

08-2148-CD  
Midland Funding vs Judy Schnoke

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

MIDLAND FUNDING LLC

: NO. 2008-2148 CD

1315 AERO DRIVE

ST6XXX

SAN DIEGO CA 92123

Plaintiff

vs.

JUDY C SCHMOKE

Defendant(s)

## PRAECIPE FOR JUDGMENT

pd \$20.00 Atty.  
 FILED 1cc notice to  
 m/1:55 cm def  
 NOV 10 2008 1cc statement  
 to Atty.  
 William A. Shaw  
 Prothonotary/Clerk of Courts

Please enter Judgment in favor of Plaintiff and against Defendant(s),  
 JUDY C SCHMOKE and  
 pursuant to the District Justice Transcript.

( X ) Amount due \$ 2576.69  
 TOTAL \$ 2576.69 , plus interest and costs

( X ) I certify that the foregoing assessment of damages is for specified amounts alleged to be due in the complaint and is calculable as a sum certain from the complaint.

( X ) Pursuant to Pa.R.C.P. 237 (Notice of Praecipe for final judgment or decree), I certify that a copy of this praecipe has been mailed to each other party who has appeared in the action or to his/her Attorney of Record.

( ) Pursuant to Pa.R.C.P. 237.1, I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his/her Attorney of Record, if any, after the default occurred and at least ten days prior to the date of the filing of this praecipe and a copy of the notice is attached.

DATE: 11/3/08

Signature:

*Philip C. Warholick*  
 David R. Galloway #87326/Philip C. Warholick #86341  
 Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259  
 Amy F. Doyle #87062  
 Mann Bracken LLC / Counsel for Plaintiff  
 The Successor by Merger to Wolpoff & Abramson, LLP  
 and Eskanos & Adler, P. C.  
 4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
 Telephone: (717) 303-6700 Fax: (717) 737-9051

NOW, November 10, 2008, JUDGMENT IS ENTERED AS ABOVE.

*William A. Shaw* cm  
 Prothonotary/Clerk, Civil Division

By: \_\_\_\_\_

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon.  
**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

9-22-08  
**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**MIDLAND FUNDING, LLC**  
**4660 TRINDLE ROAD APT/STE 300**  
**%MANN BRACKEN, LLC**  
**CAMP HILL, PA 17011**

VS.  
DEFENDANT: NAME and ADDRESS  
**SCHMOKE, JUDY C**  
**111 WEST LONG AVE. APT/STE 4D**  
**DUBOIS, PA 15801**

**MIDLAND FUNDING, LLC**  
**4660 TRINDLE ROAD APT/STE 300**  
**%MANN BRACKEN, LLC**  
**CAMP HILL, PA 17011**

Docket No.: **CV-0000313-08**  
Date Filed: **7/15/08**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **8/18/08**

☒ Judgment was entered for: (Name) **MIDLAND FUNDING, LLC**

☒ Judgment was entered against: (Name) **SCHMOKE, JUDY C**  
in the amount of \$ **2,576.69**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time \_\_\_\_\_

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127  
\$ \_\_\_\_\_

☐ Portion of Judgment for physical damages arising out of  
residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ <b>2,473.19</b>
Judgment Costs	\$ <b>103.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>2,576.69</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

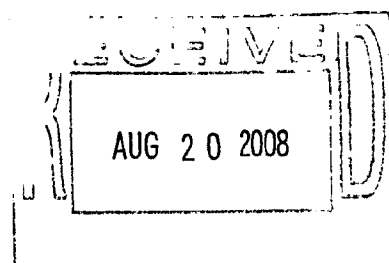
8-18-08 Date Patrick N. Ford, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
9-28-08 Date Patrick N. Ford, Magisterial District Judge

My commission expires first Monday of January, **2012**.

SEAL

OCT - 2 2008



: NO.

•

•

•

•

CIVIL ACTION - LAW

2

•

•

•

NOTICE OF ORDER, DECREE OR JUDGMENT

DU BOIS PA 15801

By:

Prothonotary

If you have any questions regarding this Notice, please contact the filing party.

David R. Galloway #87326/Philip C. Warholc #86341

Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259

Amy F. Doyle #87062

**MANN BRACKEN LLC / Counsel for Plaintiff**

The Successor by Merger to Wolpoff & Abramson, LLP

and Eskanos & Adler, P. C.

4660 Trindle Road, Suite 300, Camp Hill, PA 17011 / (717) 303-6700

(This Notice is given in accordance with Pa. R.C.P. 236.)

DJNTC/PADJDJ FILE # 181390735

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

MIDLAND FUNDING LLC

: No.

:

1315 AERO DRIVE  
ST6XXX  
SAN DIEGO CA 92123  
Plaintiff

:

:

vs.

