

06-1979-CD  
CACV of Colorado LLC vs John Toney

CACV of Colorado vs John Toney  
2006-1979-CD

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

CACV OF COLORADO, LLC

Plaintiff

No: 2006-1979-C0

vs.

COMPLAINT IN CIVIL ACTION

JOHN TONEY

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05281420 C E Pit SGM

FILED

NOV 27 2006

0/3:55/06

William A. Shaw  
Prothonotary/Clerk of Courts

(Car to Shtn

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

CACV OF COLORADO, LLC

Plaintiff  
vs. Civil Action No  
JOHN TONEY

Defendant

COMPLAINT AND NOTICE TO DEFEND

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 an 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 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.

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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, CACV OF COLORADO, LLC is a corporation with offices at 370 17TH ST., SUITE 5000 DENVER , CO 80202 .

2. Defendant is adult individual(s) residing at the address listed below:

JOHN TONEY  
25 CARDINAL DR  
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number 4305500058116750 .

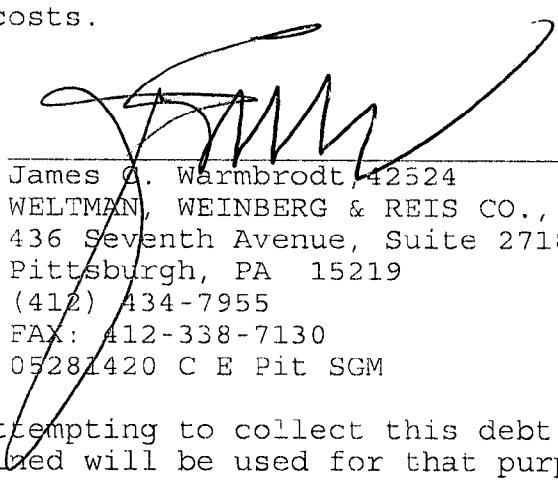
4. Defendant made use of said credit card and has a current balance due of \$8913.27 , as of September 15, 2006 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 6.000% per annum on the unpaid balance from September 15, 2006 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant , JOHN TONEY , INDIVIDUALLY , in the amount of \$8913.27 with continuing interest thereon at the rate of 6.000% per annum from September 15, 2006 plus costs.

  
James A. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05281420 C E Pit SGM

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

05281420



Fleet  
PC Box 17182  
Wilmington, DE  
19885-7182

Account Number	4305 5000 5811 6750
Net Balance	\$8,740.85
Minimum Payment	\$1,682.85
Due Date	JAN. 12, 2004

For account information call:  
Customer Service at 1-800-492-2500  
or log on to <http://mycard.fleet.com>

- For change of address please use form on back.
- Make check payable to Fleet Credit Card Services.

FLEET CREDIT CARD SERVICE  
PO BOX 1860  
WILMINGTON DE 19885-1860

1198865368682!

JOHN J TONEY  
VALERIE E TONEY  
25 CARDINAL DR  
DA BORG PA 15804-0710

108302

1158018718254!

4305500058116750 0874085 0288285

Detach at perforation and return form above with payment.

ACCOUNT SUMMARY FOR  
JOHN J TONEY

Account Number: 4305 5000 5811 6750



PLATINUM

## PAYMENT INFORMATION

Amount Due	\$1,224.00
Minimum Payment	\$218.00
Annual Credit Limit	\$1,640.85
<b>TOTAL MINIMUM PAYMENT DUE</b>	<b>\$2,882.85</b>
<b>DUUE DATE</b>	<b>JAN. 12, 2004</b>

PREVIOUS BALANCE	\$8,555.43
Cash Advance	50.00
PURCHASES	0.00
Cash Advance	0.00
Credit Adjustments	64.00
Finance Charge	171.42
<b>NEW BALANCE</b>	<b>\$8,740.85</b>

Total Credit Limit: \$7,500.00 Cash Advance Limit: \$2,190.00 Billing Cycle Closing Date: 12/16/03  
Available Credit: \$0.00 Cash Advance Available: \$0.00 Days in Billing Cycle: 29

## A RECORD OF YOUR CHARGES AND CREDITS

Transaction Date	Posting Date	Reference Number	Transaction Description	Credit	Charges
12/15	12/15	7430550A02E0K3P9W	PAYMENT THANK YOU WILMINGTON DE	50.00	
12/16	12/16		OVERLIMIT FEE		29.00
12/15	12/15		LATE FEE		35.00
12/16	12/16	"FINANCE CHARGE"	PURCHASES \$145.85 CASH ADVANCE \$21.37		171.42
For information on your account or to speak to a Fleet Customer Service Representative, call 1-800-492-2500 or log on to <a href="http://mycard.fleet.com">http://mycard.fleet.com</a> PO BOX 1860 WILMINGTON DE 19885-1860			SUB TOTAL	235.42	
			CREDITS	50.00	
			PREVIOUS BALANCE	8,555.43	
			NEW BALANCE	\$8,740.85	

EXHIBIT  
"/"

Transaction Date	Posting Date	Reference Number	Transaction Description	Average Daily Balance	Normal Percentage Rate	Daily Periodic Rate	GRAND DAILY PERIODIC RATE	Transaction Fee	FINANCE CHARGE
				\$7,545.00	24.99%	0.04%	0.04%	\$0.00	\$0.00
				\$10,614.42	24.99%	0.04%	0.04%	\$22.57	\$0.00

ANNUAL PERCENTAGE RATE for purchases and balance transfers (includes any finance charge fees): 24.990%

ANNUAL PERCENTAGE RATE for cash advances (includes any finance charge fees): 24.990%

If you have a variable rate account, your periodic rates may vary.

## INFORMATION FOR YOU

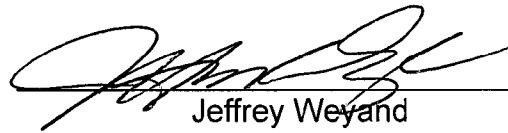
PLEASE CALL US IMMEDIATELY AT 1-800-544-2028  
YOUR ACCOUNT IS PAST DUE YOU MAY NOW MAKE  
PAYMENTS ONLINE @ [WWW.MYCARD.FLEET.COM](http://WWW.MYCARD.FLEET.COM)

YOUR ACCOUNT IS CURRENTLY CLOSED

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

## **VERIFICATION**

The undersigned does hereby verify subject to the penalties of  
18 PA C.S. 4904 relating to unsworn falsifications to authorities that he/she is  
Jeffrey Weyand, Authorized Agent of CACV of Colorado, LLC, plaintiff  
herein, that he/she is duly authorized to make this verification, and that the  
facts set forth in the foregoing Complaint are true and correct to the best of  
his/her knowledge, information and belief.



Jeffrey Weyand

**This law firm is a debt collector attempting to collect this debt for our client  
and any information obtained will be used for that purpose.**

WWR# 05281420

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102192  
NO: 06-1979-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CACV OF COLORADO, LLC  
vs.  
DEFENDANT: JOHN TONEY

FILED  
013-0031  
MAR 06 2007  
William A. Shaw  
Clerk of Courts

SHERIFF RETURN

NOW, December 15, 2006 AT 2:20 PM SERVED THE WITHIN COMPLAINT ON JOHN TONEY DEFENDANT AT WORK: 153 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN TONEY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2612863	10.00
SHERIFF HAWKINS	WELTMAN	2612863	51.82

Sworn to Before Me This

\_\_\_\_ Day of 2007

So Answers,

*Chester A. Hawkins*  
*by Marlyn Hawkins*  
Chester A. Hawkins  
Sheriff

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

CACV OF COLORADO, LLC

Plaintiff No. 2006-1979-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

JOHN TONEY

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05281420  
Judgment Amount \$ 9,214.03

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**FILED** *CC Notice  
M 12/18/01 to Def  
APR 23 2001  
Statement to  
Atty  
Atty pd. 20.00  
GK*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No. 2006-1979-CD

JOHN TONEY

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, JOHN TONEY above named, in the default of an Answer, in the amount of \$9,214.03 computed as follows:

Amount claimed in Complaint	\$8,913.27
Interest from SEPTEMBER 15, 2006 TO APRIL 9, 2007 at the legal interest rate of 6% per annum	\$300.76
<b>TOTAL</b>	<b>\$9,214.03</b>

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437

Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05281420

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 25 CARDINAL DR DU BOIS,PA 15801

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

COPY

CACV OF COLORADO, LLC

Plaintiff

vs.

