

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)

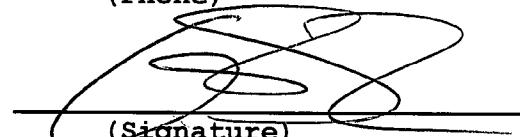
Filed on Behalf of:

Plaintiff, Mack Smith
(Plaintiff/Defendant)

Glenn J. Smith, Esquire
(Filed by)

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

(717) 848-4900
(Phone)


(Signature)

FILED Atty pd. 20.00
m19:50⁴⁰ NOV 24 2008 ICCS Notice
to Def.
William A. Shaw
Prothonotary/Clerk of Courts
Statement to
Atty

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

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

ATTORNEY FOR PLAINTIFF :

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

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

SMITH, MACK
PO BOX 423
THOMASVILLE, PA 17364

NAME and ADDRESS

DEFENDANT:

SMEAL, TIMOTHY L.
514 PARK STREET
CLEARFIELD, PA 16830

VS.

NAME and ADDRESS

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**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) SMITH, MACK	Amount of Judgment \$ 2,000.00
<input checked="" type="checkbox"/> Judgment was entered against: (Name) SMEAL, TIMOTHY L. in the amount of \$ 2,119.00	Judgment Costs \$ 119.00
<input type="checkbox"/> Defendants are jointly and severally liable.	Interest on Judgment \$.00
<input type="checkbox"/> Damages will be assessed on Date & Time _____	Attorney Fees \$.00
<input type="checkbox"/> This case dismissed without prejudice.	Total \$ 2,119.00
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	Post Judgment Credits \$ _____
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	Post Judgment Costs \$ _____
Certified Judgment Total \$ _____	

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

AOPC 315-07

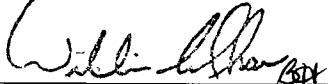
DATE PRINTED: **9/29/08** 1:04:00 PM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

MACK SMITH, : **CIVIL ACTION-LAW**
Plaintiff :
:
v. : **NO. 2008-2260-cd**
:
TIMOTHY L. SMEAL, :
Defendant : **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

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)

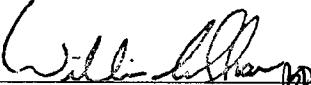
Entry: \$20.00

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, : **CIVIL ACTION-LAW**
Plaintiff :
:
v. : **NO. 2008-2260-CD**
:
TIMOTHY L. SMEAL, :
Defendant :
:

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'l Prothonotary costs

Dated: November 21, 2008


20.00
Glen L. Smith, Esquire
Tina H. Fox, Esquire
Attorneys for Plaintiff

5
FILED *Att'y pd 20.00*
NOV 24 2008 *ICC @ County*
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

**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

PROTH. COSTS PAID: \$40.00

INTEREST FROM: \$

SHERIFF: \$

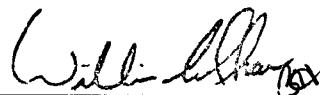
ATTY'S COMM: \$

OTHER COSTS: \$

DATE: 11/24/2008

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

Sheriff



William A. Shaw
Prothonotary/Clerk Civil Division

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

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
079-1184
FEB 23 2009
WAS
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 EXPIRED.

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

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

PROTH. COSTS PAID: \$40.00

SHERIFF: \$

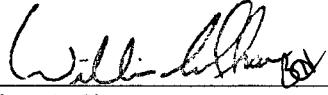
ATTY'S COMM: \$

OTHER COSTS: \$

DATE: 11/24/2008

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

Chester G. Hawkins
Sheriff by Cynthia Butter Caylor



William A. Shaw

Prothonotary/Clerk Civil Division

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:

RDR SERVICE	9.00
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	
TOTAL SHERIFF COSTS	\$9.00

PLAINTIFF COSTS, DEBT AND INTEREST:

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	
TOTAL DEBT AND INTEREST	\$2,148.00

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	
TOTAL COSTS	\$9.00
TOTAL COSTS	\$2,148.00

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 black ink, appearing to read 'Tina H. Fox'.

Tina H. Fox

THF/thw

cc: Mack Smith

Rec 1-5-09

CGA Law Firm, CGA Professional Center, 135 N. George Street, York, PA 17401, 717.848.4900, Fax 717.843.9039, www.cgalaw.com

{00272573/1}

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

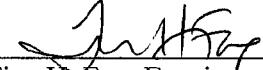
MACK SMITH, : **CIVIL ACTION-LAW**
Plaintiff :
:
v. : **NO. 2008-02260-CD**
:
TIMOTHY L. SMEAL, :
Defendant :
:

PRAECIPE TO REMOVE

To the Prothonotary of Clearfield County:

Please mark the above-captioned action discontinued.

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

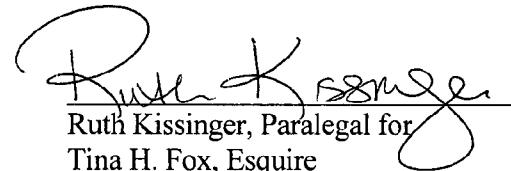
Date: June 15, 2009

FILED ^{acc}
013:15 BOL Atty Fox
JUN 18 2009
Atty pd. ^{7.00}
S William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June 2009, a true and correct copy of the foregoing Praecipe 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