

WILLIAM BAKER AND THEODORA
BAKER,

Plaintiffs

vs

WILLIAM DOUGLAS CORPORATION
AND DELUXE HOMES OF PA,
INC.,

Defendants

IN THE COURT OF COMMON
PLEAS FOR THE 26TH JUDICIAL
DISTRICT, COLUMBIA COUNTY
BRANCH, PENNSYLVANIA
CIVIL ACTION - LAW

CASE NO: 1302 OF 1999

105 OF 2003 E.D.

APPEARANCES:

JAMES J. CONOBY, ESQUIRE, Attorney for Plaintiffs
THOMAS J. MacNEELY, ESQUIRE, Attorney for Defendant Deluxe
No Appearance for Defendant William Douglas Corporation

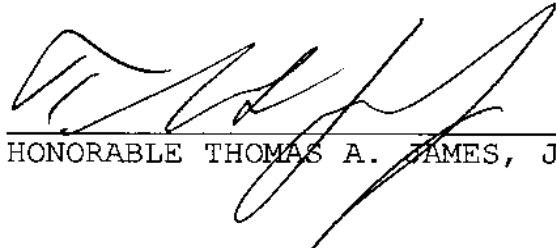
FILED
PROTHONOTARY
2004 AUG 11 P 2:54
CLERK OF COURTS OFFICE
JUDICIAL CENTER
HARRISBURG, PA

ORDER

AND NOW, this 11th day of August 2004, after
consideration of defendant Deluxe Homes of Pa. Inc.'s
Petition to Open, Strike Off and Not Recognize Judgment and
to Stay Execution of that Judgment, and after review of the
file, briefs, affidavits, and arguments of counsel for the
parties, it is ORDERED AND DECREED that the judgment shall
remain of record. However, the execution proceeding are
hereby DISMISSED since the judgment is a judgment which
cannot be enforced until certain conditions are met. Until
there is verification that the conditions are met, the

judgment shall remain subject to those conditions and shall not be subject to execution.¹

BY THE COURT:



HONORABLE THOMAS A. JAMES, JR., J.

¹ The judgment against defendant Deluxe Homes of PA, Inc. is in favor of defendant William Douglas Corporation. and is not in favor of the plaintiffs. Any future execution against Deluxe would appear to have to be pursued by defendant Douglas or its assigns. Moreover, the record was not complete when the judgment was indexed in this jurisdiction against defendant Deluxe on September 30, 1999. But, it has been cured and is now clear on the record that the original judgment of June 26, 1996, against defendant Deluxe was amended in Massachusetts by court order of July 10, 1996. The amendment provided that defendant Deluxe's payment to defendant William Douglas Corporation is "payable on or after payment of at least the amount of this judgment by the defendant Douglas to the plaintiffs pursuant to the judgment rendered against Douglas in Count I of the plaintiffs' complaint." The affidavits in the record indicate that defendant Douglas still has not paid plaintiffs. Thus, any condition precedent to defendant Deluxe's liability for payment has not been satisfied. Until then, there can be no execution.

WILLIAM BAKER AND THEODORA BAKER,

Plaintiffs

vs.

WILLIAM DOUGLAS CORPORATION AND
DELUXE HOMES OF PA, INC.,

Defendants

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY

99-JU-1302

NO. 2003-ED-105

RULE

AND NOW, this 6th day of October, 2003, a Rule is hereby issued upon
WILLIAM BAKER and THEODORA BAKER to show cause why the relief requested in
Defendant's Petition to Strike Off, Open and Not Recognize a Judgment and to Stay Execution
on That Judgment should not be granted.

Rule Returnable the 24th day of November, 2003 at 10:45 o'clock
A..M., Courtroom No. 2 of the Columbia County Courthouse.

BY THE COURT:


J.

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY
COURT HOUSE - P.O. BOX 380
BLOOMSBURG, PA 17815
FAX: (570) 784-0257

PHONE
(570) 349-5422

24 HOUR PHONE
(570) 784-6300

WILLIAM AND THEODORA BAKER

Docket # 105ED2003

VS

EXECUTION

WILLIAM DOUGLAS CORPORATION AND
DELUXE HOMES OF PA, INC.