:

CIVIL ACTION - LAW

:

JUDY C SCHMOKE

:

Defendant(s)

## AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

:

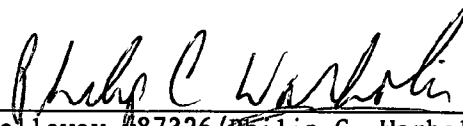
:

COUNTY OF CUMBERLAND

:

The undersigned counsel, being duly sworn according to law, depose and say that I am the Attorney for the Plaintiff in the above-captioned matter, and that to the best of my knowledge, information and belief Defendant, JUDY C SCHMOKE, above-named, is over 21 years of age; is last known to reside at 111 W LONG AVE  
#4D  
DU BOIS PA 15801

County of CLEARFIELD, Pennsylvania; is not in the military service of the United States or its Allies, or otherwise within the provisions of the Servicemembers Civil Relief Act and its Amendments.



David R. Galloway #87326 / Philip C. Warholick #86341  
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259  
Amy F. Doyle #87062  
Mann Bracken LLC / Counsel for Plaintiff  
The Successor by Merger to Wolpoff & Abramson, LLP  
and Eskanos & Adler, P. C.  
4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
Telephone: (717) 303-6700 Fax: (717) 737-9051

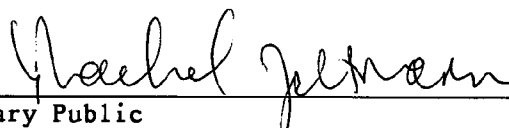
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Rachel Zeltmann, Notary Public  
Hampden Twp., Cumberland County  
My Commission Expires Nov. 23, 2009

Member, Pennsylvania Association of Notaries

SWORN and SUBSCRIBED to before me this 3rd day of November, 2008.

  
Notary Public

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

MIDLAND FUNDING LLC	:	No.
	:	
1315 AERO DRIVE	:	CIVIL ACTION - LAW
ST6XXX	:	
SAN DIEGO CA 92123	:	
Plaintiff	:	
vs.	:	
JUDY C SCHMOKE	:	
Defendant(s)	:	

CERTIFICATE OF RESIDENCE  
PA. R.C.P. 236

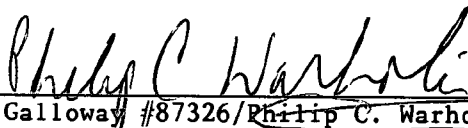
I hereby certify that the precise residence of Plaintiff is:

MIDLAND FUNDING LLC

ASSIGNEE OF ASPIRE  
1315 AERO DRIVE  
ST6XXX  
SAN DIEGO CA 92123

and certify that the last known address of the within Defendant(s) is:

JUDY C SCHMOKE  
111 W LONG AVE  
#4D  
DU BOIS PA 15801



David R. Galloway #87326 / Philip C. Warholic #86341  
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259  
Amy F. Doyle #87062  
Mann Bracken LLC / Counsel for Plaintiff  
The Successor by Merger to Wolpoff & Abramson, LLP  
and Eskanos & Adler, P. C.  
4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
Telephone: (717) 303-6700 Fax: (717) 737-9051

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Midland Funding LLC  
Plaintiff(s)

No.: 2008-02148-CD

Real Debt: \$2579.69

Atty's Comm: \$

Costs: \$

Int. From: \$

Entry: \$20.00

Instrument: District Justice Judgment

Date of Entry: November 10, 2008

Expires: November 10, 2013

Vs.

Judy C Schmoke  
Defendant(s)

Certified from the record this November 10, 2008



\_\_\_\_\_  
William A. Shaw, Prothonotary

LM

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney



PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)  
P.R.C.P. 3101 TO 3149

MIDLAND FUNDING LLC	: IN THE COURT OF COMMON PLEAS OF
	: CLEARFIELD COUNTY, PENNSYLVANIA
	:
ASSIGNEE OF ASPIRE	:
Plaintiff	:
	:
vs.	: JUDGMENT NO. 2008-2148-CD
	:
JUDY C SCHMOKE	:
Defendant(s)	:
	: PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary: Please issue the Writ of Execution in the above-captioned matter, in the amount of \$ 2576.69.

(1) Directed to the Sheriff of CLEARFIELD County, Pennsylvania;

(2) against, JUDY C SCHMOKE  
111 W LONG AVE  
#4D  
DU BOIS PA 15801  
Defendant(s);

**FILED** Amy pd. 20.00  
JAN 6 2 2009 2 cc @ 6 wnts to Sheriff  
610

(3) and against FIRST COMMONWEALTH BANK  
located at 4303 CLEARFIELD SHAWVILLE HWY

William A. Shaw  
Prothonotary/Clerk of Courts

CLEARFIELD PA 16830 Garnishee(s);

(4) And index this writ  
(A) against JUDY C SCHMOKE  
Defendant(s) and  
(B) against, FIRST COMMONWEALTH BANK ,Garnishee(s),

as a lis pendens against the real property of the Defendant(s) in the name of the Garnishee(s) as follows: (Specifically describe property)\*\*\*GARNISH ONLY\*\*\*

You are directed to attach the property of the Defendant(s) not levied upon in the possession of FIRST COMMONWEALTH BANK , Garnishee(s)

All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes.

Amount Due: \$ 2576.69

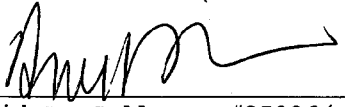
Interest From: 11/10/2008

To Be Determined

At an interest rate of 6% per year

Total: \$ 2576.69 Plus costs & interest (total includes post judgment credits).

