

2004-1346-CD
CREDITONE, LLC

VS

WILLIAM P. SOUTHARD

CreditOne et al vs Rick Powers Contracting
2004-1346-CD

Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney#57507
P.O. Box 2245
Southeastern, PA 19399
(610) 902-0530

CreditOne, LLC.
assignee of CITIBANK CREDIT CARD

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD

COMPLAINT - CIVIL ACTION

NOTICE TO DEFEND

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 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 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.**

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 E. Market St.
Clearfield, PA 16830
(814) 765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandadas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notification. Hace falta asentar una comparencia escrita on en persona o con un abogado y entregar a la corte enforma escritas sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perdes dinero o us propiedadesu otros derechos importantes para usted. **LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASSISTENCIA LEGAL.**

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 E. Market St.
Clearfield, PA 16830
(814) 765-2641

FILED *icc shff*
m/3398
AUG 27 2004 *Att'y pd. 85.00*

William A. Shaw
Prothonotary/Clerk of Courts

Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box 2245
Southeastern, PA 19399
(610) 902-0530

CREDITONE, LLC
assignee of CITIBANK CREDIT CARD
3619 18th St.
Metairie, LA 70002

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

No. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is CREDITONE, LLC, assignee of CITIBANK CREDIT CARD, located at 3619 18th St., Metairie, LA 70002.
2. The Defendant herein is **WILLIAM P SOUTHARD**, an adult individual located at 407 Gertrude St., PHILIPSBURG, PA 16866-2509.
3. Defendant borrowed from CITIBANK CREDIT CARD the sum of \$7805.64 over the course of their cardholder relationship as of 04-10-01 on account #5424180178657844. A true and correct copy of an affidavit of account is attached hereto and marked Exhibit "A".
4. In addition, interest has accrued, and continues to accrue, from 04-10-01, at the minimum rate of 15.95% per annum.
5. Plaintiff is the assignee of CITIBANK CREDIT CARD, for lawful consideration.
6. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
7. There is no offset known to Plaintiff on the amounts set forth in Paragraphs 3 and 4.

8. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$7805.64, together with interest at the contract rate of 15.95% per annum commencing in 04-10-01, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

9. Paragraphs 1 through 8 above are incorporated herein by reference as though fully set forth.

10. Plaintiff was neither a volunteer nor an officious intermeddler.

11. Plaintiff's assignor provided said revolving credit.

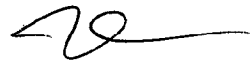
12. Plaintiff expected payment from the Defendant for said revolving credit in the amount set forth above.

13. The amount claimed is the fair and reasonable market value for said revolving credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$7805.64, together with interest at the contract rate of 15.95% per annum commencing in 04-10-01, and costs of this action.

Dated: August 23, 2004

BY



Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF Louisiana

778173

PARISH of Jefferson

AFFIDAVIT IN SUPPORT OF COMPLAINT

I HEREBY CERTIFY THAT: I, Suzanne Middleton am the Chief Financial Officer of CreditOne, LLC, the Plaintiff herein, and am competent to testify to the matters stated herein, which are made on my personal knowledge:

That there is justly due and owing by the Defendant (s) WILLIAM P SOUTHARD, account number 5424180178657844, to the Plaintiff the sum of \$7805.64 with interest at 15.95% per annum from 04-10-01 until paid in full.

That the action is based upon a consumer credit agreement executed by defendant with plaintiff's assignor, CITIBANK wherein defendant agreed to pay all amounts charged to said account and that the plaintiff purchased this account from the assignor herein and was assigned all rights and obligations as set forth in the accompanying documents and statements.

That the Plaintiff has credited any payments received from the Defendant(s) on this account to the balance owed, and the amounts above stated reflect any payments made to date.

Plaintiff and/or its predecessor in interest stated an account to defendant by sending monthly statements to the defendant, thereby constituting a written account stated.

That the Plaintiff keeps regular books of account and that the keeping of said books of account is in the charge of/or under the supervision of the affiant. The entries in said books of account are made in the ordinary course of business.

To the best of my knowledge the Defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

I do solemnly declare and affirm under the penalties of perjury that the matters set forth above are true and correct to the best of my knowledge.

Date: 8-17-04



Suzanne Middleton, CFO

I HEREBY CERTIFY that on 8/17/04, before me, the subscriber, a Notary Public in and for the Parish aforesaid, personally appeared the above-stated affiant, and made oath in due form of law.



Bobbie Levy

No Expiration on Commission


PA

VERIFICATION

I, Ron Z. Opher, Esquire, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said Complaint are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: 8/23/04

By: 
Ron Z. Opher, Esquire

In The Court of Common Pleas of Clearfield County, Pennsylvania

CREDIT ONE LLC

VS.

SOUTHARD, WILLIAM P.

