

05-61-CD  
Sherman et al vs. L. Fullington

LORETTA P. FULLINGTON

Sherman Acqu. LP v. Loretta Fullington  
2005-061-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP ASSIGNEE  
OF CHASE MANHATTAN BANK USA

Plaintiff

No. 05-61-CD

vs.

COMPLAINT IN CIVIL ACTION

LORETTA P FULLINGTON

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
PA I.D #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-79555

WWR#03899027

FILED  
M 2020 12 28  
2005

JAN 13 2005

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP ASSIGNEE  
OF CHASE MANHATTAN BANK USA

Plaintiff

vs.

Civil Action No.

LORETTA P FULLINGTON

Defendant

**COMPLAINT IN CIVIL ACTION AND 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  
SOURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(841) 765-2641, EXT 1300-1301

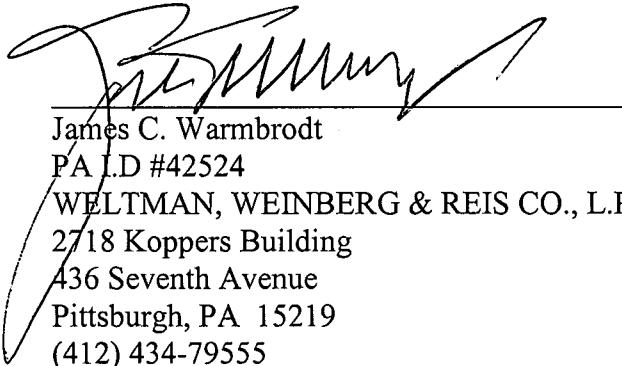
COMPLAINT

1. Plaintiff is a corporation with offices in 15 South Main St., Suite 700, Greenville, SC 29601.
2. Defendant is residing at 929 S. 6<sup>th</sup> St., Clearfield, PA 16830.
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number 66435716 .
4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of November 3, 2004, in the amount of \$7,210.42.
5. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is entitled to the addition of finance charges at the rate of 6.00% per annum on the unpaid balance.
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, Loretta P. Fullington individually, in the amount of \$7,210.42 with continuing finance charges thereon at the rate of 6.00% per annum from November 3, 2004 plus costs.

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

WELTMAN, WEINBERG & REIS, CO., L.P.A.



James C. Warmbrodt  
PA I.D #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-79555

WWR#:03899027

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is DALPHENE DAVIS  
(NAME)

Attorney In Fact of Sheridan Augustine LP, plaintiff herein, that  
(TITLE) (COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

Daphne Davis  
(SIGNATURE)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

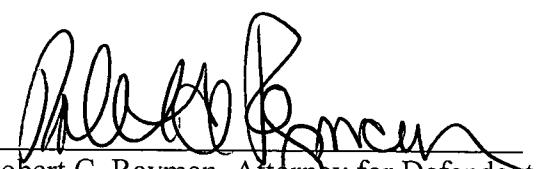
SHERMAN ACQUISITION LP ASSIGNEE :  
OF CHASE MANHATTAN BANK USA, :  
Plaintiff :  
:  
vs. : No.: 05-61-CD  
:  
LORETTA P. FULLINGTON, :  
Defendant :  
:

**NOTICE TO PLEAD**

**TO:** Sherman Acquisition LP  
c/o James C. Warmbrodt, Esq.  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Ave.  
Pittsburgh, PA 15219

You are hereby notified to plead to the within New Matter within twenty (20) days from receipt thereof or a default judgment may be entered against the Plaintiff.

