

REBECCA BEAGLE,	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	NO. 02-01,945
	:	
MIRIAM LOGUE,	:	
	:	CLAIM FOR EXEMPTIONS
Defendant	:	FROM EXECUTION

ORDER

AND NOW, this 12th day of February 2003, this Order is entered following a hearing regarding the claims for exemptions from execution upon levied property filed by the Plaintiff, Rebecca Beagle, and Sheena Fredin. The claims for exemptions cover property the Lycoming County Sheriff's Office (Sheriff's Office) levied upon that was located at 117 ½ Shaffer Street, Duboistown, Lycoming County, Pennsylvania. This order will make reference to the property as listed on the document attached to the Sheriff's Levy document, Plaintiff's Exhibit 1.

Pursuant to 42 Pa. C.S.A. §8123, all clothing, whether belonging to the Plaintiff or Ms. Fredin, seized by the Sheriff's Office from 117½ Shaffer Street is exempt from execution on the judgment. The clothing shall be returned to the Plaintiff and Ms. Fredin.

The Court finds Ms. Fredin credible as to her claim of ownership of certain seized property subject to this levy. Since there is no judgment against Ms. Fredin, the property claimed by her is exempt from execution and shall be returned to Ms. Fredin. Specifically: one RCA 19" color television serial number 049238419; one Philips digital CD player with four speakers serial number 4508746; Item 14 "four containers of paperwork and pictures;" Item 16

“a wicker hamper;” Item 75 “paperwork;” Item 81 “small cosmetics box of candles; jewelry;” Item 96 “box pillows;” Item 79 “approximately 50 vcr tapes;” Item 101 “approximately fifty CDs;” Item 108 “Barbie and toiletries;” Item 112 “clear tote with books;” and Item 130 “books on spells, tarot cards, ouija board, and three throws.”

Although a closer issue, the Court will credit Ms. Beagle’s testimony that she is not the owner of the Princess House items. It is plausible that this property was borrowed from her family members. Therefore, the Court will uphold her claim that the Princess House items should be exempt from execution. The following should be returned to Ms. Beagle by the Sheriff’s Office: Item 71 “the box votives;” Item 74 “box of princess house items;” Item 99 “eleven boxes of princess house knickknacks;” and Item 126 “princess house character.” This property shall be returned to the Plaintiff.

However, the Court is not persuaded that the kitchenware items are not the property of the Plaintiff. These items are fundamental items used in daily living and would be needed by any party living in her own apartment. We thus deny Ms. Beagle’s claim for exemption from execution of this property. This ruling applies to the following items: Item 82 “small box frying pans;” Item 86 “kitchen, blender, baking pans;” Item 89 “baking dish;” Item 92 “9” square baker;” Item 93 “Stoneware muffin pan, pampered chef;” Item 102 “oval baking dish, pampered chef;” and Item 103 “pampered chef lasagna dish.”

Pursuant to 42 Pa. C.S.A. §8123 and Pa. R.C.P. 3123, the Plaintiff shall file a list of property she wishes to claim in kind as her statutory exemption. A copy of that list shall also be sent to the Sheriff’s Office and Defendant’s counsel, Matthew Zeigler, Esquire. The Sheriff’s Department shall value the selected property pursuant to Pa. R.C.P. 3123. The

Plaintiff will also submit a list of the property she already has in her possession that was subject to execution, so that it can be taken into account to establish her three hundred dollar exemption. The Plaintiff will cooperate with the Sheriff's Department in its attempt to value said property. If the list submitted by the Plaintiff does not list sufficient property to meet the three hundred dollar statutory exemption, then the Sheriff's Department shall set aside and value property that will. The Plaintiff shall have ten days from notice of this order to make and submit the list to the Sheriff's Office.¹

BY THE COURT,

Kenneth D. Brown, Judge

cc: Court Administrator
Matthew Zeigler, Esquire
Mary Welby, Esquire
Rebecca Beagle
Judges
Sheriff Charles Brewer
Gary L. Weber, Esquire (Lycoming Reporter)

¹ The Court would reiterate to Ms. Beagle the suggestion we made at the end of the hearing on this petition. It would seem to be a better solution to all for Ms. Beagle to simply pay Ms. Logue the \$650 she owes Ms. Logue and had previously agreed to pay in the court order of October 29, 2002. Attorney Ziegler should also inform Ms. Beagle of the execution costs that were created by Ms. Beagle's failure to pay the agreed sum.