

08-2419-CD

Capital One Bank vs Barbara Senior al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419-CD  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**COMPLAINT IN CIVIL  
ACTION**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

3  
**FILED** *Auty pd.*  
M 11:58/6/08 95.00  
DEC 18 2008  
*2CC Sheriff*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO.  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**NOTICE TO DEFEND**

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 an 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 judgment 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.

Usted ha sido demandado en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted fall de tomar accion como se describe anteriormente, el caso pude proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad au otros derechos importantes para usted.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO

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.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSO A PERSONAS QUE CALIFICAN.

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO.  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , by and through its attorney, GREGG MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , is a corporation and for the purpose of this litigation, maintaining a place of business c/o PATENAUME AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is BARBARA H SENIOR, an adult individual, believed to currently reside at 147 W LONG AVE APT 2 DU BOIS, PA 15801-2103.
3. Defendant is C AND B ACCOUNTING, an adult individual, believed to currently reside at 147 W LONG AVE APT 2 DU BOIS, PA 15801-2103.
4. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4791242356658263; for the purchase of good and services.
5. The Defendant(s) has/have made or authorized a number of purchases and as of March 20, 2008, Defendant(s) owes \$2,815.32 on said account plus interest at 25.90 %.

6. Plaintiff maintains accurate books of account recording all credits and debits for this account.

7. The Defendant(s) have/has received monthly billing statements from Plaintiff setting forth the nature and amount of all charges made by Defendant(s), and the transactions between Plaintiff and Defendant(s) give rise to an account stated, upon which Plaintiff has relied.

8. The Defendant(s) made payments, but have/has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the sum of \$2,815.32, plus interest and costs.

9. By failing to object or dispute the statements, Defendant(s) have/has assented to and agreed to the correctness of the balance due on the credit card account so as to constitute and account stated.

10. Despite repeated demands, Defendant(s) have/has failed to make the required installment payments when due and therefore the full amount of the account is now due and payable.

**WHEREFORE**, Plaintiff demands Judgment in its favor, and against Defendant(s), in the amount of \$2,815.32, plus interest as set forth herein from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully submitted:  
Patenaude & Felix, A.P.C.

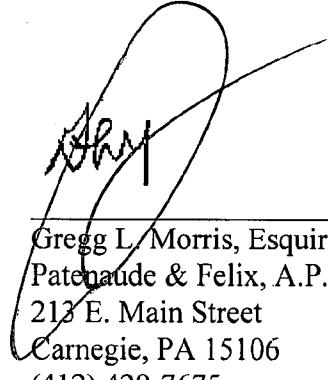
Date: November 14, 2008

\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

**VERIFICATION**

The undersigned, Gregg L. Morris, hereby states that he is the attorney for Plaintiff 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. Counsel has signed the verification at the request of Plaintiff as a matter of time and convenience. Plaintiff has represented to counsel that there is a debt due and owing from Defendant to Plaintiff in the amount as set forth within the foregoing pleading. Plaintiff has provided counsel with all relevant information in order to allow counsel to sign this verification. Plaintiff agrees to provide a verification signed by Plaintiff upon request by Defendant. The statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: November 14, 2008



\_\_\_\_\_  
Gregg L. Morris, Esquire  
Paterno & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2419-CD

CAPITAL ONE BANK (USA), N.A.  
vs  
BARBARA H. SENIOR and C AND B ACCOUNTING  
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 01/17/2009 HEARING: PAGE: 105075

DEFENDANT: BARBARA H. SENIOR  
ADDRESS: 147 W. LONG AVE., APT 2  
DUBOIS, PA 15801-2103

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

5  
**FILED**

OB:40LM  
DEC 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

OCCUPIED

**SHERIFF'S RETURN**

NOW, 12-22-2008 AT 2:10 AM PM SERVED THE WITHIN

COMPLAINT ON BARBARA H. SENIOR, DEFENDANT

BY HANDING TO Barbara Senior / Defendant

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

ADDRESS SERVED 147 West Long Ave Apt 2 Dubois Pa. 15801

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

COMPLAINT FOR BARBARA H. SENIOR

AT (ADDRESS) \_\_\_\_\_

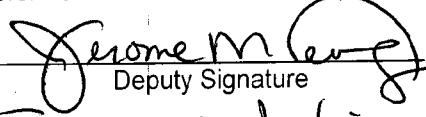
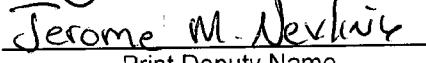
NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BARBARA H. SENIOR

REASON UNABLE TO LOCATE \_\_\_\_\_

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature  
  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2419-CD

CAPITAL ONE BANK (USA), N.A.