By:

  
Robert C. Rayman, Attorney for Defendant  
I.D. No.: 30339  
1315 W. College Avenue, Suite 300  
State College, PA 16801  
(814) 234-5227

**FILED**

*2/1/05*  
**FEB 08 2005**

William A. Shaw  
Prothonotary/Clerk of Courts  
*W.C.S.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP ASSIGNEE :  
OF CHASE MANHATTAN BANK USA, :  
Plaintiff :  
: vs. : No.: 05-61-CD  
: :  
LORETTA P. FULLINGTON, :  
Defendant :  
:

ANSWER AND NEW MATTER

AND NOW, comes the Defendant and states as follows:

ANSWER

1. Admitted.
2. Admitted.
3. Denied. Plaintiff applied for and was issued a credit card by Chase Manhattan Bank. The account number is not as specified in the complaint nor was that ever an account number of Defendant.
4. Denied. Defendant currently owes no money on this credit card. Defendant reached a settlement with Plaintiff in August of 2004 which is more specifically set forth in the New Matter.
5. Denied. There is no outstanding money or monthly payments due on the credit card.
6. Denied. There are no additional finance charges applicable because the credit card was settled and ended.
7. Denied. Defendant reached a settlement with Plaintiff through the representative Mercantile Adjustment Bureau, LLC, as more fully set forth in the New Matter to this Answer.

WHEREFORE, Defendant requests that the Complaint be dismissed.

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FEB 08 2005

m/11:00  
William A. Shaw

Prothonotary/Clerk of Courts  
no 77

NEW MATTER

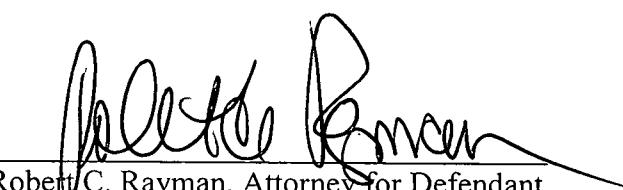
8. The averments of paragraphs 1 through 7 are incorporated herein by reference.
9. Defendant reached a settlement agreement with Plaintiff through their agent, Mercantile Adjustment Bureau, LLC, on or about August 17, 2004.
10. Defendant paid to Plaintiff, through their agent Mercantile Adjustment Bureau, LLC, the sum of \$2,600.00 as settlement in full of the account in question. A copy of a letter from Mercantile Adjustment Bureau, LLC is attached hereto, made a part hereof and marked Exhibit "A".
11. The settlement reached with Plaintiff's agent, Mercantile Adjustment Bureau, LLC, is in accord and satisfaction with respect to the money alleged to be owed in the Complaint.

WHEREFORE, Defendant demands that the Complaint be dismissed and that Defendant be awarded attorney's fees and costs for defense of this matter.

Respectfully submitted,

Dated: 2/7/05 —

By:

  
\_\_\_\_\_  
Robert C. Rayman, Attorney for Defendant  
I.D. No.: 30339  
1315 W. College Avenue, Suite 300  
State College, PA 16801  
(814) 234-5227



MERCANTILE

August 17, 2004

Loretta Fullington  
929 S 6<sup>th</sup> Street  
Clearfield, PA 16830

Client: Sherman Financial  
Original Creditor: Chase Manhattan Bank  
Account#: 4226684000283755  
Ref #: 5090454

Dear Loretta:

This letter serves as confirmation that we have received \$2,600.00 as settlement in full on the above mention account. The credit report associated with this account will be updated accordingly.

*This is an attempt to collect a debt; any information obtained will be used for that purpose.*

Sincerely,



Rick Ruggiero  
1-877-230-8414



Mercantile Management Services, Inc.  
40 West 40th Street, New York, NY 10018 Phone: 212-529-2200 Fax: 516-463-5036 Toll Free: 1-800-225-0732  
2000 Main Street, Suite 200, Elgin, IL 60123 Phone: 708-925-6200 Fax: 708-925-6251 Toll Free: 1-800-330-9846

EXHIBIT "A"

