

07-38-CD
Midland Funding vs G. Miller

Midland Funding vs Gregory Miller
2007-38-CD

Burton Neil & Associates, P.C.
By: Yale D. Weinstein, Esquire ID. NO. 89678
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120
Attorney for Plaintiff
Midland Funding LLC

FILED Atty pd. 20.00
MTD: 4/10/07 JAN 08 2007 1CCG Notice
to Def.
William A. Shaw Statement to
Prothonotary/Clerk of Courts
Atty

Plaintiff

v.

GREGORY MILLER

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 07-38-CD

: CIVIL ACTION - LAW

Praecipe for Entry Judgement Pursuant to Pa. R.C.P.M.D.J. No 402 D(1) and (2)

To the Prothonotary:

Pursuant to the attached District Justice Judgment Transcript, enter judgment on behalf of the plaintiff, Midland Funding LLC, and against the defendant, Gregory Miller, and assess damages as follows:

Judgment Transcript	\$1,915.61
Interest from October 20, 2006	\$22.04
Judgment Amount	<u>\$1,937.65</u>

Burton Neil & Associates, P.C.

By _____

Yale D. Weinstein, Esquire
Attorney for the Plaintiff

And now on this 8th day of January 2007 judgment is entered in favor of Midland Funding LLC and against Gregory Miller in the total sum of \$1,937.65.

Prothonotary

By _____

Burton Neil & Associates, P.C. is a debt collector.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789**

16847-0444

**MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA 16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE** *77076*

PLAINTIFF:

**MIDLAND FUNDING NCC-2 CORP
1060 ANDREW DRIVE APT/STE 170
WEST CHESTER, PA 19380**

NAME and ADDRESS

DEFENDANT:

**MILLER, GREGORY
510 MEASE RD.
OSCEOLA MILLS, PA 16666**

NAME and ADDRESS

Docket No.: **CV-0000460-06**
Date Filed: **9/21/06**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF**

(Date of Judgment) **10/20/06**

Judgment was entered for: (Name) **MIDLAND FUNDING NCC-2 CORP**

Judgment was entered against: (Name) **MILLER, GREGORY**
in the amount of \$ **1,915.61**

Defendants are jointly and severally liable.

Amount of Judgment	\$ 1,844.11
Judgment Costs	\$ 71.50
Interest on Judgment	\$.00
Attorney Fees	\$.00

Damages will be assessed on Date & Time _____

Total \$ **1,915.61**

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

Certified Judgment Total \$ **1915.61**

Portion of Judgment for physical damages arising out of
residential lease \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10-26-06 Date

M. A. Rudella

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

12/4/06 Date

M. A. Rudella

, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-06

DATE PRINTED: **12/01/06 10:15:00 AM**

COMMONWEALTH OF PENNSYLVANIA**COUNTY OF: Clearfield****CIVIL COMPLAINT**

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

Michael A. Rudella

Address: **P.O. Box 210**
Kyrtown, PA 16847
 Telephone: **814/345-6789**

PLAINTIFF:

NAME and ADDRESS

Midland Funding LLC
c/o Burton Nell & Associates, P.C.
1060 Andrew Drive, Ste. 170
West Chester, PA 19380

VS.**DEFENDANT:**

NAME and ADDRESS

GREGORY MILLER
510 Mease Road
Osceola Mills PA 16666

Docket No.: **CV-460-06**
 Date Filed: **01-21-06**



FILING COSTS	AMOUNT	DATE PAID
POSTAGE	\$ <u>71.50</u>	<u>9/21/06</u>
SERVING COSTS	\$ _____	/ /
CONSTABLE ED.	\$ _____	/ /
TOTAL	\$ _____	/ /

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$1,844.11 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

For past due credit card account balance on a credit card, originally issued to Defendant by Emerge Mastercard which debt Plaintiff later acquired.

\$1,844.11 Principal
\$0.00 Interest
\$0.00 Attorneys Fees
\$0.00 Credit
\$1,844.11 Balance

I, Yale D. Weinstein, Esquire, Attorney for Plaintiff, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C. S. § 4904) related to unsworn falsification to authorities.

[Signature]
 (Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: **Yale D. Weinstein**
 Telephone: **610-696-2120**

Address: **1060 Andrew Drive, Suite 170**
West Chester, PA 19380

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

AOPC 308A-05

Burton Neil & Associates, P.C.
By: Yale D. Weinstein, Esquire ID. NO. 89678
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120

Attorney for Plaintiff

Midland Funding LLC
8875 Aero Drive, Suite 200
San Diego, CA 92123

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

GREGORY MILLER
510 Mease Road
Osceola Mills PA 16666

: NO.

