

08-2293-CD

FIA Card vs Marjorie A. Nebgen

2053421

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

JOEL M. FLINK, ESQUIRE

Identification No.: 41200

1001 E. Hector Street, Ste 220

Conshohocken, PA 19428

484/351-0500

FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

S
FILED Atty pd 95.00
m/9/37/04 DEC 01 2008 ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

3. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account, if available, is attached hereto as Exhibit "A".

4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due as of October 22, 2008 in the amount of \$11,588.71.

5. Plaintiff has made demand upon the defendant(s) for payment of the balance due but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 9/26/07.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$11,588.71 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P01A

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

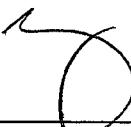

FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

STATE OF Georgia)
COUNTY OF Cobb)
FIA CARD SERVICES, N.A.

AFFIDAVIT OF ACCOUNT

v.
MARJORIE A NEBGEN

COMES NOW, Christie McElreath, and after being duly sworn before the below person authorized to administer oaths states the following:

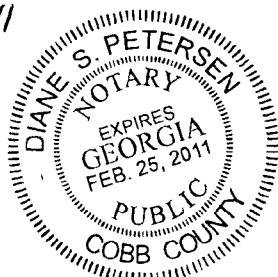
1. I am over 18 years old and sui juris.
2. I am agent for FIA CARD SERVICES, N.A..
3. I am familiar with the books and records of the Plaintiff.
4. These books and records are kept in the ordinary course of business.
5. The agreement attached hereto is true and correct.
6. The Defendant (s) owe (s) the principal sum of \$11,229.53.
7. The Defendant (s) owe (s) past due interest of \$359.18 through May 31, 2008.
8. I know no liability insurance, bond or other security which may be available to pay this debt.
9. The Defendant (s) account number for which he owes the debt is 4888937992850505.
10. The Defendant (s) is/are not a minor nor an incompetent person.
11. Affiant has no knowledge of whether the Defendant (s) is/are on active duty in the military.
12. The Defendant (s) is/are past due on this account and in breach of the contractual agreement to pay as agreed.


Agent Christie McElreath
FIA CARD SERVICES, N.A.

Sworn to and subscribed before me this 13 of Oct, 2008.


DIANE S. PETERSEN
NOTARY PUBLIC

My Commission Expires: 2/25/11
GORDON & WEINBERG, P.C.
08001345



FIA CARD SERVICES, N.A.

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16655-9045

ACCOUNT NUMBER	BALANCE AS OF	PAYMENT DUE DATE	MINIMUM PAYMENT	PAYMENT ENCLOSED
4888937992850505	September 11, 2008	PAST DUE	\$11,588.71	\$ Make Checks Payable to Bank of America, N.A. (USA)

MESSAGE FROM BANK OF AMERICA, N.A. (USA)

YOUR ACCOUNT WITH FIA CARD SERVICES, N.A. IS PAST DUE \$11,588.71. THE PAST DUE AMOUNT IS INCLUDED IN THE MINIMUM PAYMENT. THE PAST DUE AMOUNT THAT INCLUDES ORIGINAL PRINCIPAL BALANCE OF \$11,229.53 AND INTEREST ON THAT BALANCE OF \$359.18 HAS ACCRUED THROUGH January 4, 2008. PLEASE REMIT IMMEDIATELY. IF YOU HAVE ALREADY SENT A PAYMENT FOR THE ABOVE AMOUNT, THANK YOU.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2293-CD

FIA CARD SERVICES, N.A. F/K/A BANK OF AMERICA
vs
MARJORIE A. NEBGEN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/30/2008 HEARING: PAGE: 104985

DEFENDANT: MARJORIE A. NEBGEN
ADDRESS: 668 STRONGS RD
IRVONA, PA 16656-9045

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

S
FILED
03-24-08
DEC 17 2008
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12-4-08 AT 2:38 AM/PM **SERVED** THE WITHIN

COMPLAINT ON MARJORIE A. NEBGEN, DEFENDANT

BY HANDING TO MARJORIE A. NEBGEN, Def.

