

ORIGINAL JACKET LOST.

DOCKET NO. 175

6 Feb. T. 1962

7 Feb. T. 1962

NUMBER

TERM

YEAR

433 November Term, 1961, No. 21 Sept.
~~Term, 1959~~

DEPT. OF PUBLIC WELFARE

vs.

JUNE McLAUGHLIN - DEPT. OF P.W.

VERSUS

JUNE McLAUGHLIN, al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE :
VS. : No. 433 November Term, 1961
JUNE McLAUGHLIN :
Writ of Execution : No. 6 February Term, 1962

DEPARTMENT OF PUBLIC WELFARE :
VS. :
JUNE McLAUGHLIN and IRVIN W. : No. 21 September Term, 1959
McLAUGHLIN, a/k/a IRVIN W. :
McLAUGHLIN :
Writ of Execution : No. 7 February Term, 1962

PETITION FOR RULE

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

NOW, come June McLaughlin, widow of Irvin W. McLaughlin, a/k/a Irvin W. McLaughlin, and Marie McLaughlin; Kenneth McLaughlin; Flora May McLaughlin and Anna McLaughlin, minor children of Irvin W. McLaughlin, a/k/a Irvin W. McLaughlin, deceased, and respectfully petition your Honorable Court as follows:

(1). That your Petitioner, June McLaughlin, is the widow of Irvin W. McLaughlin, a/k/a Irvin W. McLaughlin, deceased, of R. D. #1, Clearfield, Pennsylvania, and the mother of the herein named minor children of Irvin W. McLaughlin, a/k/a Irvin W. McLaughlin.

(2). That Marie McLaughlin, Kenneth McLaughlin, Flora May McLaughlin and Anna McLaughlin are the minor children of June McLaughlin and Irvin W. McLaughlin, a/k/a Irvin W. McLaughlin, deceased, who resided with their parents at the time of the death of their father and have continued to reside with their mother since that time.

(3). That Irvin W. McLaughlin, a/k/a Irwin W. McLaughlin died in November of 1961.

(4). That in 1962, June McLaughlin received from the Social Security Administration a check in the sum of Seven Hundred Ninety-three and 78/100 (\$793.78) Dollars payable to herself as the widow of Irvin W. McLaughlin, a/k/a Irwin W. McLaughlin.

(5). That in 1962, June McLaughlin received from the Social Security Administration a check payable to her for the minor children of Irvin W. McLaughlin, a/k/a Irwin W. McLaughlin in the sum of Two Thousand Two Hundred Seventy-four and 22/100 (\$2274.22) Dollars.

(6). That the Pennsylvania Department of Public Welfare, through its Field Agent, F. Gurney Smith, insisted that such checks be paid to the Department of Public Welfare to repay the department for assistance granted.

(7). That June McLaughlin, on behalf of herself and her minor children, consulted the Offices of Bell, Silberblatt & Swoope and advised the said F. Gurney Smith that said Offices were representing her in this matter.

(8). That under date of February 12, 1962, counsel for your Petitioner wrote to the Department of Public Welfare requesting the department to advise as to authorities requiring the application of Social Security funds to repay assistance granted, in order that counsel might properly advise your Petitioner, photocopy of said letter being marked Exhibit "A", attached hereto, made a part hereof and incorporated herein by reference.

(9). That in order to avoid the risk of loss of said checks, your Petitioner placed said checks in a bank account in The County National Bank at Clearfield in the name of June McLaughlin and Eva Owens, adult daughter.

(10). That on February 23, 1962, counsel for your Petitioner received a letter from the Department of Public Welfare bearing date the 21st day of February, 1962, copy of which is marked Exhibit "B", attached hereto, made a part hereof and incorporated herein by reference.

(11). That on February 23, 1962, while engaged in correspondence with

counsel for your Petitioner, the said Department of Public Welfare issued writs of execution, hereinabove set forth, and attached the bank account, hereinbefore described.

(12). That said bank account contained only funds derived from the hereinbefore identified checks of the Social Security Administration.

(13). That such executions and attachments were issued by the Department of Public Welfare with full knowledge of the source of the funds contained in the said bank account and during the course of correspondence with counsel representing your Petitioners.

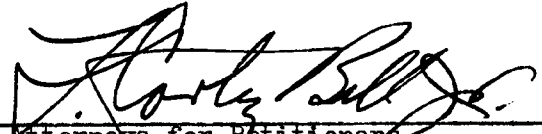
(14). That said executions and attachments were issued by the Department of Public Welfare in bad faith.

