



SCH01853

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF  
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

**FILED** Any pd.  
85.00  
M110:5081  
JAN 20 2006 lcc shff  
William A. Shaw  
Prothonotary/Clerk of Courts

Excalibur II, LLC as successor  
in interest to PROVIDIAN  
NATIONAL BANK  
65 FLAGSHIP DRIVE  
North Andover MA 01845

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-92-CD

MAURICIO BENDAHAHAN  
PO BOX 87  
COALPORT PA 16627-0087

**NOTICE**

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 JUDGEMENT 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.

David S. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

4

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

3. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

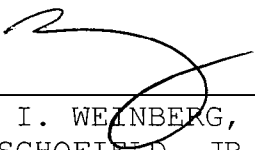
4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$1,833.48.

5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$1,833.48 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,833.48 at the rate of 0% from the date of February 22, 2002,

together with costs and attorney fees.

GORDON & WEINBERG, P.C.

BY:   
FREDERIC I. WEINBERG, ESQUIRE  
PAUL M. SCHOFIELD, JR., ESQUIRE  
Attorney for Plaintiff

P01E

**VERIFICATION**

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, consisting of a stylized 'F' and 'W' combined into a single fluid stroke.

---

FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

SCH01853  
Excalibur II, LLC as successor in  
interest to PROVIDIAN NATIONAL BANK

MAURICIO BENDAHAH  
4361472400518987

AFFIDAVIT

I, Karen Darisse, being duly served  
sworn according to law, depose and say that:

1. I am the agent for the Plaintiff herein and I have custody  
and control of the files relating to this account;

2. I have personal knowledge of the facts and circumstances in  
connection with this case;

3. Plaintiff's files are maintained in the usual and ordinary  
course of business;

4. This action is based on a claim for breach of contract and  
that damages are sought as a direct result of said breach;

5. After allowing for all offsets and credits, a balance  
remains on the subject account having account number  
4361472400518987 in the amount of \$1,833.48; and

6. If called upon, affiant can testify at trial as to the facts  
pertaining to this matter.

The above facts are true and correct to the best of my knowledge,  
information and belief.

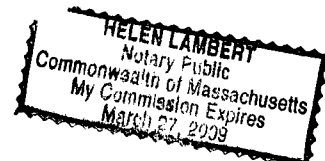
Karen Darisse  
(Name of Affiant)

Sworn to and Subscribed

before me this 20 day

of Dec., 2005

Helen Lambert  
Notary Public



Excalibur II, LLC as successor  
In interest to PROVIDIAN  
NATIONAL BANK  
65 FLAGSHIP DRIVE  
North Andover MA 01845

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Vs.

DOCKET NO. : 06-92-CD

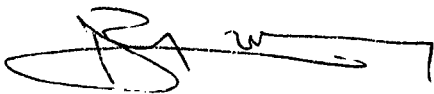
Mauricio Bendahan  
2234 Tyrone Pike  
Beccaria PA 16616

FILED <sup>ice</sup>  
9/11/33/84 Def.  
FEB 16 2006  
William A. Shaw  
Prothonotary/Clerk of Courts



February 16 2006

I hear by dispute the validity of this debt, I do not believe I owe what they say I owe, and want to inform the COURT OF COMMON PLEAS CLEARFIELD COUNTY that the " STATUTE OF LIMITATIONS "for this type of debt has expired.

A handwritten signature in black ink, appearing to read 'Mauricio Bendahan', with a stylized, elongated horizontal stroke at the end.

MAURICIO BENDAHAN

February 16 2006

Mauricio Bendahan  
2234 Tyrone Pike  
Beccaria, PA 16616

Excalibur II, LLC  
65 Flagship Drive  
North Andover MA 01845

RE: 4361472400518987

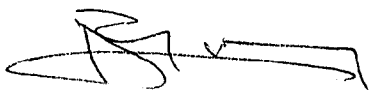
Dear Karen Darisse;

This letter is in response to you, concerning the collection of the above referenced account.

I do not believe I owe what you say I owe therefore I dispute this debt. I am well aware of my rights under the Fair Debt Collection Practices Act (FDCPA) and my state laws so I hope to save both of us a great deal of time by letting you know that not only do I dispute the validity of this debt, I have also checked and verified that the Statute of Limitations for enforcing this type of debt through the Courts in Pennsylvania has expired. Therefore, should you decide to pursue this matter in Court I intend to inform the Court of my dispute of this debt and that the "Statute of Limitations" has expired.