COMPLAINT

Sheriff Docket #

16209

04-1346-CD

SHERIFF RETURNS

NOW SEPTEMBER 3, 2004 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON WILLIAM P. SOUTHARD, DEFENDANT AT RESIDENCE, 407 GERTRUDE ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM P. SOUTHARD A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: HUNTER

Return Costs


| Cost | Description |
|-------|--|
| 30.00 | SHERIFF HAWKINS PAID BY: ATTY CK# 5081 |
| 10.00 | SURCHARGE PAID BY: ATTY CK# 5082 |

Sworn to Before Me This


7th Day Of Sept. 2004

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins
Sheriff

FILED

 SEP 07 2004
3:00

William A. Shaw
Prothonotary/Clerk of Courts

Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney#57507
P.O. Box 2245
Southeastern, PA 19399
(610) 902-0530

CreditOne, LLC
3619 18th St
Metairie, LA 70002

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD

FILED

M 1:50 PM pd 20.00
Notice to Def. to act
OCT 06 2004

William A. Shaw
Prothonotary

PRAECIPE FOR JUDGMENT


Enter Judgment in favor of Plaintiff, **CreditOne, LLC**, against Defendant, **WILLIAM P SOUTHARD**, for want of an answer.

Assess damages as follows:

| | |
|---|-------------------------|
| Debt | \$7805.64 |
| Interest (per contract and complaint) | \$4150.00 |
| Attorney's Fee (per contract and complaint) | \$0.00 |
| TOTAL | \$11955.64 (plus costs) |

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT.

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered after the default occurred and at least ten days prior to the date of the filing of this praecipe. Copies are attached. R.C.P. 237.1


Ron Z. Opher, Esquire ID #57507
Attorney for Plaintiff

AND NOW _____, 20____, Judgment is entered in favor of **CreditOne, LLC**, against Defendant, **WILLIAM P SOUTHARD**, by Default for want of an answer and damages assessed at the sum of \$11955.64 (Eleven thousand nine hundred fifty five dollars and sixty four cents) as per the above certification.

Prothonotary

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY COURTHOUSE
230 E. Market St.
Clearfield, PA 16830

TO: **WILLIAM P SOUTHARD**
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

CreditOne, LLC
3619 18th St
Metairie, LA 70002

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Default Judgment has been entered against you in the above proceeding.

Prothonotary

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL
RON Z. OPPER, ESQUIRE, at 610-902-0530.

CreditOne, LLC
3619 18th St
Metairie, LA 70002

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD

TO: WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

DATED: September 24, 2004


IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
Clearfield County Bar Association
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581


(signature of Plaintiff or Attorney)

Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney#57507
P.O. Box 2245
Southeastern, PA 19399
(610) 902-0530

| | | | |
|---|---|-----------------------------|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED TO PROVIDE | | INTERNATIONAL MAIL DOES NOT | |
| Receiver | Ron Z. Opher, Esq. P.O. Box 2245 Southeastern, PA 19399 | | |
| One piece of ordinary mail addressed to: <u>William Southard</u> <u>407 Gertrude St.</u> <u>Philipsburg, PA 16866-2501</u> | | | |

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



CreditOne, LLC
3619 18th St
Metairie, LA 70002

Plaintiff

v.

WILLIAM P SOUTHARD
407 Gertrude St.
PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD


CERTIFICATION OF ADDRESSES AND AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF **CLEARFIELD** :SS
:

I, Ron Z. Opher, Esquire, being duly sworn according to law, depose and say that I am the attorney for Plaintiff and I am authorized to make this affidavit on Plaintiff's behalf. I hereby certify that the address of the Plaintiff is 3619 18th St, Metairie, LA 70002. Defendant's address is 407 Gertrude St., PHILIPSBURG, PA 16866-2509. In addition, Defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 or the amendments thereto.

I verify that the statements made in the foregoing certification and affidavit are true and correct to the best of my knowledge, information and belief; and I understand that the statements in said certification and affidavit are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

DATED: October 5, 2004

BY: 
Ron Z. Opher, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

CreditOne, LLC
Citibank Credit Card
Plaintiff(s)

No.: 2004-01346-CD

Real Debt: \$11,955.64

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

William P. Southard
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 6, 2004

Expires: October 6, 2009

Certified from the record this 6th day of October, 2004

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

Abramson & Denenberg, P.C.
BY: David H. Denenberg, Esquire
Attorney for Plaintiff
Attorney #51085
1315 Walnut St., 12th Floor
Philadelphia, PA 19107-5499
(215) 546-1345

FILED
m/2.16um
DEC 16 2013

4 William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty
Denenberg
Coll

CreditOne, LLC

Plaintiff

v.

WILLIAM P SOUTHARD

407 Gertrude St.

PHILIPSBURG, PA 16866-2509

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 04-1346-CD

PRAECIPE TO WITHDRAW APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw my appearance as Attorney for Plaintiff in the above-captioned case, in order to permit the Entry of Appearance of David H. Denenberg, Esquire of Abramson & Denenberg, P.C. as Superseding Attorney for Plaintiff.

BY:

Ron Z. Opher, Esquire

Withdrawing Attorney for Plaintiff

DATED: Saturday, November 30, 2013

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance as Attorney for Plaintiff in the above-captioned case.

BY:

David H. Denenberg, Esquire

Superseding Attorney for Plaintiff

DATED: Saturday, November 30, 2013