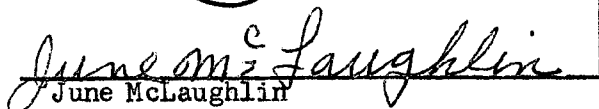
(15). That said executions and attachments were issued by the Department of Public Welfare in violation of the Act of Congress; August 14, 1935, c. 531, Title II, Sec. 207, 49 Stat. 624; August 10, 1939, c. 666, Title II, Sec. 201, 53 Stat. 1372, (42 U.S.C.A., 407) which exempts all monies paid or payable to the Social Security Administration from execution, levy, attachment, garnishment or other legal process.

WHEREFORE, Your Petitioners pray that a Rule be issued upon the Sheriff of Clearfield County and the Department of Public Welfare to show cause why said attachments and executions should not be dissolved and stricken from the record and the funds released to your Petitioners.

And they will ever pray.

BELL, SILBERBLATT & SWOOPE
By


Attorneys for Petitioners


June McLaughlin

STATE OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JUNE McLAUGHLIN, who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition for Rule are true and correct to the best of her knowledge, information and belief.

June McLaughlin
June McLaughlin

Sworn and subscribed to

before me this 24th day of

February, 1962.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

VS.

JUNE McLAUGHLIN

Writ of Execution

:
:
: No. 433 November Term, 1961
:
:
:
: No. 6 February Term, 1962

DEPARTMENT OF PUBLIC WELFARE

VS.

JUNE McLAUGHLIN and IRVIN W.
McLAUGHLIN, a/k/a IRVIN W.
McLAUGHLIN

Writ of Execution

:
:
:
: No. 21 September Term, 1959
:
:
:
: No. 7 February Term, 1962

ORDER OF COURT

NOW, this 27th day of February, 1962, the within Petition having been read and considered, Rule is issued upon James B. Reese, Sheriff of Clearfield County, and the Department of Public Welfare, to show cause why the Writ of Execution to No. 6 February Term, 1962 and the attachment thereon, and the Writ of Execution issued to No. 7 February Term, 1962 and the attachment thereon, should not be dissolved and stricken from the record.

Returnable the

day of

, 1962.

BY THE COURT:

P. J.

February 12, 1961
Clearfield, Pennsylvania

Irvin McLaughlin
Record No. 25251

Commonwealth of Pennsylvania
Department of Public Welfare
Division of Claim Settlements
P. O. Box 182
Harrisburg, Pennsylvania

Gentlemen:

This office has been consulted by the widow of the above case name. On February 14, 1961, the above case name was drawing Public Assistance and was, at that time, entitled to disability benefits under the Social Security Act. As of that date, the case name executed Agreement to Pay Claim, DPA Form 176-K - Rev. 6-58 (100). No funds were received from the Social Security Administration during the lifetime of the case name, but following his death, the widow received a check in the sum of \$793.78, as widow of a deceased Social Security insured, and has also received a check for her children in the sum of \$2274.22, as funds due children of a deceased Social Security insured.

Your local office has been insisting that Mrs. McLaughlin apply these funds to repay assistance received on the basis of the Agreement to Pay Claim executed by her husband in his lifetime and has calculated the repayment due as \$2494.60. While Mrs. McLaughlin would not have objection to making some reimbursement, she also has local creditors who desire payment, and we have advised her to make no payments from these funds until we had an opportunity to discuss this matter with you.

It would seem that the local D. P. A. Office is now requesting the widow and children to apply funds which they have received from the Social Security Administration in payment under an Agreement executed by the husband and father. We do not feel that such application of funds is required but are writing to request that, if you have any authority on this situation,

Department of Public Welfare

- 2 -
signature? , 51011010

February 12, 1962

that you advise us of these authorities, as we would be most happy to consider them in order that we may properly advise the family of the above case name.

Very truly yours,

HELL, SILBERBLATT & SWOOPF
By

signature of attorney
(200) 111 1111

F. Cortes Bell, Jr.

FCBjrtjb

signature of F. Cortes Bell, Jr.
attorney at law
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111 111 111

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Exhibit "A"



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

Office of Public Assistance

February 21, 1962

Division of Claim Settlements

FOURTH FLOOR - 229 WALNUT STREET
P. O. BOX 182
HARRISBURG, PA.
TEL. CEDAR 6-9451

F. Cortez Bell, Jr., Esquire
Clearfield Trust Co. Bldg.
Clearfield, Pennsylvania

MC LAUGHLIN, Irvin
Clearfield - 25 251

Dear Mr. Bell:

Our Field Agent, F. Gurney Smith, asks that you be advised of the Department's position in the matter of the Social Security Benefits received by June McLaughlin.

