

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Bank of America, N.A., USA

(Plaintiff)

c/o David Apothaker, Esquire
2417 Welsh Rd., Ste. 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State ZIP)

VS.

Bobbi Coons

(Defendant)

321 Park Avenue Ext

(Street Address)

Curwensville, PA 16833-1558

(City, State ZIP)

CIVIL ACTION

No. 06-2015-CD

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

Bank of America, N.A., USA

(Plaintiff/Defendant)

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 04 2006

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

David J Apothaker, Esquire

(Filed by)

2417 Welsh Rd., Ste. 21, #520

Philadelphia, PA 19114

(Address)

215-634-8920

(Phone)

(Signature)

FILED

DEC 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

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	)	COURT OF COMMON PLEAS
c/o David J Apothaker, Esquire	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,)	
vs.)	
)	
BOBBI COONS)	
321 PARK AVENUE EXT)	
CURWENSVILLE, PA 16833-1558)	
Defendant.)	
)	

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	)	COURT OF COMMON PLEAS
c/o David J Apothaker, Esquire	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,)	
vs.)	
)	
BOBBI COONS)	
321 PARK AVENUE EXT)	
CURWENSVILLE, PA 16833-1558)	
Defendant.)	
)	

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 BOBBI COONS, an adult individual residing at 321 PARK AVENUE EXT CURWENSVILLE, PA 16833-1558.
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 \$8,675.71 from January 08, 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 \$8,675.71 plus costs, and reasonable attorney's fees.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: 

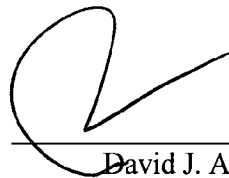
David J. Apothaker

Dated: 11/27/2006

Our File No.: 79888

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 'D' followed by a checkmark-like stroke.

David J. Apothaker, Esq.
Attorney for Plaintiff

DATE: 11/27/2006

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

BOBBI COONS
321 PARK AVENUE EXT
CURWENSVILLE, PA 16833-1558

STATEMENT OF ACCOUNT

Debtor's Name:	BOBBI COONS
Account Number:	4888603218837029
Original Creditor:	BANK OF AMERICA, N.A., USA
Date of Debt:	January 08, 2006
Balance Due:	\$8,675.71

Our File No.: 79888

EXHIBIT "A"

FILED

DEC 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 04 2006

Attest

William A. Shaw
Prothonotary/
Clerk of Courts

Bobbi S. Coons
321 Park Avenue Ext.
Curwensville, PA 16833
Defendant in Pro Per

Clearfield County Court House
David S. Meholick, Court Administrator
230 East Market Street
Clearfield, PA 16830

State of Pennsylvania, Clearfield County

FILED

DEC 14 2006
m/2:00/w
William A. Shaw
Prothonotary/Clerk of Courts

no 4/c

Bank of America, N.A., USA
Plaintiff,

No. 06-2015-CD

VS.

Civil Action - Law

Bobbi S. Coons
Defendant

Bobbi Coons (Defendant), hereby answers the complaint of Bank of America, N.A., US (Plaintiff) for it's self alone as follows and generally denies the allegations of the complaint based on lack of information and belief:

FIRST AFFIRMATIVE DEFENSE

I do acknowledge owing this debt. I am also aware that Bank of America wishes to collect this debt from me in a timely manner.

SECOND AFIRMATIVE DEFENSE

I did obtain this credit card while I was in college. At that time it was used for emergencies and to purchase textbooks for classes. At that time I managed it very well. After graduating college I found myself on my own and responsible for more bills and other expenses. I had student loans, car expenses, and other unexpected costs. After I graduated I was only able to find a part-time position, therefore having to work two jobs, but still finding it difficult to make ends meet. I started charging miscellaneous expenses to my credit card.

Eventually I was able to find a full time position causing me to resign from both part time positions due to long hours and scheduling conflicts. I continued to make monthly payments to my credit cards, but also continued to use them for miscellaneous expenses.

