

06-855-CD

LVNV Funding vs Christine Callender

LVNV Funding et al vs Christine Callender
2006-855-CD

NCO18868

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*
MAY 10 05 2006 ICC Shaff
MAY 30 2006 *W.A.S.*

William A. Shaw
Prothonotary/Clerk of Courts

LVNV FUNDING LLC ASSIGNEE OF
Capital One ASSIGNEE OF MBNA
15 SOUTH MAIN STREET SUIT
GREENVILLE, SC 29601

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER
14 LINDEN AVE
DU BOIS PA 15801-1516

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, 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.

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. According to the terms and conditions governing the use of the credit card, defendant and plaintiff agreed to submit all disputes to a binding arbitration forum.

4. The plaintiff filed a claim with the National Arbitration Forum that defendant(s) defaulted on payments due. The claim was properly served upon the defendant(s).

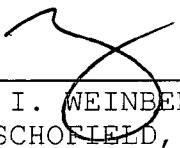
5. On about August 29, 2005 the National Arbitration Forum conducted a hearing regarding the plaintiff's claims that defendant defaulted on the terms of the card agreement and returned an award in favor of the plaintiff in the amount of about \$2,177.87.

6. Plaintiff has made demand upon the defendant(s) for payment of the award in the amount of about \$2,177.87 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

7. Defendant(s) is/are liable to plaintiff in the amount of \$2,177.87 pursuant to the private Arbitration Award, a copy of which is attached hereto as Exhibit "A"

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$2,177.87.

GORDON & WEINBERG, P.C.

BY: 

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

P01K

VERIFICATION

Frederic I. Weinberg, Esquire and Paul M. Schofield, Jr., Esquire, hereby state that they are attorneys 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 their 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
PAUL M. SCHOFIELD, JR., ESQUIRE

EXHIBIT "A"



NATIONAL
ARBITRATION
FORUM®

Capital One Bank, assignee of MBNA America Bank, N.A.
c/o NCO Financial Systems, Inc
1804 Washington Blvd.
Department 500
Baltimore, MD 21230

CLAIMANT(s).

AWARD

**RE: Capital One Bank, assignee of MBNA America Bank, N.A. v
Christine Callender
File Number: FA0502000422083
Claimant File Number: P43894C2223021068690752**

Christine Callender
PO Box 933
Du Bois, PA 15801

RESPONDENT(s).

The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 02/15/2005 the Parties entered into an agreement providing that this matter shall be resolved through binding arbitration in accordance with the Forum Code of Procedure.
3. That the Claimant has filed a Claim with the Forum and served it on the Respondent in accordance with Rule 6.
4. That the matter has proceeded in accord with the applicable Forum Code of Procedure.
5. The Parties have had the opportunity to present all evidence and information to the Arbitrator.
6. That the Arbitrator has reviewed all evidence and information submitted in this case.
7. That the information and evidence submitted supports the issuance of an Award as stated.

Therefore, the Arbitrator ISSUES:

An Award in favor of the **Claimant**, for a total amount of **\$2,177.87**.

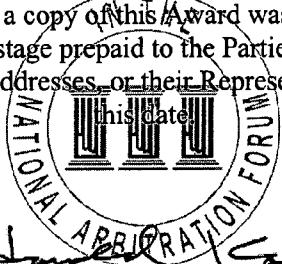
Entered and Affirmed in the State of Pennsylvania

Jared D. Simmer, Esq.
Arbitrator

Date: 08/29/2005

**ACKNOWLEDGEMENT AND CERTIFICATE
OF SERVICE**

This Award was duly entered and the Forum hereby certifies that a copy of this Award was sent by first class mail postage prepaid to the Parties at the above referenced addresses, or their Representatives, on



Honorable Harold Kalina, Ret.
Director

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101592
NO: 06-855-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC ASSIGNEE OF CAPITAL ONE
vs.
DEFENDANT: CHRISTINE CALLENDER

SHERIFF RETURN

NOW, June 08, 2006 AT 3:43 PM SERVED THE WITHIN COMPLAINT ON CHRISTINE CALLENDER DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHRISTINE CALLENDER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
9/10/06 Ch
JUN 16 2006 CS

William A. Shaw
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	19806	10.00
SHERIFF HAWKINS	GORDON	19806	85.64

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
My Muller Hauer*
Chester A. Hawkins
Sheriff

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

LVNV FUNDING LLC ASSIGNEE OF
Capital One ASSIGNEE OF MBNA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER

NOTICE

PURSUANT TO RULE 236 OF THE SUPREME COURT OF PENNSYLVANIA, YOU ARE
HEREBY NOTIFIED THAT A JUDGMENT BY DEFAULT HAS BEEN ENTERED AGAINST
YOU IN THE ABOVE PROCEEDING IN THE AMOUNT OF \$2,177.87. IF YOU HAVE
ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL GORDON & WEINBERG,
P.C. AT 215/988-9600.

