

06-762-CD  
Worldwide Asset vs John K. Martin

Worldwide Asset vs John Martin  
2006-762-CD

BURTON NEIL & ASSOCIATES, P.C.  
By: Burton Neil, Esquire  
Identification No. 11348  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
(610) 696-2120  
Attorney for Plaintiff

**FILED** Atty pd.  
MAY 15 2006 85.00  
William A. Shaw  
Prothonotary/Clerk of Courts

WORLDWIDE ASSET PURCHASING LLC  
9911 Covington Cross Dr.  
Las Vegas NV 89144

Plaintiff  
v.

JOHN K MARTIN  
62 Cranberry Lane, Osceola Mills PA 16666  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: NO. *06-762-CD*  
:  
: CIVIL ACTION - LAW

### COMPLAINT 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 (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 claim 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. 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.**

LAWYER REFERENCE AND  
INFORMATION SERVICE  
David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone No. 814-765-2641 Ext. 5982

73576



BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil, Esquire

Identification No. 11348

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Attorney for Plaintiff

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WORLDWIDE ASSET PURCHASING LLC

9911 Covington Cross Dr.

Las Vegas NV 89144

Plaintiff

v.

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO.

JOHN K MARTIN

62 Cranberry Lane, Osceola Mills PA 16666

Defendant

: CIVIL ACTION - LAW

### **Complaint**

1. The plaintiff is Worldwide Asset Purchasing LLC, a business corporation, with place of business located at 9911 Covington Cross Dr., Las Vegas NV.

2. The defendant is John K Martin, who resides at 62 Cranberry Lane, Osceola Mills, Clearfield County, Pennsylvania.

3. At the defendant's request, Direct Merchants Bank furnished consumer credit to defendant bearing account number 5458003701877862 hereinafter referred to as the credit card account.

4. The defendant accepted the credit card account by making purchases, balance transfers and/or cash advances.

5. Monthly statements were sent to defendant each month which detailed the charges and credits made to the credit card account for the prior month.

6. The balance due on the credit card account is \$9,373.05.

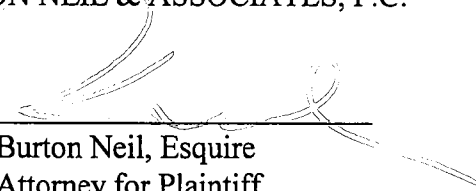
7. Defendant did not pay the balance due on the credit card account in full upon receipt of the monthly billing statements and also did not make the required minimum monthly payment set forth in the monthly billing statement. As such, defendant is in default on the credit card account.

8. Plaintiff purchased the defendant's account from Direct Merchants Bank and is now the holder and owner of the account.

9. Although demand has been made by plaintiff upon defendant to pay the sum of \$9,373.05, the defendant failed and refused to pay all or any part thereof.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$9,373.05 and the costs of this action.

BURTON NEIL & ASSOCIATES, P.C.

By:   
Burton Neil, Esquire  
Attorney for Plaintiff

The law firm of Burton Neil & Associates, P.C. is a debt collector.

**Verification**

**Gayle Dixon** is **Attorney Relationship Manager** for WORLDWIDE ASSET PURCHASING LLC, the within Plaintiff, and makes this statement on its behalf as to the truthfulness of the facts set forth in the foregoing Complaint subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 3rd May 2006

✓ Gayle  
Name

John K Martin  
5458003701877862

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WORLDWIDE ASSET PURCHASING LLC,  
Plaintiff

CIVIL DIVISION

No. 06 - 762 - CD

vs.

JOHN K. MARTIN,  
Defendant

**DEFENDANT'S PRELIMINARY  
OBJECTIONS TO PLAINTIFF'S  
COMPLAINT**

Filed on Behalf of:

Defendant, JOHN K. MARTIN

Counsel of Record for This  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

**FILED**  
JUN 13 2006

William A. Shaw  
Prothonotary/Clerk of Courts

3 cc  
Amy Colavecchi

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

WORLDWIDE ASSET PURCHASING LLC, :  
Plaintiff : No. 06 - 762 - CD  
:  
vs. :  
:  
JOHN K. MARTIN, :  
Defendant :

**DEFENDANT'S PRELIMINARY OBJECTIONS  
TO PLAINTIFF'S COMPLAINT**

Defendant, John K. Martin, through his attorney, Joseph Colavecchi, Esquire, files Preliminary Objections to Plaintiff's Complaint and respectfully avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania, on or about March 15, 2006, alleging a credit card account between Defendant and Direct Merchants Bank.

2. Plaintiff alleges there is an unpaid balance on the credit card account of Nine Thousand Three Hundred Seventy-three Dollars and Five Cents (\$9,373.05).

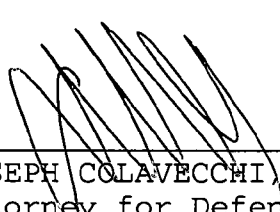
3. Plaintiff failed to attach a copy of the alleged credit card agreement between Defendant and Direct Merchants Bank.

4. Plaintiff has failed to produce detailed statements of the account showing all purchases made on said account and how Plaintiff calculates the amount that is due.