vs

BARBARA H. SENIOR and C AND B ACCOUNTING  
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 01/17/2009

HEARING:

PAGE: 105075

DEFENDANT: C AND B ACCOUNTING  
ADDRESS: 147 W. LONG AVE., APT 2  
DUBOIS, PA 15801-2103

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

5 **FILED**

*03:40 LM*  
**DEC 22 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 12-22-2008 AT 2:10 AM/PM SERVED THE WITHIN

COMPLAINT ON C AND B ACCOUNTING, DEFENDANT

BY HANDING TO Barbara Senior / Defendant / PIC

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

ADDRESS SERVED 147 West Long Ave Apt 2. DuBois PA 15801

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

COMPLAINT FOR C AND B ACCOUNTING

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO C AND B ACCOUNTING

REASON UNABLE TO LOCATE \_\_\_\_\_

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Nevin  
Deputy Signature

Jerome M. Nevin  
Print Deputy Name

FILED

JAN 20 2009

5  
ncl 12:55 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

I CERTIFY THAT THIS IS A COPY OF THE  
DEPT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)
	)
Plaintiff	) NO. 08-2419
	)
	)
v.	)
	)
BARBARA H SENIOR and C AND B ACCOUNTING	)
	)
Defendant(s)	)
	)

**PLAINTIFF'S PRAECIPE FOR  
CONSENT TO ENTRY OF  
JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

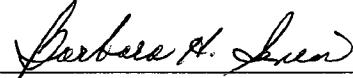
CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**CONSENT TO ENTRY OF JUDGMENT**

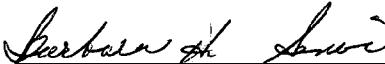
The undersigned Defendant, having been served with a **Complaint in Civil Action** in the matter captioned above, hereby admits the averments contained in said Complaint, waives any defect of service, waives any applicable time period for the filing of a responsive pleading, waives service of a Ten Day Notice or Notice of Default, and hereby consents to the entry of judgment against him/her in the amount of \$3,345.94 including pre-judgment interest at the contract rate, and the costs of suit. The parties agree that execution will be stayed, and the judgment will be satisfied provided Defendant pays the total amount of \$3,540.94, plus post-judgment interest at the rate of 6%, as follows: One Time Payment made via: Personal Check for \$150.00 on: 01/16/2009

THEN Monthly Payments made via: Personal Check for \$150.00 beginning: 02/16/2009 until paid. Time is of the essence. Defendant hereby waives Notice of Entry of Judgment.

Date: 1/9/09

  
Barbara H. Senior

Date: 1/9/09

  
C And B Accounting

**PRAECIPE TO ENTER JUDGMENT**

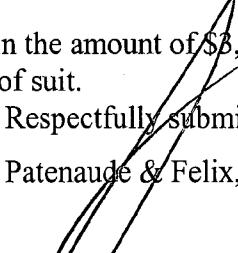
To the Prothonotary:

Please enter judgment against the Defendant(s) in the amount of \$3,540.94, which includes pre-judgment interest, attorney fees, and costs of suit.

Respectfully submitted:

Patenaude & Felix, A.P.C.

Date: January 07, 2009

  
Gregg L. Morris, Esquire  
218 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF  
NOTICE PURSUANT TO P.A.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF CLEARFIELD )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), BARBARA H SENIOR and C AND B ACCOUNTING, is not in the military service of the United States of America to the best of his knowledge, information and belief. A

Respectfully submitted:  
Patenaude & Felix, A.P.C.

Date: January 13, 2009

Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

Sworn to and subscribed before me this

13 day of Jan., 2009.

Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Carolyn J. Stewart, Notary Public  
Carnegie Boro, Allegheny County  
My Commission Expires Aug. 14, 2011

Member: Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**NOTICE OF ORDER, DECREE  
OR JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

**Counsel of Record for This Party:**

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )

**NOTICE OF ORDER, DECREE OR JUDGMENT**

TO: ( ) Plaintiff ( x ) Defendant ( ) Garnishee ( ) Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on Jan. 20, 2009.

( X ) Judgment in the amount of \$3,540.94, plus costs.  
( ) District Justice Transcript of Judgment in the amount of \$ \_\_\_\_\_, plus costs.  
( ) If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation.

Prothonotary  
By   
Deputy

If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire  
213 East Main St  
Carnegie PA 15106  
(412)-429-7675

FILED  
JAN 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105075  
NO: 08-2419-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: CAPITAL CNE BANK (USA), N.A.  
VS.  
DEFENDANT: BARBARA H. SENIOR and C AND B ACCOUNTING

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	31399	20.00
SHERIFF HAWKINS	PATENAUME	31399	46.23

3  
**FILED**  
03:35 LM  
MAR 25 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

*80*  
**FILED**

*8* AUG 19 2011

*m/2/00*  
William A. Shaw  
Prothonotary/Clerk of Courts

*b court w/*  
*b-watti to*  
*S HEN*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

)

Plaintiff

)

NO. 08-2419

v.