The Commonwealth's position is based on the support law, Act 397 of 1937, as amended through 1956, Section 4. Under this Act all the assistance granted to Irvin W. and June McLaughlin while awaiting delayed Benefits, or the Benefits received, whichever is less, is repayable to the Department of Welfare.

Mr. McLaughlin filed his claim for Disability Benefits on December 10, 1959. At that time Mr. and Mrs. McLaughlin signed a form agreeing to repay assistance granted. This money was due Mr. McLaughlin prior to his death and had he been living when received it would be immediately repayable. A large portion of the money received by Mrs. McLaughlin was in no way attributable to Mr. McLaughlin's death.

The assistance received by Mr. and Mrs. McLaughlin from December 15, 1960 through December 30, 1961, totals \$2,494.60. This is the amount due the Commonwealth since the assistance received was less than the delayed Benefits. If you have any further questions do not hesitate to write me.

Very truly yours,

(Mrs.) Margaret H. Davison
Claims Settlement Agent

MHD:cac

Exhibit "B"

g.c.c.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA., No. 433 November Term, 1961, No. 21 September Term, 1959	DEPT. OF PUBLIC WELFARE vs JUNE McLAUGHLIN, Writ of Exec. No. 6 February Term, 1962	DEPT. OF PUBLIC WELFARE vs JUNE McLAUGHLIN, and IRVIN W. McLAUGHLIN, a/k/a IRVIN WL. McLAUGHLIN, Writ of Execution, No. 7 February Term, 1962	PETITION FOR RULE	<div>RECEIVED FEB 27 1962 CLERK OF COURT CLEARFIELD, PA.</div>	BELL, SILBERBLATT & SWDOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

DEPARTMENT OF PUBLIC WELFARE :
 :
-vs- : No. 433 November Term, 1961
 :
JUNE McLAUGHLIN :
 :
Writ of Execution : No. 6 February Term, 1962

DEPARTMENT OF PUBLIC WELFARE :
 :
-vs- : No. 21 September Term, 1959
 :
JUNE McLAUGHLIN and IRVIN W. :
McLAUGHLIN, a/k/a IRVIN W. :
McLAUGHLIN :
 :
Writ of Execution : No. 7 February Term, 1962

O P I N I O N

The two above stated judgments were entered by the Department of Public Assistance on assistance agreements executed by June McLaughlin, and Irvin W. McLaughlin, her husband.

The above named defendant, June McLaughlin, has presented her petition to strike off the executions issued on the above judgments attaching the money in two bank accounts, one in the name of June McLaughlin and the other in the names of June McLaughlin or Eva Owens, in the County National Bank at Clearfield, Pa.

Irvin W. McLaughlin and June McLaughlin were parents of four minor children. Because of a physical disability suffered by Irvin W. McLaughlin, he was unable to continue working and thus became entitled to Social Security Benefits. Accordingly

application to the Social Security Administration was made for benefits for himself and his family.

Pending receipt of these Social Security payments, June and Irvin W. McLaughlin requested aid from the Department of Public Assistance of the Commonwealth of Pennsylvania, and entered into an agreement, agreeing to repay the Department of Public Assistance for all the assistance granted them until receipt of Social Security payments.

In the meantime Irvin W. McLaughlin died, and when the Social Security Administration paid the benefits as requested, it paid \$793.78 to June McLaughlin as the widow of Irvin W. McLaughlin, and paid her the sum of \$2272.22 for the support of the minor children.

Mrs. McLaughlin deposited these checks in the County National Bank at Clearfield, at Clearfield, Pa., putting the check for \$793.78 in an account in the name of June McLaughlin; the check for \$2272.22 was deposited in an account in the same bank in the name of June McLaughlin and Eva Owens, a married daughter.

The Department of Public Assistance entered judgment upon the assistance agreement for the amount advanced, and demanded reimbursement out of the Social Security payments from Mrs. McLaughlin. This she refused, with the result that the Department of Public Assistance issued executions and attached the money in the bank accounts.

