

06-1860-CD
Atlantic Credit et al vs Mary H. Hipps

Atlantic Credit et al vs Mary Hipps
2006-1860-CD

2024158

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.
118.50/ 85.00
NOV 13 2006
William A. Shaw
Prothonotary/Clerk of Courts
ICCShtff

ATLANTIC CREDIT & FINANCE INC.
Successor in Interest to
Providian
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 06-1860-CJ

MARY H HIPPS
611 MCBRIDE ST
CLEARFIELD PA 16830-1219

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. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.
2. At all times relevant hereto, the defendant was the holder of a credit card, which at the request of the defendant was issued to the defendant by the plaintiff under the terms of which the plaintiff agreed to extend to defendant the use of plaintiff's credit facilities.
3. Defendant 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.
4. The defendant 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 an affidavit of debt and verified bill of particulars is attached hereto as Exhibit "A".
5. All the credits to which the defendant is entitled have been applied and there remains a balance due in the amount of \$4,402.50.
6. Plaintiff has made demand upon the defendant for payment of the balance due of \$4,402.50 but the defendant has failed and refused and still refuses to pay the same or any part thereof.

WHEREFORE, plaintiff claims of the defendant the sum of \$4,402.50 plus interest from the date of May 2, 2003, together with

costs and attorney fees.

GORDON & WEINBERG, P.C.

BY: 

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

P01E.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff 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.

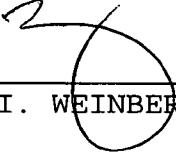

FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

2024158

ATLANTIC CREDIT & FINANCE, INC.

v.

MARY H HIPPS

AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

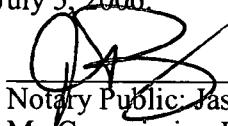
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on Providian Account No. 4031140400654918. Said Account was charged off on December 31, 2003 in the amount of \$4,402.50.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was May 2, 2003. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,402.50.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

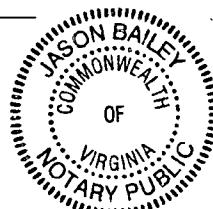
The foregoing is true and correct to the best of my knowledge and belief.

By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me on July 5, 2006.


Notary Public: Jason Bailey
My Commission Expires: 12/31/08



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



Atlantic Credit & Finance Inc.
Account Statement

Report Date
7/5/2006 3:34PM

Our Account ID: 667957
Account Number: 4031140400654918

Status: LEG

Received: 1/26/2004

Original Balance: \$4,402.50

Amount Paid: \$0.00

Debtor Info

| | |
|--|---------------------------|
| Name: HIPPS, MARY H | SSN - Last 4 Digits: 2481 |
| Other Name: | HomePhone: 8147653823 |
| Street1: 611 MCBRIDE ST | WorkPhone: |
| Street2: | |
| City, State, Zip: CLEARFIELD, PA 168301219 | |

Payment Info

| Date | Type | Matched | Check No | Invoice | Amount | Comment |
|------|------|---------|----------|---------|--------|---------|
| | | | | | | |

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

GORDON & WEINBERG, P.C.
(Plaintiff)

CIVIL ACTION

21 So. 21st ST.
(Street Address)

No. 06-1860-CD

PHILADELPHIA, PA 19103
(City, State ZIP)

Type of Case: CIVIL

Type of Pleading: ANSWER

VS.

MARY HELEN HIPPS
(Defendant)

Filed on Behalf of:

MARY HELEN HIPPS
(Plaintiff/Defendant)

611 McBride ST.
(Street Address)

CLEARFIELD, PA 16830
(City, State ZIP)

MARY HELEN HIPPS
(Filed by)

611 McBride ST., CLEARFIELD
(Address)

814-765-5863
(Phone)

Mary Helen Hipp
(Signature)

5
FILED 2cc
01255674
Defendant
DEC 06 2006
60

December 1, 2006

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 South 21st Street
Philadelphia, PA 19103

Atlantic Credit & Finance Inc.
Successor in Interest to Providian
3353 Orange Avenue
Roanoke, VA 24012

David S. Meholic, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

Re: Docket # 06-1860-CD

Sirs:

It is my contention that I never spent over the maximum on this credit card; however, being late with a payment caused late fees, over-limit fees, and a higher daily balance-interest rate, which made it impossible for me to get caught up on the payments. It was definitely a round-robin effect – I made a payment, but it wasn't enough to cover all the fees that were tacked on. Month after month, the hole just kept getting deeper.

While I was employed, I offered a previous collection company – possibly the company you bought the debt from, a \$2,000.00 settlement, but they refused. That offer was the best I could do at the time because I was spending all my "extra" cash on the care and medication expenses of my parents, both of whom have serious medical problems in addition to age related illnesses (Father is almost 91, and Mother is almost 90). I made this offer from my late employer's office, in the presence of witnesses.

In the fall of 2004, my health began to deteriorate and I began my first medical leave of absence from my job in the summer of 2005. I began a second leave of absence in the fall of 2005, which eventually led to my resignation due to health problems in the spring of this year.

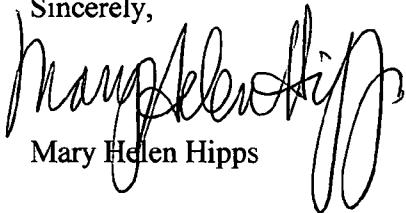
Since I was not old enough for social security, and I had no idea if, or when, I might be eligible for SSI or SSD, I had to empty my state retirement account in monthly allotments of \$372.21. That is my monthly income for the next 15 years; that and food stamps, and medical assistance for my on-going health problems.

Gordon & Weinberg, et al
Atlantic Credit, et al
Clearfield County Court
December 1, 2006
Page 2

And before you ask, due to my own health problems, and since I am the sole family caregiver for my parents, it is impossible for me to seek employment at this time. Presently I am 58-years-old, so even finding a job in this area would be a problem.

I hope you will re-consider your planned action in this matter; I am already living below poverty level, I don't own my home nor even a car; I have nothing left to give you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Helen Hipps". The signature is fluid and cursive, with "Mary" on the left, "Helen" in the middle, and "Hipps" on the right.

Mary Helen Hipps

FILED

DEC 06 2006

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102138
NO: 06-1860-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: MARY H. HIPPS

FILED

01/30/07/07
FEB 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, November 17, 2006 AT 3:07 PM SERVED THE WITHIN COMPLAINT ON MARY H. HIPPS DEFENDANT AT 611 MCBRIDE ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TOM HIPPS, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|--------|---------|--------|
| SURCHARGE | GORDON | 26375 | 10.00 |
| SHERIFF HAWKINS | GORDON | 26375 | 20.00 |

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

Chester A. Hawkins
by Marilyn Hager
Chester A. Hawkins
Sheriff

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

ATLANTIC CREDIT & FINANCE, INC., et al
Plaintiffs
vs.
MARY H. HIPPS
Defendant

* NO. 2006-1860-CD

*
*
*
*
*

FILED

0/23/13 KKC

9 MAR 21 2013

ORDER

William A. Shaw KK
Prothonotary/Clerk of Courts

NOW, this 21st day of March, 2013, upon the Court's review of the docket and noting no activity for a period of over six years, 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