

08-2260-CD

Mack Smith vs Timothy L. Smeal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

MACK SMITH  
(Plaintiff)

P. O. Box 423  
(Street Address)

Thomasville, PA 17364  
(City, State ZIP)

CIVIL ACTION

No. 08-2260-CD

Type of Case: Civil

Type of Pleading: Judgment/Execution

VS.

Timothy L. Smeal  
(Defendant)

514 Park Street  
(Street Address)  
Clearfield, PA 16830  
(City, State ZIP)

Filed on Behalf of:

Plaintiff, Mack Smith  
(Plaintiff/Defendant)

Glenn J. Smith, Esquire  
(Filed by)

135 North George Street, York, PA 17401  
(Address)

(717) 848-4900  
(Phone)

  
(Signature)

<sup>S</sup>  
**FILED** *Att'y fee 20.00*  
*m19:50*  
**NOV 24 2008** *ccs Notice to Def.*  
*W*  
William A. Shaw  
Prothonotary/Clerk of Courts *Statement to Att'y*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

Mag. Dist. No.: **46-3-02**  
MDJ Name: Hon.  
**RICHARD A. IRELAND**  
Address: **650 LEONARD ST**  
**STE 113**  
**CLEARFIELD, PA**  
Telephone: **(814) 765-5335** **16830**

PLAINTIFF: NAME and ADDRESS  
**SMITH, MACK**  
**PO BOX 423**  
**THOMASVILLE, PA 17364**

VS.  
DEFENDANT: NAME and ADDRESS  
**SMEAL, TIMOTHY L.**  
**514 PARK STREET**  
**CLEARFIELD, PA 16830**

**ATTORNEY FOR PLAINTIFF :**

**TINA H. FOX**  
**CGA LAW FIRM**  
**135 N GEORGE ST**  
**YORK, PA 17401**

Docket No.: **CV-0000321-08**  
Date Filed: **8/07/08**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **9/29/08**

☒ Judgment was entered for: (Name) **SMITH, MACK**

☒ Judgment was entered against: (Name) **SMEAL, TIMOTHY L.**  
in the amount of \$ **2,119.00**

☐ 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>2,000.00</b>
Judgment Costs	\$ <b>119.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 2,119.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</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.

**SEP 29 2008**

Date *Richard Ireland*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

*11.4-08* Date *Richard Ireland*, Magisterial District Judge

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

SEAL

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

**MACK SMITH,**

**Plaintiff**

**v.**

**TIMOTHY L. SMEAL,**

**Defendant**

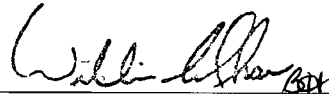
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**CIVIL ACTION-LAW**

**NO. 2008- 2260-CD**

**NOTICE OF FILING JUDGMENT**

- (X) Notice is hereby given that a Judgment in the above-captioned matter has been entered against you in the amount of \$2,119.00 on November 24, 2008.
- (X) A copy of all documents filed with the Prothonotary in support of the within judgment is/are enclosed.



Prothonotary Civil Div.

by: \_\_\_\_\_

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

NAME Glenn J. Smith, Esquire  
Tina H. Fox, Esquire  
ADDRESS: 135 North George Street  
York, PA 17401  
TELEPHONE NO: (717) 848-4900

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

**NOTICE SENT TO:**

NAME **Timothy L. Smeal**  
**514 Park Street**  
**Clearfield, PA 16830**

COPY

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

Mack Smith  
Plaintiff(s)

No.: 2008-02260-CD

Real Debt: \$2,119.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Timothy L. Smeal  
Defendant(s)

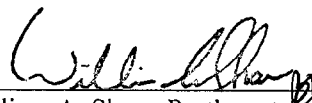
Entry: \$20.00

Instrument: DJ Judgment

Date of Entry: November 24, 2008

Expires: November 24, 2013

Certified from the record this 24th day of November, 2008.