Defendant

: CIVIL ACTION - LAW

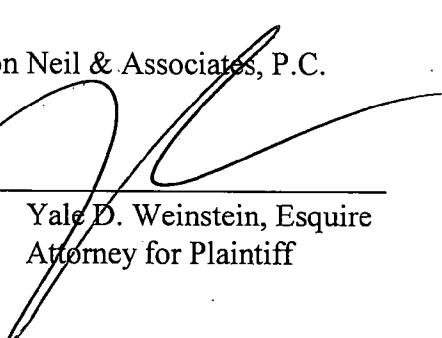
Certification of Address and
Affidavit of Non-Military

Understanding that false statements herein are subject to penalty under 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment creditor and debtor.
2. Pursuant to Section 201(b)(1)(A) of the Servicemembers Civil Relief Act of 2003 (SCRA) the defendant is not in the military service of the United States based on information received from the defendant and/or the Department of Defense website.

Burton Neil & Associates, P.C.

By:


Yale D. Weinstein, Esquire
Attorney for Plaintiff

Burton Neil & Associates, P.C. is a debt collector.

Burton Neil & Associates, P.C.
By: Yale D. Weinstein, Esquire ID. NO. 89678
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120
Attorney for Plaintiff

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.

GREGORY MILLER

Defendant

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 07-38-CD

: CIVIL ACTION - LAW

Rule of Civil Procedure No. 236 (Revised)

Notice is given that a JUDGMENT in the above captioned matter has been entered against you
on

Prothonotary

By:

Deputy

118107

If you have any questions concerning the above, please contact:

Yale D. Weinstein, Esquire
Attorney for Party Filing
1060 Andrew Drive, Suite 170
West Chester, PA 19380
Phone: 610-696-2120

Burton Neil & Associates, P.C. is a debt collector.

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

Midland Funding LLC
Plaintiff(s)

No.: 2007-00038-CD

Real Debt: \$1,937.65

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Gregory Miller
Defendant(s)

Entry: \$20.00

Instrument: DJ Judgment

Date of Entry: January 8, 2007

Expires: January 8, 2012

Certified from the record this 8th day of January, 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

PRAECIPE FOR WRIT OF EXECUTION (MONEY JUDGMENT)
Pa.R.C.P. § 3103 to 3149

Midland Funding LLC : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v.
GREGORY MILLER : NO. 07-38-cd
Defendant :
M&T BANK Garnishee : CIVIL ACTION - LAW

To the Prothonotary: ISSUE A WRIT OF EXECUTION IN THE ABOVE MATTER

1. Directed to the Sheriff of Clearfield County, Pennsylvania
2. against GREGORY MILLER, Defendant(s)
3. and against M&T Bank, Garnishee(s)
4. and index this writ
 - (a) against _____ Defendant(s)
 - (b) against _____ Garnishee(s)

as a lis pendens against the real property of the defendant(s) in the name of the Garnishee(s) as follows: (specifically describe property)

NO Levy- Garnishment Only

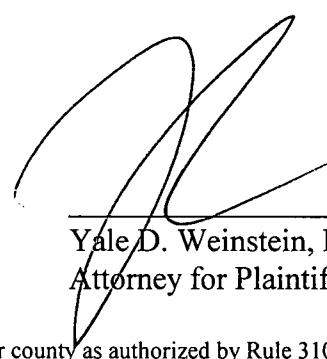
Serve interrogatories on garnishee at: 621 Spring Street, Houtzdale, PA 16651

5. Amount Due \$1,915.61
Interest from 10/20/06 \$27.44
Total \$1,943.05*

*Plus writ costs

Dated: January 15, 2007

Prothonotary costs 40.00


Yale D. Weinstein, Esquire
Attorney for Plaintiff

NOTE: Under paragraph 1 when the writ is directed to sheriff of another county as authorized by Rule 3103(b), the county should be indicated. Under Rule 3103(c) a writ issued on a transferred judgment may be directed only to the sheriff of the county in which issued. Paragraph 3 above should be completed only if indexing of the execution in the county of issuance is desired as authorized by Rule 3104(a). When the writ issued to another county indexing is required as of course in that county. See Rule 3104(b). Paragraph 4(b) should be completed only if real property in the name of the garnishee is attached and indexing as a lis pendens is desired. See Rule 3104(c).

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

77076

FILED Atty pd. 20.00
M 12:50 PM JAN 22 2007 1cc 9 wnts
to Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

Midland Funding LLC : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v.
GREGORY MILLER : NO. 07-38-cd
Defendant : M&T BANK
M&T BANK : Garnishee : CIVIL ACTION - LAW
Garnishee : MONEY JUDGMENT

Writ of Execution

 CO. Y

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against GREGORY MILLER Defendant:

1. You are also directed to attach the property of the defendant not levied upon in the possession of M&T BANK Garnishee per property description attached.

NO Levy- Garnishment Only

Serve interrogatories on garnishee at: 621 Spring Street, Houtzdale, PA 16651

and to notify Garnishee(s) that:

- a. an attachment has been issued;
- b. the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(2) and from delivering any property of the defendant(s) or otherwise disposing thereof.

2. If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify him that he has been added as a garnishee and is enjoined as stated above.

