

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 *Atty pd.
85.00*
M110:5081
JAN 20 2006 ICC Shaf

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 BENDAHAN
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. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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".

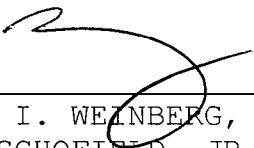
4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$1,833.48.

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.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

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

**MAURICIO BENDAHAN
4361472400518987**

AFFIDAVIT

I, Karen Darisce, 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 Darisce
(Name of Affiant)

Sworn to and Subscribed

before me this 20 day

of May, 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.

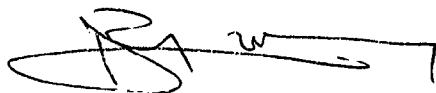
DOCKET NO. : 06-92-CD

Mauricio Bendahan
2234 Tyrone Pike
Beccaria PA 16616

FILED 1cc
01/11/33/01 Def.
FEB 16 2006
WM
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 Bendaran".

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

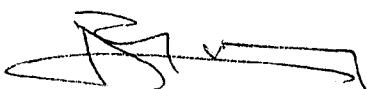
Dear Karen Darissee;

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 BENDAHAN

SHERIFF RETURN

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

SERVED BY: DAVIS / MORGILLO

01:05 02/01
CH
W.M. Sheriff

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 ^{1CC}
012:55PM Def.
APR 10 2006
cc

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,



Mauricio Bendahan

7230 0003 0000 0390 0005

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

PHILADELPHIA PA 19103

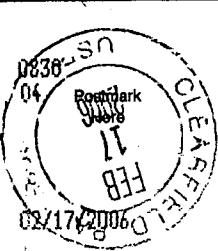
Postage \$ 0.39

Certified Fee \$ 2.40

Return Receipt Fee
(Endorsement Required) \$ 1.85

Restricted Delivery Fee
(Endorsement Required) \$ 0.00

Total Postage & Fees \$ 4.64



Sent To

G. Wenzel Jr
605 Franklin Dr
W. Allentown PA 18102

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

NORTH ANDOVER MA 01845

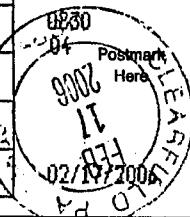
Postage \$ 0.39

Certified Fee \$ 2.40

Return Receipt Fee
(Endorsement Required) \$ 1.85

Restricted Delivery Fee
(Endorsement Required) \$ 0.00

Total Postage & Fees \$ 4.64



Sent To

Excursion II LLC
605 Franklin Dr
W. Allentown PA 18102

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
Wenzel
PC

2: Article Number

(Transfer from service label)

7005 0390 0003 7230 6148

PS Form 3811, February 2004

Domestic Return Receipt

102595-C2-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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

2: Article Number

(Transfer from

7005 0390 0003 7230 6131

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Provider Financial	PO Box 9756 Pleasanton, CA 94566-9756	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Description	Creditor Classification
436147240051*	05/2000	\$1,400							
Items As of 04/2003	Balance \$1,773	Amount Past Due \$874	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Mat. 06/2001	Charge Off	Deferred Pay Start Date
Current Status - Charge Off; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Closed By Credit Grantor; with Status Codes									
4	4	3	2	1					
Provider Financial PO Box 9756 Pleasanton, CA 94566-9756									
Account Number 554285270122*	Date Opened 11/2000	High Credit \$500	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Description	Creditor Classification	
Items As of 09/2002	Balance \$975	Amount Past Due \$369	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Mat. 06/2001	Charge Off	Deferred Pay Start Date
Current Status - Charge Off; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Closed By Credit Grantor; 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:									
Capital One Bank (Capstone)	1 Inquiries	08/2004							
10800 Nuckols Rd (Glen Allen, VA 23060-6207 Phone:(800) 955-7070									
Credit Bureau of Delmarva: S P MORTGAGE SERVIC		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 quote, account opening, loan application, etc.									
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									
Equifax	08/2004								
PO Box 740241 Atlanta, GA 30374-0241 Phone: (800) 685-1111									
Equifax Information Sys									
3660 Maguire Blvd Ste 300 Orlando, FL 32803-3063									

