

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

PORTFOLIO RECOVERY ASSOCIATES, LLC,	:	
Plaintiff	:	DOCKET NO. 10-00,888
	:	CIVIL ACTION – LAW
vs.	:	
	:	
ANNETTE KRAUSER,	:	
Defendant	:	

ORDER

AND NOW, this ___ day of December, 2012, after hearing held on Ms. Krauser’s Claim for Exemption on December 10, 2012, it is hereby ORDERED and DIRECTED that the October 31, 2012 writ of execution issued against Ms. Krauser’s account at PALCO Federal Credit Union, specifically Account No. 16145, is STRICKEN and VACATED. Based upon Ms. Krauser’s testimony, the funds deposited into this account are subject to either a federal or state exemption from execution or are not her funds to dispose of. Ms. Krauser uses the above-specified account to receive her monthly social security disability benefits; pursuant to federal law, social security disability benefits cannot be the subject of execution. *See* 42 U.S.C. § 407(a); Pa. R.C.P. 3123.1. *See also Finberg v. Sullivan*, 634 F.2d 50 (3d Cir. 1980) (holding that it is a violation of due process if the garnishment procedures fail to inform the debtor of her federal exemption of Social Security benefits). Ms. Krauser testified that any other funds in her account would be generated from her husband’s unemployment compensation benefits, which are exempt from execution pursuant to 42 Pa. C.S. § 8124(c)(10), or her child and grandchild’s social security disability benefits, for which she is listed as payee. Therefore, based upon the federal and state exemptions and Ms. Krauser’s testimony, the execution entered as to her PALCO Account No. 16145 is STRICKEN and VACATED.

BY THE COURT,

Date

Richard A. Gray, J.

cc: T. Kase, Esq.
D. Apothaker, Esq. – 520 Fellowship Rd. C306, Mount Laurel, NJ 08054
J. Felix, Esq.
G. Weber, Esq.