

00-1409-CD
FIRST SELECT INCORPORATED -vs- PENNY K. MOTTERN

VALERIE ROSENBLUTH PARK, ESQUIRE
Attorney I.D. #72094
PARK LAW ASSOCIATES, P.C.
25 East State Street
P.O. Box 1779
Doylestown, PA 18901
(215) 348-5200
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

FIRST SELECT INCORPORATED

Plaintiff

VS.

PENNY K MOTTERN

Defendant

NOV 11 2000

Shaw
Notary

NO. 00-1409-CO

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for other claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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.

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 32

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.

VALERIE ROSENBLUTH PARK
ATTORNEY I.D. # 72094
PARK LAW ASSOCIATES, P.C.
25 EAST STATE STREET, P.O. BOX 1779
DOYLESTOWN, PA 18901
(215) 348-5200
ATTORNEY FOR PLAINTIFF
ACT#:4168100010205860

CLEARFIELD COUNTY COURT OF COMMON PLEAS

FIRST SELECT, INC.
4460 ROSEWOOD DRIVE
PLEASANTON, CA 94588

PLAINTIFF

VS

PENNY K MOTTERN
118 TYLER ST
PENFIELD, PA 15849-0000

DEFENDANT

NO.

CIVIL ACTION

1. The Plaintiff, First Select, Inc. is a Delaware corporation organized and existing under the laws of the State of Delaware with its principal place of business at 4460 Rosewood Drive, Pleasanton, CA 94588. Plaintiff is the owner of this account, which is the subject matter of this action.
2. The Defendant, PENNY K MOTTERN, is an individual who resides at 118 TYLER ST, PENFIELD, PA 15849-0000.
3. The Defendant is indebted to Plaintiff on the credit account by virtue of charges or cash advances incurred by the Defendant or authorized by the Defendant on a credit card or line of credit, bearing account number 4168100010205860.

4. The terms of said account are stated in the documentation attached hereto as Exhibit "A".

5. The Defendant has failed to pay the amount owed in accordance with the Account Agreement and has failed to pay the outstanding debt as agreed.

6. The Defendant is indebted to the Plaintiff in the amount of \$4,852.80 as of 08/16/2000, plus pre-judgment contractual interest at the rate of 8.10% per annum, less payments made.

7. In accordance with the documentation attached as Exhibit "A," Plaintiff is entitled to reasonable attorney's fees, and Plaintiff will incur attorney's fees in the amount of \$824.00.

WHEREFORE, Plaintiff demands that judgment be rendered in favor of the Plaintiff, FIRST SELECT, INC. and against the Defendant in the amount of \$4,852.80, plus pre-judgment interest at the contractual rate of 8.10% per annum from 08/16/2000 until the date of the judgment herein, plus reasonable attorney's fees in the amount of \$824.00, less payments made, plus costs and any other such relief as this Court deems reasonable and just.

COUNT I- ALTERNATIVE

8. Plaintiff hereby incorporates paragraphs 1 through 7 above as though set forth in full.

9. The Defendant received a monetary benefit, which was in fact appreciated by the Defendant.

10. The Defendant accepted the benefits.

11. By virtue of the circumstances surrounding the request for funds made, the Defendant knowingly requested the funds at issue and/or knowingly and voluntarily accepted the benefits bestowed.

12. It would be inequitable for this Court to allow the Defendant to retain the benefits of the funds or to be unjustly enriched at the expense of the Plaintiff or allow the Defendant to retain the value of the funds at issue without repaying the Plaintiff the value of same.

WHEREFORE, Plaintiff demands that Judgment be rendered in favor of the Plaintiff, First Select, Inc. and against the Defendant in the amount of \$4,852.80, plus pre-judgment interest at the contractual rate of 8.10% per annum from 08/16/2000 until the date of the judgment herein, plus reasonable attorney's fees in the amount of \$824.00, less payments made, plus costs and any other such relief as this Court deems reasonable and just.

PARK LAW ASSOCIATES, P.C.

BY: 

VALERIE ROSENBLUTH PARK, ESQUIRE

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, IT IS REQUIRED THAT WE STATE THE FOLLOWING TO YOU: THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

VERIFICATION

I, JILL PULLIAM, declare that: I am a designated agent of FIRST SELECT INCORPORATED, the Plaintiff in this action, and I am duly authorized to make this verification on its behalf. I have read the foregoing complaint and know the contents thereof; that the same is true of my own knowledge, except as to those matters stated on information and belief and, as to those matters, I believe them to be true. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

I declare under penalty of perjury that the foregoing are true and correct.

Executed at Alameda County, in the State of California.

Date



Designated Agent

FILED

NOV 14 2000

Wm. A. Shaw
Prothonotary

Part pd

\$80.00

1cc Sheriff

VALERIE ROSENBLUTH PARK, ESQUIRE
Attorney I.D. #72094
PARK LAW ASSOCIATES, P.C.
25 E. State Street
Doylestown, PA 18901
(215) 348-5200
ATTORNEY FOR PLAINTIFF

FIRST SELECT INC		: CLEARFIELD COUNTY
	Plaintiff	: COURT OF COMMON PLEAS
		:
		:
VS.		:
PENNY K MOTTERN		:
	Defendant	: NO. 00-1409-CD

SUGGESTION OF BANKRUPTCY

TO THE PROTHONOTARY:

Kindly note that it has been suggested that the Defendant in the above-captioned matter has filed a Petition of Bankruptcy in the United States Bankruptcy Court for the Western District of Pennsylvania filed on 11/14/00, docket #0029017BM.

PARK LAW ASSOCIATES, P.C.

BY: 
VALERIE ROSENBLUTH PARK, ESQUIRE
ATTORNEY FOR PLAINTIFF

FILED

DEC 04 2000

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10401

FIRST SELECT INCORPORATED

00-1409-CD

VS.

MOTTERN, PENNY K.

COMPLAINT

SHERIFF RETURNS

NOW DECEMBER 4, 2000 AT 12:50 PM EST SERVED THE WITHIN COMPLAINT ON
PENNY K. MOTTERN, DEFENDANT AT SHERIFF'S OFFICE, MARKET STREET,
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
PENNY K. MOTTERN A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: SNYDER

Return Costs

Cost	Description
35.97	SHFF. HAWKINS PAID BY: ATTY.
10.00	SSURCHARGE PAID BY : ATTY.

Sworn to Before Me This

13th Day Of December 2000

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

FILED

DEC 13 2000

011104
William A. Shaw

So Answers, Prothonotary *ECS*

Chester A. Hawkins
by Marilyn Hamer
Chester A. Hawkins
Sheriff