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

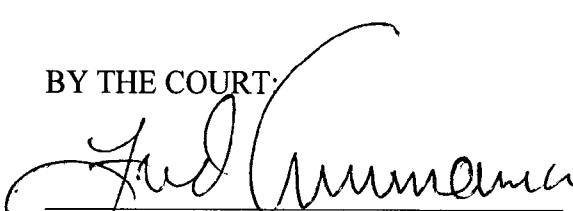
EXCALIBUR II, LLC as successor :
In interest to PROVIDIAN NATIONAL :
BANK :
:
vs. : No. 06-92-CD
:
MAURICIA BENDAHAN :
:

ORDER

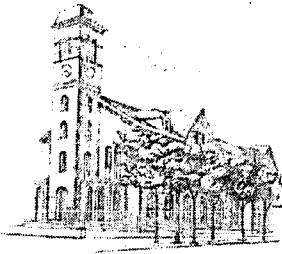
AND NOW, this 11 day of April, 2006, it is the ORDER of the Court that argument on Defendant's Preliminary Objections in the above-captioned matter has been scheduled for Wednesday, May 3, 2006 at 10:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One half (1/2) hour has been 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
04/09/2006 Def.-
APR 13 2006 2234 Tyrone Pike
Buccaria, PA 16616
William A. Shaw
Prothonotary/Clerk of Courts
GR



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

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:

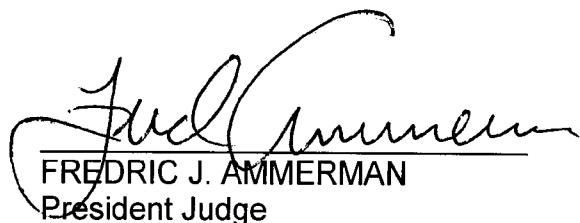
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

EXCALIBUR II, LLC as successor *
in interest to PROVIDIAN NATIONAL *
BANK, *
Plaintiff *
vs. * NO. 06-92-CD
MAURICIO BENDAHAN, *
Defendant *

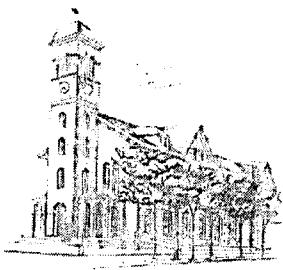
O R D E R

NOW, this 2nd 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 ^{ICC}
MAY 02 2006 Amy Weisberg
ICC Def.
William A. Shaw
Prothonotary/Clerk of Courts P.O. Box 87
Coalport, PA 16627
(6K)



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: 5/21/06

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:

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 10 2012
M/11/2012
William A. Shaw
Prothonotary, Common Pleas Court
1 court to date

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

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-92-CD

MAURICIO BENDAHAN

SUGGESTION OF BANKRUPTCY OF DEFENDANT

TO THE PROTHONOTARY:

AND NOW, this November 29, 2012, it is suggested of record
that Defendant, MAURICIO BENDAHAN, 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 * NO. 2006-0092-CD
Plaintiffs *
*
*
*
*
*
*
*
MAURICIO BENDAHAN 01/15/13
Defendant 01/15/13
vs.
y

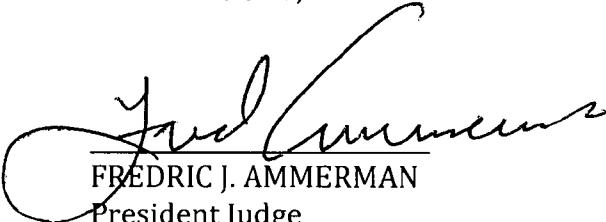
ORDER

William A. Shaw
Prothonotary/Clerk of Courts

KC

NOW, this 15th 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