AFFIDAVIT OF SERVICE

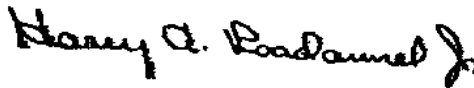
NOW, THIS WEDNESDAY, AUGUST 27, 2003, AT 2:15 PM, SERVED THE WITHIN EXECUTION UPON WILLIAM DOUGLAS CORP. AT 499 W. 3RD ST., BERWICK BY HANDING TO JOE DOYLE, CHIEF FINANCIAL OFFICER, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME
THIS THURSDAY, AUGUST 28, 2003




NOTARY PUBLIC



X _____
SHERIFF HARRY A. ROADARMEL JR.

NOTARIAL SEAL
WENDY WESTOVER, NOTARY PUBLIC
BLOOMSBURG, COLUMBIA CO., PA
MY COMMISSION EXPIRES NOVEMBER 07, 2005

X 

T. CHAMBERLAIN
CHIEF DEPUTY SHERIFF

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY
COURT HOUSE - P.O. BOX 380
BLOOMSBURG, PA 17815
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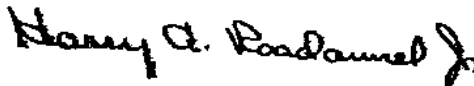
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X 

T. CHAMBERLAIN
CHIEF DEPUTY SHERIFF

SHERIFF'S SALE

BY VIRTUE OF WRIT OF EXECUTION 105ED2003 TO ME DIRECTED BY THE COURTS, THERE WILL BE SOLD AT PUBLIC SALE, ON **10/16/2003 11:00:00 AM** AT THE **499 W. 3RD ST.** IN THE BOROUGH OF **BERWICK** COUNTY OF COLUMBIA AND STATE OF PENNSYLVANIA, THE FOLLOWING ARTICLES OF PERSONAL PROPERTY, TO WIT:

1997 FORD F150 VIN#1FTDF17SSUNA72227

TOGETHER WITH ALL OTHER ARTICLES FOUND AND BELONGING TO THE DEFENDANT(S) AND NOT ENUMERATED :

SEIZED AND TAKEN INTO EXECUTION AS THE PROPERTY OF **WILLIAM DOUGLAS CORPORATION AND DELUXE HOMES OF PA, INC.** AT 499 W. 3RD ST., BERWICK, PA

AND TO BE SOLD BY HARRY A. ROADARMEL JR, SHERIFF OF COLUMBIA COUNTY , BLOOMSBURG, PA 17815 (570-389-5622).

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COLUMBIA COUNTY SHERIFF'S OFFICE PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN
DATE RECEIVED 8/12/2003

SERVICE# 2 - OF - 2 SERVICES
DOCKET # 105ED2003

PLAINTIFF WILLIAM AND THEODORA BAKER

DEFENDANT WILLIAM DOUGLAS CORPORATION AND
DELUXE HOMES OF PA, INC.

PERSON/CORP TO SERVED
DELUXE HOMES
499 W. 3RD ST.
BERWICK

PAPERS TO SERVED
EXECUTION

SERVED UPON Joe Doyle

RELATIONSHIP Chief Fin. Officer IDENTIFICATION _____

DATE 8-27-03 TIME 1415 MILEAGE _____ OTHER _____

Race ___ Sex ___ Height ___ Weight ___ Eyes ___ Hair ___ Age ___ Military ___

TYPE OF SERVICE: A. PERSONAL SERVICE AT POA ___ POB ___ POE ___ CCSO ___
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA
C. CORPORATION MANAGING AGENT
D. REGISTERED AGENT
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE

F. OTHER (SPECIFY) _____

ATTEMPTS	DATE	TIME	OFFICER	REMARKS

DEPUTY TC DATE _____

10-6
16 1106

EXECUTION LEVY SHEET

PERSONAL PROPERTY LEVIED UPON

\$12,436.20

1997 Ford F150

1FXDF17SS4NA7227

EXECUTION LEVY SHEET

PERSONAL PROPERTY LEVIED UPON

\$12,436.20

1999 Ford F150

1F2DF17S3UNA72287

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

William and Theodora Baker
.....
Plaintiffs

No. 99 JW 1302 Term 19..... J.D.