The defendant's petition to strike off the attachments and release these monies to Mrs. McLaughlin for her use and for her children, asserts that the money payable to her as a beneficiary under the Social Security Administration is exempt from any assignment, attachment, levy, garnishment execution or any other legal process under and by virtue of the Act of Congress of August 14, 1935, Chapter 531, Title II, Section 207, 49 Stat. 624, as amended, (42 U.S.C.A. 407), which provides as follows:

"The right of any person to any future payment under this sub-chapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this sub-chapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law."

The plaintiffs take the position that when Mrs. McLaughlin received these checks, endorsed them and placed them in the two accounts in the County National Bank the immunity or exemption from attachment, levy and assignment by any creditor was extinguished, and that the act of deposit converted the funds from Social Security payments, to money of Mrs. McLaughlin, without any impress of any exemption or limitation in so far as her creditors were concerned.

The United States presently, is paying to individual citizens moneys by virtue of several different categories. Social Security payments are the largest in number; pensions to veterans of the armed forces of the United States and compensation payments to persons injured while working or in the employ of the United States, as well as pensions generally to employees of the United

States Government upon retirement.

The payment of these funds for these various purposes, are all, generally, protected from assignment, attachment, levy or other action of creditors of the persons entitled to such payments. The reason for this immunity or exemption is to protect the Treasury Department of the United States from the annoyance of the voluminous attachments, assignments and other legal proceedings that might be instituted by the creditors of the payees of these Federal monies.

In ROTHENBERGER'S ESTATE, 17 D. & C. 2d 383, it is pointed out on page 385, that the decisions of the nisi prius courts of Pennsylvania on this question of attaching proceeds of Federal Funds after they have been paid to the payee, whether deposited in a bank account, or converted to real or personal property, are in conflict with no controlling decision of our Appellate Courts.

It is to be noted that in the ROTHENBERGER case, as well as in DILIGONAS ESTATE, 16 D. & C. 2d 142, attachments were issued by creditors to seize money paid as pension to a guardian of the veteran to whom the pension had been awarded. This money in the hands of the guardian of such veteran, was held, in both ROTHENBERGER ESTATE, supra, and DILIGONAS ESTATE, supra, exempt from a ttachment by the Department of Public Assistance or any other creditor, because the limitation placed thereon by the Act of Congress of August 12, 1935, 49 Stat. 609, 38 U.S.C.A., Section 454a, which provides:

"Assignability and exempt status of payments of benefits. Payments of benefits due or to become due shall not be assignable, and such payments made to, or on account of, a beneficiary under any of the laws relating to veterans shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. Such provisions shall not attach to claims of the United States arising under such laws nor shall the exemption herein contained as to taxation extend to any property purchased in part or wholly out of such payments." (Italics supplied)

It is to be noted that the Act of Congress placing this limitation, as quoted on pensions of veterans, carries the limitation over to the attachment of funds "before or after receipt by the beneficiary". In the limitation of Social Security Benefits, the Act of Congress as above noted, does not contemplate limitation upon the funds after payment to the beneficiary.

It is the general rule in Pennsylvania that the language relating to exemptions or limitations must be strictly construed. In STEIN'S CASE, 118 Pa. Superior Ct. 549 (1935) it is said on page 553,

"However, the general rule is that language relating to exemptions is to be strictly construed: Com. v. Sunbeam Water Co., 284 Pa. 180, 130 A. 405. Nor do we question the power of Congress to protect pension money, and make it inaccessible to the payment of attorney's fees, or exempt it from seizure by creditors, under our state laws, until it shall have passed into the hands of the pensioner: Reiff et al v. Mack, 160 Pa. 265, 28 A. 609. But the laws and regulations relating thereto do not apply to money after it has passed into the hands of the beneficiary. The weight of authority sustains the proposition that when the transmission of pension money is ended, and the pensioner or his guardian has received it, the government's authority ceases.

McIntosh v. Aubrey, 185 U.S. 122, 125, 22 S. Ct. 561, 46 L. ed. 834, 838, was a case arising in this state. The court said: "We concur, therefore, with the learned judge of the court of common pleas of Pennsylvania, that the 'exemption provided by the act protects the fund only while in the course of transmission to the pensioner, When the money has been paid to him it has "Inured wholly to his benefit," and it is liable to seizure as opportunity presents itself'."

Several common pleas court decisions, unreported in any minor report system, have permitted attachment of funds in the hands of the recipient of Social Security payments, after receipt thereof and the placing of those funds in a bank account in the name of the recipient, upon which the attachment or claim is made by the Department of Public Assistance.