Prothonotary costs 40.00

  
David R. Galloway #87326/Philip C. Warholc #86341  
Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259  
Amy F. Doyle #87062  
Mann Bracken LLP / Counsel for Plaintiff  
The Successor by Merger to Wolpoff & Abramson, LLP  
and Eskanos & Adler, P. C.  
4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
Telephone: (717) 303-6700 Fax: (717) 737-9051

IN THE COURT OF COMMON PLEAS CLEARFIELD

COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

No. 2008-2148-CD

ASSIGNEE OF ASPIRE  
Plaintiff

CIVIL ACTION - LAW

VS

JUDY C SCHMOKE

Defendant(s)

## INTERROGATORIES TO GARNISHEE

TO: FIRST COMMONWEALTH BANK  
4303 CLEARFIELD SHAWVILLE HWY

CLEARFIELD PA 16830

PURSUANT TO RULE 3253 OF THE RULES OF CIVIL PROCEDURE, THE FOLLOWING INTERROGATORIES HAVE BEEN SERVED UPON YOUR INSTITUTION. GARNISHEE IS HEREBY REQUIRED TO ANSWER EACH OF THE FOLLOWING INTERROGATORIES SEPARATELY AND FULLY. PLEASE COMPLETE THE FOLLOWING INTERROGATORIES TO ASSIST THE CREDITOR'S EFFORTS TO SATISFY THE LAWFUL OBLIGATION OF THE ABOVE REFERENCED DEBTOR(S).

## IMPORTANT NOTICES AND INSTRUCTIONS 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. The term "Defendant(s)" means the individual(s) or entity against whom the Writ Execution was issued.

C. "You" means the main office and all branch offices, representatives, employees and agents of your organization.

D. By service of the Writ of Execution upon you, all property of the Defendant(s) subject to attachment which is in your possession, custody or control is attached, including all property of the Defendant(s) which comes into your possession thereafter.

E. These Interrogatories are considered to be continuing and therefore should be modified or supplemented as you receive further or additional information.

F. Where exact information cannot be furnished, estimated information is to be supplied. When an estimate is to be used, it should be identified as such, an explanation should be given as to the basis on which the estimate is made, and the reason the exact information cannot be furnished.

G. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, and attorneys.

INTERROGATORIES TO GARNISHEE  
DEFENDANT(S) - JUDY C SCHMOKE

1. DEPOSITORY ACCOUNTS: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any checking, savings, lines of credit, certificate of deposit's or other depository accounts with your institution. If so, state the identification numbers of those accounts, and the amount or amounts the Defendant(s) has in each account. If the Defendant(s) maintains an of these jointly with any other person, or persons, give their name and address.

1A. DIRECT DEPOSIT ACCOUNTS: Are any of the accounts you have listed above direct deposit accounts? If yes, please state the identification numbers of those accounts.

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

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

4. TRANSFER OF PROPERTY: 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 the defendant's direction or otherwise discharge any claim of the defendant(s) against you?

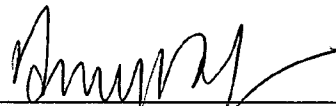
5. SAFE DEPOSIT BOX: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any safe deposit box or boxes. If so, include the identification number or other designation of the box or boxes. Include a full description of the contents and also the amount of cash among those contents. If the Defendant(s) maintains any of these jointly with any other person or persons give their full name and address.

6. REAL OR PERSONAL PROPERTY: At the time you were served or at any subsequent time, state whether or not the Defendant(s) own any personal property that was in your possession and/or control. If so, include a full description of all personal property giving full value and present location. State also whether or not there are any encumbrances or liens holders, the present balance of the encumbrance. State where and when encumbrances or liens was recorded. If the Defendant(s) owns any personal property jointly with any person or persons, give names and address.

7. OTHER ASSETS: At the time you were served or at any subsequent time, did you know of the existence of any other asset(s) of the Defendant(s) which are not disclosed in the preceding Interrogatories. If so, please set forth all details concerning those asset(s).

8. PROPERTY HELD AS A FIDUCIARY: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which any Defendant(s) had an interest? If so, please describe for each Defendant(s) the nature of the property including its value and the interest of Defendant(s).

9. FEES OUTSTANDING TO GARNISHEE: Are there any attorneys fees or processing fees charged by you against the Defendant(s) or account(s) of the Defendant(s) for the completion of this Answer? If yes, outline the exact amount of any fees due and owing to the garnishee or the attorney for the garnishee for the preparation of the Answer.

  
 David R. Galloway #87326/Philip C. Warholic #86341  
 Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259  
 Amy F. Doyle #87062  
 Mann Bracken LLP / Counsel for Plaintiff  
 The Successor by Merger to Wolpoff & Abramson, LLP  
 and Eskanos & Adler, P. C.  
 4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
 Telephone: (717) 303-6700 Fax: (717) 737-9051

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

ASSIGNEE OF ASPIRE  
Plaintiff

No. 2008-2148-CD

vs.

CIVIL ACTION - LAW

JUDY C SCHMOKE

Defendant(s)

WRIT OF EXECUTION NOTICE

THIS ATTACHED 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 LAWS PROVIDE 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. A SUMMARY OF SOME OF THE MAJOR EXEMPTIONS ARE LISTED BELOW. YOU MAY HAVE OTHER EXEMPTIONS OR OTHER RIGHTS.

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.

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.

LAWYER REFERENCE SERVICE  
409 CHERRY STREET  
NORRISTOWN, PA 19401  
(610) 279-9660

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

MIDLAND FUNDING LLC

ASSIGNEE OF ASPIRE  
Plaintiff

NO. 2008-2148-CD

CIVIL ACTION - LAW

VS

JUDY C SCHMOKE

Defendant(s)

## WRIT OF EXECUTION - CLAIM FOR EXEMPTION

TO THE SHERIFF:

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

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

(a) I desire that my \$300.00 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 \$300.00 statutory exemption: \_\_\_\_\_in cash; \_\_\_\_\_in kind (specify property);

(b) Social Security benefits on deposit in the amount of \$\_\_\_\_\_

(c) Other (specify the 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 subject to the penalties of 18 Pa.C.S., Section 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

Defendant

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE SHERIFF IN THE ABOVE CAPTIONED COUNTY.  
CLEARFIELD COUNTY SHERIFF'S OFFICE

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

*COPIES*

Midland Funding LLC

Vs.

NO.: 2008-02148-CD

Judy C. Schmoke

First Commonwealth Bank  
Garnishee

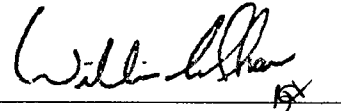
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against MIDLAND FUNDING LLC, Assignee of Aspire, Plaintiff(s) from JUDY C. SCHMOKE, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:  
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
First Commonwealth Bank as garnishee(s): All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL:.....\$2,576.69  
INTEREST FROM 11/10/2008 at an interest rate  
of 6% per year.....To Be Determined  
ATTY'S COMM: \$  
DATE: 1/2/2009

PROTH. COSTS PAID: \$40.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ A.M./P.M.

Requesting Party: Amy F. Doyle, Esq.  
4660 Trindle Road, Ste. 300  
Camp Hill, PA 17011  
(717) 303-6700

\_\_\_\_\_  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2148-CD

MIDLAND FUNDING LLC,  
VS

SERVICE # 1 OF 1

JUDY C. SCHMOKE

TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE

SERVE BY: 01/09/2009 *ASAP* HEARING: PAGE: 105111

**FILED**

*01/31/2009*  
JAN 05 2009

DEFENDANT: FIRST COMMONWEALTH BANK, Garnishee  
ADDRESS: 4303 CLEARFIELD SHAWVILLE HWY.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 1-5-09 AT 11:08 AM PM **SERVED** THE WITHIN

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON FIRST COMMONWEALTH BANK, Garnishee,  
DEFENDANT

BY HANDING TO Terri Harvath *1. Pick up lead letter*

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

ADDRESS SERVED 4303 Cld Shawville Hwy Cld

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

WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE 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 \_\_\_\_\_ 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Deputy S. Hunter*  
Deputy Signature  
*S. Hunter*

Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105111  
NO: 08-2148-CD  
SERVICES 1  
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: MIDLAND FUNDING LLC,  
vs.  
DEFENDANT: JUDY C. SCHMOKE  
TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MANN	00100161	10.00
SHERIFF HAWKINS	MANN	00100161	23.42

FILED  
019.5061  
JAN 07 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

Midland Funding LLC

Vs.

NO.: 2008-02148-CD

Judy C. Schmoke

First Commonwealth Bank  
Garnishee

**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against MIDLAND FUNDING LLC, Assignee of Aspire, Plaintiff(s) from JUDY C. SCHMOKE, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:  
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
First Commonwealth Bank as garnishee(s): All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

AMOUNT DUE/PRINCIPAL:.....\$2,576.69  
INTEREST FROM 11/10/2008 at an interest rate  
of 6% per year.....To Be Determined  
ATTY'S COMM: \$  
DATE: 1/2/2009

PROTH. COSTS PAID: \$40.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 2 day  
of Jan A.D. 2009  
At 3:00 A.M./P.M.

Chester A. Hamlin  
Sheriff  
by Mary Harr

Requesting Party: Amy F. Doyle, Esq.  
4660 Trindle Road, Ste. 300  
Camp Hill, PA 17011  
(717) 303-6700

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION – LAW**

Midland Funding LLC

Vs.

NO.: 2008-02148-CD

Judy C. Schmoke

First Commonwealth Bank  
Garnishee

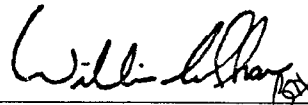
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against MIDLAND FUNDING LLC, Assignee of Aspire, Plaintiff(s) from JUDY C. SCHMOKE, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:  
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
First Commonwealth Bank as garnishee(s): All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, coupons and safe deposit boxes and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL:.....\$2,576.69  
INTEREST FROM 11/10/2008 at an interest rate  
of 6% per year.....To Be Determined  
ATTY'S COMM: \$  
DATE: 1/2/2009

PROTH. COSTS PAID: \$40.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 2 day  
of Jan A.D. 2009  
At Scr A.M./P.M.

Chester A. Hamler  
Sheriff  
by Mandy Hamer

Requesting Party: Amy F. Doyle, Esq.  
4660 Trindle Road, Ste. 300  
Camp Hill, PA 17011  
(717) 303-6700

FILED

JAN 07 2009

William A. Shaw  
Prothonotary/Clerk of Courts

11-11-11

IN THE COURT OF COMMON PLEAS CLEARFIELD

COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

No. 2008-2148-CD

ASSIGNEE OF ASPIRE  
Plaintiff

CIVIL ACTION - LAW

VS

JUDY C SCHMOKE

Defendant(s)

RECEIVED  
JAN 06 2009

INTERROGATORIES TO GARNISHEE

TO: FIRST COMMONWEALTH BANK  
4303 CLEARFIELD SHAWVILLE HWY

CLEARFIELD PA 16830

PURSUANT TO RULE 3253 OF THE RULES OF CIVIL PROCEDURE, THE FOLLOWING INTERROGATORIES HAVE BEEN SERVED UPON YOUR INSTITUTION. GARNISHEE IS HEREBY REQUIRED TO ANSWER EACH OF THE FOLLOWING INTERROGATORIES SEPARATELY AND FULLY. PLEASE COMPLETE THE FOLLOWING INTERROGATORIES TO ASSIST THE CREDITOR'S EFFORTS TO SATISFY THE LAWFUL OBLIGATION OF THE ABOVE REFERENCED DEBTOR(S).

IMPORTANT NOTICES AND INSTRUCTIONS 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. The term "Defendant(s)" means the individual(s) or entity against whom the Writ Execution was issued.

C. "You" means the main office and all branch offices, representatives, employees and agents of your organization.

D. By service of the Writ of Execution upon you, all property of the Defendant(s) subject to attachment which is in your possession, custody or control is attached, including all property of the Defendant(s) which comes into your possession thereafter.

E. These Interrogatories are considered to be continuing and therefore should be modified or supplemented as you receive further or additional information.

F. Where exact information cannot be furnished, estimated information is to be supplied. When an estimate is to be used, it should be identified as such, an explanation should be given as to the basis on which the estimate is made, and the reason the exact information cannot be furnished.

G. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, and attorneys.

FILED NO  
JAN 12 2009 CC  
(610)

William A. Shaw  
Prothonotary/Clerk of Courts

INTERROGATORIES TO GARNISHEE  
DEFENDANT(S) - JUDY C SCHMOKE

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

1. DEPOSITORY ACCOUNTS: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any checking, savings, lines of credit, certificate of deposit's or other depository accounts with your institution. If so, state the identification numbers of those accounts, and the amount or amounts the Defendant(s) has in each account. If the Defendant(s) maintains any of these jointly with any other person, or persons, give their name and address.

1A. DIRECT DEPOSIT ACCOUNTS: Are any of the accounts you have listed above direct deposit accounts? If yes, please state the identification numbers of those accounts.

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

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

4. TRANSFER OF PROPERTY: 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 the defendant's direction or otherwise discharge any claim of the defendant(s) against you?

5. SAFE DEPOSIT BOX: At the time you were served or at any subsequent time, state whether or not the Defendant(s) maintains any safe deposit box or boxes. If so, include the identification number or other designation of the box or boxes. Include a full description of the contents and also the amount of cash among those contents. If the Defendant(s) maintains any of these jointly with any other person or persons give their full name and address.

6. REAL OR PERSONAL PROPERTY: At the time you were served or at any subsequent time, state whether or not the Defendant(s) own any personal property that was in your possession and/or control. If so, include a full description of all personal property giving full value and present location. State also whether or not there are any encumbrances or liens holders, the present balance of the encumbrance. State where and when encumbrances or liens was recorded. If the Defendant(s) owns any personal property jointly with any person or persons, give names and address.

7. OTHER ASSETS: At the time you were served or at any subsequent time, did you know of the existence of any other asset(s) of the Defendant(s) which are not disclosed in the preceding Interrogatories. If so, please set forth all details concerning those asset(s).

8. PROPERTY HELD AS A FIDUCIARY: At the time you were served or at any subsequent time, did you hold as a fiduciary any property in which any Defendant(s) had an interest? If so, please describe for each Defendant(s) the nature of the property including its value and the interest of Defendant(s).

9. FEES OUTSTANDING TO GARNISHEE: Are there any attorneys fees or processing fees charged by you against the Defendant(s) or account(s) of the Defendant(s) for the completion of this Answer? If yes, outline the exact amount of any fees due and owing to the garnishee or the attorney for the garnishee for the preparation of the Answer.