GORDON & WEINBERG, P.C.

BY: *[Signature]*
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Dated: July 26, 2006

FILED *Atty pd. 20.00*
ml 11:26 PM
AUG 09 2006 *CC Notice to Def.*
W.A. Shaw *Statement to*
William A. Shaw Prothonotary/Clerk of Courts *Atty*

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
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LVNV FUNDING LLC ASSIGNEE OF
Capital One ASSIGNEE OF MBNA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER

PRAECIPE FOR JUDGMENT

The Prothonotary will please enter Judgment in the above matter by default for want of an answer against the Defendant, CHRISTINE CALLENDER, and assesses the damages as per statement below.

2
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Principal	\$2,177.87
Interest from August 29, 2005	
@0%	\$.00
Total:	\$2,177.87

I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the parties against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe.

28
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

Filed:

By the Prothonotary:

AND NOW, this 9th day of August, 2006 Judgment is entered in favor of the plaintiff(s) and against defendant, for want of an answer and damages assessed at the sum of , \$2,177.87 as per the above certification.

W. J. Chang
Prothonotary

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

LVNV FUNDING LLC ASSIGNEE OF
Capital One ASSIGNEE OF MBNA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER

CERTIFICATION OF ADDRESS

I hereby certify that the precise residence of the holder of the
within judgment is; LVNV FUNDING LLC ASSIGNEE OF Capital One ASSIGNEE
OF MBNA and that the last known address of defendant, CHRISTINE
CALLENDER, 14 LINDEN AVE, DU BOIS PA 15801-1516.

GORDON & WEINBERG, P.C.

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

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
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PHILADELPHIA, PA 19103
215/988-9600

LVNV FUNDING LLC ASSIGNEE OF
Capital One ASSIGNEE OF MBNA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER

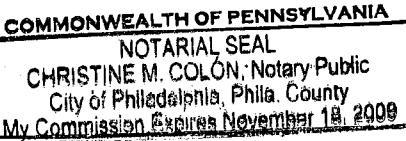
AFFIDAVIT OF NON-MILITARY SERVICE

FREDERIC I. WEINBERG, ESQUIRE, being duly sworn according to law, deposes and says that he represents the plaintiff in the above-entitled case; that he is authorized to make this affidavit on behalf of the plaintiff; and that the above-named defendant is over twenty-one years of age; that the address of the defendant is, 14 LINDEN AVE, DU BOIS PA 15801-1516; that the occupation of the defendant is unknown; and that the defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

Sworn to and Subscribed

Before me this 26th Day

of July, 2006.
Christine M. Colon
Notary Public



2
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR. ESQUIRE
Attorney for Plaintiff

NCC018868

GORDON & WEINBERG, P.C.
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215/988-9600

LVNV FUNDING LLC ASSIGNEE OF Capital
One ASSIGNEE OF MBNA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-855-CD

CHRISTINE CALLENDER

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA :
CHRISTINE CALLENDER
14 LINDEN AVE
DU BOIS PA 15801-1516

DATE OF NOTICE/FECHA DEL AVISO: July 5, 2006

IMPORTANT NOTICE

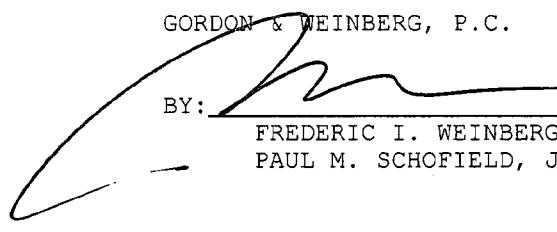
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE

P10D-2

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

LVNV Funding LLC, Assignee
of Capital One, Assignee of MBNA
Plaintiff(s)

No.: 2006-00855-CD

 COPY

Real Debt: \$2,177.87

Atty's Comm: \$

Vs.

Costs: \$

Christine Callender
Defendant(s)

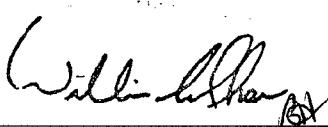
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 9, 2006

Expires: August 9, 2011

Certified from the record this 9th day of August, 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