These several decisions hold that after receipt of the check or draft from the Social Security Administration, the monies have been converted to the possession and sole ownership of the recipient by deposit in a bank account, or purchase of real or personal property, and the exemption ends.

To the same effect are the following:

DEPARTMENT OF PUBLIC ASSISTANCE VS. MARGARET GARLICK, Court of Common Pleas of Mercer County, No. 273 June Term, 1960; DEPARTMENT OF PUBLIC ASSISTANCE VS. JANE ALLEN, et al, Court of Common Pleas of Erie County, No. 496 September Term, 1957; COMMONWEALTH VS. THOMPSON, Court of Common Pleas of Lancaster County, No. 68 September Term, 1958; DEPARTMENT OF PUBLIC ASSISTANCE VS. WANDA SHAFFER, Court of Common Pleas of Luzerne County, No. 1411 October Term, 1957.

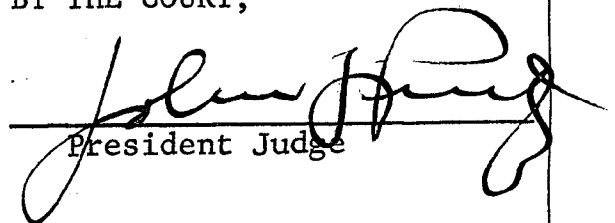
In all of the cases just mentioned, Social Security Benefits were the source of the funds sought to be appropriated to the Department of Public Assistance, and through all of these cases, as in the instant case, appeared a request by the defendant to the Commonwealth of Pennsylvania for maintenance and support, pending the allowance and payment of the said Social Security Benefits, with a promise on the part of the defendant to repay the Commonwealth of Pennsylvania when Social Security Benefits were paid.

While the principle, that after receipt of the monies, the immunity or exemption to attachment or levy had been extinguished when used by the defendant, or placed in a bank account subject to such use as recipient might desire, is affirmed by all the courts, the circumstances under which the monies from the Commonwealth of Pennsylvania were obtained give moral support to the refusal of the courts in the cases mentioned, to allow the exemption to prevail.

O R D E R

NOW, May 24, 1962, petition to strike off execution refused. Exception noted.

BY THE COURT,


President Judge

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 433 Nov. T. 1961

No 6 Feb. T., 1962

No. 21 Sept. T., 1959

No. 7 Feb. T., 1962

DEPT. OF PUBLIC WELFARE

-vs-

JUNE McLAUGHLIN

DEPARTMENT OF PUBLIC WELFARE

-vs-

JUNE McLAUGHLIN & IRVIN W.

McLAUGHLIN, a/k/a IRVIN W.

McLAUGHLIN

OPINION AND ORDER

FILED

MAY 24 1962

CARL E. WALKER
PROTHONOTARY

JOHN J. PENTZ

PRESIDENT JUDGE

CLEARFIELD, PENNSYLVANIA

Commonwealth of Penna.

Department of Public Welfare

versus

June McLaughlin and Irvin W.

McLaughlin, a/k/a Irvin W.

McLaughlin

In the Court of Common Pleas
of Clearfield County, Pa.

No. 21 September Term, 19 59

Fi. Fa., No. 7 February 19 62

And now, February 27, A. D. 19 62, petition read and
considered and a rule is granted on James B. Reese, Sheriff of Clearfield County
and the Department of Public Welfare, to show cause why the Writ of
Execution and the attachment thereof, should not be dissolved and
stricken from the record.

Returnable Next Argument Court

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 28th

day of February, 19 62

Carl E. Walker

Prothonotary

No. 21 September Term, 19 59

Commonwealth of Penna.

Department of Public Welfare

VS

Jure McLaughlin and Irvin W.

McLaughlin, a/k/a Irvin W.

McLaughlin

Rule On

James G. Reese, Sheriff

Department of Public Welfare

Attorney for Claimant

James A. Gleason

Attorney for Plaintiff

Bell, Silberblatt & Swoope

Attorney for Defendant

Commonwealth of Penna.

Department of Public Welfare

versus

June McLaughlin and Irvin W.

McLaughlin, a/k/a Irwin W.

McLaughlin

In the Court of Common Pleas
of Clearfield County, Pa.

No. 21 September Term, 19 59

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By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 28th

day of February, 19 62

Carl E. Halkes

Prothonotary

No. 21 September Term, 19 59

Commonwealth of Penna.

Department of Public Welfare

VS

June McLaughlin and Irvin W.

