

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BANK OF AMERICA, N.A., USA
c/o David J Apothaker, Esquire

(Plaintiff)

CIVIL ACTION

2417 Welsh Road, Suite 21 #520
(Street Address)

No. 2006-1871-CD

Philadelphia, PA 19114

Type of Case: _____

(City, State ZIP)

Type of Pleading: _____

VS.

Debora Johnston

(Defendant)

Filed on Behalf of:
Bank of America, N.A., USA
c/o David J Apothaker, Esq.

vs.

Debora
Johnston

(Plaintiff/Defendant)

112 w Scribner Ave

(Street Address)

Du Bois, PA 15801-2212

(City, State ZIP)

FILED pd \$85.00
MB:054m Atty
NOV 13 2006 ICC shff
William A. Shaw ICC Atty
Prothonotary/Clerk of Courts Apothaker

David J Apothaker, Esquire

(Filed by)

2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

(Address)

(215) 634-8920

(Phone)

(Signature)

APOTHAKE & ASSOCIATES, P.C.

BY: David J. Apothaker

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

BANK OF AMERICA, N.A., USA

c/o David J Apothaker, Esquire

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

DEBORA JOHNSTON

112 W SCRIBNER AVE

DU BOIS, PA 15801-2212

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

)

)

)

)

)

)

)

)

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 with 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 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 ONE. 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.

CLEARFIELD COUNTY BAR ASSOCIATION

Lawyer Referral and Information Service

814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION

Lawyer Referral and Information Service

814-765-2641

APOTHAKE & ASSOCIATES, P.C.

BY: David J. Apothaker

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

BANK OF AMERICA, N.A., USA

c/o David J Apothaker, Esquire

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

DEBORA JOHNSTON

112 W SCRIBNER AVE

DU BOIS, PA 15801-2212

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

)

)

)

)

)

)

)

)

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, BANK OF AMERICA, N.A., USA, is a company with its principal place of business located at c/o David J Apothaker, Esq. 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.

2. Defendant is DEBORA JOHNSTON, an adult individual residing at 112 W SCRIBNER AVE DU BOIS, PA 15801-2212.

3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".

4. Defendant received and accepted the goods and/or services described in Exhibit "A".

5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.

6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".

7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$16,424.58 from February 05, 2006.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$16,424.58 plus costs, and reasonable attorney's fees.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff

BY: 

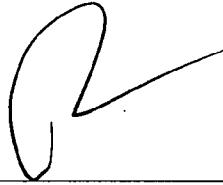
David J. Apothaker

Dated: 10/26/2006

Our File No.: 77933

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, consisting of a large, stylized capital 'D' followed by a horizontal line and a diagonal stroke.

David J. Apothaker, Esq.
Attorney for Plaintiff

DATE: 10/26/2006

BANK OF AMERICA, N.A., USA
c/o David J Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DEBORA JOHNSTON
112 W SCRIBNER AVE
DU BOIS, PA 15801-2212

STATEMENT OF ACCOUNT

Debtor's Name:	DEBORA JOHNSTON
Account Number:	4305500386155330
Original Creditor:	BANK OF AMERICA, N.A., USA
Date of Debt:	February 05, 2006
Balance Due:	\$16,424.53

Our File No.: 77933

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF AMERICA, N.A., USA,

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 1871 CD 2006

V.

SUGGESTION OF BANKRUPTCY

DEBORA JOHNSTON,

Filed on Behalf of :

DEFENDANT

Defendant.

FILED 

DEC 21 2006

m/11:00/

William A. Shaw
Prothonotary/Clerk of Courts

no cert copy.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
BANK OF AMERICA, NA, USA, CIVIL ACTION - LAW
Plaintiff, CASE NO: 1871 CD 2006
V.
DEBORA JOHNSTON,
Defendant.

SUGGESTION OF BANKRUPTCY

AND NOW, comes the Defendant, by and through her attorney, Joseph H. Ellermeyer, and respectfully represents and would show this Court:

1. The Defendant has failed a Chapter 7 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 06 - 71042.

2. Relief was ordered on December 18, 2006.

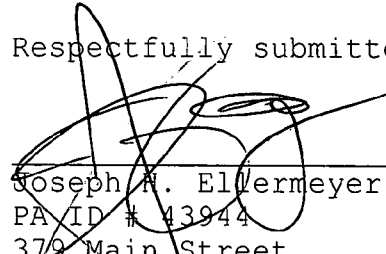
3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

4. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date 12/20/06


Joseph H. Ellermeyer, Esquire
PA ID # 43944
379 Main Street
Brookville, PA 15825
814/849-6701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
BANK OF AMERICA, NA, USA, CIVIL ACTION - LAW
Plaintiff, CASE NO: 1871 CD 2006

V.

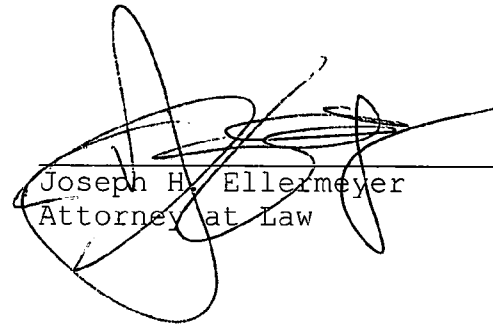
DEBORA JOHNSTON,
Defendant.

CERTIFICATE OF SERVICE

I, Joseph H. Ellermeyer, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

David J. Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Dated: December 20, 2006


Joseph H. Ellermeyer
Attorney at Law

FILED
DEC 21 2006
Prothonotary/Clerk of Courts
William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102135
NO: 06-1871-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BANK OF AMERICA, N.A.
vs.
DEFENDANT: DEBORA JOHNSTON

FILED
01/31/07
FEB 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, November 17, 2006 AT 12:31 PM SERVED THE WITHIN COMPLAINT ON DEBORA JOHNSTON DEFENDANT AT 112 W. SCRIBNER AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBORA JOHNSTON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	37609G	10.00
SHERIFF HAWKINS	APOTHAKE	37609G	35.30

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff