

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>TINA M. KAUFMAN,</b> <b>Plaintiff</b>	:	: <b>No. 06-01,455</b>
vs.		:
		: <b>CIVIL ACTION – LAW</b>
		:
<b>MICHELLE C. COSTAGLIOLA,</b> <b>Defendant</b>		: <b>Defendant’s Petition to Set Aside</b>
		: <b>Writ and Levy</b>

**ORDER**

AND NOW, this \_\_\_ day of December 2007, upon consideration of the Petition to Set Aside Writ and Levy filed by Michelle Costagliola, the petition is GRANTED IN PART and DENIED IN PART.

The Court GRANTS the petition with respect to the amount of the award. The arbitrators awarded \$3114.17 to Ms. Kaufman on her claim and awarded \$613.00 to Ms. Costagliola on her counterclaim. Under the facts and circumstances of this case, the writ of execution should be molded to reflect the net award of \$2501.17 in favor of Ms. Kaufman.

The Court DENIES the remainder of the petition. The Court cannot find that the levy is excessive, as no information was provided regarding the value of the vehicle or the tanning bed. Furthermore, if the sale of these items exceeds the amount of the judgment and costs of the sale, the remainder of the proceeds will be distributed back to Ms. Costagliola. The Court also notes that the law provides for the recovery of costs and post-award interest. See 42 Pa.C.S.A. §1726(a)(2)(costs);42 Pa.C.S. §8101(interest); Perel v. Liberty Mut. Ins. Co., 839 A.2d 426 (Pa.Super. 2003)(interest).

By The Court,

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Kenneth D. Brown,  
President Judge

cc: William Burd, Prothonotary  
Sheriff  
John Felix, Esquire  
Richard Gahr, Esquire  
Tina Kaufman,  
245 Broad Street, 2<sup>nd</sup> floor, Montoursville PA 17754  
Michelle Costagliola,  
1402 ½ Memorial Ave, Williamsport PA 17701  
Work file  
Gary Weber, Esquire (Lycoming Reporter)