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

\*\*\*\*\*

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

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

**MACK SMITH,**

**Plaintiff**

**v.**

**TIMOTHY L. SMEAL,**

**Defendant**

:  
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:  
:  
:  
:

**CIVIL ACTION-LAW**

**NO. 2008-2260-CD**

**PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENTS)**  
**P.R.C.P. 3101 to 3149**

**To the Prothonotary: ISSUE WRIT OF EXECUTION IN THE ABOVE MATTER,**

- (1) Directed to the Sheriff of Clearfield County, Pennsylvania
- (2) Against Timothy L. Smeal, Defendant;
- (3) And against N/A, Garnishee;
- (4) and index this writ

(a) Against Defendant, Timothy L. Smeal;

(b) against N/A, Garnishee,

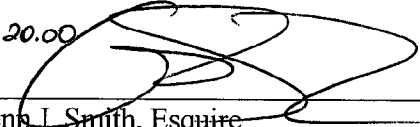
against the personal property of the Defendant located at 514 Park Street, Clearfield, PA 16830, as follows (specifically describe property): All personal property, including but not limited to, all appliances, furniture, cookware, household goods, electronics (televisions, VCRs, stereos, computers, camcorders), cameras, telephones, lawn and garden equipment, cash, jewelry, etc.

(5) Amount due	\$2,119.00
Docket costs	\$ 20.00
Total	\$2,139.00 plus execution costs

**Add Prothonotary costs**

20.00

Dated: November 21, 2008

  
Glenn I. Smith, Esquire  
Tina H. Fox, Esquire  
Attorneys for Plaintiff

5  
**FILED**  
m 19:5761  
NOV 24 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Att'y fee 20.00  
ICC @ 60 words  
to Sheriff

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

Mack Smith

Vs.

NO.: 2008-02260-CD

Timothy L. Smeal

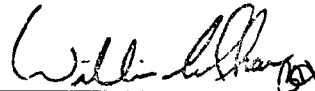
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against MACK SMITH, Plaintiff(s) from TIMOTHY L. SMEAL, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:  
All personal property, including but not limited to, all appliances, furniture, cookware, household goods, electronics (televisions, VCRs, stereos, computers, camcorders), cameras, telephones, lawn and garden equipment, cash, jewelry, etc.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
as garnishee(s):  
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: \$2,119.00  
INTEREST FROM: \$  
ATTY'S COMM: \$  
DATE: 11/24/2008

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: Glenn J. Smith, Esq.  
135 North George Street  
York, PA 17401  
(717) 848-4900

\_\_\_\_\_  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20899  
NO: 08-2260-CD

PLAINTIFF: MACK SMITH  
vs.  
DEFENDANT: TIMOTHY L. SMEAL  
Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 11/24/2008

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/23/2009

*S* FILED  
079.11/09  
FEB 23 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

@ SERVED TIMOTHY L. SMEAL

NOW, JANUARY 5, 2009 RECEIVED A LETTER FROM THE PLAINTIFF'S ATTORNEY TO CLOSE THE WRIT OF EXECUTION, BECAUSE THE DEFENDANT WAS DEPLOYED OVERSEAS.

@ SERVED

NOW, FEBRUARY 23, 2009 RETURN WRIT AS TIME EXPRIED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20899  
NO: 08-2260-CD

PLAINTIFF: MACK SMITH

VS.

DEFENDANT: TIMOTHY L. SMEAL

Execution PERSONAL PROPERTY


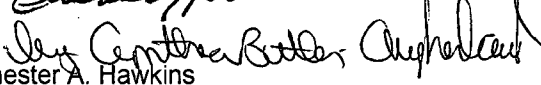
SHERIFF RETURN

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SHERIFF HAWKINS \$9.00

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
Sheriff

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

Mack Smith

Vs.

