

STARK & STARK

A PROFESSIONAL CORPORATION

JOSEPH H. LEMKIN
DIRECT DIAL NUMBER
609-791-7022
DIRECT FAX NUMBER
609-895-7395
EMAIL
JLEMKIN@stark-stark.com

November 14, 2019

Clerk, Superior Court of New Jersey
Hughes Justice Complex
P.O. Box 971
Trenton, New Jersey 08625
Attention: Judgment Section

RE: Thomas V. Yarnall v. Schroeder
Docket No. DJ-141878-10

Dear Clerk:

Stark & Stark, P.C. is the attorney for the Plaintiff in the above matter. Enclosed is an original and one (1) copy the following for filing:

1. Notice of Motion to Turnover Funds;
2. Certification of Service;
3. Certification in Support; and
4. Proposed Order.

Kindly file the enclosed and provide our office with "filed" copy in the self-addressed stamped envelope provided.

Please feel free to charge your filing fee to our firm's collateral account number 140139 (Internal reference No. 068118-00001).

PLEASE NOTE THAT SINCE THIS IS A CASE WITH A DJ NUMBER, THE MOTION CANNOT BE FILED VIA ECOURTS. THIS CASE WAS DOCKETED AS A FOREIGN JUDGMENT.

Thank you for your attention to this matter. Please contact Erin Reid directly at 609-895-7327 with any questions.

STARK & STARK
A Professional Corporation
BY: /s/ Joseph H. Lemkin
JOSEPH H. LEMKIN
Encl.
JHL/elr
cc: Client (via email)

STARK & STARK

A Professional Corporation
Attn: Joseph H. Lemkin, Esq.
Atty. I.D. No. 05639-1994
P.O. Box 5315
Princeton, New Jersey 08543-5315
(609) 896-9060
Attorneys for Plaintiff

THOMAS V. YARNALL,

Plaintiff,

v.

WILLIAM R. SCHROEDER, JR., an individual
and KATHLEEN A. SCHROEDER, an
individual,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

MERCER COUNTY

DOCKET NO. DJ-141878-10

Civil Action

**NOTICE OF MOTION
TO TURNOVER FUNDS**

To: William R. Schroeder, Jr. Kathleen A. Schroeder
3 Academy Dr. 3 Academy Dr.
Stratford, NJ 08084 Stratford, NJ 08084

PLEASE TAKE NOTICE that on Friday, December 6, 2019 at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, Plaintiff, Stark & Stark, P.C., shall move before the Mercer County Superior Court, Mercer County Courthouse, Law Division, 175 S. Broad Street, Trenton, New Jersey 08650, for an Order to Turnover Funds.

In support of this Motion, counsel will rely upon the Certification of Joseph H. Lemkin, Esq. annexed hereto.

Pursuant to Rule 1:6-2(d), the undersigned:

☒ (X) waives oral argument and consents to disposition on the papers, unless opposition is filed.

☐ () does not request oral argument at this time.

☐ () requests oral argument if the motion is opposed.

A proposed form of Order is attached.

STARK & STARK
A Professional Corporation

By: /s/ Joseph H. Lemkin
JOSEPH H. LEMKIN

Dated: November 14, 2019

STARK & STARK
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
MAILING ADDRESS
PO BOX 5315
PRINCETON, NJ 08543

CERTIFICATION OF SERVICE

I, Joseph H. Lemkin, certify and states as follows:

1. I am a Shareholder of the law firm of Stark & Stark, A Professional Corporation, attorneys for the Plaintiff.

2. I did on November 14, 2019 cause to be filed via First Class Mail, an original and one (1) copy of Plaintiff's Notice of Motion to Turnover Funds, Certification of Service, Certification of Joseph H. Lemkin and proposed Order to the Mercer County Superior Court, Mercer County Courthouse, Law Division, 175 S. Broad Street, P.O. Box 971, Trenton, New Jersey 08650, as well as a copy in the manner indicated to the following:

Via Regular & Certified Mail, RRR

William R. Schroeder, Jr.
3 Academy Dr.
Stratford, NJ 08084

Via Regular & Certified Mail, RRR

Kathleen A. Schroeder
3 Academy Dr.
Stratford, NJ 08084

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made herein are willfully false, I am subject to punishment.

STARK & STARK
A Professional Corporation

By: /s/ Joseph H. Lemkin
JOSEPH H. LEMKIN

Dated: November 14, 2019

STARK & STARK

A Professional Corporation
Attn: Joseph H. Lemkin, Esq.
Atty. I.D. No. 05639-1994
P.O. Box 5315
Princeton, New Jersey 08543-5315
(609) 896-9060
Attorneys for Plaintiff

THOMAS V. YARNALL,

Plaintiff,

v.

