1Compl.  
Reinstated to Atty

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-2101-CD

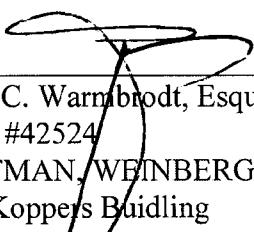
MICHAEL MIKE TOMCHICK

Defendant(s)

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

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

WWR #6921541

FILED  
3:00 P.M.  
NOV 03 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK,

Plaintiff No. 2008-2101-C.D

vs. COMPLAINT IN CIVIL ACTION

MICHAEL TOMCHICK,

Defendant 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#6921541

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

DISCOVER BANK,

Plaintiff No.

vs. COMPLAINT IN CIVIL ACTION

MICHAEL TOMCHICK,

Defendant 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#6921541

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

DISCOVER BANK,

Plaintiff

vs.

Civil Action No.

MICHAEL TOMCHICK,

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

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 ROAD, NEW ALBANY, OH 43054.
2. Defendant is an adult individual residing at the address listed below:

MICHAEL TOMCHICK  
122 KIRK ST  
HOUTZDALE,PA 16651
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXXXX0372.
4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of OCTOBER 24, 2008 in the amount of \$3,154.07. 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 Agreement between the parties provides that Defendant will pay Plaintiff's attorneys' fees.
7. Plaintiff avers that such attorneys' fees will amount to \$500.00.
8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, MICHAEL TOMCHICK, individually, in the amount of \$3,154.07 with interest at the legal interest rate of 6% per annum from date of judgment plus attorneys' fees of \$500.00, and 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.

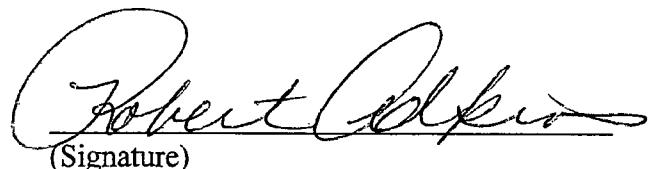
James C. Warmbrodt, Esquire  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 234-7955



VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he 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 # 6921541  
MICHAEL (MIKE TOMCHICK  
6011002590550372

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2101-CD

DISCOVER BANK  
vs  
MICHAEL MIKE TOMCHICK

SERVICE # 1 OF 1

PRAEICE & COMPLAINT

SERVE BY: 08/26/2009 HEARING: PAGE: 105967

DEFENDANT: MICHAEL MIKE TOMCHICK  
ADDRESS: 122 KIRK STREET  
HOOTZDALE, PA 16551

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8-6-09 <sup>not home</sup> <sub>left note</sub> \_\_\_\_\_

5 **FILED**

*07-3842*  
AUG 11 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 8/11/09 AT 2:25 AM / PM SERVED THE WITHIN

PRAEICE & COMPLAINT ON MICHAEL MIKE TOMCHICK, DEFENDANT

BY HANDING TO Michael Mike Tomchick, def.

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

ADDRESS SERVED Sheriff's office

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

PRAEICE & COMPLAINT FOR MICHAEL MIKE TOMCHICK

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL MIKE TOMCHICK

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Samantha Hunter*  
Deputy/Signature

*Samantha Hunter*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105967  
NO: 08-2101-CD  
SERVICES 1  
PRAECEIPE & COMPLAINT

PLAINTIFF: DISCOVER BANK  
VS.  
DEFENDANT: MICHAEL MIKE TOMCHICK

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8874508	10.00
SHERIFF HAWKINS	WELTMAN	8874508	38.80

5 FILED  
0/8/45LM  
DEC 15 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Chester A. Hawkins  
Sheriff

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

DISCOVER BANK

Plaintiff No. 2008-2101-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

MICHAEL TOMCHICK

Defendant

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) 434-79555

WWR#6921541  
Judgment Amount \$ 3,654.07

5/11/2010  
FEB - 5 2010  
SFILED pd \$20.00  
1cc & notice  
to deft

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. 2008-2101-CD

MICHAEL TOMCHICK

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

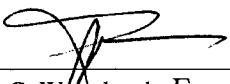
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, MICHAEL TOMCHICK above named, in the default of an Answer, in the amount of \$3,654.07 computed as follows:

Amount claimed in Complaint	\$3,154.07
Interest from date of judgment at the legal interest rate of 6.00% per annum	
Attorney's fees	\$500.00
<b>TOTAL</b>	<b>\$3,654.07</b>

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

By:   
James C. Warmbrodt, Esquire

PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 234-7955

WWR#6921541

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: 122 KIRK ST, HOUTZDALE, PA 16651

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL TOMCHICK

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 2-5-2010

Assumpsit Judgment in the amount  
of \$3,654.07 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 L. Hark

LM  
PROTHONOTARY (OR DEPUTY)

MICHAEL TOMCHICK  
122 KIRK ST  
HOUTZDALE, PA 16651

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

DISCOVER BANK

Case no: 2008-2101-CD

**Plaintiff** **NON-MILITARY AFFIDAVIT**

MICHAEL TOMCHICK

**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, MICHAEL TOMCHICK is not in the military service.

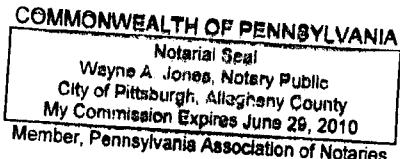
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, MICHAEL TOMCHICK is not in the military service.