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

ADDRESS SERVED 668 STRONGS RD.
IRVONA, PA. 16656

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR MARJORIE A. NEBGEN

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MARJORIE A. NEBGEN

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104985
NO. 08-2293-CD
SERVICES 1
COMPLAINT

PLAINTIFF: FIA CARD SERVICES, N.A. F/K/A BANK OF AMERICA
VS.
DEFENDANT: MARJORIE A. NEBGEN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	066730	10.00
SHERIFF HAWKINS	GORDON	066730	49.59

FILED
012:45pm
MAR 24 2009
WS
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

Day of 2008



Chester A. Hawkins
Sheriff

2053421

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 81894
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

5 **FILED** *Att'y pd 20.00*
M/2/2009 *APR 23 2009* *CC Notice to Def.*
William A. Shaw
Prothonotary/Clerk of Courts *CC Atty*

FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN

PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF AN ANSWER, ASSESSMENT
OF DAMAGES, VERIFICATION OF ADDRESS AND NON-MILITARY SERVICE

TO THE PROTHONOTARY:

Enter judgment for want of an answer for plaintiff and against defendant(s) MARJORIE A NEBGEN above named only and assess damages certified to be calculable as a sum certain from the complaint, as follows:

Principal	\$11,229.53
Costs (Complaint & Service)	\$154.59
Total:	\$11,384.12

Understanding the false statements made herein are subject to penalty under 18 Pa.C.S.A. §4904, Unsworn Falsification to Authorities, I verify that:

1. The last known addresses of the parties are: FIA CARD SERVICES, N.A. F/K/ABANK OF AMERICA and that the last known address of defendant, MARJORIE A NEBGEN, 668 STRONGS RD, IRVONA PA 16656-9045.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties, defendant and to their record attorneys, if any, after default occurred, and at least ten days prior to the date of filing of this praecipe.

3. The said defendant(s) is (are) not in the military service of the United States or otherwise within the coverage of the Soldiers and Sailors Civil Relief Act and is (are) over 18 years of age.

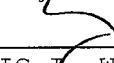
AND NOW, this 23rd day of April, 2009 Judgment is entered in favor of the plaintiff(s) and against defendant(s) by

default for want of an answer and damages assessed at the sum of ,
\$11,384.12 as per the above certification.



Prothonotary

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

2053421

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FIA CARD SERVICES, N.A. F/K/A BANK
OF AMERICA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN

NOTICE OF INTENTION TO TAKE DEFAULT

TO/ PARA :
MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045

DATE OF NOTICE/FECHA DEL AVISO: April 1, 2009

IMPORTANT NOTICE

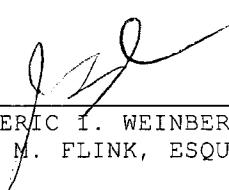
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE

GORDON & WEINBERG, P.C.
 BY: FREDERIC I. WEINBERG, ESQUIRE
 Identification No.: 41360
 JOEL M. FLINK, ESQUIRE
 Identification No.: 41200
 1001 E. Hector Street, Ste 220
 Conshohocken, PA 19428
 484/351-0500

FIA CARD SERVICES, N.A. F/K/A
 BANK OF AMERICA

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN

NOTICE

Pursuant to Pa.R.Civ.P. 236 of the Supreme Court of Pennsylvania, you are hereby notified that a judgment has been entered against you in the above proceeding as indicated below.