WILLIAM R. SCHROEDER, JR., an individual
and KATHLEEN A. SCHROEDER, an
individual,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

MERCER COUNTY

DOCKET NO. DJ-141878-10

Civil Action

**CERTIFICATION OF
JOSEPH H. LEMKIN IN SUPPORT**

I, Joseph H. Lemkin, Esq., do certify and say:

1. I am a shareholder with the law firm of Stark & Stark, P.C., who represents Plaintiff in the above referenced action. Stark & Stark has a business address of 993 Lenox Drive, Lawrenceville, New Jersey 08648. I make this Certification based upon my personal knowledge and review of this matter. I am authorized to make this certification.

2. On September 12, 2007, judgment (the "Judgment") was entered in favor of the Plaintiff and against Defendants, William R. Schroeder, Jr., an individual and Kathleen A. Schroeder, an individual, for damages in the sum of \$17,421.00.

3. The Judgment was docketed in New Jersey on June 7, 2010 as DJ-141878-10.

4. The Sheriff of Camden County, pursuant to a Writ of Execution, levied upon the funds of the Defendants, at Wells Fargo Bank, 6 Market Street, Camden, New Jersey 08102 in the amount of \$2,741.89, and the complete amount levied upon should be turned over to the Sheriff, aforesaid. (Attached hereto as Exhibit "A" is the Affidavit of Service – Bank Response).

I certify the foregoing statements made by me are true. I am aware that if any of the statements made herein are false, I am subject to punishment.

STARK & STARK
A Professional Corporation

By: /s/ Joseph H. Lemkin
JOSEPH H. LEMKIN

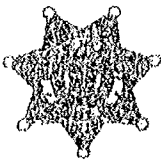
Dated: November 14, 2019

STARK & STARK
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
MAILING ADDRESS
PO BOX 5315
PRINCETON, NJ 08543

EXHIBIT A

Office of the Sheriff

Camden County



520 MARKET STREET - ROOM 200
CAMDEN, NJ 08102
Phone: (856) 225-5516
Fax: (856) 225-5572

Gilbert L. "Whip" Wilson
Sheriff

New Jersey

SHERIFF'S NOTICE TO DEBTOR

November 6, 2019

WILLIAM SCHROEDER, JR.
3 ACADEMY DRIVE
STRATFORD, NJ 08084

Re: THOMAS V. YARNALL v WILLIAM R. SCHROEDER, JR. & KATHLEEN A. SCHROEDER

Attorney File #:

Sheriff's #: WR-19003925, Court Docket #: DJ14187810

Your asset, automobile (Plate # _____), or account in the amount of \$ 82,741.85 has been levied upon at the instruction of:

STARK & STARK, 993 LENOX DRIVE
BLDG. TWO P.O. BOX 5315
LAWRENCEVILLE, NJ 08648-2389, (609) 896-9060

to satisfy in whole or in part the judgment against you in the above matter. If you are an individual rather than business entity, some property may be exempt from execution by federal and state law, including but not limited to clothing and a total of \$1,000 of cash and personal property, except for goods purchased as part of the transaction which led to the judgment in this case. In addition, welfare benefits, social security benefits, S.S.I. benefits, V.A. benefits, unemployment benefits, workers' compensation benefits and child support you receive are exempt, even if the funds have been deposited in a bank account.

If the levy is against a bank account, the bank has already been notified to place a hold on your account. However, the funds will not be taken from your account until the Court so orders. If you are entitled to a exemption as an individual, you may claim your exemption by notifying the Clerk of Court, and the person who ordered this levy (shown above), of your reasons why your property is exempt. This claim must be in writing to both the court and the person who ordered this levy, and if it is not mailed within 10 days of service of this notice, your property is subject to further proceedings for execution. The address of the court is:

MERCER COUNTY SUPERIOR COURT, P.O. BOX 971
TRENTON, NJ 08625,

A Levy has been served on the following:

1. @ Wells Fargo Bank
2. _____
3. _____
4. _____
5. _____

Signature: _____

Nancy Spieker

General Writs Department (856) 225-5530

19003925

AFFIDAVIT OF SERVICE - BANK LEVY

10/15/2019

SERIAL #WR19003925

DEFENDANT SEQUENCE 1 OF 2

OFFICER: T ASH

I, Gilbert E. "Whip" Wilson, SHERIFF OF CAMDEN COUNTY, DO HEREBY ASSIGN

OFFICER Odele B. [Signature] TO EXECUTE AND RETURN THE WRIT ACCORDING TO LAW.

