

PAULCO PRODUCTS,
Plaintiff,

VS

H. C. BENNETT,
Defendant.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
: NO. 36 OCTOBER TERM, 1970
: NO. 1009 OF 1975 JUDGMENT DOCKET
: NO. 1 OF 1980 EXECUTION DOCKET

PETITION TO OPEN JUDGMENT AND STAY EXECUTION

TO THE HONORABLE JAY W. MYERS, PRESIDENT JUDGE OF SAID COURT:

The Petitioner, H. C. Bennett, by his Attorney, Lee S. Dennison, respectfully represents:

1. That the Defendant is unaware of the exact nature of the judgment entered or confessed against him by the Plaintiff and has never received notice thereof.

2. That to the Defendant's knowledge this matter has remained inactive for approximately ten (10) years and contrary to the docket entries for No. 1009 - 1975, the Defendant denies that on or about July 3, 1975, Deputy Sheriff Gayle Harrison personally served a Writ of Revival on him.

3. That the Plaintiff fraudulently and without proper notice or procedure entered judgment against the Defendant, H. C. Bennett and has instituted execution proceedings thereon.

4. That the Defendant is unable to locate the Plaintiff or to ascertain the precise nature of the judgment entered against him in 1970.

5. That the Defendant denies that any judgment entered against him by the Plaintiff is valid.

PAULCO PRODUCTS,
Plaintiff,

VS

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Defendant.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
: NO. 36 OCTOBER TERM, 1970
: NO. 1009 OF 1975 JUDGMENT DOCKET
: NO. 1 of 1980 EXECUTION DOCKET

R U L E

AND NOW, February 13, 1980, a Rule is entered o
on the Plaintiff to show cause why the validity of the judgment heretofore
entered in this matter should not be inquired into and the judgment set aside.
And to show cause why the execution in this matter should not be stayed.

Rule returnable 28th day of March, 1980,
at 2:45 o'clock P.M. at Judge's Chambers, Columbia
County Courthouse, Bloomsburg, Pennsylvania, at which time a pre-
trial Conference shall be held.

All proceedings to be stayed meanwhile including Sheriff's Sale
scheduled for Thursday, March 13, 1980, at 2:30 o'clock P.M.

BY THE COURT:

H. Jay W. Myers

TRUSS RO BARBIC & INTERCOMMERCE

09 MAR 21 11 51 AM '80

PAULCO PRODUCTS,
Plaintiff,
VS
H. C. BENNETT,
Defendant.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
: NO. 36 OCTOBER TERM, 1970
: NO. 1009 OF 1975 JUDGMENT DOCKET
: NO. 1 OF 1980 EXECUTION DOCKET

O R D E R

AND NOW, this _____ day of _____, 1980,

upon consideration of the attached Petition and upon motion of Lee S. Dennison, attorney for Petitioner, it is ordered and decreed that a hearing on said Petition be held on _____, the _____ day of _____, 1980, at _____ o'clock _____ M., in the _____ of the Columbia County Courthouse, at Bloomsburg, Columbia County, Pennsylvania.

BY THE COURT:

Sheriff's Sale

Paulco Products

H.C. Bennett vs

No. 1470

No. _____

Sale Thursday, _____

COST SHEET

Amount Due

Interest

Atty Commission

Sheriff (complaint)

Proth.....

Judgement fee

Atty fee

Satisfaction

SHERIFF'S COST OF SALE:

Docket & Levy 10.75

Service of Notice 10.00

Posting of Sale Bills 15.00

Advertising, sale bills 5.00

Advertising, newspapers 5.00

Crying of Sale 5.00

Mileage 12.50

Poundage

Sheriff's Deed 63.25

Taxes:

The Morning Press (advertising).....

The Berwick Enterprise (advertising).....