I was using my credit cards in order to make ends meet. As I said I continued to make monthly payments, but my credit limit continued to increase along with the interest rates, and monthly payments. I found it increasingly difficult to meet the minimum payment, and would occasionally miss payments or they were late, which added to a bigger rise in interest and monthly payments. It soon became too much and I could no longer make payments. I made life changes to allow for more expendable income each month, but by the time that happened the payments were too big and unmanageable.

In a desperate attempt to try and get out of my mess, I would transfer balances from one credit card to another offering lower interest rates. I transferred some of my Bank of America balance to my new cards. This helped for about one month. I was able to get my Bank of America card to a monthly rate I could handle, but was unable to handle the other bills that had been created. The interest rates and monthly payments rose. Balancing the cards, living expenses and other bills became too much.

I continue to work a full time job with long hours making it difficult to find a part time job to help cover the expenses. Financially I am struggling. I feel the stress of being in debt every day, along with personal stress and with work. I am trying my best to resolve this debt as well as cope with my other life stressors.

THIRD AFFIRMATIVE DEFENSE


As I said before, I do acknowledge this credit card debt. I have recently sought the help of Consumer Debt Relief Group, in an attempt to repay this debt. I have been working with them for about ten months. Every month I place money into a savings account with the intentions of resolving this debt. I ask for more time to allow for more deposits into this account. I am confident that in time I will have the means to resolve my credit card debt.

WHEREFORE, Defendant requests that:

1. Plaintiff takes nothing by way of his complaint: and
2. For Defendant's cost of suit.

Dated: 12/13/04

Defendant in Pro Per


Bobbi S. Coons

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102211
NO: 06-2015-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BANK OF AMERICA, NA, USA
vs.
DEFENDANT: BOBBI COONS

SHERIFF RETURN

NOW, December 07, 2006 AT 10:47 AM SERVED THE WITHIN COMPLAINT ON BOBBI COONS DEFENDANT AT 321 PARK AVE. EXT., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CONNIE COONS, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
013-1361
MAR 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	38612G	10.00
SHERIFF HAWKINS	APOTHAKE	38612G	23.34

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

APOTHAKE & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
Kimberly F. Scian, Esquire
Attorney ID #55140

FILED
m 11:08 AM
APR 05 2007

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty Scian
(62)

<hr/>		) COURT OF COMMON PLEAS OF
BANK OF AMERICA, N.A., USA		) CLEARFIELD COUNTY
	Plaintiff,)
vs.)
		) NO.: 06-2015-CD
BOBBI COONS)
		) Civil Action
Defendant.)
<hr/>		

MOTION FOR SUMMARY JUDGMENT

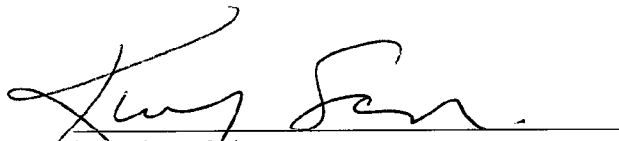
Plaintiff, BANK OF AMERICA, N.A., USA, respectfully requests that the Court enter an Order granting Summary Judgment in its favor in the above captioned matter for the following reasons:

1. There are no genuine issues of material fact to be decided.
2. Defendant filed an answer on or about December 15, 2006, a copy of which is attached hereto as Exhibit A and incorporated by reference herein, wherein she admits that she owes a debt to the plaintiff.
3. In her answer, Defendant states that she has tried to resolve her indebtedness through Consumer Debt Relief Group.
4. Consumer Debt Relief Group has been unresponsive to plaintiff's repeated requests for resolution of the debt.
5. Plaintiff has provided an affidavit that defendant is in default and set forth the amount owed by the defendant.

6. Defendant has failed to sustain her burden of presenting facts which contradict the averments in Plaintiff's complaint, nor has she offered any legal defense to same.
7. Plaintiff has clearly demonstrated that there are no genuine issues of triable fact in this matter.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in its favor for the amount due with interest and costs as prayed for in the Complaint.