COURT INFORMATION

COURT OF INSURANCE: MERCER COUNTY SUPERIOR COURT

BRANCH: LAW DIVISION

DOCKET #: DJ14187810

STATE: NJ

COUNTY OF VENUE: MERCER COUNTY

ATTORNEY:
STARK & STARK
993 LENOX DRIVE
BLDG. TWO P.O. BOX 5315
LAWRENCEVILLE NJ 08648-2389

Receipt # Check #
173770 040730

nspieler
Receipt Amt.
50.80

CAPTION OF CASE

NAME: THOMAS V. YARNALL

VS. WILLIAM R. SCHROEDER, JR. & KATHLEEN A. SCHROEDER

DEFENDANT OR NAMED WITHIN TO BE SERVED

NAME: WELLS FARGO BANK (AS TO WILLIAM)
ADDRESS: 6TH & MARKET STREET
CAMDEN NJ 08102

Fed # XXXX-XX-5565

BAFFERS SERVED: WRIT OF EXECUTION

NOTES: SS XXX- [Redacted] 3 ACADEMY DR., STRATFORD, NJ 08084

I HEREBY LEVY UPON: ANY AND ALL BANK ACCOUNTS, INCLUDING CD'S AND ANY OTHER MONIES DUE OR TO BECOME DUE TO WILLIAM SCHROEDER, JR., DEFENDANT IN THE ABOVE ENTITLED MATTER. IF THIS IS A JOINT ACCOUNT, LEVY ON DEFENDANT'S PORTION ONLY. THE TOTAL AMOUNT DUE AS OF 10/15/2019: \$24,543.41 INCLUDING JUDGMENT, COSTS, INTEREST, AND SHERIFF'S FEES. PLEASE FAX LEVY RESULTS TO: 856-225-5572 OR MAIL TO: CAMDEN COUNTY OFFICE OF THE SHERIFF, 520 MARKET STREET, RM. 200, CAMDEN, NJ 08102 ATTN: WRITS DEPARTMENT. INCLUDE #19003925 ON ALL CORRESPONDENCE.

SERVICE DATA RECORDED

DATE/TIME

☒ SERVED SUCCESSFULLY

10.28.19

☐ UNABLE TO SERVE

NUMBER OF ATTEMPTS 1

REMARKS: Bank does not release

account info at time of service

COPY SERVED UPON

☒ Agent Authorized to Accept Service

Person Served: Niro Mufico

(Title)

SWORN TO AND SUBSCRIBED
BEFORE ME ON:

XAEX217620

[Signature]
SIGNATURE

SHERIFF'S OFFICER OF CAMDEN COUNTY
STATE OF NEW JERSEY



Legal Order Processing D1111-01A
P.O. Box 1416
Charlotte, NC 28201

October 29, 2019

Camden County Sheriff
Camden County Sheriff
520 Market St
Camden, NJ 08102

15003925

Subject: Information provided in response to your request

Date issued:

Legal order amount: \$24,543.41

Wells Fargo case number: 114372219

Your reference number: DJ14187810

Judgment debtor: WILLIAM R SCHROEDER JR KATHLEEN A SCHROEDER

Dear Camden County Sheriff

We received your legal documents related to the case above, and are providing the information you requested.

FUNDS HELD: \$2741.89

If you have questions please call us at (480) 724-2000 Monday through Friday, 8 a.m. to 8 p.m. Eastern Time.

Thank you.

Sincerely,

Joe Medina

Joe Medina
Operations Manager
Legal Order Processing

XEL6102 003526 302223945113 NNNNN NNNNN NNNNN 000002 CNLTTAA 007394



STARK & STARK

A Professional Corporation

Attn: Joseph H. Lemkin, Esq.

Atty. I.D. No. 05639-1994

P.O. Box 5315

Princeton, New Jersey 08543-5315

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Attorneys for Plaintiff

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Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

MERCER COUNTY

DOCKET NO. DJ-141878-10

Civil Action

ORDER FOR TURNOVER OF FUNDS

THIS MATTER having been opened to the Court by Joseph H. Lemkin, Esquire, associated with attorneys for Plaintiff, and the Court having considered the matter, and for good cause appearing, it is on this ____ day of _____, 2019;

ORDERED, that Wells Fargo Bank pay over to the Sheriff of Camden County, the sum of \$2,741.89 being funds previously levied upon by said Sheriff.

____ Opposed

____ J.S.C.

____ Unopposed