This letter is your formal notification that I consider this matter closed and demand that you, or anyone affiliated with your company, stop contacting me regarding this or any other matter except to advise me that your debt collection efforts are being terminated or that you or the creditor are taking specific actions allowed by the FDCPA or my state laws.

Be advised that I consider any contact not in accordance with the Fair Debt Collection Practices Act a serious violation of the law and will immediately report any violations to my State Attorney General, to the Federal Trade Commission and, if necessary, take whatever legal action is necessary to protect myself. Be advised that I tape record all phone calls and violations of the FDCPA can result in you or your company being personally fined up to \$ 1,000 per incident.



Mauricio Bendahan

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101183  
NO: 06-92-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: EXCALIBUR II, LLC  
vs.  
DEFENDANT: MAURICIO BENDAHAH

SHERIFF RETURN

NOW, February 01, 2006 AT 9:37 AM SERVED THE WITHIN COMPLAINT ON MAURICIO BENDAHAH  
DEFENDANT AT MEETING PLACE: TARGET SQUARE, CLFD.-CURW. HWY, CLEARFIELD, CLEARFIELD  
COUNTY, PENNSYLVANIA, BY HANDING TO MAURICIO BENDAHAH, DEFENDANT A TRUE AND ATTESTED  
COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

01:05 PM  
5

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	14744	10.00
SHERIFF HAWKINS	GORDON	14744	69.84

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

\_\_\_\_\_

So Answers,

  
Chester A. Hawkins  
Sheriff

Excalibur II, LLC as successor  
In interest to PROVIDIAN  
NATIONAL BANK  
65 FLAGSHIP DRIVE  
North Andover MA 01845

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Vs.

DOCKET NO. : 06-92-CD

Mauricio Bendahan  
2234 Tyrone Pike  
Beccaria PA 16616

**OBJECTION**


I Mauricio Bendahan here by object to the claims set forth against me and as filed on  
February 16 2006 in the COURT OF COMMON PLEAS CLEARFIELD COUNTY  
Dispute the validity of this debt.

FILED <sup>icc</sup>  
012:55/61 Def.  
APR 10 2006 ©  
William A. Shaw  
Prothonotary/Clerk of Courts

**DEFENSE**

I Mauricio Bendahan here by want to inform the COURT OF COMMON PLEAS CLEARFIELD COUNTY, that I will be defending my self of the claims set forth against me. My SOLE DEFENSE IS "THE STATUTE OF LIMITATIONS "has expired. I'm also filing with this document a copy of a credit bureau report that reflects the last activity of the said account, and copy of proof of Certified mail sent to Plaintiff in relation to this matter, when I filed my dispute of this debt and informed the COURT OF COMMON PLEAS CLEARFIELD COUNTY my Defense in February 16 2006

Thank you,

A handwritten signature in black ink, appearing to read 'Mauricio Bendahan', with a stylized, elongated 'M' and 'B'.

Mauricio Bendahan

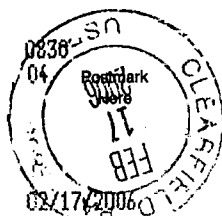
7005 0390 0003 7230 6148

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 40.39
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 44.64



Sent To *G. Wewers PC*  
Street, Apt. No., or PO Box No. *31 S 26th ST*  
City, State, ZIP+4<sup>®</sup> *PHILADELPHIA PA 19103*

PS Form 3800, June 2002

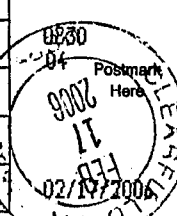
See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 44.64



Sent To *Excursion II LLC*  
Street, Apt. No., or PO Box No. *60 Fletcher Dr*  
City, State, ZIP+4<sup>®</sup> *N Andover MA 01845*

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Gordon Wewers PC*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* ☐ Agent ☒ Addressee  
B. Received by (Printed Name) *[Signature]* C. Date of Delivery *[Signature]*

D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number

7005 0390 0003 7230 6148

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-C2-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Excursion II*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* ☐ Agent ☒ Addressee  
B. Received by (Printed Name) *[Signature]* C. Date of Delivery *[Signature]*

