

05-1421-CD

LHR Inc vs Joseph Colavecchi Jr

LHR, Inc. et al vs. Joseph Colavecchi Jr
2005-1421-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LHR, INC. assignee of KAY JEWELERS

NO. 05-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

FILED
M 12:05 PM
SEP 14 2005

Jan 30, 2006 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

W.A. Shaw
Deputy Prothonotary

William A. Shaw
Prothonotary/Clerk of Courts
1CCShff

Atty pd. 85.00

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

LHR, INC., assignee KAY JEWELERS

**NO.
IN CIVIL ACTION**

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

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 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, 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.

**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

COMPLAINT

1. Plaintiff is a corporation having offices at 56 Main St., Hamburg, NY 14075, and as the assignee of Kay Jewelers, stands in its assignor's stead, and all are hereinafter referred to interchangeably as "Plaintiff".
2. Defendant is an individual whose address is 223 E. Market St., Clearfield, Clearfield County, Pennsylvania 16830.
3. At a specific instance and request of the Defendant, the Defendant applied for and was granted a credit card by Plaintiff at the terms and conditions agreed upon by the parties.
4. The Plaintiff avers that the agreement between the parties was based upon a written agreement which the Defendant accepted by using credit card to make purchases and/or cash advances.
5. Thereafter, in breach of obligations under the Agreement, the Defendant failed to make payments as they became due.

6. Plaintiff avers that the terms of the Agreement provide for acceleration of the entire balance due and owing upon Defendant's breach of the Agreement.
7. Plaintiff avers that the balance due amounts to \$1,070.85, as is more specifically shown by Plaintiff's Statement of Account, a true and correct copy of which is attached hereto, marked Exhibit "A" and made a part hereof.
8. Plaintiff avers that the interest has accrued at the rate of 6% per annum on the balance due from April 14, 2005.
9. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due to Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in the amount of \$1,070.85, with appropriate additional interest from April 14, 2005, plus and costs.

APPLE AND APPLE, P.C.

By:



Attorneys for Plaintiff(s)

LHR INC.
56 MAIN STREET
HAMBURG, NEW YORK
888-275-8116

DEBTORS NAME: JOSEPH COLAVECCHI, JR.
DEBTORS ADDRESS: 223 E. MARKET STREET
CITY & STATE: CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

ACCOUNT NUMBER: 698542

ORIGINAL CREDITOR: KAY JEWELERS

ORIGINAL ACCOUNT NUMBER: 3060096557

CURRENT STATEMENT DATE: APRIL 13, 2005

PLACEMENT BALANCE: \$924.50

PRINCIPAL: \$924.50

DATE OF LAST PAYMENT: SEPTEMBER 30, 2002

INTEREST: \$146.35

TOTAL AMOUNT OF PAYMENTS MADE TO LHR: \$0.00

TOTAL AMOUNT DUE: \$1,070.85

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO
COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT
PURPOSE.**

Laura Lomanack
Affiant

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for Erie County and State of New York, this 12 day of April, 2005

Jennifer A. Hurley
Notary Public

My Commission Expires: 4/21/07

JENNIFER A. HURLEY
Notary Public, State of New York
No. 02HU6091064
Qualified in Erie County
Commission Expires April 21, 2007

EXHIBIT A

103501
698542

AFFIDAVIT

I Wayne Lewis, of
LHR, Inc., Plaintiff
herein, verify that the statements of fact contained in the foregoing Complaint are true
and correct. I understand that false statements herein are made subject to the penalties of
18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

7/5/05
Date

Wayne L

Affiant

Wayne Lewis, President

Title

See main Street

Address

Hamburg, NY 14075

City, State and Zip

JENNIFER A. HURLEY
Notary Public, State of New York
No. 02HU6091064
Qualified in Erie County
Commission Expires April 21, 2007

8/15/05
Joseph C. Clark
Notary
Hamburg, NY

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100816**

LHR, INC. assignee of KAY JEWELERS

Case # **05-1421-CD**

vs.

JOSEPH COLAVECCHI, JR.

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 27, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO JOSEPH COLAVECCHI, JR., DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APPLE	7710	10.00
SHERIFF HAWKINS	APPLE	7709	20.00

Sworn to Before me This

So Answers,

____ Day of 2006


by Mauby Hams
Chester A. Hawkins
Sheriff

FILED
02:45 PM
JAN 27 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LHR, INC. assignee of KAY JEWELERS

NO. 05-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

SEP 14 2005

Attest.

William L. Hause
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LHR, INC., assignee KAY JEWELERS

NO.
IN CIVIL ACTION

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-vs-

JOSEPH COLAVECCHI, JR.