Civil Action No. 2006-1979-CD

JOHN TONEY

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on April 23, 2007

Assumpsit Judgment in the amount  
of \$9,214.03 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

Entry of Judgment of  
 Court Order  
 Non-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award

Prothonotary

By:

PROTHONOTARY (OR DEPUTY)

JOHN TONEY  
25 CARDINAL DR  
DU BOIS, PA 15801

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

CACV OF COLORADO, LLC

Case no: 2006-1979-CD

Plaintiff  
vs.

**NON-MILITARY AFFIDAVIT**

JOHN TONEY

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

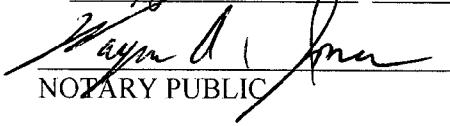
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, JOHN TONEY is not in the military service.

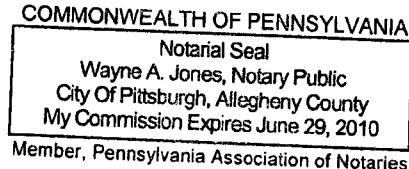
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, JOHN TONEY is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 16 day  
of April 2007.

  
NOTARY PUBLIC



This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Department of Defense Manpower Data Center

APR-09-2007 08:58:16



Military Status Report  
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
TONEY	JOHN		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

---

Mary M. Snavely-Dixon, Director  
 Department of Defense - Manpower Data Center  
 1600 Wilson Blvd., Suite 400  
 Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167; #167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID:CGGSAQFDUVM*

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

CACV OF COLORADO, LLC

Plaintiff

Case # 2006-1979-CJ

JOHN TONEY

Defendant(s)

IMPORTANT NOTICE

TO: JOHN TONEY  
25 CARDINAL DR  
DU BOIS, PA 15801

Date of Notice: 3/22/07  
WWR#: 05281420

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY 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. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 1300-1301

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 KOPPERES BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

COPY

CACV of Colorado, LLC  
Plaintiff(s)

No.: 2006-01979-CD

Real Debt: \$9,214.03

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

John Toney  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 23, 2007

Expires: April 23, 2012

Certified from the record this 23rd day of April, 2007.



\_\_\_\_\_  
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

SHAPIRO LAW OFFICE, P.C.  
Kenneth S. Shapiro, Esq.  
Attorney I.D. #26850  
P.O. Box 1050  
33 Rock Hill Rd., Suite 150  
Bala Cynwyd, PA 19004-5050  
(610) 668-0707

No. of Pages 1

**FILED**

JAN 24 2011

112:45 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

CACV Of Colorado, Llc : Court Of Common Pleas  
Plaintiff : Clearfield County, PA

v. : *1/24/11*

John J. Toney : CIVIL CASE NO. 2006-1979-CD  
Defendant(s)

### **ENTRY OF APPEARANCE**

TO THE DIRECTOR OF THE DEPARTMENT OF COURT RECORDS OF CLEARFIELD COUNTY, PENNSYLVANIA (CIVIL DIVISION):

Kindly enter my appearance on behalf of CACV Of Colorado, Llc, Plaintiff herein.

I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

Papers may be served at the address set forth below:

Kenneth S. Shapiro, Esq.  
Attorney ID # 26850  
Shapiro Law Office, PC  
P.O. Box 1050  
33 Rock Hill Road – Suite 150  
Bala Cynwyd, PA 19004-5050  
Telephone # 610-668-0707  
FAX # 610-668-1815

Respectfully submitted,  
SHAPIRO LAW OFFICE, P.C.

By: *B. Shapiro*  
Kenneth S. Shapiro, Esq.  
For the firm

Dated: JAN 21 2011