Respectfully Submitted,



Kimberly F. Scian
Attorney for Plaintiff

Dated: March 29, 2007

Our File No.: 79888

APOTHAKE & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
Kimberly F. Scian, Esquire
Attorney ID #55140

<hr/>		) COURT OF COMMON PLEAS OF
BANK OF AMERICA, N.A., USA		) CLEARFIELD COUNTY
)
	Plaintiff,)
vs.		) NO.: 06-2015-CD
)
BOBBI COONS		) Civil Action
)
	Defendant.)
<hr/>		

ORDER

AND NOW, this _____ day of _____, 20 , upon consideration of Plaintiff's Motion for Summary Judgment and Brief in Support thereof, and upon consideration of the Response (if any) filed by Defendant, the Court determines that Plaintiff is entitled to Summary Judgment as a matter of law, and it is hereby:

ORDERED and DECREED that judgment is entered in favor of Plaintiff and against Defendant, BOBBI COONS, for \$8,675.71 plus \$1,702.94 for interest from January 08, 2006.

BY THE COURT,

J.

Our File No.: 79888

Eventually I was able to find a full time position causing me to resign from both part time positions due to long hours and scheduling conflicts. I continued to make monthly payments to my credit cards, but also continued to use them for miscellaneous expenses.

I was using my credit cards in order to make ends meet. As I said I continued to make monthly payments, but my credit limit continued to increase along with the interest rates, and monthly payments. I found it increasingly difficult to meet the minimum payment, and would occasionally miss payments or they were late, which added to a bigger rise in interest and monthly payments. It soon became too much and I could no longer make payments. I made life changes to allow for more expendable income each month, but by the time that happened the payments were too big and unmanageable.

In a desperate attempt to try and get out of my mess, I would transfer balances from one credit card to another offering lower interest rates. I transferred some of my Bank of America balance to my new cards. This helped for about one month. I was able to get my Bank of America card to a monthly rate I could handle, but was unable to handle the other bills that had been created. The interest rates and monthly payments rose. Balancing the cards, living expenses and other bills became too much.

I continue to work a full time job with long hours making it difficult to find a part time job to help cover the expenses. Financially I am struggling. I feel the stress of being in debt every day, along with personal stress and with work. I am trying my best to resolve this debt as well as cope with my other life stressors.

THIRD AFFIRMATIVE DEFENSE

As I said before, I do acknowledge this credit card debt. I have recently sought the help of Consumer Debt Relief Group, in an attempt to repay this debt. I have been working with them for about ten months. Every month I place money into a savings account with the intentions of resolving this debt. I ask for more time to allow for more deposits into this account. I am confident that in time I will have the means to resolve my credit card debt.

WHEREFORE, Defendant requests that:

1. Plaintiff takes nothing by way of his complaint: and
2. For Defendant's cost of suit.

Dated: 12/13/06

Defendant in Pro Per


Bobbi S. Coons

19888-2
Bobbi S. Coons
321 Park Avenue Ext.
Curwensville, PA 16833
Defendant in Pro Per

Clearfield County Court House
David S. Meholick, Court Administrator
230 East Market Street
Clearfield, PA 16830

State of Pennsylvania, Clearfield County

Bank of America, N.A., USA
Plaintiff,

No. 06-2015-CD

VS.

Civil Action - Law

Bobbi S. Coons
Defendant

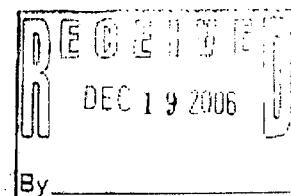
Bobbi Coons (Defendant), hereby answers the complaint of Bank of America, N.A., US (Plaintiff) for it's self alone as follows and generally denies the allegations of the complaint based on lack of information and belief:

FIRST AFFIRMATIVE DEFENSE

I do acknowledge owing this debt. I am also aware that Bank of America wishes to collect this debt from me in a timely manner.