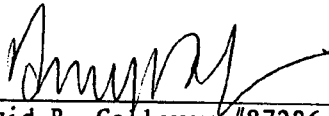
  
David R. Galloway #87326/Philip C. Warholic #86341  
Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259  
✓ Amy F. Doyle #87062  
Mann Bracken LLP / Counsel for Plaintiff  
The Successor by Merger to Wolpoff & Abramson, LLP  
and Eskanos & Adler, P. C.  
4660 Trindle Road, Suite 300, Camp Hill, PA 17011  
Telephone: (717) 303-6700 Fax: (717) 737-9051

EXHIBIT "A"

ANSWERS TO INTERROGATORIES


1. Yes, checking account number 7110237148 into Judy C. Schmoke with a current balance of zero; account receives recurring deposits from Social Security and is therefore exempt from attachment.
  - a. See #1 above
2. See #1 above
3. No
4. No
5. No
6. No
7. No
8. No
9. First Commonwealth Bank charges a \$200.00 processing fee.



## VERIFICATION

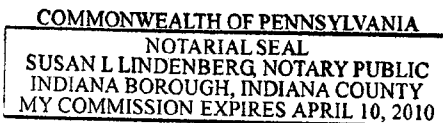
COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF INDIANA )

On this 6<sup>th</sup> day of January 2009 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared JAMES BOYLE, who being duly sworn according to law, acknowledged that he is Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of his knowledge and belief.

  
James Boyle, Vice President  
First Commonwealth Bank

Sworn and subscribed to before me  
This 6<sup>th</sup> day of January 2009

Susan L. Lindenberg  
Notary Public



FILED

JAN 12 2009

William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
JAN 12 2009  
CLERK OF COURTS  
JAN 12 2009  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
Plaintiff

NO. 2008-2148-CD

vs.

CIVIL ACTION - LAW

JUDY C SCHMOKE  
Defendant

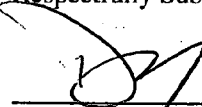
**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

To the Prothonotary:

Kindly mark the attachment against the Garnishee, FIRST COMMONWEALTH BANK,  
discontinued, upon payment of your costs only.

Respectfully Submitted,

Dated: 2/6/09

  
\_\_\_\_\_  
Amy E. Doyle #87062  
Philip C. Warholic #86341  
David R. Galloway #87326  
Sarah E. Ehasz #86469  
Robert N. Polas, Jr. #201259  
MANN BRACKEN LLP  
The Successor by Merger to Wolpoff & Abramson, LLP  
and Eskanos & Adler, PC  
Attorneys in the Practice of Debt Collection  
4660 Trindle Rd., Suite 300  
Camp Hill, PA 17011  
(717) 303-6700

MB File No. 181390735

<sup>5</sup> FILED 3CC Atty

ml 2:10 pm Galloway  
MAR 19 2009

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Midland Funding LLC  
assignee of *Aspire*

Plaintiff

v.

NO. 2008-2148-CD  
CIVIL ACTION - LAW

JUDY C SCHMOKE

Defendant(s)

**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

FILED *no cc*  
MAY 17 2010  
William A. Shaw  
Prothonotary/Clerk of Court

Kindly enter the undersigned as counsel for Plaintiff in the captioned matter.

Respectfully Submitted,


By: 

David R. Galloway #87326  
Fulton Friedman & Gullace, LLP  
Counsel for Plaintiff  
Attorneys in the Practice of Debt Collection  
130B Gettysburg Pike  
Mechanicsburg, PA 17055  
Tel: (866) 563-0809 Fax: (585) 546-4241

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Praecipe was served this date by depositing same in the Post Office, first class mail, postage prepaid, addressed as follows:

JUDY C SCHMOKE  
111 W LONG AVE APT 4D  
DU BOIS PA 15801

  
\_\_\_\_\_  
David R. Galloway  
Attorney ID #87326

5.13.10  
\_\_\_\_\_  
Date

FFG File #: 167257



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
assignee of ASPIRE  
Plaintiff

vs.

NO. 2008-2148-CD  
CIVIL ACTION - LAW

JUDY C SCHMOKE  
Defendant(s)  
FIRST COMMONWEALTH BANK  
Garnishee

**PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)**  
**P.R.C.P. 3101 TO 3149**

To the Prothonotary: Please issue the Writ of Execution in the above-captioned matter, in the amount of \$2596.69.

(1) Directed to the Sheriff of CLEARFIELD County, Pennsylvania;

(2) against, JUDY C SCHMOKE  
111 W LONG AVE APT 4D  
DU BOIS PA 15801  
Defendant (s);

(3) and against FIRST COMMONWEALTH BANK  
located at 5355 Shaffer Rd  
Du Bois PA 15801  
Garnishee(s);

(4) and index this writ  
(A) against JUDY C SCHMOKE  
Defendant (s) and  
(B) against, FIRST COMMONWEALTH BANK

as a lis pendens against the real property of the Defendant(s) in the name of the Garnishee(s) as follows: (Specifically describe property) \*\*\*Garnish Only \*\*\*

You are directed to attach the property of the Defendant(s) not levied upon in the possession of FIRST COMMONWEALTH BANK, Garnishee(s)

All accounts including but not limited to all savings, checking and other accounts, certificates of deposit, notes receivables, collateral, pledges, documents of title, securities, and coupons.