)

BARBARA H SENIOR and C AND B ACCOUNTING

)

Defendant(s)

)

NORTHWEST SAVINGS BANK

)

Garnishee

)

**PRAECIPE FOR WRIT OF  
EXECUTION**

Filed on behalf of:

CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
v. Plaintiff ) NO. 08-2419  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

**PRAECIPE FOR WRIT OF EXECUTION**

To The Prothonotary:

Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Clearfield County;
- (2) against, BARBARA H SENIOR and C AND B ACCOUNTING Defendant(s);
- (3) against, NORTHWEST SAVINGS BANK, Garnishee;
- (4) and index this writ
- (a) against, Defendant(s) BARBARA H SENIOR and C AND B ACCOUNTING, Defendant(s); and
- (b) against NORTHWEST SAVINGS BANK, Garnishee;

as a *lis pendens* against real property of the Defendant(s) in the name of the garnishee as follows:

(5) Amount due	<u>\$3,540.94</u>
Interest from January 20, 2009	
At 6.00 % per annum	<u>\$239.69</u>
Court Cost	<u>\$0.00</u>
Less: Payment	<u>\$1,200.00</u>
Total	<u>\$2,580.63</u>

Prothonotary costs

*\$145.00*

*Attorney for Plaintiff*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

## WRIT OF EXECUTION

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

**Counsel of Record for This Party:**

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

**WRIT OF EXECUTION**

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against BARBARA H SENIOR and C AND B ACCOUNTING, Defendant(s),

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

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of NORTHWEST SAVINGS BANK as Garnishee, and to notify garnishee that

(a) an attachment has 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 in 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 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 person that he/she has been added as a garnishee and is enjoined as above stated.

Amount due	\$3,540.94
Interest from January 20, 2009	
At 6.00 % per annum	\$239.69
Court Cost	\$0.00
Less: Payment	\$1,200.00
Total	\$2,580.63

Prothonotary costs ~~\$145.00~~

Seal

BY \_\_\_\_\_

  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

**WRIT OF EXECUTION NOTICE**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO. 08-2419
	)	
	)	
v.	)	
	)	
BARBARA H SENIOR and C AND B ACCOUNTING	)	
	)	
Defendant(s)	)	
	)	
	)	
NORTHWEST SAVINGS 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. 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT ADMINISTRATOR 230 EAST MARKET STREET  
CLEARFIELD PA 16830  
814-765-2641**

MAJOR EXEMPTIONS UNDER  
PENNSYLVANIA AND  
FEDERAL LAW

- A. \$300 statutory exemption
- B. Bibles, school books, sewing machines, uniforms and equipment
- C. Most wages and unemployment compensation
- D. Social Security Benefits
- E. Certain retirement funds and accounts
- F. Certain veteran and armed forces benefits
- G. Certain insurance proceeds
- H. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
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 statutory exemption be  
\_\_\_\_ (i) set aside in kind (specify the 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 be \_\_\_\_ in cash; \_\_\_\_ in kind (specify the property to be set aside in kind): \_\_\_\_\_  
(b) other (specify the amount and the basis of the exemption): \_\_\_\_\_

I request a prompt hearing to determine the exemption. Notice of the hearing should be given to 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. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Defendant

THIS CLAIM TO BE FILED WITH  
THE OFFICE OF THE SHERIFF  
OF CLEARFIELD COUNTY COURT OF COMMON PLEAS  
CLEARFIELD, PA 16830

(814)-76-5-26

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

**INTERROGATORIES IN  
ATTACHMENT EXECUTION**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendant(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee. )

**OFFICES OF PATENAUME & FELIX  
BY: GREGG MORRIS, ESQUIRE  
213 East Main St  
Carnegie PA 15106  
858-244-7675**

**You are hereby notified to  
plead to the enclosed  
Interrogatories within 20  
days from the date of  
hereof or a default  
judgment may be entered  
against you.**

Gregg Morris, Esquire  
Attorney for Plaintiff

**INTERROGATORIES IN ATTACHMENT EXECUTION**

You are required to answer the following interrogatories about Defendant(s) whose address is 147 W LONG AVE APT 2, DU BOIS PA 15801-2103. You must file with the Court answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in a default judgment being entered against you. A copy of said answers must be served on the undersigned. If your answer to any of the following interrogatories is affirmative, specify the amount, value and/or nature of the subject property.

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 defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed them any money or were you liable to them for any reason? If yes, please specify as set forth herein.