McLaughlin, a/k/a Irvin W.

McLaughlin

Rule On

James B. Reese, Sheriff

Department of Public Welfare

Attorney for Claimant

James A. Gleason

Attorney for Plaintiff

Bell, Silberblatt & Swoope

Attorney for Defendant

Commonwealth of Penna.

Department of Public Welfare

versus

June McLaughlin and Irvin W.

McLaughlin, a/k/a Irwin W.

McLaughlin

In the Court of Common Pleas
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By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 28th

day of February, 19 62

Carl E. Walker
Prothonotary

Gleason

No. 21 September Term, 19 59

Commonwealth of Penna.

Department of Public Welfare

vs

June McLaughlin and Irvin W.

McLaughlin, a/k/a Irwin W.

McLaughlin

Rule On

James B. Reese, Sheriff

Department of Public Welfare

Attorney for Claimant

James A. Gleason
Attorney for Plaintiff

Bell, Silberblatt & Swoope
Attorney for Defendant

ORIGINAL JACKET & PAPERS LOST...

COPY ... 5/24/62

Gleason, Cherry & Cherry



TO SHERIFF OF CLEARFIELD COUNTY, DR.

PLAINTIFF	DEFENDANT	NO.	TERM	AMOUNT
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Commonwealth of Penna.
Department of Public Welfare

NO. 433 November Term, 1961

vs

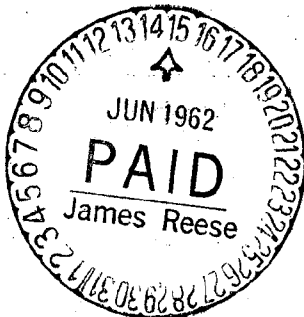
No. 6 February Term, 1962

June McLaughlin, defendant
County National Bank of
Clearfield, Garnishee

Sheriff Costs

RDR	\$3.75
Service	3.75
Milage	1.00
Commission	25.00
Total	\$33.50

Exec. Debt	\$2,000.00
Prothonotary	7.00
Use Plaintiff	3.00
Attorney <i>am. dn. + 100k</i>	10.00
Sheriff Cost	33.50
Total	\$2,053.50
Pro. Satisfaction	2.00
	\$2,055.50



James B. Reese

SHERIFF

Please Give This Prompt Attention

Return this Bill with Remittance

No Sheriff shall be required to render any service in any civil proceedings until he receives indemnity satisfactory to him for the payment of his official fees, mileage, expenses, and legal costs or payment of same, from the party at whose instance or for whose benefit such service is to be performed, but any money advanced for his charges, and not earned or expended shall be refunded to the payer thereof. And in case he does not receive his charges in advance or upon demand, he may file with his return an itemized list of unpaid fees, mileage, costs and expenses respecting the services to which such return relates, and if no exceptions are filed to the same within thirty days, from the time of making such return, the items included in such list shall be considered taxed, and confirmed as fees and costs due such Sheriff and become a judgment in law against the party for whose benefit the services were rendered as well as against any other party who may be or become liable for such fees and costs by law; and the said Sheriff may issue an execution for the amount so taxed, and collect the same from any party so chargeable therewith without further suit, and shall not be disqualified to enforce such execution by reason of his interest therein.

Writ of Execution - Money Judgments.

Commonwealth of Penna. D. P. W.

vs.

June McLaughlin, Defendant
County National Bank at Clearfield
Garnishee

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA.

NO. 6 February

Term, 19 62

WRIT OF EXECUTION

Commonwealth of Pennsylvania

County of Clearfield

SS:

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against June McLaughlin

_____, defendant(s);

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

(2) You are also directed to attach the following property of the defendant not levied upon in the possession of County National Bank at Clearfield _____, as garnishee,

Attaching any monies, debts, credits, accounts due Mrs. June McLaughlin

(Specifically describe property)

and to notify the garnishee that

(a) an attachment has been issued;

(b) the garnishee is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant or otherwise disposing thereof.

(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 that he has been added as a garnishee and is enjoined as above stated.

Amount due

\$ 2000.00

Interest from

\$

Costs (to be added)

Plff.

\$3.00

Attorneys

~~Prothonotary~~

\$7.00

Carl E. Halkes

Prothonotary

By

Deputy



Date February 23, 1962

Proth'y. No. 64

J. G. B. & Co.
Assy. in Ref.

James B. Reese
James B. Reese
Sheriff

Gleason, Cherry & Cherry
Attorney for Plaintiff(s)

Commonwealth of Penna.