D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number

7005 0390 0003 7230 6131

(Transfer from

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**Provider Financial** PO Box 9176 Pleasanton CA 94566-9176  
Account Number 436147240051\* Date Opened 05/2000 High Credit \$1,400 Credit Limit Terms Duration Terms Frequency Months Filed Activity Description Creditor Classification

Items As of Balance Amount Past Due Last Payment Actual Payment Amount Scheduled Payment Amount Date of Last Activity Date of Del. 1st Pmt Charge Off Deferred Pay Balloon Pay Balloon Pay Date Date Closed  
04/2003 \$1,773 \$874 \$655 06/2001 06/2001

**Current Status - Charge Off; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Closed By Credit Grantor;**  
**Account History** 12/2001 11/2001 10/2001 09/2001 08/2001  
**with Status Codes** 4 4 3 2 1

**Provider Financial** PO Box 9176 Pleasanton CA 94566-9176  
Account Number 554285270122\* Date Opened 11/2000 High Credit \$500 Credit Limit Terms Duration Terms Frequency Months Filed Activity Description Creditor Classification

Items As of Balance Amount Past Due Last Payment Actual Payment Amount Scheduled Payment Amount Date of Last Activity Date of Del. 1st Pmt Charge Off Deferred Pay Balloon Pay Balloon Pay Date Date Closed  
09/2002 \$975 \$369 \$29 06/2001 06/2001

**Current Status - Charge Off; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Closed By Credit Grantor;**  
**Account History** 12/2001 11/2001 10/2001 09/2001 08/2001  
**with Status Codes** 4 4 3 2 1

**Inquiries that display to companies (may impact your credit score)**  
**This section lists companies that requested your credit file. Credit grantors may view these requests when evaluating your credit worthiness.**  
**Company Information** Inquiry Date(s)  
Capita One Bank (capsone) 08/2004  
10800 Nudds Rd Glen Allen, VA 23060-6207 Phone: (800) 955-7070  
Credit Bureau of Delmarva: S F MORTGAGE SERVICE 07/2004 07/2004  
530 Riverside Dr Salisbury, MD 21801-6402

**Inquiries that do not display to companies (do not impact your credit score)**  
**(This section includes inquiries which display only to you and are not considered when evaluating your credit worthiness - examples of this inquiry type include a pre-approved offer of credit, insurance, or periodic account review by an existing creditor.)**

**Company Information - Prefix Descriptions:**  
PRM - Inquiries with this prefix indicate that only your name and address were given to a credit grantor so they can provide you a firm offer of credit or insurance. (PRM inquiries remain for twelve months)  
AM or AR - Inquiries with these prefixes indicate a periodic review of your credit history by one of your creditors. (AM and AR inquiries remain for twelve months)  
Equifax or EFX - Inquiries with these prefixes indicate Equifax's activity in response to your contact with us for a copy of your credit file or a research request.  
ND - Inquiries with this prefix are general inquiries that do not display to credit grantors. (ND inquiries remain for twelve months)

**Company Information** Inquiry Date(s)  
Equifax 08/2004  
PO Box 740241 Atlanta, GA 30374-0241 Phone: (800) 685-1111  
Equifax Information Svs 08/2004 08/2004 08/2004  
3660 Maguire Blvd Ste 300 Orlando, FL 32803-3063

CA

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

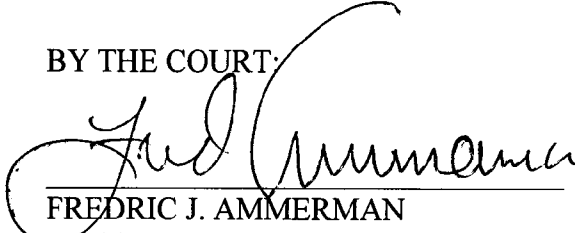
EXCALIBUR II, LLC as successor :  
In interest to PROVIDIAN NATIONAL :  
BANK :  
vs. : No. 06-92-CD  
MAURICIA BENDAHAAN :

**ORDER**

AND NOW, this 11 day of April, 2006, it is the ORDER of the Court that argument on Defendant's Preliminary Objections in the above-captioned matter has been scheduled for Wednesday, May 3, 2006 at 10:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One half (1/2 ) hour has been allotted for purpose of this hearing.