Judgment Amount due: \$2596.69  
Less Payments: \$(0.00)  
Interest from Judgment Date: \$1052.49  
**Total: \$3649.18**  
Prothonotary Fee: \_\_\_\_\_  
Sheriff Fee: \_\_\_\_\_  
Costs to be added: \_\_\_\_\_



Michael B. Volk, Esq. #88553  
Fulton, Friedman & Gullace, LLP/Counsel for Plaintiff  
6 Kacey Court, Suite 203  
Mechanicsburg, PA 17055  
Tel #: (866) 563-0809 Fax: (585) 546-4241

FFG file # 167257



**FILED**

*S* JUL 08 2015  
M/213/BNT  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
1cc to G writs Shrt  
20.00 pd Fulton Friedman  
Gullace LLP  
1 writ det

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
assignee of ASPIRE

Plaintiff  
vs.

CIVIL ACTION - LAW  
No.2008-2148-CD

JUDY C SCHMOKE

Defendant(s)

**INTERROGATORIES TO GARNISHEE**

To: FIRST COMMONWEALTH BANK  
5355 Shaffer Rd  
Du Bois PA 15801

PURSUANT TO RULE 3253 OF THE RULES OF CIVIL PROCEDURE, THE FOLLOWING INTERROGATORIES HAVE BEEN SERVED UPON YOUR INSTITUTION. GARNISHEE IS HEREBY REQUIRED TO ANSWER EACH OF THE FOLLOWING INTERROGATORIES SEPARATELY AND FULLY. PLEASE COMPLETE THE FOLLOWING INTERROGATORIES TO ASSIST THE CREDITOR'S EFFORTS TO SATISFY THE LAWFUL OBLIGATION OF THE ABOVE REFERENCED DEBTOR(S).

**IMPORTANT NOTICES AND INSTRUCTIONS 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. The term "Defendant(s)" means the individual(s) or entity against whom the Writ Execution was issued.
- C. "You" means the main office and all branch offices, representatives, employees and agents of your organization.
- D. By service of the Writ of Execution upon you, all property of the Defendant(s) subject to attachment which is in your possession, custody or control is attached, including all property of the Defendant(s) which comes into your possession thereafter.
- E. These Interrogatories are considered to be continuing and therefore should be modified or supplemented as you receive further or additional information.
- F. Where exact information cannot be furnished, estimated information is to be supplied. When an estimate is to be used, it should be identified as such, an explanation should be given as to the basis on which the estimate is made, and the reason the exact information cannot be furnished.
- G. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, and attorneys.

FFG file #: 167257



## INTERROGATORIES TO GARNISHEE

DEFENDANT(S) - JUDY C SCHMOKE

SS# - \*\*\*-\*\*-2996

1. At the time you were served or at any subsequent time did you owe the defendant(s) any money or were you liable to the defendant(s) on any negotiable or other written instrument, or did the defendant(s) claim that you owed the defendant(s) any money or were liable to the defendant(s) for any reason?

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint 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(s)?

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 in part by the defendant(s) or in which the defendant(s) 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(s) had an interest?

5. At any time before or after you were served did the defendant(s) transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefor?

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant(s) or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant(s) 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(s) 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 number and state the amount of funds in each account, and the entity electronically depositing those funds on a recurring basis.

DEFENDANT(S) - JUDY C SCHMOKE

SS# - \*\*\*-\*\*-2996

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. Please identify all accounts not listed in your answer to Interrogatory No. 7, the amount of funds in each account, whether the funds are deposited electronically on a recurring basis and the entity electronically depositing those funds. If the defendant(s) maintains any of these accounts jointly with any other person, or persons, give their name, address and relationship to defendant.

10. Are there any attorney's fees or processing fees charged by you against the defendant(s) or account(s) of the defendant(s) for the completion of this answer? If yes, outline the exact amount of any fees due and owing to the garnishee or the attorney for the garnishee for the preparation of the Answer.

11. Please provide the name, business address and business telephone of the person answering these interrogatories.

12. Please provide the address and telephone number where future court documents pertaining to this case can be served on Garnishee.

Fulton, Friedman & Gillace, LLP



Michael B. Volk, Esq. #88553

(866) 563-0809

Counsel for Plaintiff

Attorneys in the Practice of Debt Collection

Please return your Answer to Interrogatories to counsel for Plaintiff at: **28 E. Main Street, Suite 500  
Rochester, New York 14614.**

FPG File #: 167257



**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

Midland Funding LLC, Aspire,

Vs.

No.: 2008-02148-CD

Judy C. Schmoke,

First Commonwealth Bank  
Garnishee

**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against Judy C. Schmoke, Defendant(s):

- (1) You are directed to levy upon the property of the defendant and to sell defendant's interest therein:  
see original
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of:  
First Commonwealth Bank as garnishee(s):

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 of each account of the defendant 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.