SECOND AFFIRMATIVE DEFENSE

I did obtain this credit card while I was in college. At that time it was used for emergencies and to purchase textbooks for classes. At that time I managed it very well. After graduating college I found myself on my own and responsible for more bills and other expenses. I had student loans, car expenses, and other unexpected costs. After I graduated I was only able to find a part-time position, therefore having to work two jobs, but still finding it difficult to make ends meet. I started charging miscellaneous expenses to my credit card.



APOTHAKE & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
Kimberly F. Scian, Esquire
Attorney ID #55140

BANK OF AMERICA, N.A., USA

Plaintiff,

vs.

BOBBI COONS

Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY

) NO.: 06-2015-CD

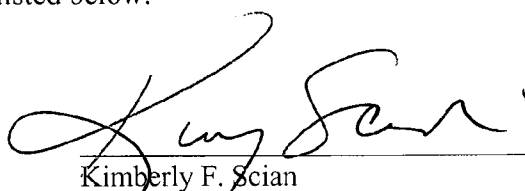
) Civil Action

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Motion for Summary Judgment, Brief in support thereof and Motion Court Cover Sheet was served by regular mail on defendant on the date listed below:

Date:

3/29/07



Kimberly F. Scian
Attorney for Plaintiff

Dated: March 29, 2007

Our File No.: 79888

UA

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

BANK OF AMERICA, N.A., USA

vs.

BOBBI COONS

:
:
: No. 06-2015-CD
:
:

FILED

APR 10 2007

0/9:26/W

William A. Shaw

Prothonotary/Clerk of Courts

3 CEN TO ATT (GK)

ORDER


AND NOW, this 9th day of April 2007, it is the ORDER of the

Court that argument on Plaintiff's Motion for Summary Judgment in the above-captioned matter is hereby scheduled for **Thursday, May 10, 2007 at 11:00 A.M.** in

Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Plaintiff to serve certified copy of said scheduling Order on the Defendant.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

APR 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4-16-07

☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) _____ Attorney _____ Other _____
____ Defendant(s) _____ Attorney _____
____ Special Instructions: _____

11A

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

BANK OF AMERICA, N.A., USA

vs.

BOBBI COONS

*

*

*

NO. 06-2015-CD

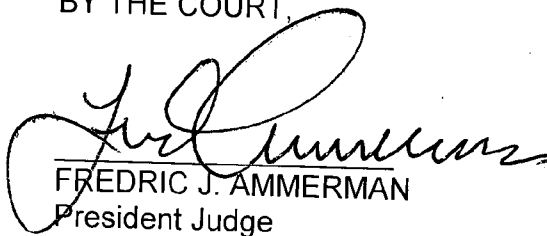
ORDER

NOW, this 9th day of May, 2007, the date being set for argument on
Plaintiff's Motion for Summary Judgment, the Court notes the following:

- 1) Plaintiff failed to have a representative and/or attorney appear for the
argument; and
- 2) Contrary to this Court's Order of April 9, 2007, Plaintiff apparently did
not serve the Scheduling Order on the Defendant, since no Certificate
of Service was filed.

Therefore, it is the ORDER of this Court that said Motion for Summary Judgment
be and is hereby DISMISSED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

014:00/671
MAY 11 2007

2cc
Atty Apothaker

1cc
Def.
321 Park Ave. Ext.
Clearfield, PA 16833

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

FILED

MAY 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/11/07

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☒ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

Our File No.: 79888
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

BANK OF AMERICA, N.A., USA	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
BOBBI COONS	)	NO. 06-2015-CD
)	
)	
)	
Defendant.)	
)	

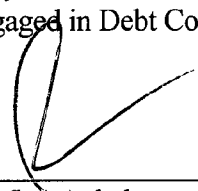
PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:



David J. Apothaker

Dated: June 29, 2007

FILED No CC
m/2/16/07
JUL 05 2007 Cert. of Disc.
to Atty
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Bank of America N.A.

Vs.
Bobbi Coons

No. 2006-02015-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 5, 2007, marked:

Dismissed without Prejudice

Record costs in the sum of \$85.00 have been paid in full by David J. Apothaker, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of July A.D. 2007.



William A. Shaw, Prothonotary