Henrie Printing (sale bills)..... 24.00

Prothonotary:

List of Liens 5.50

Deed

Register & Recorder:

Deed, Search and Affidavit 1.50

State Stamps

Realty Transfer Tax



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

RECORD OF DEPOSIT
PAULCO PRODUCTS VS H.C. BENNETT
NO. 1 of 1980

| | | |
|--------------------|----------|---------|
| DEPOSIT | 300.00 | 1/9/80 |
| COST OF SALE | - 94.24 | 2/21/80 |
| REFUND TO ATTORNEY | - 205.75 | 2/21/80 |
| BALANCE | -0- | 2/21/80 |

PAULCO PRODUCTS, : IN THE COURT OF COMMON PLEAS
PLAINTIFF, : OF THE 26TH JUDICIAL DISTRICT
VS. : COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
: :
H. C. BENNET, : NO. 1009 of 1975
DEFENDANT. : IN ASSUMPSIT

NOTICE OF SALE OF REAL PROPERTY

TO: H. C. BENNET
R. D. # 1
Bloomsburg, Pennsylvania 17815

YOU ARE HEREBY NOTIFIED that a Writ of Execution has been issued at the suit of the Plaintiff above-named and judgment entered as set forth above, and that certain real estate situate in the Township of Madison, County of Columbia and State of Pennsylvania, of which you are the owner or the reputed owner, will be exposed to public sale by the Sheriff of Columbia County on the _____ day of _____, 1980, at _____ o'clock, ____ M., in the Sheriff's Office, Columbia County Court-house, Bloomsburg, Pennsylvania.

The property to be sold is described as follows:

ALL THOSE CERTAIN pieces, parcels and tracts of land situate in Madison Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

TRACT NO. 1: BEGINNING at an iron pipe in the northerly side of the State Highway leading from Millville to Jerseytown and in line of land of Harry L. Magee; thence by

the northerly side of said highway South 55° West, 300 feet; thence by the same South 64° 30' West, 143 feet to a post; thence North 17° 45' West, 100 feet to a red oak; thence North 58° East 400 feet to an iron pipe in line of land of the said Harry L. Magee; thence south 40° 30' East, 100 feet to the iron pipe the place of beginning. CONTAINING 1.02 acres.

TRACT NO. 2: BEGINNING at an iron pin in the northerly side of the State Highway leading from Millville to Jerseytown and in line of land of Charles Reichard; thence by said Reichard, North 40° 30' West, 17 feet to a stone; thence North 46° 30' East, 30 feet to a point in other lands of Marian Bennett; thence South 24° 30' East 70 feet to a stone on the northerly side of the State Highway aforesaid; thence by said State Highway, South 55° 50' West, 283 feet to the iron pin, to the place of beginning. CONTAINING .27 acre, be the same more or less.

NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will on the _____ day of _____, 1980, file a Schedule of Distribution in his office, where the same will be available for inspection and that distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Seized and taken in execution at the suit of Paulco Products, Plaintiff, vs. H. C. Bennet.

Said premises will be sold by the Sheriff of Columbia County, Pennsylvania.

The name of the owner or reputed owner of said property

is:

H. C. BENNET.

PROPERTY OF H. C. BENNET.

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BEING THE SAME premises which Marian E. Bennett, by Deed dated April 17, 1979 and recorded in Deed book volume 292 page 787 granted and conveyed to H. C. Bennett.

PROPERTY OF H. C. BENNET.

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BEING THE SAME premises which Marian E. Bennett, by Deed dated April 17, 1979 and recorded in Deed book volume 292 page 787 granted and conveyed to H. C. Bennett.

SHERIFF'S SALE

By virtue of Writ of Execution No. 1 of 1980, issued out of the Court of Common Pleas of Columbia County, Pennsylvania, and to me directed, I will expose to public sale at the Sheriff's Office, in the Court House, in the Town of Bloomsburg, Columbia County, Pennsylvania, on:

THURSDAY, MARCH 13, 1980
at 2:30 o'clock P.M.

ALL THOSE CERTAIN pieces, parcels and tract of land situate in Madison Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

TRACT NO. 1: BEGINNING at an iron pipe in the northerly side of the State Highway leading from Millville to Jerseytown and in line of land of Harry L. Magee; thence by the northerly side of said highway South 55° West, 300 feet; thence by the same South 64° 30' West, 143 feet to a post; thence North 17° 45' West, 100 feet to a red oak; thence North 58° East 400 feet to an iron pipe in line of land of the said Harry L. Magee; thence South 40° 30' East, 100 feet to the iron pipe the place of beginning. CONTAINING 1.02 acres.

