

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

ETTA 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

vs.

LORETTA P FULLINGTON

Defendant

No.

05-61-CD

COMPLAINT IN CIVIL ACTION

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 2:02 PM 12/30

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

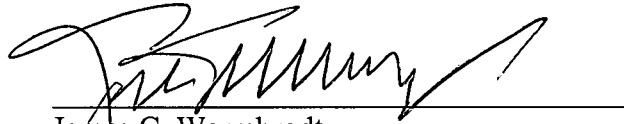
COMPLAINT

1. Plaintiff is a corporation with offices in 15 South Main St., Suite 700, Greenville, SC 29601.
2. Defendant is residing at 929 S. 6th 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.

A handwritten signature in black ink, appearing to read 'James C. Warmbrodt', is written over a horizontal line.

James C. Warmbrodt

PA L.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 Acquisition 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.

Dalpheene Davis
(SIGNATURE)

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

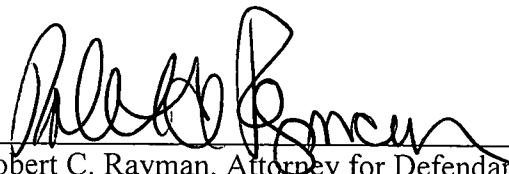
SHERMAN ACQUISITION LP ASSIGNEE :
OF CHASE MANHATTAN BANK USA, :
Plaintiff :
vs. : No.: 05-61-CD
LORETTA P. FULLINGTON, :
Defendant :

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

FEB 08 2005

William A. Shaw
Prothonotary/Clerk of Courts
w/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 :

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 at 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.

FILED 

FEB 08 2005
m/1100h
William A. Shaw
Prothonotary/Clerk of Courts
no 6/1

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: 2/2/05

By: 

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



August 17, 2004

Loretta Fullington
929 S 6th 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 Adjustment Services, LLC
40 West Avenue Rochester, NY 14621 Phone: 516-428-7200 Fax: 516-428-2090 Toll Free: 800-835-0582
1330 Main Street, Philadelphia, PA 19124 Phone: 718-925-6200 Fax: 718-925-6223 Toll Free: 800-430-9096

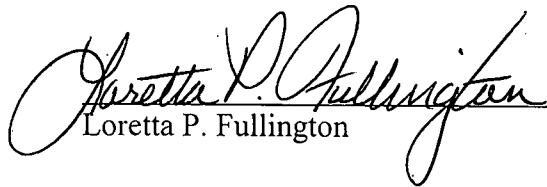
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

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
William A. Shaw
Prothonotary/Clerk of Courts
mo-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 7th 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/1:00h
William A. Shaw
Prothonotary/Clerk of Courts

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

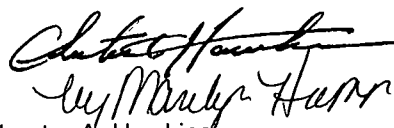
FILED

64 FEB 11 2005
07:50
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

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

SHERMAN ACQUISITION LP.,

Plaintiff

vs.

LORETTA P FULLINGTON,

Defendant

No. 05-61-CD

PRAECIPE TO SETTLE, DISCONTINUE
& END

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

MAR 01 2005

William A. Shaw

Prothonotary/Clerk of Courts

NO CERT COPY

CERT OF DISC. TO

ATTY & C/O

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

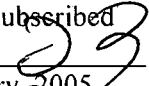
436 Seventh Avenue

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

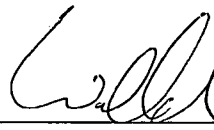
Commonwealth of PA
County of Clearfield

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.



William A. Shaw, Prothonotary