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Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646

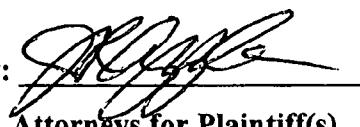
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APPLE AND APPLE, P.C.

By: 

Attorneys for Plaintiff(s)

LHR INC.
56 MAIN STREET
HAMBURG, NEW YORK
888-275-8116

DEBTORS NAME: JOSEPH COLAVECCHI, JR.
DEBTORS ADDRESS: 223 E. MARKET STREET
CITY & STATE: CLEARFIELD, PA 16830

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COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT
PURPOSE.**

Affiant

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for Erie County and State of New York, this 12 day of April, 2005

Notary Public

My Commission Expires: 4/21/07

JENNIFER A. HURLEY
Notary Public, State of New York
No. 02HU6091064
Qualified in Erie County
Commission Expires April 21, 2007

EXHIBIT A

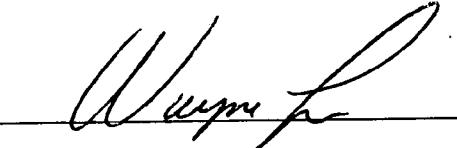
103503
693542

AFFIDAVIT

I Wayne Lewis, of
LHR, Inc., Plaintiff
herein, verify that the statements of fact contained in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

7/5/05

Date



Affiant

Wayne Lewis President

Title

56 Main Street

Address

Hamburg, NY 14075

City, State and Zip

JENNIFER A. HURLEY
Notary Public, State of New York
No. 02HU6091064
Qualified in Erie County
Commission Expires April 21, 2007

Hand C. Lewis
8/10/05
10/10/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KAY JEWELERS

**NO. 2005-1421-CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

**PRAECIPE TO REINSTATE
COMPLAINT**

**CODE-
FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone: 412-682-1466
Fax: 412-682-3138

FILED

JAN 30 2006

1/4:00/06

William A. Shaw
Prothonotary/Clerk of Courts

*NO CLERK
REINSTATE COMPLAINT
TO SHIFT*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KAY JEWELERS

NO. 2005-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY

SIR:

Kindly reinstate the Complaint in the above-captioned matter.

APPLE AND APPLE, P.C.

Dated: 1/26/06

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101217
NO: 05-1421-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LHR, INC. assignee of KAY JEWELERS
vs.
DEFENDANT: JOSEPH COLAVECCHI, JR.

SHERIFF RETURN

NOW, February 23, 2006 AT 1:00 PM SERVED THE WITHIN COMPLAINT ON JOSEPH COLAVECCHI, JR. DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH COLAVECCHI, JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
6/9/09 BHD
APR 10 2006
IS

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APPLE	9385	10.00
SHERIFF HAWKINS	APPLE	9385	12.00

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
by Marley Hause*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KAY JEWELERS

NO. 2005-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

FILED

APR 27 2006

Atty pd. 20.00

CC Notice
to Def.

(6N)

PRAECIPE FOR DEFAULT
JUDGMENT

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No 37942

Charles F. Bennett, Esq.
PA I.D. No 30541

Joel E. Hausman, Esq.
PA I.D. No 42096
Apple and Apple, P.C.
Firm No. 719

4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KAY JEWELERS

NO. 2005-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

Joseph Colavecchi, Jr
223 E. Market St.
Clearfield, PA 16830

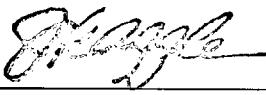
Date of Notice: April 13, 2006

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 NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Keystone Legal Series
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646

By: _____


James R. Apple, Esq.
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

FILED

APR 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KAY JEWELERS

NO. 2005-1421-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JOSEPH COLAVECCHI, JR.

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff Defendant Garnishee

You are hereby notified that the following Order or Judgment was entered against you on April 27, 2006.

Assumpsit Judgment in the amount of \$1,136.15, plus costs.

Trespass Judgment in the amount of \$_____.

If not satisfied within sixty (60) days, your motor vehicle operator's license and/or

Registration will be suspended by the Dept. of Transportation, Bureau of Traffic Safety, Harrisburg, PA.

Entry of Judgment

Court Order

Non-Pro

Confession

Default

Verdict

Arbitration Award

Other

Joseph Colavecchi, Jr
223 E. Market St.
Clearfield, PA 16830

PROTHONOTARY

By: Willie H. Hayes
Prothonotary (or Deputy)

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

LHR, Inc.
Kay Jewelers
Plaintiff(s)

No.: 2005-01421-CD

Real Debt: \$1,136.15

Atty's Comm: \$

Vs.

Costs: \$

Joseph Colavecchi Jr.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 27, 2006

Expires: April 27, 2011

Certified from the record this 27th day of April, 2006.



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