

03-664-CD
CONSECO FINANCE CORP. vs. RICHARD MACKEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CONSECO FINANCE CORPORATION
a/k/a MILL CREEK SERVICING
CORPORATION,

CIVIL DIVISION

No. 03-664-CD

PLAINTIFF,

v.

RICHARD MACKEY,

Defendant(s).

TYPE OF PLEADING
**CIVIL ACTION – COMPLAINT IN
BREACH OF CONTRACT**

FILED ON BEHALF OF:
CONSECO FINANCE CORPORATION

Plaintiff

TO: DEFENDANT(S)
YOU ARE HEREBY NOTIFIED TO PLEAD TO
THE ENCLOSED COMPLAINT WITHIN TWENTY
(20) DAYS FROM SERVICE HEREOF OR A
DEFAULT JUDGMENT MAY BE ENTERED
AGAINST YOU.



ATTORNEY FOR PLAINTIFF

COUNSEL OF RECORD FOR THIS PARTY:
Edward P. Seeber
Pa. I.D. #76084

James, Smith, Dietterick & Connolly, LLP
P.O. Box 650
Hershey, Pennsylvania 17033
717-533-3280

I HEREBY CERTIFY THAT THE ADDRESS OF
THE PLAINTIFF IS:

Attn: Retail Legal Dept. T-302
7360 South Kyrene Road
Tempe, AZ 85283

AND THE DEFENDANT(S):

RD 3, BOX 147
DUBOIS, PA 15801


ATTORNEY FOR PLAINTIFF

FILED

MAY 01 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CONSECO FINANCE CORPORATION
a/k/a MILL CREEK SERVICING
CORPORATION,

CIVIL DIVISION

No.

PLAINTIFF,

v.

RICHARD MACKEY,

Defendant(s).

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claim 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 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 any other claim 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 SHOULD 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.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
Phone (800) 692-7375

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
Phone (717) 765-2641, Ext. 5982

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CONSECO FINANCE CORPORATION CIVIL DIVISION
a/k/a MILL CREEK SERVICING
CORPORATION, No.
PLAINTIFF,
V.

RICHARD MACKEY,
Defendant(s).

AVISO

Usted ha sido demandado/a en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y redicando en la Corte por escrito sus defensas de, y objeciones a, los demandas presentadas aqui en contra suya. Se le advierte de que si usted falla de tomar accion como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABAGADO IMMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGARLE A UNO, LLAME A VAYA A LA SIGUIENTE OFICINA PARA AVERIGUAR DONDE PUEDE ENCONTRAR ASISTENCIA LEGAL.

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CONSECO FINANCE CORPORATION CIVIL DIVISION

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Defendant(s).

CIVIL ACTION - COMPLAINT IN BREACH OF CONTRACT

AND NOW, comes CONSECO FINANCE CORPORATION a/k/a MILL CREEK
SERVICING CORPORATION ("Plaintiff"), by and through its attorneys, James, Smith,
Ditterick & Connelly, LLP and files this Complaint in Breach of Contract as follows:

1. The Plaintiff is CONSECO FINANCE CORPORATION a/k/a MILL CREEK
SERVICING CORPORATION, having its principal place of business located at Attn: Retail
Legal Dept. T-302, 7360 South Kyrene Road, Tempe, AZ 85283.
2. The Defendant is RICHARD MACKEY, an adult individual residing within the
Commonwealth of Pennsylvania, whose last known address is RD 3 BOX 147, DUBOIS, PA
15801.
3. On or about 10/18/2000, Defendant, executed and submitted a credit card
application for an account with Plaintiff.
4. Plaintiff established for Defendant a credit card account, Account Number
0006051400150702816.

5. Under the terms of the aforesaid account, Plaintiff agreed to allow Defendant to incur charges and/or to obtain cash advances by using the account. Defendant agreed to make minimum monthly payments on the account and to ultimately repay all money resulting from Defendant's use of the account.

6. Defendant has breached the duty imposed by the aforesaid Contract and is in default under the terms of the said Contract for, *inter alia*, failing to make the monthly payments when due.

7. Defendant has not been released from the aforesaid account and Contract.

8. Notwithstanding Plaintiff's demands for payment, Defendant's obligations under the terms of the aforementioned Contract remain unsatisfied.