Department of Public Welfare

versus

June McLaughlin

In the Court of Common Pleas
of Clearfield County, Pa.

No. 433 November Term, 19 61

Fi. Fa., No. 6 February 19 62

And now, February 27, A. D. 19 62, petition read and considered and a rule is granted on James B. Reese, Sheriff of Clearfield County and the Department of Public Welfare, to show cause why the Writ of Execution and the attachment thereon, should not be dissolved and stricken from the record.

Returnable next Argument Court

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 28th

day of February, 19 62

Carl E. Walker
Prothonotary

No. 433 November Term, 19 61

Commonwealth of Penna.
Department of Public Welfare

vs

June McLaughlin

Rule On

James B. Reese, Sheriff
Department of Public Welfare

Attorney for Claimant

James A. Gleason
Attorney for Plaintiff

Bell, Silberblatt & Swoope
Attorney for Defendant

Commonwealth of Penna.

Department of Public Welfare

versus

June McLaughlin

In the Court of Common Pleas
of Clearfield County, Pa.

No. 433 November Term, 19 61

Fi. Fa., No. 6 February 19 62

And now, February 27, A. D. 19 62, petition read and considered and a rule is granted on James B. Reese, Sheriff of Clearfield County and the Department of Public Welfare, to show cause why the Writ of Execution and the attachment thereon, should not be dissolved and stricken from the record.

Returnable next Argument Court

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 28th

day of February, 19 62

Carl E. Walker
Prothonotary

Gleason

No. 433 November Term, 19 61

Commonwealth of Penna.

Department of Public Welfare

vs.

June McLaughlin

Rule On

James B. Reese, Sheriff

Department of Public Welfare

Attorney for Claimant

James A. Gleason
Attorney for Plaintiff

Bell, Silberblatt & Swoope
Attorney for Defendant

R. Dept of Public Welfare

VERSUS

James H. Laughlin et al

To Care Wacker

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 21 Nov. 1959
Term Feb 1962

Prothonotary. Sir: Enter appearance for Mark attachment execution
issued against above, doesn't need upon payment of
costs debt and costs, but original judgment to
remain unsatisfied until payment of costs is made.

in above case.

J. Glen

Attorney for

Pay.

21 Sept T. 1959
No. 7 Term Feb 1962

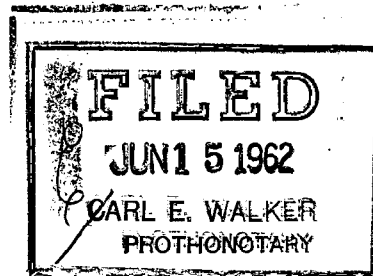
Pa. Dept of Public Welfare
v.

Sam McLaughlin, et al,

vs.

Pres
APPEARANCE

For *Ref*



Pa. Dep't. of Public Welfare

VERSUS

James Mc Laughlin, et al

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

433 Nov Term 1961

No. 6 Term Feb 1962

To Carl Wacker, Prothonotary.

Sir: Enter appearance for Mark attachment execution
issued against above discontinued upon payment of
cost and costs, but charges to remain unsatisfied
until payment in full, with costs.

in-above case.

J. M. Grant

Attorney for Pay

433 Nov. Term 1961

No. 6 Term Feb Term 1962

Pa Dept of Welfare

v.

Jane Mc Laughlin, et al

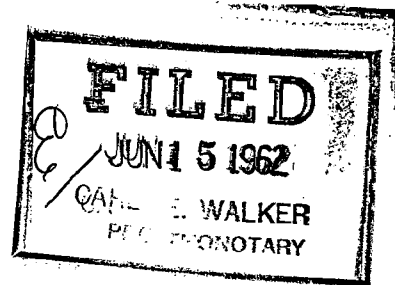
Attachment Execution

Receipt

APPEARANCE

Reff

For

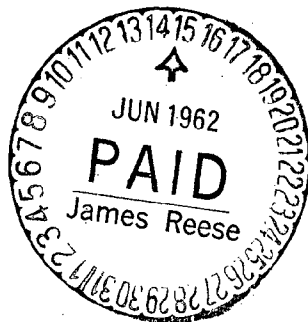


Gleason, Cherry & Cherry

LEDGER NO. 14 page 412
CLEARFIELD, PA.

TO SHERIFF OF CLEARFIELD COUNTY, DR.