5. Plaintiff fails to state what, if any, charges were made for interest, late fees, and other various charges which may or may not have been imposed by Plaintiff and the legal authority for such charges.

6. Plaintiff's Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce an original copy of the agreement and a detailed monthly statement of the account setting out purchases made and costs incurred so that Defendant is able to calculate the details leading to the conclusion of the Plaintiff and enter into a proper defense of the claims.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be stricken pursuant to Pennsylvania Rule of Civil Procedure 1028 on the grounds of legal insufficiency.



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JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101535  
NO: 06-762-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: WORLDWIDE ASSET PURCHASING LLC  
vs.  
DEFENDANT: JOHN K. MARTIN

SHERIFF RETURN

NOW, May 26, 2006 AT 10:35 AM SERVED THE WITHIN COMPLAINT ON JOHN K. MARTIN DEFENDANT AT 62 CRANBERRY LANE, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN K. MARTIN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

**FILED**  
013:1664  
JUN 14 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NEIL	22429	10.00
SHERIFF HAWKINS	NEIL	22429	53.60

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,

*Chester A. Hawkins*  
*by Maury Harper*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WORLDWIDE ASSET PURCHASING LLC,  
Plaintiff

vs.

JOHN K. MARTIN,  
Defendant

CIVIL DIVISION

No. 06 - 762 - CD

**RULE**

Filed on Behalf of:

Defendant, JOHN K. MARTIN

Counsel of Record for This  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
& COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

**FILED** 3cc  
0/3:05/04 Amy J. Colavecchi  
JUN 23 2006 GR  
William A. Shaw  
Prothonotary/Clerk of Courts

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

WORLDWIDE ASSET PURCHASING LLC, :  
Plaintiff : No. 06 - 762 - CD  
:  
vs. :  
:  
JOHN K. MARTIN, :  
Defendant :

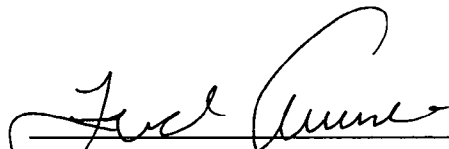
**RULE**

AND NOW, this 23 day of June, 2006, upon  
consideration of the foregoing Preliminary Objections filed on  
behalf of the Defendant, a Rule is issued on the Plaintiff to  
appear and show cause why the relief requested therein should not  
be granted.

Rule make Returnable the 21st day of July,  
2006, at 9:30 A.M., Clearfield County Courthouse, Courtroom No.  
1.

A total of one-half (1/2) hour has been set aside for this  
hearing.

BY THE COURT:

  
JUDGE

FILED

JUN 23 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6/23/06

- ☒ You are responsible for serving all appropriate parties.
- ☐ The Prothonotary's office has provided service to the following parties:
- ☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other
- ☐ Defendant(s) ☐ Defendant(s) Attorney
- ☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WORLDWIDE ASSET PURCHASING LLC,  
Plaintiff

vs.

JOHN K. MARTIN,  
Defendant

CIVIL DIVISION

No. 06 - 762 - CD

***CERTIFICATE OF SERVICE***

Filed on Behalf of:

Defendant, JOHN K. MARTIN

Counsel of Record for This  
Party:

JOSEPH COLAVECCHI, ESQUIRE  
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED** *icc Atty J. Colavecchi*  
*0/3:00 am*  
JUN 29 2006 *(initials)*

William A. Shaw  
Prothonotary


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

WORLDWIDE ASSET PURCHASING, LLC, :  
Plaintiff : No. 06 - 762 - CD  
:  
vs. :  
:  
JOHN K. MARTIN, :  
Defendant :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Rule  
Returnable in the above-captioned action was mailed by First Class  
Mail, postage prepaid, the 26th day of June 2006, to the attorney  
of record:

Burton Neil  
Attorney at Law  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380

  
\_\_\_\_\_  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendant  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
814/765-1566

Dated: 6/26/06

BURTON NEIL & ASSOCIATES, P.C.

BY: Burton Neil, Esquire

Identification No. 11348

1060 Andrew Drive, Suite 170

West Chester, PA 19380

610-696-2120

ATTORNEY FOR: Plaintiff

WORLDWIDE ASSET PURCHASING, LLC : IN THE COURT OF COMMON PLEAS  
Plaintiff

VS.

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 06-762-CD

JOHN K MARTIN

Defendant

: CIVIL ACTION - LAW

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly discontinue the above-captioned action without prejudice.

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Burton Neil, Esquire  
Attorney for Plaintiff

The law firm of Burton Neil & Associates is a debt collector.

73576

FILED 

JUL 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

COPY ~~SENT~~ TO ATT  
NEIL W/ CLERK OF  
CL

SENT TO ATT  
COLOMBELL

C/D

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

**CIVIL DIVISION**

**Worldwide Asset Purchasing, LLC**

**Vs.**

**No. 2006-00762-CD**

**John K. Martin**

**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 July 20, 2006, marked:

Discontinue without prejudice

Record costs in the sum of \$85.00 have been paid in full by Burton Neil & Associates.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of July A.D. 2006.

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William A. Shaw, Prothonotary