- Judgment by Default \$11,384.12
- Money Judgment \$
- Judgment on Award of Arbitrators\$
- Judgment on Verdict\$

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL ATTORNEYS: FREDERIC I. WEINBERG OR JOEL M. FLINK, ESQUIRES AT THIS TELEPHONE NUMBER: 484/351-0500

Willie L. Hall 4/23/09
 PROTHONOTARY

GORDON & WEINBERG, P.C.
 BY: FREDERIC I. WEINBERG, ESQUIRE
 Identification No.: 41360
 JOEL M. FLINK, ESQUIRE
 Identification No.: 41200
 1001 E. Hector Street, Ste 220
 Conshohocken, PA 19428
 484/351-0500

FIA CARD SERVICES, N.A. F/K/A BANK
 OF AMERICA
 1825 E. BUCKEYE RD.
 PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
 668 STRONGS RD
 IRVONA PA 16656-9045
 and
 First Commonwealth Bank
 14303 Clearfield Shawville Highway
 Clearfield, PA 16830
GARNISHEE

FILED Attypd
 M 10/4/2011 2000
 DEC 12 2011

William A. Shaw
 Prothonotary/Clerk of Courts
 2006 Writs to
 Sheriff

TO THE PROTHONOTARY:

Issue writ of execution in the above matter,
 directed to the Sheriff of Clearfield County;

(1) against

MARJORIE A NEBGEN

defendant(s) and

(2) against

First Commonwealth Bank

garnishee(s)

(3) AMOUNT DUE

\$11,384.12

INTEREST

from April 23, 2009

\$0.00

COSTS

Prothonotary fee

\$20.00

Sheriff fee

\$200.00

(4) Less: Payments on Account

(\$.00)

TOTAL

\$11,604.12

115.00 Prothonotary costs- Additional

FREDERIC I. WEINBERG, ESQUIRE
 JOEL M. FLINK, ESQUIRE
 Attorney for Plaintiff

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FIA CARD SERVICES, N.A. F/K/A BANK
OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and
First Commonwealth Bank
14303 Clearfield Shawville Highway
Clearfield, PA 16830

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. 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 \$300.00. There are other exemptions which may 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 exemption 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
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1001 E. Hector Street, Ste 220
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FIA CARD SERVICES, N.A. F/K/A BANK
OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and
First Commonwealth Bank
14303 Clearfield Shawville Highway
Clearfield, PA 16830
GARNISHEE

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 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: (include address and telephone)

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. Section 4904 relating to unsworn falsification to authorities.

DATE: _____ Defendant: _____

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

Sheriff of Clearfield County
1 N. 2ND ST., STE. 116
Clearfield, PA 16830
814/765-2641

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.

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

EXHIBIT "A"

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FIA CARD SERVICES, N.A. F/K/A BANK
OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and
First Commonwealth Bank
14303 Clearfield Shawville Highway
Clearfield, PA 16830

GARNISHEE

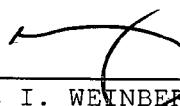
INTERROGATORIES IN ATTACHMENT

TO: **First Commonwealth Bank - GARNISHEE**

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.

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 on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant 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.
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 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(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 therefore?

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 his/her, their) 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 and state the reason for the exemption, the amount of funds in each account, 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 any subsequent time did the defendant(s) 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. How much is the value of any property in your possession belonging to the defendant(s)?


FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

DATED: 12/6/11

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
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FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and
First Commonwealth Bank
14303 Clearfield Shawville
Highway
Clearfield, PA 16830

GARNISHEE

Commonwealth of Pennsylvania)
County of CLEARFIELD)

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

MARJORIE A NEBGEN

defendant(s)

(1) You are directed to levy upon the property of the defendant(s) and to sell defendant's(s) interest therein:

NO LEVY OTHER THAN BANK ACCOUNT

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of

First Commonwealth Bank
14303 Clearfield Shawville Highway
Clearfield, PA 16830- **GARNISHEE - SERVE ONLY**

(specifically describe property)

and to notify the garnishee(s) that

(a) an attachment has been issued:

(b) except as provided in paragraph (c) the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) The attachment shall not include any funds in an account of the defendant with a bank or other financial institution