No. 2003-ED-105 Term 19..... E.D.

vs

William Douglas Corporation and.....
Deluxe Homes of PA, Inc.
.....
Defendants

WRIT OF EXECUTION
(MONEY JUDGMENTS)

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF .. Columbia.....

TO THE SHERIFF OF COUNTY, PENNSYLVANIA.

To satisfy the judgment, interest and costs against Deluxe Homes of PA, Inc......

499 West 3rd Street, Berwick, PA 18607..... Defendant(s);

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

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

..... as Garnishee(s)
(Specifically describe property)

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 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 \$ 7221.96.....

Interest from 5215.10.....

Total 12,436.20.....

Plus costs as per endorsement hereon.

Dated

8/12/2003
(SEAL)

Toni B. Kline

Prothonotary, Court of Common Pleas of
Columbia County, Pennsylvania

By: Elizabeth A. Brennan
Deputy

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY - CIVIL ACTION - LAW

Plaintiff: William and Theordora Baker

-VS-

Defendant: William Douglas Corporation and Deluxe Homes of PA, Inc.

Term No.: 99JU 1302

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 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 along with the \$9.00 fee to the Columbia County Sheriff's Dept. at the Courthouse in Bloomsburg. (CASH - NO PERSONAL CHECKS ACCEPTED) .

You should come to Court ready to explain your exemptions. 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

Pa. Lawyer Referral Service
P. O. Box 1086, 100 South Street
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Pa. residents phone 1-800-692-7375
Out of state residents phone 1-717-238-6715

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY - CIVIL ACTION - LAW

Plaintiff: William and Theordora Baker

-VS-

Defendant: William Douglas Corporation and Deluxe Homes of PA, Inc.

Term No.: 99 JU 1302

CLAIM FOR EXEMPTION

TO THE SHERIFF OF COLUMBIA COUNTY:

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

_____ Set aside in kind (specify property to be set aside in kind):

_____ 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:

_____ in cash

_____ in kind (specify property):

(b) - Social Security benefits on deposit in the amount of \$_____;

(c) - Other (specify amount and basis for exemption):

I request a prompt Court hearing to determine the exemption. Notice of the hearing should be given to me at the following:

Defendant Name: _____

Defendant Address: _____

Defendant Telephone #: () _____

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. § 1904 relating to unsworn falsification to authorities.

Date: _____ Signature of Defendant: _____

TAKE THIS CLAIM ALONG WITH THE FEE OF \$9.00 TO THE LACKAWANNA COUNTY SHERIFF'S DEPARTMENT AT THE COLUMBIA COUNTY COURTHOUSE IN SCRANTON, PA. (CASH - NO PERSONAL CHECKS ACCEPTED).

Telephone:

MAJOR EXEMPTIONS UNDER PENNSYLVANIA LAW AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and Armed Forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

* * * * *

CERTIFICATION

I, _____, Deputy, certify that I
mailed by ordinary mail a copy of the Writ of Execution to

at _____

Deputy

Judgment \$19.50 pd
Dirt \$23.00 pd
Satisfy \$7.00

No. Term, 19 . . . J.D.
No. Term, 19 . . . E.D.

IN THE COURT OF COMMON PLEAS
OF COLUMBIA COUNTY
PENNSYLVANIA

WILLIAM AND THEODORA BAKER,
PLAINTIFFS

VS

WILLIAM DOUGLAS CORPORATION AND
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DEFENDANTS

WRIT OF EXECUTION

(Money Judgments)

Claim \$
Interest from
Costs
Execution Atty Pd
Judgment Fee
Sheriff
Atty's. Fee
Atty's. Comm.
Satisfaction
Attorney for Plaintiff(s)
Address:
Where papers may be served

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Deputy

ABRAHAMSEN, MORAN & CONABOY, P.C.

ATTORNEYS AT LAW
1006 PITTSBURGH AVE.
SCRANTON, PA 18505

348-0200

FIRST NATIONAL COMMUNITY BANK CHECK NO.

60-313-313

53103
053103

One Thousand Two Hundred ***** 00/100

PAY TO THE ORDER OF

SHERIFF OF COLUMBIA COUNTY

DATE
Aug 6/2003

AMOUNT
\$1,200.00

To Serve Witt

Elvin Q. Abrahamson, Esq.

⑈053103⑈ ⑆031303132⑆ ⑆56 0417634⑈