PLAINTIFF	DEFENDANT	NO.	TERM	AMOUNT
Commonwealth of Pennsylvania Department of Public Welfare			No. 21 September Term, 1959	
			No. 7 February Term, 1962	
vs				
June McLaughlin & Irvin W. McLaughlin a/k/a Irwin W. McLaughlin, RD #1 Clearfield, Pa.				
Sheriff Costs				
RDR	\$3.75		Exec. Debt	\$494.60
Service	3.75		Use Attorney	7.00
Milage	1.00		Use Plaintiff	2.00
Comm.	9.89		Sheriff costs	19.13
Postage	.74			\$522.73
Total	\$ 19.13		Pro. Satisfaction	2.00
				\$524.73



James B. Reese

SHERIFF

Please Give This Prompt Attention

Return this Bill with Remittance

No Sheriff shall be required to render any service in any civil proceedings until he receives indemnity satisfactory to him for the payment of his official fees, mileage, expenses, and legal costs or payment of same, from the party at whose instance or for whose benefit such service is to be performed, but any money advanced for his charges, and not earned or expended shall be refunded to the payer thereof. And in case he does not receive his charges in advance or upon demand, he may file with his return an itemized list of unpaid fees, mileage, costs and expenses respecting the services to which such return relates, and if no exceptions are filed to the same within thirty days, from the time of making such return, the items included in such list shall be considered taxed, and confirmed as fees and costs due such Sheriff and become a judgment in law against the party for whose benefit the services were rendered as well as against any other party who may be or become liable for such fees and costs by law; and the said Sheriff may issue an execution for the amount so taxed, and collect the same from any party so chargeable therewith without further suit, and shall not be disqualified to enforce such execution by reason of his interest therein.

Writ of Execution - Money Judgments.

Commonwealth of Pennsylvania
Department of Public Welfare

vs.

June McLaughlin and Irvin W.
McLaughlin, a/k/a Irwin W.
McLaughlin

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA.

NO. 7 February

Term, 1962

WRIT OF EXECUTION

Commonwealth of Pennsylvania

County of Clearfield

SS:

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against June McLaughlin and Irvin W.
McLaughlin a/k/a Irwin W. McLaughlin, defendant(s);

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

(2) You are also directed to attach the following property of the defendant not levied upon in the possession of County National Bank at Clearfield, as garnishee,

Attaching any monies, credits, debts or accounts due or owing to

June McLaughlin and Irvin W. McLaughlin a/k/a Irwin W. McLaughlin

(Specifically describe property)

and to notify the garnishee that

(a) an attachment has been issued;

(b) the garnishee is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant or otherwise disposing thereof.

(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 that he has been added as a garnishee and is enjoined as above stated.

Amount due \$494.60

Interest from \$

Costs (to be added) Plaintiff \$2.00 Attorney \$7.00 \$

Carl E. Hacker

Prothonotary

By _____

Deputy



Date February 23, 1962

Proth'y. No. 64

Now 6/1/62 return writ to P.
for settlement and description comes
upon pay ment of debt and costs.
J. B. Reese
Att'y for P.

Now, June 26, 1962 by direction of Gleason, Cherry and Cherry, by
James Gleason, Attorneys for Plaintiff, I return this Writ, debt
and all costs paid.

So Answers,

James B. Reese
James B. Reese
Sheriff

No. 21 September Term, 1959
No. 7 February Term, 1962
IN THE COURT OF COMMON
PLEAS, CLEARFIELD COUNTY,
PENNSYLVANIA.

Commonwealth of Penna.
Department of Public Welfare

VS.

June McLaughlin and Irvin W.

McLaughlin a/k/a Irvin W.

McLaughlin, RB #1,

Clearfield, Pa.

WRIT OF EXECUTION

FILED
JUN 26 1962
CARL E. WALKER
PROTHONOTARY

P. 200

Gleason, Cherry & Cherry
Attorney(s) for Plaintiff(s)

RECEIVED WRIT THIS 23 day
of February A. D., 1962
at 2:40 P. M.
James B. Reese
Sheriff

WRIT OF EXECUTION
(Money Judgments)

EXECUTION DEBT	\$494.60
Interest from - - -	
Prothonotary - - -	
Use Attorney - - -	7.00
Use Plaintiff - - -	2.00
Attorney's Comm. - -	
Satisfaction <i>PAID</i>	2.00
Sheriff	

Refund made

Gleason, Cherry & Cherry
Attorney for Plaintiff(s)