

DOCKET NO. 175

NUMBER	TERM	YEAR
472	November	1961

Michigan National Bank

VERSUS

Roy Whitmoyer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. NO. 472 NOVEMBER TERM, 1961 IN REPLEVIN	MICHIGAN NATIONAL BANK VS. ROY WHITMOYER	PRAECIPE FOR WRIT	284 © R bond <div>FILED JAN 12 1962 CARL E. VICKERY PROTHONOTARY LAW OFFICES</div> <div>J. PAUL FRANTZ, JR. 26 SOUTH SECOND STREET CLEARFIELD, PA.</div> <div>150 <i>Atty</i></div>
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHIGAN NATIONAL BANK

VS.

ROY WHITMOYER

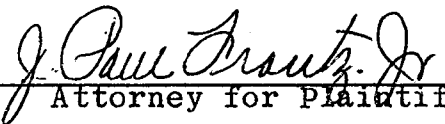
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No. 472 November Term, 1961
IN REPLEVIN

PRAECIPE FOR WRIT

TO: CARL E. WALKER, PROTHONOTARY

Issue writ of replevin with bond for a 1957 Elcar forty
five (45) foot House Trailer, Manufacturer's Serial No. E1 45 B-
10W5740 of the value of \$1,138.80.


Attorney for Plaintiff

Dated:

January 12, 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHIGAN NATIONAL BANK

VS.

ROY WHITMOYER

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:
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:
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No.

November Term, 1961
IN REPLEVIN

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

: SS:

COUNTY OF CLEARFIELD :

ROBERT C. LISTER, being duly sworn according to law, deposes and says that he is attorney-in-fact for the above named plaintiff corporation and that the value of the 1957 Elcar 45 foot House Trailer, Serial No. E145B-10W5740, for which a writ of replevin with bond is about to be issued does not exceed Eleven Hundred Thirty Eight and 80/100 (\$1,138.80) Dollars.

Robert C. Lister

Sworn to and subscribed before me
this 12th day of January, 1962.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

BOND

KNOW ALL MEN BY THESE PRESENTS, that we, MICHIGAN NATIONAL BANK, of Grand Rapids, Michigan, Principal, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, surety are held and firmly bound unto the Commonwealth of Pennsylvania in the just and full sum of Two Thousand Three Hundred (\$2,300.00) Dollars lawful money of the United States, to be paid to the said Commonwealth of Pennsylvania, her certain attorney or assigns; to which payment well and truly to be made and done, we do bind ourselves and each of us, our successors and assigns and every of them, jointly and severally, firmly by these presents. Sealed with our seals dated this 12th day of January, 1962.

The condition of this obligation is such that whereas the above-bounden Michigan National Bank (hereinafter called plaintiff) having obtained a certain Writ of Replevin, issued out of the Court of Common Pleas of the County of Clearfield, as of November Term, 1961, No. on the 12th day of January, 1962 against a certain Roy Whitmoyer (hereinafter called defendant) of the county aforesaid, commanding the Sheriff should replevy and cause to be delivered to the said plaintiff a 1957 Elcar 45 foot House Trailer Manufacturer's Serial No. E145B-10W 5740. Now as the above bounden plaintiff, the Michigan National Bank is and will maintain its title to such goods and chattels, or, in case it shall fail to maintain said title, shall pay to the party thereunto entitled the value of said goods and chattels and all legal costs, fees and damages to which the defendant or

other person, to whom such goods and chattels so replevied belong,
may sustain by reason of the issuance of said writ of repleven,
then the above obligation to be void and of no effect, otherwise
to be and remain in full force and virtue.

MICHIGAN NATIONAL BANK

Robert E. Fisher (SEAL)
Attorney-in-Fact

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND

BY William R. Hoover
Attorney-in-Fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD..

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and J. J. MOORE, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or First Vice-President, or Second Vice-President, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries, and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint H. R. WOOLRIDGE, WILLIAM R. HOOVER AND JOSEPH E. LOGAN, ALL OF CLEARFIELD, PENNSYLVANIA, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed:

I. Bonds and undertakings for faithful performance of duty to be filed in any Court of any State of the United States, or in any United States Court, each in a penalty not to exceed the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) as follows: For administrators and executors; for commissioners, referees and trustees for the sale of property; for receivers and trustees in bankruptcy proceedings; for receivers in equity; for persons and corporations exercising powers of sale in deeds, mortgages, and other written instruments covering property located in any State of the United States, EXCEPT ASSIGNMENTS FOR BENEFIT OF CREDITORS.

II. Bonds and undertakings to be filed in any Court as aforesaid, each in a penalty not to exceed the sum of TWENTY-FIVE HUNDRED DOLLARS (\$2,500) as follows: For the payment of costs; for petitioning creditors; for plaintiffs in attachment, garnishment, sequestration and replevin suits; for removal of suits from State to Federal Courts.

III. Bonds and undertakings for Trustees under Will, Conservators, Committees for Incompetent Persons and Guardians for faithful performance of duty, and to be filed in any Court as aforesaid, each in a penalty not to exceed the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000).

IV. Bonds each in a penalty not to exceed the sum of TEN THOUSAND DOLLARS (\$10,000) required of State, County, Township or Municipal Officials, of any State of the United States, whether elected or appointed, except those for Treasurers, Deputy Treasurers, Tax Collectors, Deputy Tax Collectors, Sheriffs, Deputy Sheriffs, Police Constables and Justices of Peace.

V. Bonds for Notaries Public required by the Laws of any State of the United States, each in a penalty not to exceed the sum of FIVE THOUSAND DOLLARS (\$5,000).

VI. License bonds, each in a penalty not to exceed the sum of FIVE THOUSAND DOLLARS (\$5,000) required by the Statute of any State of the United States or by Ordinance of any Municipality in any State.