Further Affiant sayeth naught.

## AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 28 day  
of January, 2010.

~~NOTARY PUBLIC~~



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

DISCOVER BANK

Plaintiff

Case No. 2008-2101-CD

vs.

MICHAEL (MIKE TOMCHICK

Defendant

**IMPORTANT NOTICE**

TO:

MICHAEL (MIKE TOMCHICK  
122 KIRK ST  
HOUTZDALE, PA 16651

Date of Notice: 12/2/09

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  
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

6921541 A PIT T4L

Department of Defense Manpower Data Center

Jan-25-2010 12:30:24



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
TOMCHICK	MICHAEL		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

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 Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*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 DoD strongly supports the enforcement of the Service Members 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 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 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 is on active duty 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., 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 **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days 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 TARs, Marine Corps ARs and Coast Guard 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) for a period of more than 30 consecutive days.

***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.

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 SCRA extend beyond the last dates of active duty.

Those who would 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 name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:GU1VOREES8

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

DISCOVER BANK  
Plaintiff

No. 2008-2101-CD

vs.

MICHAEL (MIKE TOMCHICK  
Defendant(s)

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

M & T BANK  
PNC BANK  
Garnishee(s)

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

5-12-11 3CC &  
6 wnts to Sheriff  
Atty Pk 20.00  
William A. Shantz  
Clearfield County, Pa.

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC 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 MICHAEL (MIKE TOMCHICK , Defendant
3. against M & T BANK, PNC BANK, , Garnishee

4. Judgment Amount \$ \$3,654.07

Interest \$ \$230.06

Costs \$

**SUBTOTAL:** \$ \$3,884.13

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 140.00

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. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC 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):

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 CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC BANK  
Garnishee(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: MICHAEL (MIKE TOMCHICK Defendant(s); You are also directed to attach the property of the defendant not levied upon in the possession of M & T BANK; PNC BANK; AS GARNISHEE, 146 SPRING ST HOUTZDALE, PA 16651; 200 N BRADY ST 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 (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 ..... \$ 3,884.13

Costs to be added..... Prothonotary costs \$ 142.00

Prothonotary

DATED: 3/9/11

Deputy

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC 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

*5-11-2008  
m. b. 10/20/08  
NO CC  
B&W*  
William A. Simer  
Prothonotary, Court of Common Pleas

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC BANK  
Garnishee(s)

TO: M & T BANK, 146 SPRING ST, HOUTZDALE, PA 16651  
PNC BANK, 200 N BRADY ST, DUBOIS, PA 15801

RE: MICHAEL (MIKE TOMCHICK , 122 KIRK ST, HOUTZDALE, PA 16651

Suggested Reference No.: XXX-XX-8976  
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. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

**INTERROGATORIES IN ATTACHMENT**

M & T BANK  
PNC BANK  
Garnishee(s)

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. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC BANK  
Garnishee(s)

TO: M & T BANK, 146 SPRING ST, HOUTZDALE, PA 16651  
PNC BANK, 200 N BRADY ST, DUBOIS, PA 15801  
RE: MICHAEL (MIKE TOMCHICK , 122 KIRK ST, HOUTZDALE, PA 16651

Suggested Reference No.: XXX-XX-8976  
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)

To Deputy 3/15/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2101-CD

DISCOVER BANK

vs

MICHAEL (MIKE TOMCHICK

TO: M&T BANK and PNC BANK, GARNISHEES

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVE BY: 06/08/2011

RUSH

HEARING:

PAGE: 108258

SERVICE # 1 OF 3

DEFENDANT: M&T BANK, Garnishee  
ADDRESS: 164 SPRING ST.  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

5  
02/14/2011  
William A. Shaw  
Prothonotary, Clearfield County

**SHERIFF'S RETURN**

NOW, THIS 10th OF March 2011 AT 9:30 AM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON M&T BANK, Garnishee, DEFENDANT  
BY HANDING TO Cherry L. Perna, Teller

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

ADDRESS SERVED 164 Spring St Houtzdale

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

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE FOR M&T BANK, Garnishee

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

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

I MAKE RETURN OF **NOT FOUND** AS TO M&T BANK, Garnishee

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2011

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

George F. Bellheim  
Deputy Signature

George F. Bellheim  
Print Deputy Name

To Deputy 3/15/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2101-CD

DISCOVER BANK

vs

MICHAEL (MIKE TOMCHICK

TO: M&T BANK and PNC BANK, GARNISHEES

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVICE # 2 OF 3

SERVE BY: 06/08/2011 HEARING: PAGE: 108258

DEFENDANT: PNC BANK, Garnishee

ADDRESS: 200 N. BRADY ST.  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED

0/8/35

MAR 17 2011

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

ATTEMPTS \_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 3-16-2011 AT 9:05 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON PNC BANK, Garnishee, DEFENDANT  
BY HANDING TO Diane Hawley, P.T.C.