2. At the time you were served, or at any subsequent time, was there in your possession, custody or control, or in joint possession, custody or control of yourself or others, any property of any nature owned solely or in party by the Defendant(s)? If yes, please list and describe the property.

3. At the time you were served, or at any subsequent time, did you hold legal title to any property or any nature owned solely or in part by the Defendant(s)? If yes please list and describe the property.

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? If yes, please list and describe the property.

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 directions or consent? If yes, 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 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 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.

Respectfully submitted:  
Patenaude & Felix, A.P.C.

Date: August 12, 2011

\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

**FILED**  
AUG 19 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

To Deputy 8/29/11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2419-CD

CAPITAL ONE BANK (USA), N.A.

vs

BARBARA H. SENIOR & C AND B ACCOUNTING  
TO: NORTHWEST SAVINGS BANK, GARNISHEE

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 10/17/2011 **RUS** HEARING: PAGE: 108789

DEFENDANT: NORTHWEST SAVINGS BANK, Garnishee  
ADDRESS: 1200 S. SECOND ST.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS:	Date	Time	Results	Date	Time	Results
	/	/	/	/	/	/

**FILED**  
OCT 14 2011  
SEP 01 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, August 31 2011 AT 10<sup>15</sup> AM **SERVED** THE WITHIN  
WRIT OF EXECUTION, INTERROGATORIES ON NORTHWEST SAVINGS BANK, Garnishee, DEFENDANT  
BY HANDING TO Joey Lynn Bloom Senior Teller.

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

ADDRESS SERVED 1200 S Second St Clearfield PA 16830  
( Residence)  Employment ( Sheriff's Office) ( Other)

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

WRIT OF EXECUTION, INTERROGATORIES FOR NORTHWEST SAVINGS BANK, Garnishee

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO NORTHWEST SAVINGS BANK, Garnishee

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2011

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jeffrey L. Rhone  
Deputy Signature

Jeffrey L. Rhone  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108789

2 of 3

CAPITAL ONE BANK (USA), N.A.

NO. 08-2419-CD

-vs-

BARBARA H. SENIOR & C and B ACCOUNTING  
TO: NORTHWEST SAVINGS BANK, Garnishee

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW SEPTEMBER 1, 2011 MAILED THE WITHIN:  
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE  
TO: BARBARA H. SENIOR, DEFENDANT  
AT: 147 W LONG AVENUE, APARTMENT 2, DUBOIS, PA. 15801  
IN S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 108789

3 of 3

CAPITAL ONE BANK (USA), N.A.

NO. 08-2419-CD

-vs-

BARBARA H. SENIOR & C and B ACCOUNTING  
TO: NORTHWEST SAVINGS BANK, Garnishee

WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW SEPTEMBER 1, 2011 MAILED THE WITHIN:  
PRAECIPE, WRIT, WRIT NOTICE, CLAIM FOR EXEMPTION & INTERROGATORIE  
TO: C and B ACCOUNTING, DEFENDANT  
AT: 147 W LONG AVE., APT. 2, DUBOIS, PA. 15801  
IN S.A.S.E.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 108789  
NO: 08-2419-CD  
SERVICES 3

WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: CAPITAL ONE BANK (USA), N.A.

VS.

DEFENDANT: BARBARA H. SENIOR & C AND B ACCOUNTING  
TO: NORTHWEST SAVINGS BANK, GARNISHEE

SHERIFF RETURN

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	55269	30.00
SHERIFF HAWKINS	PATENAUME	55269	32.50

Sworn to Before Me This

So Answers,

Day of \_\_\_\_\_ 2011



\_\_\_\_\_  
by Marley Harris

Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 08-2419  
v. )  
BARBARA H SENIOR and C AND B ACCOUNTING )  
Defendants(s) )  
NORTHWEST SAVINGS BANK )  
Garnishee )

**PRAECIPE TO SETTLE  
AND DISCONTINUE WITHOUT  
PREJUDICE AS TO  
GARNISHEE ONLY**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

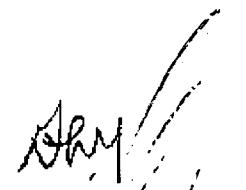
Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

FILED NO  
M 11:34 AM  
S SEP 06 2011  
61C  
William A. Shaw  
Prothonotary/Clerk of Courts

I, GREGG MORRIS, attorney for Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A., hereby certify that a true and correct of the foregoing document was served this date by US First Class Mail, postage prepaid upon the following:

NORTHWEST SAVINGS BANK  
2 LIBERTY STREET  
WARREN PA 16365-0000

Date: September 01, 2011

  
\_\_\_\_\_  
Gregg L. Morris, Esquire  
Paternoade & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

**FILED**

SEP 06 2011

William A. Shaw  
Prothonotary/Clerk of Courts