9. The amount due and owing Plaintiff by Defendants is as follows:

Assigned Amount	\$14,154.85
Interest to 12/06/2002	\$ 0.00
Accrued Interest	\$ 0.01
Attorneys Fees and Costs	<u>\$ 350.00</u>
TOTAL	\$14,504.86

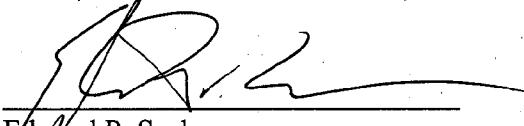
Plus interest from 12/06/2002 at the rate of 21.99% per annum and additional attorneys' fees and costs:

10. Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (1977), Defendant may dispute the validity of the debt or any portion thereof. If Defendant does so in writing within thirty (30) days of receipt of this pleading, Counsel for Plaintiff will obtain and provide Defendant with written verification thereof; otherwise, the debt will be assumed to be valid. Likewise, if requested within thirty (30) days of receipt of this pleading, Counsel for Plaintiff will send Defendant the name and address of the original creditor if different from above.

WHEREFORE, Plaintiff demands judgment in its favor and against Defendant for the total amount due of \$14,504.86 plus interest from 12/06/2002 at the rate of 21.99% per annum and additional attorneys' fees and costs.

JAMES, SMITH, DIETTERICK & CONNELLY, LLP

DATED: 4/24/03

BY: 

Edward P. Seeber
Pa. I.D. #76084
James, Smith, Dietterick & Connelly LLP
P.O. Box 650
Hershey, Pennsylvania 17033
717-533-3280

WEINSTIEN, TREIGER & RILEY, P.S.
2101 4th Avenue, Suite 900
Seattle, Washington 98121

VERIFICATION

The undersigned, a duly authorized representative of Plaintiff, deposes and says subject to the penalties of 18 Pa.C.S.A., Section 4904 relating to unsworn falsification to authorities that the facts set forth in the foregoing Complaint are true and correct to the best of his/her information and belief.

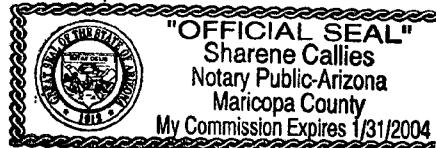
James Lewis
James Lewis
Conseco Finance Corporation

STATE OF Arizona
COUNTY OF Maricopa

Subscribed and sworn to me this 3rd day of April, 2003.

Sharene Callies
Notary Public

My Commission Expires: 01-31-04



FILED

Amy Seeger

pd. 85.00

19451
MAY 01 2003

1cc ASH

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

CONSECO FINANCE CORPORATION a/k/a MILL CREEK SERVICING CORP.

Sheriff Docket #

14014

VS.

03-664-CD

MACKEY, RICHARD

COMPLAINT IN BREACH OF CONTRACT

SHERIFF RETURNS

NOW MAY 8, 2003 AT 1:00 PM SERVED THE WITHIN COMPLAINT IN BREACH OF CONTRACT ON RICHARD MACKEY, DEFENDANT AT EMPLOYMENT, RD 3, BOX 147, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KRIS HAENES, RECEPTIONIST, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN BREACH OF CONTRACT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

FILED
O 9:54 AM
MAY 28 2003

William A. Shaw
Prothonotary

Return Costs

Cost	Description
31.68	SHERIFF HAWKINS PAID BY: ATTY CK# 44937
10.00	SURCHARGE PAID BY: ATTY CK# 44938

Sworn to Before Me This

28 Day Of May 2003

William A. Shaw

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

Date: 05/01/2003

Clearfield County Court of Common Pleas

NO. 8860758

Time: 09:17 AM

Receipt

Page 1 of 1

Received of: Seeber, Edward P.

\$ 85.00

Eighty-Five and 00/100 Dollars

Case: 2003-00664-CD	Plaintiff: Conseco Finance Corporation	Amount
Civil Complaint		85.00
Total:		85.00

REPOSTED
RECEIPT TO
5-1-03
RECEIPT #
9860758
X

Check: 44930

Payment Method: Check

William A. Shaw, Prothonotary/Clerk of Courts

By:

Deputy Clerk

Clerk: BILLSHAW

Duplicate Reprinted: 05/30/2003 by BILLSHAW

Date: 05/29/2003

Time: 01:57 PM

Page 1 of 1

Clearfield County Court of Common Pleas

Individual Receipt Detail

User: BILLSHAW

Receipt: 1860758 05/29/2003 01:51 PM Civil Filing

Case: 2003-00664-CD

Party: Conseco Finance Corporation

Payor: Seeber, Edward P.