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

ADDRESS SERVED 200 N. 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 2011

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*James C. Davis*  
Deputy Signature

*James E. Davis*  
Print Deputy Name

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

2011 MR 17 AM 9:42

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

**INTERROGATORIES IN ATTACHMENT**

M & T BANK  
PNC BANK  
Garnishee(s)

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  
m 10/3/2011 NO  
10/12/2011 (60)  
William A. Shantz  
Prothonotary, U.S. Courts

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

DISCOVER BANK  
Plaintiff

vs.

Civil Action No. 2008-2101-CD

MICHAEL (MIKE TOMCHICK  
Defendant(s)

M & T BANK  
PNC BANK  
Garnishee(s)

TO: M & T BANK, 146 SPRING ST, HOUTZDALE, PA 16651  
PNC BANK, 200 N BRADY ST, DUBOIS, PA 15801

RE: MICHAEL (MIKE TOMCHICK , 122 KIRK ST, HOUTZDALE, PA 16651

Suggested Reference No.: XXX-XX-8976  
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)?

MA

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.

MA

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.

MA

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?

MA

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?

MA

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?

MA

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?

MA

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.

MA

VERIFICATION

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

**LORRIE MASKA** (Name)  
**M&T BANK**

WPA 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.

**MAR 17 2011**

Lori Maska

(SIGNATURE)

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.

NO

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

(Mar. 17, 2011)

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.

NO

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?

NO

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

NO

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 OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108258

3 of 3

DISCOVER BANK

NO. 08-2101-CD

-vs-

MICHAEL (MIKE TMCHICK

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

TO: M&T BANK & PNC BANK, GARNISHEE

**SHERIFF'S RETURN**

NOW MARCH 22, 2011 MAILED THE WITHIN:

PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE

TO: MICHAEL MIKE TOMCHICK, DEFENDANT

AT: 122 KIRK ST., HOUTZDALE, PA. 16651

IN THE S.A.S.E.

**FILED**  
3:25 pm

MAR 22 2011

*S*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 108258  
NO: 08-2101-CD  
SERVICES 3  
WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

PLAINTIFF: DISCOVER BANK

vs.

DEFENDANT: MICHAEL (MIKE TOMCHICK  
TO:M&T BANK and PNC BANK, GARNISHEES

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	5074949	30.00
SHERIFF HAWKINS	WELTMAN	5074949	68.18

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2011

  
Chester A. Hawkins  
Sheriff

**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 # 6921541

**Attorney for Plaintiff(s)**

RECEIVED  
APR 11 2011  
M 12:10 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 CCR to  
ATTY

**DISCOVER BANK**

**CLEARFIELD County  
Court of Common Pleas**

vs.

**MICHAEL (MIKE TOMCHICK**

**NO. 2008-2101-CD**

and

**PNC BANK and M&T BANK**

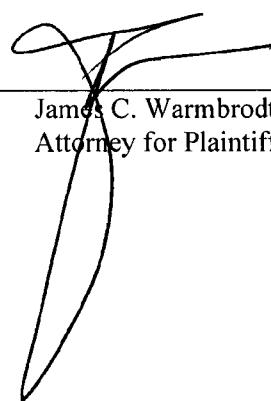
**Garnishee(s)**

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

**TO THE PROTHONOTARY:**

Kindly marked the above matter discontinued and ended as to Garnishee(s), PNC BANK and  
M&T BANK, only.

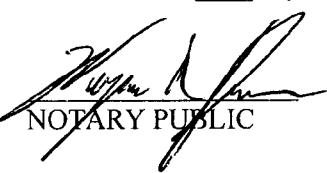
**WELTMAN, WEINBERG & REIS CO., L.P.A.**

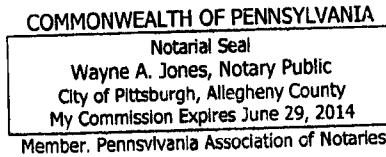
By 

James C. Warmbrodt, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 31 day of MARCH, 2011

  
NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DISCOVER BANK

:

VS. :

MICHAEL TOMCHICK

:

NO. 2008-2101-CD

*Syms*  
**FILED**

**PRAECIPE FOR APPEARANCE**

**JAN 20 2015**  
M/0800 *Sm*  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
NO CC

TO THE PROTHONOTARY:

Please enter my appearance for DISCOVER BANK

in the above case.

Date: December 18, 2014

*Stu. Selinger* /317475

Signature/ID Number

Stephen Selinger  
Print Name

Eltman, Eltman & Cooper, PC  
Firm

140 Broadway, 26<sup>th</sup> Fl  
Address

New York, NY 10005