

06-1871-CD

Bank of America vs Debora Johnston

Bank of America vs Debora Johnston  
2006-1871-CD

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  
(City, State ZIP)

Type of Case:

Type of Pleading:

vs.

Debora Johnston

(Defendant)

112 W Scribner Ave

(Street Address)

Du Bois, PA 15801-2212

(City, State ZIP)

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

(Plaintiff/Defendant)

Debora  
Johnston

FILED pd \$85.00  
M/2:05 pm Atty  
NOV 13 2006 ICC Shft  
William A. Shaw Atty  
ICC Atty  
Prothonotary/Clerk of Courts

David J Apothaker, Esquire

(Filed by)

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

(Address)

(215) 634-8920

(Phone)

(Signature)

APOTHAKER & 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

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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.

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) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
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### 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 páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante 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 SUFFICIENTE 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  
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APOTHAKER & 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 Apotheker, Esquire  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
Plaintiff.

VS.

vs.

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

) COURT OF COMMON PLEAS  
)) CLEARFIELD COUNTY

CELESTE REED COUNTY

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) NO.:

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**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".

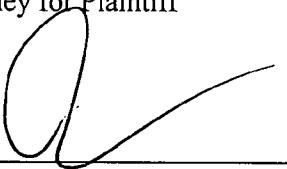
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$16,424.58 from February 05, 2006.

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.

APOTHAKER & ASSOCIATES, P.C.  
Attorney for Plaintiff

BY: \_\_\_\_\_

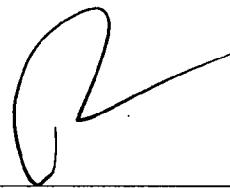
  
David J. Apothaker

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.



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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: \$16,424.58

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.

DEBORA JOHNSTON,

SUGGESTION OF BANKRUPTCY

Filed on Behalf of :  
**DEFENDANT**

Defendant.

**FILED**

DEC 21 2006

11:00 AM

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**

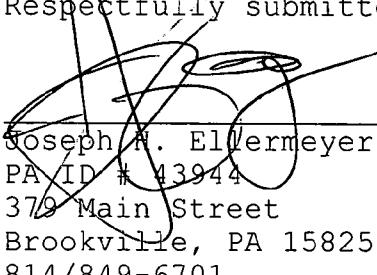
AND NOW, comes the Defendant, by and through her attorney, Joseph H. Ellermeyer, and respectfully represents and would show this Court:

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.

Date 12/20/06

Respectfully submitted,

  
Joseph H. Ellermeyer, Esquire  
PA ID # 43944  
370 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.

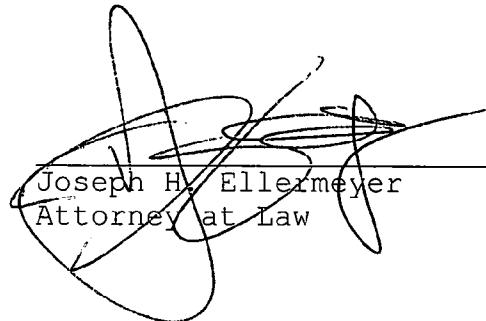
DEBORA JOHNSTON,  
Defendant.

**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  
William A. Shaw  
Prothonotary/Clerk of Courts

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

013-07-51  
FEB 13 2007

William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF RETURN

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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	APOTHAKER	37609G	10.00
SHERIFF HAWKINS	APOTHAKER	37609G	35.30

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,

  
Chester A. Hawkins  
Sheriff