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BEING THE SAME premises which Marian E. Bennett, by Deed dated April 17, 1979 and recorded in Deed book volume 292 page 787 granted and conveyed to H. C. Bennett.

Taken into execution, etc., at the suit of Paulco Products vs H.C. Bennet and to be sold as the property of H.C. Bennet.

Notice is hereby directed to all parties and claimants that a schedule of distribution will be filed by the Sheriff on March 21, 1980. Distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

John A. Mihalik, Attorney

VICTOR B. VANDLING, SHERIFF

Morning Press, Berwick Enterprise, Legal Advertisement,
Wednesdays, February 20, 27, March 5, 1980.

Henrie Printing: Sale Bills.

PAULCO PRODUCTS,
PLAINTIFF,

VS.

H. C. BENNET,
DEFENDANT.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
:
: NO. 1009 of 1975
: IN ASSUMPSIT

1 of 1980 ED

NOTICE OF SALE OF REAL PROPERTY

TO: H. C. BENNET
R. D. # 1
Bloomsburg, Pennsylvania 17815

YOU ARE HEREBY NOTIFIED that a Writ of Execution has been issued at the suit of the Plaintiff above-named and judgment entered as set forth above, and that certain real estate situate in the Township of Madison, County of Columbia and State of Pennsylvania, of which you are the owner or the reputed owner, will be exposed to public sale by the Sheriff of Columbia County on the 13th day of MARCH, 1980, at 2:30 o'clock, P. M., in the Sheriff's Office, Columbia County Courthouse, Bloomsburg, Pennsylvania.

The property to be sold is described as follows:

ALL THOSE CERTAIN pieces, parcels and tracts of land situate in Madison Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

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the northerly side of said highway South 55° West, 300 feet; thence by the same South 64° 30' West, 143 feet to a post; thence North 17° 45' West, 100 feet to a red oak; thence North 58° East 400 feet to an iron pipe in line of land of the said Harry L. Magee; thence south 40° 30' East, 100 feet to the iron pipe the place of beginning. CONTAINING 1.02 acres.

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NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will on the 21st day of MARCH, 1980, file a Schedule of Distribution in his office, where the same will be available for inspection and that distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Seized and taken in execution at the suit of Paulco Products, Plaintiff, vs. H. C. Bennet.

Said premises will be sold by the Sheriff of Columbia County, Pennsylvania.

The name of the owner or reputed owner of said property

is:

H. C. BENNET.

PAULCO PRODUCTS,
PLAINTIFF,

VS.

H. C. BENNET,
DEFENDANT.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PENNA.
: CIVIL ACTION - LAW
:
: NO. 1009 of 1975
:

AFFIDAVIT PURSUANT TO PA. R. C. P. NO. 3129(a)

COMMONWEALTH OF PENNSYLVANIA:

: ss.

COUNTY OF COLUMBIA

:

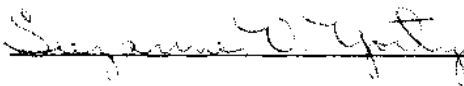
JOHN A. MIHALIK, Esquire, being duly sworn according to law, does depose and says that he is the Attorney for the Plaintiff; that he makes this Affidavit on Plaintiff's behalf and that he is authorized to do so on behalf of the Plaintiff; that to the best of his knowledge, information and belief the name and address of the owner and Defendant in the above-captioned judgment is:

H. C. BENNET
R. D. # 1
Bloomsburg, Pennsylvania 17815



John A. Mihalik

Sworn and subscribed to
before me this 7th day
of January, 1980.



SHERIFF'S SALE

By virtue of Writ of Execution No. 1 of 1980, issued out of the Court of Common Pleas of Columbia County, Pennsylvania, and to me directed, I will expose to public sale at the Sheriff's Office, in the Court House, in the Town of Bloomsburg, Columbia County, Pennsylvania, on:

THURSDAY, MARCH 13, 1980
at 2:30 o'clock P.M.

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John A. Mihalik, Attorney

VICTOR B. VANDLING, SHERIFF

Morning Press, Berwick Enterprise, Legal Advertisement,
Wednesdays, February 20, 27, March 5, 1980.

Henrie Printing: Sale Bills.

Manice A. Zeisloft, Tax Collector Madison Twp.

1-15-80-
1
1

LIST OF LIENS

VERSUS

H.C. Bennett

Court of Common Pleas of Columbia County, Pennsylvania.

Commonwealth of Pennsylvania Dept.
of Revenue, Personal Income Tax

versus

Harvey C. and Betty C. Bennett

No. 1854 of 1975 Term, 19.....
Real Debt ||\$ 87. 82
Interest from ||
Commission ||
Costs ||
Judgment entered 12-9-75
Date of Lien
Nature of Lien Personal Income Tax

Commonwealth of Pennsylvania Dept.
of Public Welfare

versus

Harvey C. Bennett

No. 1962 of 1975 Term, 19.....
Real Debt ||\$ 2000. 00
Interest from ||
Commission ||
Costs ||
Judgment entered 12-24-75
Date of Lien
Nature of Lien Dept. of Public Welfare

Paulco Product

versus

H.C. Bennett

No. 1009 of 1975 Term, 19.....
Real Debt ||\$ 7183. 44
Interest from 3-28-68 to 12-31-79 | 4234. 74
Commission Atty. || 1077. 00
Costs ||
Judgment entered October 11, 1979
Date of Lien 3-28-68
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

State of Pennsylvania }
County of Columbia } ss.

Marvin T. Bower

I, ~~Frank Bertram~~, Recorder of Deeds, &c. in and for said County, do hereby certify that I have carefully examined the Indices of mortgages on file in this office against

H. C. Bennett

and find as follows:

NONE

Fee \$ 1.50



In testimony whereof I have set my hand and seal of office this 30th day of Jan.

A.D., 19 80

Marvin T. Bower
.....
Mary A. Rogers, Dep. RECORDER

WRIT OF EXECUTION - (MONEY JUDGEMENTS) Rules P.R.C.P. 3101 to 3149

PAULCO PRODUCTS,

 PLAINTIFF,

 vs
 H. C. BENNET

 DEFENDANT.

No. 1 of Term 19⁸⁰ E.D.
 No. 1009 of 1975 Term 19 J.D.
 No. Term 19

WRIT OF EXECUTION
 (MONEY JUDGEMENTS)

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF COLUMBIA

TO THE SHERIFF OF COLUMBIA COUNTY, PENNA.

To satisfy the judgement, interest and costs against H. C. Bennet

Defendant (s);

(1) You are directed to levy upon the property of the defendant (s) and to sell his, her (or their) interest therein; (Inquisition and Exemption Laws waived and Condemnation agreed to)

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

(Specifically describe property) as Garnishee (s)

ALL THOSE CERTAIN pieces, parcels and tracts of land situate in Madison Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

TRACT NO. 1: BEGINNING at an iron pipe in the northerly side of the State Highway leading from Millville to Jerseytown and in line of land of Harry L. Magee; thence by the northerly side of said highway South 55° west, 300 feet; thence by the same south 64° 30' west, 143 feet to a post; thence north 17° 45' west, 100 feet to a red oak; thence north 58° east 400 feet to an iron pipe in line of land of the said Harry L. Magee; thence south 40° 30' east, 100 feet to the iron pipe the place of beginning. CONTAINING 1.02 acres.

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BEING THE SAME premises which Marian E. Bennett, by Deed dated April 17, 1979 and recorded in Deed book volume 292 page 787 granted and conveyed to H. C. Bennett.

and to notify the Garnishee (s) that

(a) an attachment has been issued;

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

(3) If the property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee (s), you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

| | |
|---|-------------|
| Amount due | \$ 7,183.44 |
| Atty. Comm. | 1,077.00 |
| Interest from 3-28-68 to 12-31-79 | 4,234.74 |
| Total | \$12,495.18 |

Plus costs as per endorsement hereon.

[Signature]
 Prothonotary Court of Common Pleas of
 Columbia County, Penna.

Dated January 9th, 1980
 (SEAL)

By: _____
 Deputy