Amount Due \$1,915.61

Interest from 10/20/06 \$27.44

Total \$1,943.05*

*Plus writ costs

Prothonotary costs 40.00

Clearfield County Prothonotary:

By:  10/22/07

SEAL

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102364
NO: 07-38-CD
SERVICE # 1 OF 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: MIDLAND FUNDING LLC
vs.
DEFENDANT: GREGORY MILLER
TO: M&T BANK, Garnishee

SHERIFF RETURN

NOW, January 29, 2007 AT 9:46 AM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON M&T BANK DEFENDANT AT 621 SRING ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DIANA SMOLKO, MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
01/30/2007
JAN 30 2007
5
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NEIL	5937	10.00
SHERIFF HAWKINS	NEIL	5937	34.41

Sworn to Before Me This

____ Day of 2007

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Chester A. Hawkins
Sheriff

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.
GREGORY MILLER

M&T BANK

Defendant

: CLEARFIELD COUNTY, PENNSYLVANIA

Garnishee

: NO. 07-38-cd

: CIVIL ACTION - LAW

MONEY JUDGMENT

Writ of Execution

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against GREGORY MILLER Defendant:

1. You are also directed to attach the property of the defendant not levied upon in the possession of M&T BANK Garnishee per property description attached.

NO Levy- Garnishment Only

Serve interrogatories on garnishee at: 621 Spring Street, Houtzdale, PA 16651

and to notify Garnishee(s) that:

a. an attachment has been issued;
b. the garnishee(s) is enjoined from paying any debt to or for the account of the defendant(2) and from delivering any property of the defendant(s) or otherwise disposing thereof.

2. If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify him that he has been added as a garnishee and is enjoined as stated above.

Amount Due \$1,915.61

Interest from 10/20/06 \$27.44

Total \$1,943.05*

*Plus writ costs

Prothonotary costs 40.00

Clearfield County Prothonotary:

SEAL

By: Willie L. Hay 122107

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

Recd 1-23-07 @ 10:00 AM
Chester A. Haubers Sheriff
Aug. 2007

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.
GREGORY MILLER

: CLEARFIELD COUNTY, PENNSYLVANIA

M&T BANK

Defendant

: NO. 07-38-cd

Garnishee

: CIVIL ACTION - LAW

MONEY JUDGMENT

Writ of Execution

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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*Plus writ costs

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Clearfield County Prothonotary:

By: William H. Hay 10/21/07

SEAL

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Recd 1-23-07 @ 10:00AM
Custer A. Hanus, Esq.
by Maury Hanus

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.
GREGORY MILLER

: CLEARFIELD COUNTY, PENNSYLVANIA

M&T BANK

Defendant

: NO. 07-38-cd

Garnishee

: CIVIL ACTION - LAW

MONEY JUDGMENT

Writ of Execution

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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*Plus writ costs

Prothonotary costs 40.00

Clearfield County Prothonotary:

By:

Willie Shantz 10/21/07

SEAL

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

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*Recvd 1-23-07 @ 10:00AM
Chester A. Hausey, Sheriff
by Marilyn Hausey*

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.
GREGORY MILLER

M&T BANK

Defendant

: CLEARFIELD COUNTY, PENNSYLVANIA

Garnishee

: NO. 07-38-cd

: CIVIL ACTION - LAW

MONEY JUDGMENT

Writ of Execution

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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Clearfield County Prothonotary:

By: Willie A. Hay 10/21/07

SEAL

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Received 1-23-07 @ 10:00 AM

Chesler A. Hawkins Sheriff
by Marlyn Hamer

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

v.
GREGORY MILLER

M&T BANK

Defendant

: CLEARFIELD COUNTY, PENNSYLVANIA

Garnishee

: NO. 07-38-cd

: CIVIL ACTION - LAW

MONEY JUDGMENT

Writ of Execution

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs against GREGORY MILLER Defendant:

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Total \$1,943.05*

*Plus writ costs

Prothonotary costs 40.00

SEAL

Clearfield County Prothonotary:

By:

Walter A. Hay 10/22/07

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE
DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY
AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED
TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT
SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

Recd 1-23-07 @ 10:00AM
Chesler A. Hawkins Shultz
Lay Maelyn Hart

FILED

Ex

FEB 26 2007

m. Shaw

William A. Shaw
Prothonotary/Clerk of Courts

✓ Sent to M&T

Blawie

Burton Neil & Associates, P.C.

By: Yale D. Weinstein, Esquire ID. NO. 89678
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120
Attorney for Plaintiff

Midland Funding LLC

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

GREGORY MILLER

Defendant

and

M&T Bank

Garnishee

: NO. 07-38-cd

: CIVIL ACTION - LAW

Praeclipe to Dissolve Attachment

To the Prothonotary:

Dissolve the attachment against M&T Bank, garnishee.

Burton Neil & Associates, P.C.

By:

[Signature]
Yale D. Weinstein, Esquire
Attorney for Plaintiff

The law firm of Burton Neil & Associates is a debt collector.

77076