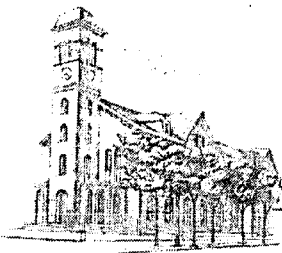
It is the responsibility of Defendant to serve certified copies of said Petition and scheduling Order on the Plaintiff.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED 300  
019:09761 Def.-  
APR 13 2006 2034 Tyrone Pike  
Beccaria, PA 16810  
William A. Shaw  
Prothonotary/Clerk of Courts





## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 4/13/06

X You are responsible for serving all appropriate parties.

\_\_\_\_\_ The Prothonotary's office has provided service to the following parties:

\_\_\_\_\_ Plaintiff(s)/Attorney(s)

\_\_\_\_\_ Defendant(s)/Attorney(s)

\_\_\_\_\_ Other

\_\_\_\_\_ Special Instructions:

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

EXCALIBUR II, LLC as successor \*  
in interest to PROVIDIAN NATIONAL \*  
BANK, \*

Plaintiff \*

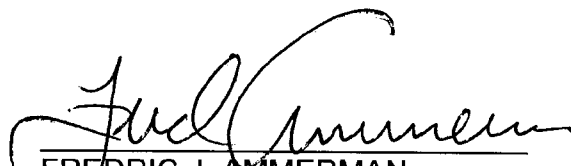
vs. \* NO. 06-92-CD

MAURICIO BENDAHAHAN, \*  
Defendant \*

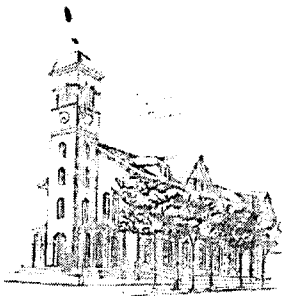
ORDER

NOW, this 2<sup>nd</sup> day of May, 2006, the Court having reviewed the Defendant's Preliminary Objections; the same setting forth a defense which is to be raised in an Answer and New Matter filed in response to Plaintiff's Complaint, it is ORDER of this Court that the said Preliminary Objections be and are hereby DISMISSED. The argument scheduled for May 3, 2006 at 10:00 a.m. is hereby CANCELED.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED <sup>icc</sup>  
0624781 Amy Weinberg  
MAY 02 2006  
William A. Shaw <sup>icc Def.</sup>  
Prothonotary/Clerk of Courts <sup>PO Box 87</sup>  
Coalport, PA  
16627  
(60)



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/21/06

\_\_\_\_\_ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

\_\_\_\_\_ Other

\_\_\_\_\_ Special Instructions:

SCH01853

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
JOEL M. FLINK, ESQUIRE  
Identification No.: 81894  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
484/351-0500

FILED

Dec 12 03 2012  
M/11:00/11  
William A Shaw  
Prothonotary, Clearfield County

Excalibur II, LLC as successor  
in interest to PROVIDIAN  
NATIONAL BANK

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-92-CD

MAURICIO BENDAHAH

**SUGGESTION OF BANKRUPTCY OF DEFENDANT**

TO THE PROTHONOTARY:

**AND NOW**, this November 29, 2012, it is suggested of record that Defendant, MAURICIO BENDAHAH, filed a petition in bankruptcy under Chapter 7 of the Bankruptcy Code on or about June 14, 1999, in the United States Bankruptcy Court for Ohio, docket number 99-14600. Therefore, this matter should be stayed until further notice.

GORDON & WEINBERG, P.C.

BY: \_\_\_\_\_

FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

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

EXCALIBUR, II, LLC and PROVIDIAN NATIONAL BANK \*  
Plaintiffs \*

vs. \*

MAURICIO BENDAHAH \*  
Defendant \*

NO. 2006-0092-CD

FILED  
01/15/13  
2013

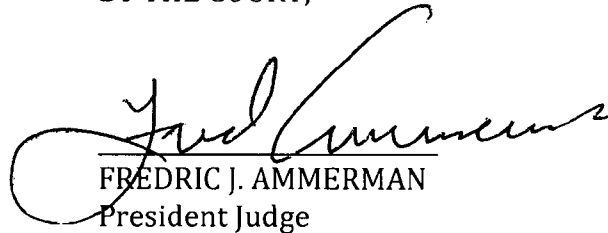
**ORDER**

William A. Shaw  
Prothonotary/Clerk of Courts

KK

NOW, this 15<sup>th</sup> day of March, 2013, upon the Court's review of the docket and noting that the Defendant has filed for bankruptcy, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge