



OFFICE OF
SHERIFF OF COLUMBIA COUNTY
COURT HOUSE
BLOOMSBURG, PENNSYLVANIA, 17815

VICTOR B. VANDLING, Sheriff

TELEPHONE: 717-784-1991

A. J. ZALE, Chief Deputy

JOHN J. O'BRIEN, DEPUTY
LEE F. MENSINGER, DEPUTY
LINDA D. MOWERY, DEPUTY

September 30, 1980

Henry Y. Goldman
Attorney at Law
111 Presidential Blvd.
Bala Cynwyd, Pa. 19004

Re: Presidential Commercial Fund, Inc.
vs. Wegrzynowicz

Dear Mr. Goldman,

Responding to your memo dated September 25, 1980 whereby you requested a records check to determine if a refund is due to you on account of the stay by Order of the Court in this matter.

Please review the copy of the letter mailed to you on January 17, 1980 regarding costs incurred. (attached)

On January 23, 1980 the requested \$2.55 was received from your office. This coupled with the \$300.00 advance costs received on November 28, 1979 shows total receipts of \$302.55 to cover the disbursements listed in the letter dated January 17, 1980. Balance therefore at zero.

I trust this will explain why there is no refund forthcoming.

Very truly yours,


A. J. Zale
Chief Deputy Sheriff

Law Offices

HENRY Y. GOLDMAN

Suite 112
111 Presidential Blvd.
Bala Cynwyd, PA 19004

215-664-1495
215-664-1496

September 25, 1980

Sheriff
Columbia Co. Courthouse
Bloomsburg, Pa.

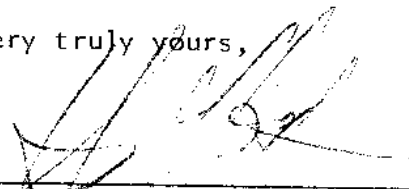
re: Presidential Commercial Fund, Inc. vs.
Wegrzynowicz

Dear Sir:

The above matter was listed for Sheriff's sale during February, 1980 (postponed from January), but the sale was stayed by Order of the Court.

Please check your records to determine if a refund is due on account of the stay. If so, please send the refund to me.

Very truly yours,



Henry Y. Goldman, Esq.

HYG/pw



OFFICE OF
SHERIFF OF COLUMBIA COUNTY
COURT HOUSE
BLOOMSBURG, PENNSYLVANIA, 17815

VICTOR B. VANDLING

SHERIFF

TEL.: BUSINESS 717-784-5551
RESIDENCE 717-752-5765

RAYMOND YACHIMOWSKI, JR.

CHIEF DEPUTY

JOHN J. O'BRIEN, DEPUTY
LEE F. MENSINGER, DEPUTY
LINDA D. MOWERY, DEPUTY

January 17, 1980

Henry Y. Goldman
Attorney at Law
Suite 112
111 Presidential Blvd.
Bala Cynwyd, Pa. 19004

RE: Presidential Commercial Fund, Inc.
VS: William & Marjorie Wegrzynowicz,
Albert & Miriam Wegrzynowicz
No. 1643 of 1979, No. 70 of 1979 ED

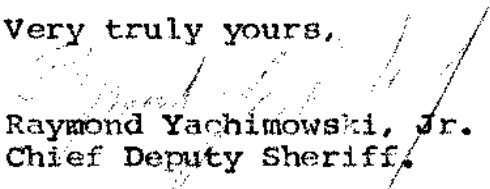
Dear Attorney Goldman:

Enclosed is a copy of the announcement of the continuance of the above Sale, this was read at the time of the scheduled sale as required. Please notify us of any further developments.

The total cost of the Sale thus far is \$302.55, itemized as follows: Press Enterprise, legal ads, \$187.50, Henrie Printing, Sale Bills \$24.00, Sheriff's cost of Sale \$84.05, Prothonotary, list of liens \$5550, Register & Recorder, mortgage search \$1.50.

These cost are \$2.55 over your deposit, Please remit this additional within ten (10) days of receipt of this letter. Thank you.

Very truly yours,


Raymond Yachimowski, Jr.
Chief Deputy Sheriff.

70 of 79

PRESIDENTIAL COMMERCIAL FUND, INC.	:	IN THE COURT OF COMMON
SUTIE 112 HONEYWELL CENTER	:	PLEAS
BALA-CYNWYD, PA 19004	:	OF THE 26TH JUDICIAL
	:	DISTRICT
v.	:	COLUMBIA COUNTY BRANCH,
	:	PENNA.
WILLIAM R. and MARJORIE WEGRZYNOWICZ	:	
R. D. #8	:	
BLOOMSBURG, PA 17815	:	NO. 1643 - 1979
	:	
and	:	
	:	
ALBERT AND MIRIAM WEGRZYNOWICZ	:	
BOX 202 R.D.#3	:	
CATAWISSA, PA 17820	:	

PETITION TO STRIKE JUDGMENT OR, IN THE
ALTERNATIVE TO OPEN JUDGMENT, AND TO
STAY EXECUTION PENDING FINAL ORDER

COMES NOW, the Defendants, Albert Wegrzynowicz and Miriam Wegrzynowicz and petition this Honorable Court to strike the judgment in the above-captioned case or, in the alternative, to open said judgment and to stay execution on said judgment pending final order on this petition for the following reasons:

1. This Court has jurisdiction pursuant to Pa. R.C.P. No. 3183 to stay execution on any legal or equitable grounds.
2. This Court has equitable jurisdiction to strike or open a default judgment entered by this Court.
3. The Plaintiff/Respondent is Presidential Commercial Fund, Inc., whose address is Suite 112 Honeywell Center, Bala-Cynwyd, Pennsylvania 19004.

4. The Defendant/Petitioners are Albert and Miriam Wegrzynowicz who reside at Box 202, R. D. #3, Catawissa, Pennsylvania, 17820.

5. A default judgment was entered in the above-captioned case on November 26, 1979 against William r. and Marjorie Wegrzynowicz and Albert and Miriam Wegrzynowicz.

6. The loan upon which this judgment is based was made to Defendant William R. Wegrzynowicz's Company, Countrywide Construction Corporation.

7. A Sheriff Sale of Albert and Miriam Wegrzynowicz's home is scheduled for January 17, 1980.

8. Based on their interpretation of representations from William Wegrzynowicz and his attorney, John Doran, the Defendant/Petitioner's mistakenly believed that said judgment was ineffective, being stayed by the chapter 11 petition for bankruptcy filed by Defendant William Wegrzynowicz's Company, Countrywide Construction Corporation.

9. Based on their interpretations of representatives from William Wegrzynowicz and his attorney, John Dcran, the Defendant/Petitioners mistakenly believed that said judgment was in the process of being satisfied in full by the imminent reorganization and refinancing of Countrywide Construction Corporation.

10. The Defendant/Petitioners discovered their error upon receiving, in December, notice of a sheriff sale scheduled for January 17, 1980.

11. On January 15, 1980, Mr. Henry Y. Goldman, Vice President of Presidential Commercial Fund, Inc., on behalf of the Plaintiff agreed to postpone the sheriff sale to February 21, 1980 and not challenge the timeliness of a petition to strike judgment, or, in the alternative to open judgment and to stay execution.

12. On February 19, 1980, Mr. Goldman was notified of the filing of this petition and indicated no objection to a stay of execution being ordered.

13. The judgment in the above-captioned case should be stricken for the following reasons:

(a) the Complaint, and consequently the judgment, is defective in that contrary to Pa. R.C.P. No. 1147 there is no description of the land subject to the mortgage.

(b) the Complaint, and consequently the judgment, is defective in that contrary to Pa. R.C.P. No. 1145 service was not made individually on each of the two Defendants, Albert Wegrzynowicz and Miriam Wegrzynowicz.

(c) the Complaint, and consequently the judgment, is defective in that contrary to Pa. R.C.P. No. 1147 and the advisory note, the complaint does not set forth an averment of compliance with the provisions of Section 403 of Act No. 6, 41 P.S. §403.

14. The judgment in the above-captioned case should be stricken in part and modified for the following reasons:

(1) the judgment includes finance charges for the time period after default judgment was sought and entered.

(2) The judgment includes attorneys fees and late charges without any showing of reasonableness as required by 41 P.S. §§404 and 41 P.S. §406.

15. In the alternative, the judgment in the above-captioned case should be opened since the Defendant/Petitioners have numerous meritorious defenses to the Complaint in Assumpsit filed in this matter as set forth below.

DEFENSES

FIRST DEFENSE

1. The Complaint is improper since the notice provisions of 41 P.S. §403 have not been complied with in numerous ways, including the following:

- 1) The notice, attached to the Complaint, failed to adequately inform the Defendant/Petitioners of their right to cure three times in any calendar year;
- 2) this notice was not clear and conspicuous;
- 3) this notice failed to indicate whether refinancing of the obligation was available from the Plaintiff/Respondents.
- 4) this notice is ambiguous and misleading in apparently indicating that Defendant/Petitioners would have to transfer the property in addition to refinancing the mortgage obligation.
- 5) this notice fails to indicate a specific amount which will cure the default.

WHEREFORE, the Defendant/ Petitioners pray this Honorable Court:

1. Dismiss Plaintiff/Respondent's Complaint;

2. Provide such other and further relief as is necessary and just.

SECOND DEFENSE

2. The Complaint in Assumpsit is based on a Mortgage Note executed on April 6, 1979 and incorporated in paragraph 3 of said Complaint.

3. This mortgage note violates 41 P.S. §405 by prohibiting any prepayment of said note until the first twenty-four payments have been timely made.

4. This mortgage note violates 41 P.S. §405 by requiring ninety day advance written notice of intention to prepay.

5. This mortgage note violates 41 P.S. §405 by limiting the effects of prepayment to a rebate based on the rule of 1978.

6. This mortgage note violates 41 P.S. §405 by providing for a 15% collection fee.

WHEREFORE, Defendant/Petitioners pray this Honorable Court:

1. Dismiss Plaintiff/Respondent's Complaint;
2. Hold no liability by Defendant/Petitioners on the April 6, 1979 mortgage note;
3. Provide such other and further relief as is necessary and just.

WHEREFORE, the Defendant/Petitioners pray that this Honorable Court:


1. Strike the default judgment in the above-captioned case.
2. In the alternative, open the default judgment in the above-captioned matter to allow the Defendant/Petitioners

to present their defenses.

3. Stay execution of the judgment pending further order of the Court.

Respectfully submitted,

SUSQUEHANNA LEGAL SERVICES


Richard Sandow, Esq.
Attorney for Defendant/Petitioners
Albert and Miriam Wegryznowicz

PRESIDENTIAL COMMERCIAL FUND, INC.	:	IN THE COURT OF COMMON PLEAS
Plaintiff/Respondent	:	OF THE 26TH JUDICIAL DISTRICT
	:	COLUMBIA COUNTY BRANCH, PENNA.
vs.	:	
	:	
WILLIAM R. and MARJORIE WEGRZYNOWICZ	:	
	:	
and	:	NO. 1643 - 1979
	:	
ALBERT and MIRIAM WEGRZYNOWICZ	:	

R U L E

AND NOW, this 20th day of February, 1980, upon presentation and consideration of the within Petition, a Rule is granted upon the Plaintiff/Respondent, Presidential Commercial Fund, Inc., to show cause why the requested relief should not be granted in this matter. Rule returnable Friday, the 11th day of April 1980, at 1:30 o'clock P.m., at the Judge's Chambers, Columbia County Courthouse, Bloomsburg, Pennsylvania, a pre-hearing conference on said Petition to be held at said time.

All execution proceedings in the above-captioned case are stayed pending further Order of the Court.

NOTICE shall be given forthwith to Plaintiff/Respondent, Presidential Commerical Fund, Inc., by mailing a copy of said Petition and this Rule to its attorney of record, Harry Y. Goldman, Esquire, Suite 112, 111 Presidential Blvd., Bala Cynwyd, Pennsylvania 19004, by certified mail.

BY THE COURT:

EST. Fred W. Davis
Specifically Presiding P.J.



OFFICE OF
SHERIFF OF COLUMBIA COUNTY
COURT HOUSE
BLOOMSBURG, PENNSYLVANIA, 17815

VICTOR B. VANDLING

SHERIFF

TEL.: BUSINESS 717-784-5551
RESIDENCE 717-752-5765

RAYMOND YACHIMOWSKI, JR.

CHIEF DEPUTY

JOHN J. O'BRIEN, DEPUTY
LEE F. MENSINGER, DEPUTY
LINDA D. MOWERY, DEPUTY

January 17, 1980

Henry Y. Goldman
Attorney at Law
Suite 112
111 Presidential Blvd.
Bala Cynwyd, Pa. 19004

RE: Presidential Commercial Fund, Inc.
VS: William & Marjorie Wegrzynowicz,
Albert & Miriam Wegrzynowicz
No. 1643 of 1979, No. 70 of 1979 ED

Dear Attorney Goldman:

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These cost are \$2.55 over your deposit, Please remit this additional within ten (10) days of receipt of this letter. Thank you.

Very truly yours,

Raymond Yachimowski, Jr.
Raymond Yachimowski, Jr.
Chief Deputy Sheriff.

OK

Thank you

Henry Y. Goldman

Law Offices

HENRY Y. GOLDMAN

Suite 112
111 Presidential Blvd.
Bala Cynwyd, PA 19004

215-664-1495
215-664-1496

January 16, 1980

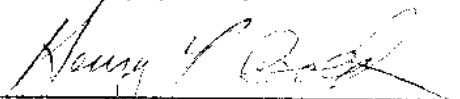
Sheriff
Columbia County Courthouse
Bloomsburg, Pa.

re: Presidential vs. Wegrzynowicz
Writ # 70 of 1979

Dear Sir:

At your request, I am writing to confirm that Sheriff's Sale for the above matter has been postponed from January 17th to February 21st.

Very truly yours,


Henry Y. Goldman, Esq.

HYG;pw



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SHERIFF OF COLUMBIA COUNTY
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SHERIFF'S SALE

PRESIDENTIAL COMMERCIAL CORP.

versus

ALBERT AND MIRIAM WEGRZYNOWICZ

No. 70 of 1979 E. D.
No. 1643 of 1979 J. D.

SALE: THURSDAY JANUARY 17, 1980 at 2:30 o'clock P. M.

NOTICE IS HEREBY GIVEN TO ALL PROSPECTIVE BIDDERS THAT THIS SALE HAS BEEN CONTINUED BY HENRY Y. GOLDMAN, ESQUIRE, ATTORNEY FOR THE PLAINTIFF.

THE NEW SALE WILL BE HELD ON THURSDAY, FEBRUARY 21, 1980 AT 2:30 o'clock P. M., IN THE SHERIFF'S OFFICE, TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.

NOTICE IS HEREBY DIRECTED TO ALL PARTIES AND CLAIMANTS THAT A SCHEDULE OF DISTRIBUTION WILL BE FILED BY THE SHERIFF ON FEBRUARY 29, 1980. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITHIN TEN (10) DAYS THEREAFTER.

NO FURTHER NOTICE OF THIS CONTINUANCE WILL BE GIVEN.

VICTOR B. VANDLING, SHERIFF

BY: RAYMOND YACHIMOWSKI, JR.
CHIEF DEPUTY SHERIFF



OFFICE OF
SHERIFF OF COLUMBIA COUNTY
COURT HOUSE
BLOOMSBURG, PENNSYLVANIA, 17815

VICTOR B. VANDLING

SHERIFF

TEL: BUSINESS 717-784-5551
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SHERIFF'S SALE

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VICTOR B. VANDLING, SHERIFF

BY: RAYMOND YACHIMOWSKI, JR.
CHIEF DEPUTY SHERIFF

Law Offices

HENRY Y. GOLDMAN

Suite 112
111 Presidential Blvd.
Bala Cynwyd, PA 19004

215-664-1495
215-664-1496

Nov. 26, 1979

Prothonotary
Columbia Co. Courthouse
Bloomsburg, Pa.

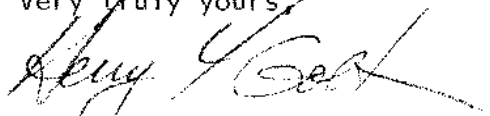
re: Presidential Commercial Fund, Inc.
vs.
Wm. and Marjorie Wegrzynowicz
AND
Albert and Miriam Wegrzynowicz
No. 1643 of 1979

Dear Sir:

Please file the enclosed Praecipe for a Writ of Execution and forward the accompanying documents to the Sheriff. I enclose your fee and the costs for the Sheriff.

Please note that the Writ involved property of Albert and Miriam Wegrzynowicz only, and that no property of the other Defendants, Wm. and Marjorie Wegrzynowicz, is subject to the Writ.

Very truly yours,



Henry Y. Goldman

HYG/mo
Encs.

LIST OF LIENS

VERSUS

Albert and Miriam Wegrzynowicz

..... Court of Common Pleas of Columbia County, Pennsylvania.

Presidential Commercial ~~Group~~ Fund
Inc.

versus

Albert & Miriam Wegrzybowucz

No. 1643 of Term, 19 79
Real Debt || \$ 110,487.75
Interest from 4-6-79
Commission
Costs
Judgment entered 11-26-79
Date of Lien 4-6-79
Nature of Lien Default Judgment

versus

No. of Term, 19

Real Debt || \$
Interest from ||
Commission ||
Costs ||
Judgment entered
Date of Lien
Nature of Lien

versus

No. of Term, 19

Real Debt || \$
Interest from ||
Commission ||
Costs ||
Judgment entered
Date of Lien
Nature of Lien

versus

No. of Term, 19

Real Debt || \$
Interest from ||
Commission ||
Costs ||
Judgment entered
Date of Lien
Nature of Lien

versus

No. of Term, 19

Real Debt || \$
Interest from ||
Commission ||
Costs ||
Judgment entered
Date of Lien
Nature of Lien