NO.: 2008-02260-CD

Timothy L. Smeal

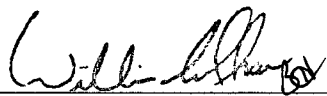
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs against MACK SMITH, Plaintiff(s) from TIMOTHY L. SMEAL, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:  
All personal property, including but not limited to, all appliances, furniture, cookware, household goods, electronics (televisions, VCRs, stereos, computers, camcorders), cameras, telephones, lawn and garden equipment, cash, jewelry, etc.
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:  
  
as garnishee(s):  
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.**


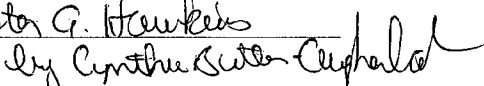
AMOUNT DUE/PRINCIPAL: \$2,119.00  
INTEREST FROM: \$  
ATTY'S COMM: \$  
DATE: 11/24/2008

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



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 24<sup>th</sup> day  
of November A.D. 2008  
At 10:00 A.M./P.M.

  
Sheriff 

Requesting Party: Glenn J. Smith, Esq.  
135 North George Street  
York, PA 17401  
(717) 848-4900

**PERSONAL PROPERTY SALE  
SCHEDULE OF DISTRIBUTION**

NAME TIMOTHY L. SMEAL

NO. 08-2260-CD

NOW, February 21, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Timothy L. Smeal 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:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

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

DEBT-AMOUNT DUE	2,119.00
INTEREST @ %	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$2,148.00</b>

**COSTS:**

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	

SHERIFF COSTS	9.00
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	
MORTGAGE SEARCH	
MUNICIPAL LIEN	

<b>TOTAL COSTS</b>	<b>\$9.00</b>
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<b>TOTAL COSTS</b>	<b>\$2,148.00</b>
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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



Tina H. Fox, Attorney  
tfox@cgalaw.com

January 5, 2009

Chester A. Hawkins, Sheriff  
Clearfield County  
1 North Second Street  
Clearfield, PA 16830

Re: **Mack Smith v. Timothy L. Smeal**  
**Docket No. 2008-02260-CD**

Dear Sheriff Hawkins:

Please be advised that I have received information that the Defendant in the above-referenced matter has been deployed overseas with the United States military. Therefore, I would ask that you close the Writ of Execution that was forwarded in this matter and issue a refund check for the funds.

Please feel free to contact me if you should have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Tina H. Fox'.

Tina H. Fox

THF/thw

cc: Mack Smith

Rec 1-11-09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

MACK SMITH,

Plaintiff

v.

TIMOTHY L. SMEAL,

Defendant

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CIVIL ACTION-LAW

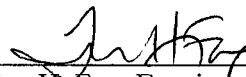
NO. 2008-02260-CD

PRAECIPE TO REMOVE

To the Prothonotary of Clearfield County:

( X ) Please mark the above-captioned action discontinued.

( X ) Please mark the above captioned judgment as settled and satisfied.

  
\_\_\_\_\_  
Tina H. Fox, Esquire  
Supreme Court I.D. 93366  
CGA Law Firm  
135 North George Street  
York, PA 17401  
717-848-4900  
*Attorney for Plaintiff*

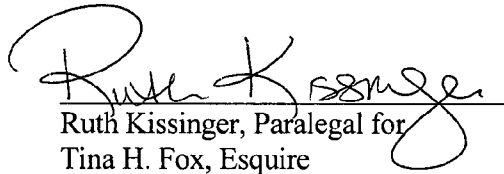
Date: June 15, 2009

FILED<sup>acc</sup>  
013:15301 Amy Fox  
JUN 18 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd.  
7.00

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of June 2009, a true and correct copy of the foregoing  
Praeipie was served, via first class mail, postage prepaid, upon the following:

Timothy L. Smeal  
306 ½ East Pine Street  
Clearfield, PA 16830

  
Ruth Kissinger, Paralegal for  
Tina H. Fox, Esquire