- (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law or (i) the first \$10,000.00 of each 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 \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.
- (iii) any funds in an account of the defendant 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 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	\$11,384.12
INTEREST	
from April 23, 2009	\$0.00
COSTS	
Prothonotary fee	\$20.00
Sheriff fee	<u>\$200.00</u>
Less: Payment on Account	(\$.00)

TOTAL **\$11,604.12**

115.00 Prothonotary costs Add'l
, Prothonotary

BY:

Clerk

DATE:

12/12/11

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and
First Commonwealth Bank
14303 Clearfield Shawville
Highway
Clearfield, PA 16830

GARNISHEE

WRIT OF EXECUTION

(3) AMOUNT DUE	\$11,384.12
INTEREST	
from April 23, 2009	\$0.00
COSTS	
Prothonotary fee	\$20.00
Sheriff fee	<u>\$200.00</u>
Less: Payment on Account	(\$.00)
TOTAL	\$11,604.12

115.00 Prothonotary costs-Additional

FREDERIC I. WEINBERG, ESQUIRE &
JOEL M. FLINK, ESQUIRE
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED

REC'D
DEC 21 2011

5 in 10:30/1
William A. Shaw
Prothonotary/Clerk of Courts

RECEIVED
DEC 15 2011

FIA CARD SERVICES, N.A. F/K/A BANK
OF AMERICA
1825 E. BUCKEYE RD.
PHOENIX, AZ. 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA PA 16656-9045
and

First Commonwealth Bank
14303 Clearfield Shawville Highway
Clearfield, PA 16830

GARNISHEE

INTERROGATORIES IN ATTACHMENT

TO: First Commonwealth Bank - GARNISHEE

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

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.

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 on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant 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.
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 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(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 therefore?

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 his(her, their) 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 and state the reason for the exemption, the amount of funds in each account, 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 any subsequent time did the defendant(s) 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. How much is the value of any property in your possession belonging to the defendant(s)?


FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

DATED: 12/6/00

EXHIBIT "A"

ANSWERS TO INTERROGATORIES

1. Yes
2. Checking account number 7110348301 into Marci A. Nebgen or Joshua H. Waugh, garnishee has placed a hold on the account in the amount of \$11,719.12 and the amount contained in the account as of the date of these answers is \$28.64; checking account number 7110130281 into Marci Nebgen Integrity Services, Marjorie A. Nebgen, Proprietor, after the sum of \$200.00 held by garnishee for its fees/expenses in connection with the garnishment, garnishee has placed a hold on the account in the amount of \$11,719.12 and the amount contained in the account as of the date of these answers is \$1,252.70 and checking account number 7110130270 into Dennis R. Nebgen or Marjorie A. Nebgen, garnishee has placed a hold on the account in the amount of \$11,719.12 and the amount contained in the account as of the date of these answers is zero.
3. Yes, Commercial loan secured by title to property owned by Dennis R. Nebgen and Marjorie A. Nebgen.
4. No
5. No
6. No
7. No
8. No
9. All of the above

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF INDIANA)

On this 19th day of December 2011 before me, the undersigned officer, a Notary Public in and for said Commonwealth and County, personally appeared LEDA E MCCRACKEN, who being duly sworn according to law, acknowledged that she is Assistant Vice President of First Commonwealth Bank, and that the facts set forth in the foregoing Interrogatories are true and correct to the best of her knowledge and belief.

Leda E. McCracken
Leda E. McCracken, Asst. Vice President
First Commonwealth Bank

Sworn and subscribed to before me
This 19th day of December 2011

Karen K. Gamble
Notary Public

COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
KAREN K. GAMBLE, NOTARY PUBLIC	
INDIANA BOROUGH, INDIANA COUNTY	
MY COMMISSION EXPIRES AUG. 13, 2015	

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2011 I have this day caused to be served a true and correct copy of this ANSWERS TO INTERROGATORIES upon the following parties:

VIA CERTIFIED U.S. MAIL

*Dennis R. Nebgen
Marci A. Nebgen
Joshua H. Waugh
668 Strong's Road
Irvington, PA 16656-9045*