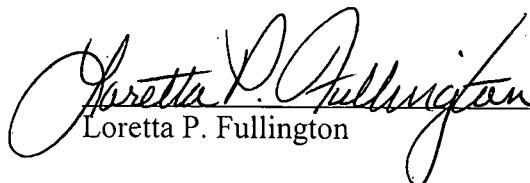
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP ASSIGNEE :  
OF CHASE MANHATTAN BANK USA, :  
Plaintiff :  
vs. : No.: 05-61-CD  
LORETTA P. FULLINGTON, :  
Defendant :  
:

VERIFICATION

I, Loretta P. Fullington, hereby verify that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of our knowledge, information and belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Date: 2-7-05

  
Loretta P. Fullington

FILED

FEB 08 2005

11:00 AM

William A. Shaw

Prothonotary/Clerk of Courts

no C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP ASSIGNEE :  
OF CHASE MANHATTAN BANK USA, :  
Plaintiff :  
: :  
vs. : No.: 05-61-CD  
: :  
LORETTA P. FULLINGTON, :  
Defendant :  
:

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Notice to Plead to New Matter, Answer and New Matter and Verification has this 7<sup>th</sup> day of **February, 2005**, been served by U.S. mail, postage prepaid, upon Plaintiff's counsel at the following address:

**James C. Warmbrodt, Esq.**  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Ave.  
Pittsburgh, PA 15219

By: Fostine D. Voyzey  
Fostine D. Voyzey, Secretary to  
Robert C. Rayman, Attorney for Defendant

FILED  
FEB 08 2005  
m/1/05  
William A. Shaw  
Prothonotary/Clerk of Courts  
E.C.C.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100139  
NO: 05-61-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: SHERMAN ACQUISITION LP ASSIGNEE OF CHASE MANHATTAN BANK USA  
vs.  
DEFENDANT: LORETTA P. FULLINGTON

**SHERIFF RETURN**

NOW, January 18, 2005 AT 8:56 AM SERVED THE WITHIN COMPLAINT ON LORETTA P. FULLINGTON DEFENDANT AT 929 S. 6TH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORETTA P. FULLINGTON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8194508	10.00
SHERIFF HAWKINS	WELTMAN	8194507	22.00

**FILED**

64 FEB 11 2005  
0/2/05  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2005

So Answers,

*Chester A. Hawkins*  
*by Marky Harr*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEAFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP.,

Plaintiff No. 05-61-CD

vs. PRAECIPE TO SETTLE, DISCONTINUE  
& END

LORETTA P FULLINGTON,

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
PA I.D #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#03899027

FILED

(B)  
MAR 01 2005

Mr. J. S. Shaw  
William A. Shaw  
Prothonotary/Clerk of Courts

No. CERT COPIES

CERT OF DISC. TO

Attala & C.J.A

IN THE COURT OF COMMON PLEAS CLEAFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

SHERMAN ACQUISITION LP.,

Plaintiff

vs.

Civil Action No. 05-61-CD

LORETTA P FULLINGTON,

Defendant

**PRAECIPE TO SETTLE DISCONTINUE AND END**

**TO THE PROTHONOTARY OF COUNTY:**

**Please kindly Settle Discontinue and End the above captioned matter upon the records of the Court and  
mark the cost paid.**

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

James C. Warmbrodt

PA I.D #42524

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

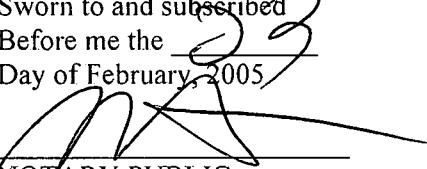
(412) 434-7955

WWR#03899027

Sworn to and subscribed

Before me the

Day of February, 2005

  
NOTARY PUBLIC

Wendy L. Gault, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2006

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Sherman Acquisition, LP.**

vs. **No. 2005-00061-CD**  
**Loretta P. Fullington**

**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 March 1, 2005, marked:

Settle, Discontinue & End

Record costs in the sum of \$117.00 have been paid in full by Weltman, Weinberg & Reis Co..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of March A.D. 2005.



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William A. Shaw, Prothonotary