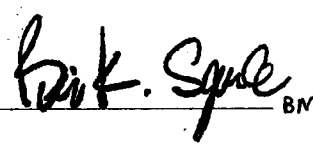
ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

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

AMOUNT DUE/PRINCIPAL: \$2,596.69  
INTEREST FROM JUDGMENT DATE: \$1,052.49  
ATTY'S COMM: \$  
DATE: 7/8/2015

PROTH. COSTS PAID: \$60.00  
SHERIFF: \$  
OTHER COSTS: \$  
TOTAL WRIT: \$3,649.18

  
\_\_\_\_\_  
Brian K. Spencer  
Prothonotary/Clerk Civil Division

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
at \_\_\_\_\_ A.M./P.M.

\_\_\_\_\_  
Sheriff

Requesting Party:  
Michael B. Volk  
6 Kacey Court, Suite 203  
Mechanicsburg, PA 17055  
866-563-0809

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
assignee of ASPIRE

Plaintiff

v.

NO. 2008-2148-CD  
CIVIL ACTION - LAW

JUDY C SCHMOKE

Defendant(s)

**CLAIM FOR EXEMPTION**

**To the Sheriff:**

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

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

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

☐ (i) set aside in kind (specify property to be set aside in kind): \_\_\_\_\_

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

(b) I claim the following exemption (specify property and basis 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) 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. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE SHERIFF OF  
CLEARFIELD COUNTY:

FFG File # 167257



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
assignee of ASPIRE

Plaintiff

v.

NO. 2008-2148-CD  
CIVIL ACTION - LAW

JUDY C SCHMOKE

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

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

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

FFG file # 167257



# SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Wesley B Thurston  
Sheriff

Gary A Knaresboro  
Solicitor

Michael Churner  
Chief Deputy

Cynthia Butler-Aughenbaugh  
Office Manager



MIDLAND FUNDING LLC ASSIGNEE OF ASPIRE  
vs.  
JUDY C SCHMOKE

Case Number  
2008-2148-CD

## SHERIFF'S RETURN OF SERVICE

07/13/2015 02:53 PM - DEPUTY SAMANTHA KNEPP, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE REQUESTED WRIT OF EXECUTION, ORIGINAL & COPY OF INTERROGATORIE WAS SERVED BY "PERSONALLY" HANDING TRUE AND ATTESTED COPIES TO A PERSON REPRESENTING THEMSELVES TO BE JESSICA SUHAN, SEN. FIN. SER. ASST., WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE WITHIN NAMED GARNISHEE, FIRST COMMONWEALTH BANK, AT 5355 SHAFFER RD, DUBOIS, PA 15801 AND ATTACHED AS DIRECTED.

07/15/2015 SHERIFF WESLEY B THURSTON, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE WRIT OF EXECUTION, WRIT NOTICE, AND CLAIM FOR EXEMPTION WAS SERVED UPON JUDY C SCHMOKE AT 111 W. LONG AVE., APT 4, DUBOIS, PA 15801 BY U.S. REGULAR MAIL.

SHERIFF COST: \$66.85

SO ANSWERS,

WESLEY B THURSTON, SHERIFF

July 15, 2015

### COSTS

DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
07/09/2015	Advance Fee	Advance Fee	251981	\$0.00	\$200.00
07/09/2015	RDR			\$9.00	\$0.00
07/15/2015	Service			\$9.00	\$0.00
07/15/2015	Service (Additional Defendant)			\$6.00	\$0.00
07/15/2015	Mileage			\$21.85	\$0.00
07/15/2015	Postage			\$1.00	\$0.00
07/15/2015	Surcharge			\$20.00	\$0.00
				\$66.85	\$200.00

BALANCE: \$133.15

FILED

JUL 20 2015

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

Plaintiff Attorney: MICHAEL B VOLK, ESQ., 6 KACEY COURT, SUITE 203, MECHANICSBURG, PA 17055

(c) CountySuite Sheriff, Teleosoft, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC  
assignee of ASPIRE


Plaintiff

v.

NO. 2008-2148-CD  
CIVIL ACTION - LAW

JUDY C SCHMOKE

Defendant(s)

**FILED**   
M/1109/316  
SEP 17 2015  
5  
in Atty. Volk  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
in First Comm.  
in Det.

PRAECIPE TO DISCONTINUE ATTACHMENT

TO THE PROTHONOTARY:

Please discontinue the Writ of Execution filed against Garnishee FIRST COMMONWEALTH BANK in the referenced matter without prejudice.

Respectfully Submitted, 

By:

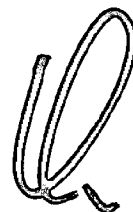
Michael B. Volk, Esq. #88553  
Fulton, Friedman & Gullace, LLP  
Counsel for Plaintiff  
6 Kacey Court, Suite 203  
Mechanicsburg, PA 17055  
(866) 563-0809

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served this date by depositing same in the Post Office, first class mail, postage prepaid, addressed as follows:

JUDY C SCHMOKE  
111 W LONG AVE APT 4D  
DU BOIS PA 15801

FIRST COMMONWEALTH BANK  
5355 Shaffer Rd  
Du Bois PA 15801



Michael B. Volk, Esq.  
Attorney ID #88553

FFG file #: 167257



PROTHONOTARY & CLERK OF COURTS  
BRIAN K. SPENCER  
SEP 17 2015  
FILED

3