.....
And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland in their own proper persons. THIS POWER OF ATTORNEY REVOKES THAT ISSUED ON BEHALF OF H. R. WOOLRIDGE, DATED DECEMBER 7, 1943, THAT ON BEHALF OF WILLIAM R. HOOVER, DATED JANUARY 22, 1944, AND THAT ON BEHALF OF JOSEPH E. LOGAN, DATED APRIL 22, 1948.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 15TH day of SEPTEMBER, A.D. 19 53
ATTEST: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED) J. J. MOORE By WM. H. C. GRIFFITH
(SEAL) Assistant Secretary Vice-President

STATE OF MARYLAND }
CITY OF BALTIMORE } ss:

On this 15TH day of SEPTEMBER, A.D. 19 53, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED) DOLORES DEMMA
(SEAL) Notary Public

CERTIFICATE MY COMMISSION EXPIRES MAY 2, 1955

I, A. R. FROMM, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the attached Power of Attorney dated SEPTEMBER 15, 19 53, in behalf of H. R. WOOLRIDGE, ET AL of CLEARFIELD, PENNSYLVANIA, is a true and correct copy and that same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said WM. H. C. GRIFFITH and J. J. MOORE, who executed the attached Power of Attorney as Vice-President and Assistant Secretary respectively, were on the date of the execution of the attached Power of Attorney the duly elected Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and that the said WM. H. C. GRIFFITH was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact or to authorize any person or persons to execute on behalf of the Company any bonds, recognizances, stipulations, undertakings, deeds, releases of mortgages, contracts, agreements and policies, and to affix the seal of the Company thereto as provided in said Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company. this 15th day of January, 19 62

Know All Men By These Presents: That Michigan National Bank

have made, constituted and appointed, and By THESE PRESENTS, do make, constitute and appoint
Robert C. Lister of
Lister Bureau of Investigation true and lawful ATTORNEY for
it and in its name, place and stead,

To secure bond and sign any and all papers pursuant
to instituting and carrying through replevin proceedings
as necessary for the recovery of one 1957 Elcar trailer,
serial number EL45B-10W5740, financed by the Michigan
National Bank for Roy Whitmoyer.

Robert C. Lister of
giving and granting unto Lister Bureau of Investigation said Attorney, full power and
authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in
and about the premises, as fully to all intents and purposes, as Michigan National Bank
might or could do if personally present, with full power of substitution and revocation hereby ratifying

and confirming all that.....said Attorney or their.....substitute shall law-
fully do or cause to be done by virtue hereof.

In Witness Whereof, we.....have hereunto set our hands and seal on the fifth
day of January.....one thousand nine hundred sixty-two.....

Sealed and Delivered in Presence of

PE Allen } *G. F. Beld avp* (SEAL)
G. F. Beld Assistant Vice-President
L. Farrington avp (SEAL)
L. Farrington Assistant Vice-President

STATE OF MICHIGAN,

County of Kent } ss.

BE IT KNOWN, That on this fifth.....day
of January.....one thousand nine hundred
sixty-two.....before me, a Notary Public.....

in and for said County, personally appeared G. F. Beld
and L. Farrington

above named, who are.....to me known to be the person.s.
described in and who executed the above Letter of Attorney, and
acknowledged the same to be their free act and deed.

GAYLORD ANDERSON
Notary Public, Kent County, Michigan.

My commission expires GAYLORD ANDERSON
Notary Public, Kent County, Michigan
My Commission Expires April 16, 1965

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

Michigan National Bank

No. 472 November Term 1961

VS

Writ of Replevin with Bond
\$1138.80

Roy Whitmoyer

(SHERIFF'S RETURN)

Now, January 18, 1962 at 10:00 AM EST as within commanded, I replevied a 1957 Elcar forty five (45) foot house Trailer, Manufacturer's Serial No. E1 45 B-10W5740 and at the same time summoned the within named Roy Whitmoyer at his place of residence at RD La Jose, Clearfield County, Pennsylvania by handing to him personally a true and attested copy of the original Writ of Replevin with Bond and made known to him the contents thereof.

Now, January 25, 1962 at 11:00AM EST no counter bond having been filed, the above described property turned over to the Plaintiff.

Costs. Sheriff Reese \$13.50

by Frosty

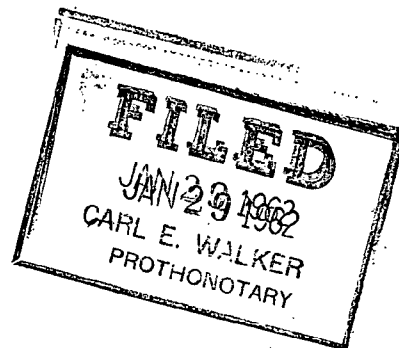
So Answers,

James B. Reese
Sheriff

James B. Reese

Sworn to before me this 25
day of January AD 1962

Carl E. Walker
Prothonotary



Commonwealth of Pennsylvania
County of Clearfield

To the Sheriff of the County of Clearfield:

You are directed to replevy the following property:

1957 Elcar forty five (45) foot House Trailer,
Manufacturer's Serial No. E1 45 B-10W5740 of the value
of \$1138.80

You are directed to notify Roy Whitmoyer

defendant, that Michigan National Bank

the plaintiff, has commenced an action of replevin with bond which said defendant is required to defend.

If the property replevied is found in the possession of anyone not a defendant, you are directed to notify him that he has been added as a defendant and is required to defend this action.

Date January 12, 1962

Carl E. Walker
Prothonotary.

No. 472 November Term 19 61

Michigan National Bank

versus.

Roy Whitmoyer

Writ of Replevin
with Bond

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J. Paul Frantz, Jr.
Plaintiff's Attorney