Check amount: 85.00 Check number: 44930

Cash amount: .00 Bank name:

Money order amount: .00 Credit card number:

Credit card amount: .00 Credit card expiration:

Debit card amount: .00 Entry date/time: 05/29/2003 01:51 PM

Cashiers check amount: .00 Entry user: BILLSHAW

Direct deposit amount: .00 Last changed by:

E-payment amount: .00 Change datetime:

Unapplied transfer amount: .00

Total: 85.00

Detail:	Amount
Civil Complaint	85.00
Receipt total:	85.00

Manuscript
9860758 0617

Reported
886078

RECEIVED
RECEIVED
SHP ATTACHED

Date: 05/02/2003

Clearfield County Court of Common Pleas

User: JWHITE

Time: 09:21 AM

Individual Receipt Detail

Page 1 of 1

Receipt: 1859460 05/01/2003 01:22 PM Civil Filing

Case: 2003-00664-CD

Party: Conseco Finance Corporation

Payor: Edward P. Seeber

Check amount: 85.00 Check number: 44930

Cash amount: .00 Bank name:

Money order amount: .00 Credit card number:

Credit card amount: .00 Credit card expiration:

Debit card amount: .00 Entry date/time: 05/01/2003 01:22 PM

Cashiers check amount: .00 Entry user: BHUDSON

Direct deposit amount: .00 Last changed by:

E-payment amount: .00 Change datetime:

Unapplied transfer amount: .00

Total: 85.00

Detail:

Civil Complaint

Amount

85.00

Receipt total: 85.00

Sub
Voided this
by mistake

5-2-03
VOIDED

Date: 05/29/2003

Time: 12:49 PM

Page 1 of 1

Clearfield County Court of Common Pleas

Receipts by Date Summary

CT COMMON PLEAS, Prothonotary CT Location Only

All Case Types

For: 05/01/2003

All Receipts

User:
LREDDINGER

Date	Number	Payer	Case	Amount
05/01/2003	09:14 AM	1859447 Hopkins Law Firm	2003-00663-CD	20.00
	09:15 AM	1859448 SMULIK, RUTH ANN		30.00
	09:55 AM	1859449 FREDERICK R. BECK		90.00
	11:48 AM	1859455 ABERNATHY, SARA	1981-0000498-CR	5.50
	01:06 PM	1859458 Milkovich, Traci M.	2000-00380-CD	6.00
	01:09 PM	1859459 McQuaide, Blasko, Schwartz	2003-00475-CD	.25
	01:22 PM	1859460 Edward P. Seeber	2003-00664-CD	85.00 Voided
	03:33 PM	1859485 Colavecchi, Joseph (attorney	12003-00665-CD	85.00
	03:38 PM	1859486 Rumfula, Mary		1.00
			Date total:	<u>237.75</u>

Report total: 237.75

IN THE COURT OF COMMON PLEAS OF
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CONSECO FINANCE CORPORATION
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PRAECIPE TO SETTLE, DISCONTINUE AND END

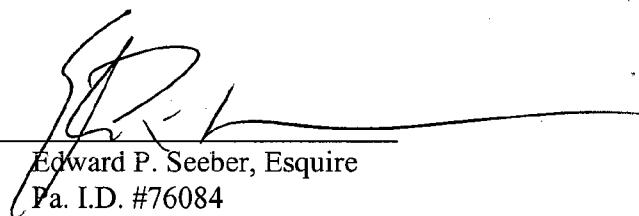
TO THE PROTHONOTARY:

Please mark the complaint filed at the above-captioned term and number settled,
discontinued and ended, without prejudice.

Respectfully submitted:

JAMES, SMITH, DIETTERICK & CONNELLY, LLP

By:


Edward P. Seeber, Esquire
Pa. I.D. #76084

Attorney for Conseco Finance Corporation
P.O. Box 650
Hershey, PA 17033

FILED

JUN 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CONSECO FINANCE CORPORATION
a/k/a MILL CREEK SERVICING
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No. 03-664-CD

PLAINTIFF,

v.

RICHARD MACKEY,

Defendant(s).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Praeclipe to Settle, Discontinue and End was served on the following this 4th day of June, 2003 via first class U.S. mail, postage pre-paid:

Richard Mackey
RD 3 Box 147
DuBois, PA 15801

JAMES, SMITH, DIETTERICK & CONNELLY, LLP

By: 
Edward P. Seeber, Esquire
Pa. I.D. #76084
Attorney for Conseco Finance Corporation
P.O. Box 650
Hershey, PA 17033
(717) 533-3280

FILED
1cc to attorney +
1cc to Plaintiff
Copies to Plaintiff

JUN 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CO
PY

Conseco Finance Corporation

Vs.
Richard Mackey

No. 2003-00664-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 6, 2003, marked:

Settled, Discontinued and Ended.

Record costs in the sum of \$126.68 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of June A.D. 2003.

William A. Shaw, Prothonotary