

08-2216-CD  
Capital One Bank vs William R. Geist

08-2216-CD

*CLEARFIELD*

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 2006-GN-4497

WILLIAM R GEIST  
Defendant

M&T BANK  
CSB BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

*S FILED*  
M 13 29 08  
NOV 17 2008  
*IS*

William A. Shaw  
Prothonotary/Clerk of Courts  
Weltman, Weinberg & Reis  
pd. 20.00

To satisfy the judgment, interest and costs against: WILLIAM R GEIST Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of M&T BANK & CSB BANK, as garnishee, 5066 SHAFFER RD, DU BOIS PA 15801 & 621 SPRING ST HOUTZDALE PA 16651 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
    - 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 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 ..... \$ 3200.77

Costs to be added..... \$ \_\_\_\_\_

Prothonotary

*Carol A. Newman*

Deputy

DATED: 9-25-08

*Att 8  
#1275*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20892  
NO: 08-2216-D

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: WILLIAM R. GEIST

Execution PERSONAL PROPERTY / INTERROGATORIES

**SHERIFF RETURN**

DATE RECEIVED WRIT: 11/18/2009

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/22/2010

**DETAILS**

12/22/2008 @ 10:41 AM SERVED M&T BANK

DEPUTIES COULD NOT SERVE M&T BANK, GARNISHEE, AT 5066 SHAFFER ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA THERE IS NO M&T BANK AT THAT ADDRESS.

12/22/2008 @ 10:10 AM SERVED CSB BANK

SERVED M&T BANK, GARNISHEE, AT 621 SPRING STREET, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO AMY SMOLKO, MANAGER OF M&T BANK AT HER PLACE OF EMPLOYMENT M&T BANK 621 SPRING STREET, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE.

@ SERVED

NOW, FEBRUARY 22, 2010 RETURN WRIT AS TIME EXPIRED.

**FILED**

09:40 AM  
FEB 22 2010

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20892  
NO: 08-2216-D

PLAINTIFF: CAPITAL ONE BANK

VS.

DEFENDANT: WILLIAM R. GEIST

Execution PERSONAL PROPERTY / INTERROGATORIES

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$81.29

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

*Chester A. Hawkins*  
by Cynthia Beller-Aukenthal  
Chester A. Hawkins  
Sheriff

08-2216-CD

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

CAPITAL ONE BANK

Plaintiff No. 2006-GN-4497

vs.

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

WILLIAM R GEIST

Defendant

M&T BANK  
CSB BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5216478

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2006-GN-4497

WILLIAM R GEIST

Defendant

M&T BANK  
CSB BANK,

Garnishee

**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 WILLIAM R GEIST, Defendant
3. against M&T BANK & CSB BANK, Garnishee
4. Judgment Amount

\$ 2763.46

Interest \$ 309.81

Costs \$ 127.50

**SUBTOTAL:** \$ 3200.77

Costs (to be added by Prothonotary): \$ \_\_\_\_\_

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

By: William T. Molczan  
William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5216478

FILED  
BLAIR COUNTY, PA  
AROL A. NEWTON  
PROTHONOTARY  
CLERK OF COURTS  
^ OF ORPHANS COURT  
2008 SEP 25 A 11:28

08-2216-CD

*CLEARFIELD*

IN THE COURT OF COMMON PLEAS ~~BLAIR~~ COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 2006-GN-4497

WILLIAM R GEIST  
Defendant

M&T BANK  
CSB BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: WILLIAM R GEIST Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of M&T BANK & CSB BANK, as garnishee, 5066 SHAFFER RD, DU BOIS PA 15801 & 621 SPRING ST HOUTZDALE PA 16651 and to notify the garnishee that:
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    - 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 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 ..... \$ 3200.77

Costs to be added ..... \$ \_\_\_\_\_

Received this writ this 18th day  
of November A.D. 2008  
At 3:00 P.M.

Prothonotary

*Carol A. Newman*

*Chesler G. Henkis*  
Sheriff by Cynthia Boller-Cuthbert

Deputy

DATED: 9-25-08

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF BLAIR

CAPITAL ONE BANK

**Plaintiff**

No. 2006-GN-4497

vs.

WILLIAM R GEIST

**Defendant**

M&T BANK

CSB BANK

**Garnishee**

**WRIT OF EXECUTION**  
**NOTICE**

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

The law provides that certain property cannot be taken 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.**

LAWYER REFERRAL SERVICE  
BLAIR COUNTY BAR ASSOCIATION  
COURTHOUSE LIBRARY  
HOLLIDAYSBURG, PA 16648  
TELEPHONE NO.: (814) 695-5541

**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):

(b) 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 Blair County  
423 Allegheny Street  
Hollidaysburg, Pennsylvania 16648  
Telephone Number: (814) 693-3100

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.

08-2216-CD

WWR#5216478

IN THE COURT OF COMMON PLEAS OF ~~BLAIR~~ COUNTY, PENNSYLVANIA  
CIVIL DIVISION

*CLEARFIELD*

CAPITAL ONE BANK

Plaintiff No. 2006-GN-4497

vs.

**INTERROGATORIES IN ATTACHMENT**

WILLIAM R GEIST

Defendant

and

M&T BANK  
CSB BANK

Garnishee

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5216478

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.: 2006-GN-4497

WILLIAM R GEIST  
Defendant

and

M&T BANK  
CSB BANK  
Garnishee

TO: M&T BANK  
CSB BANK

Suggested Reference No.: XXX-XX-4889

RE: WILLIAM R GEIST  
416 CHERRY AVE  
ALTOONA PA 16601

**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?

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 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.

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

By: William T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#5216478

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

NAME M&T BANK NO. 08-2216-D

NOW, February 20, 2010, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of William R. Geist to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR SERVICE	9.00
MILEAGE	
LEVY	
MILEAGE	
POSTING	
HANDBILLS	
COMMISSION	0.00
POSTAGE	
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	43.29
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$81.29</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

	DEBT-AMOUNT DUE INTEREST @ % FROM TO	3,200.77 0.00
PROTH SATISFACTION		
LATE CHARGES AND FEES		
COST OF SUIT-TO BE ADDED		
FORECLOSURE FEES		
ATTORNEY COMMISSION		
REFUND OF ADVANCE		
REFUND OF SURCHARGE		20.00
SATISFACTION FEE		
ESCROW DEFICIENCY		
PROPERTY INSPECTIONS		
INTEREST		
MISCELLANEOUS		
<b>TOTAL DEBT AND INTEREST</b>		<b>\$3,429.56</b>
<b>COSTS:</b>		
ADVERTISING		0.00
TAXES - COLLECTOR		
TAXES - TAX CLAIM		
DUE		
LIEN SEARCH		
ACKNOWLEDGEMENT		
SHERIFF COSTS		81.29
LEGAL JOURNAL COSTS		0.00
PROTHONOTARY		127.50
MORTGAGE SEARCH		
MUNICIPAL LIEN		
<b>TOTAL COSTS</b>		<b>\$208.79</b>
<b>TOTAL COSTS</b>		<b>\$3,429.56</b>

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

CHESTER A. HAWKINS, Sheriff