As Defendant

VIA REGULAR U.S. MAIL

*Frederic I. Weinberg, Esquire
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428*

As Plaintiff

Leda E. McCracken

Leda E. McCracken
Assistant Vice President
First Commonwealth Bank

Prothonotary/Clerk of Courts
William A Shaw

DEC 21 2011

FILED

To Deputy 12/12/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2293-CD

FIA CARD SERVICES, N.A. F/K/A BANK OF AMERICA

vs

MARJORIE A. NEBGEN

TO: FIRST COMMONWEALTH BANK, Garnishee

WRIT OF EXECUTION, INTERROGATORIES

USH

SERVE BY: 03/10/2012

HEARING:

PAGE: 109146

DEFENDANT: FIRST COMMONWEALTH BANK, Garnishee

ADDRESS: 14303 CLEARFIELD SHAWVILLE HWY.

CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

Date

Time

Results

OCCUPIED

Date

Time

Results

ATTEMPTS: 1

1

1

1

FILED
97-3051
DEC 16 2011
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12-15-11 AT 2:00 AM PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON FIRST COMMONWEALTH BANK, Garnishee, DEFENDANT
BY HANDING TO Jaylene Stiner, Teller Sup.

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

ADDRESS SERVED 14303 CLFD Shawville Hwy CLEP
() Residence Employment () Sheriff's Office () Other

NOW _____ AT _____ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES 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 2011

So Answers CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Print Deputy Name

George F. Rohrer
George F. Rohrer
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 109146

2 of 2

FIA CARD SERVICES, N.A. f/k/a BANK OF AMERICA

NO. 08-2293-CD

-vs-

MARJORIE A. NEBGEN

WRIT OF EXECUTION/
INTERROGATORIES TO
GARNISHEE

TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF'S RETURN

NOW DECEMBER 16, 2011 MAILED THE WITHIN:
PRAECIPE, WRIT, WRIT NOTICE & CLAIM FOR EXEMPTION & INTERROGATORIE
TO MARJORIE A. NEBGEN, DEFENDANT
AT: 668 STRONGS RD., IRVONA, PA. 16656
IN THE S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 109146
NO: 08-2293-CD
SERVICES 2
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: FIA CARD SERVICES, N.A. F/K/A BANK OF AMERICA

vs.

DEFENDANT: MARJORIE A. NEBGEN

TO: FIRST COMMONWEALTH BANK, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	161221	20.00
SHERIFF HAWKINS	GORDON	161221	32.50

Sworn to Before Me This

So Answers,

Day of _____ 2011



Chester A. Hawkins
Sheriff

2053421

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

SFILED pd \$7.00 Atty
m 11:52 am 100 Atty
JAN 03 2012 Weinberg
William A. Shaw
Prothonotary/Clerk of Courts

FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

MARJORIE A NEBGEN

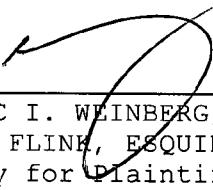
and
First Commonwealth Bank
Garnishee

PRAECIPE TO DISSOLVE ATTACHMENT

TO THE PROTHONOTARY:

Kindly dissolve the attachment of the defendant's bank account
with First Commonwealth Bank, as Garnishee in the above entitled
matter.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P011

2053421

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

pd \$7.00
FILED Atty
M 10:57 AM
SEP 10 2012 ICC Atty
William A. Shaw (A) Weinberg
Prothonotary/Clerk of Courts

FIA CARD SERVICES, N.A. F/K/A
BANK OF AMERICA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2293-CD

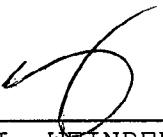
MARJORIE A NEBGEN

ORDER TO SATISFY JUDGMENT

TO THE PROTHONOTARY:

Kindly mark the judgment entered April 23, 2009 in the
above-captioned matter satisfied upon payment of your costs only.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P005