

Midland Funding vs Timothy Coon
2007-64-CD

2007-64-CD
Midland Funding vs Timothy Coon

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of Clearfield

NOTICE OF APPEAL

FROM
MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No. 07-64-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below.

NAME OF APPELLANT Midland Funding LLC	MAG. DIST. NO. 46-3-02	NAME OF MDJ Richard Ireland
ADDRESS OF APPELLANT 8875 Aero Drive	CITY San Diego	STATE CA
DATE OF JUDGMENT 12/14/06	IN THE CASE OF (Plaintiff) Midland Funding LLC	(Defendant) vs Timothy Coon
DOCKET No. CV-350-06	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT	

This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B.

This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was Claimant (see Pa. R.C.P.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within (20) days after filing the NOTICE of APPEAL.

FILED twenty
m 10/20/07 85.00
JAN 15 2007 ICC.
Att'y
Irela

William A. Shaw *Def.*
Prothonotary/Clerk of Courts

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon _____

appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. _____)

) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or attorney or agent

RULE: To _____

, appellee(s)

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

- (2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.
(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: _____, 20____

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

MDJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

BURTON NEIL & ASSOCIATES, PC
1060 ANDREW DRIVE APT/STE 170
WEST CHESTER, PA 19381-0356

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

MIDLAND FUNDING LLC
1060 ANDREW DRIVE APT/STE 170
WEST CHESTER, PA 19381-0356

NAME and ADDRESS

DEFENDANT:

COON, TIMOTHY
101 PARADISE SCHOOL RD
CLEARFIELD, PA 16830

NAME and ADDRESS

Docket No.: **CV-0000350-06**
Date Filed: **10/25/06**



THIS IS TO NOTIFY YOU THAT:

FOR DEFENDANT

Judgment: _____ (Date of Judgment) **12/14/06**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) COON, TIMOTHY	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Judgment was entered against: (Name) MIDLAND FUNDING LLC,</td> </tr> <tr> <td>in the amount of \$.00</td> </tr> <tr> <td><input type="checkbox"/> Defendants are jointly and severally liable.</td> </tr> <tr> <td><input type="checkbox"/> Damages will be assessed on Date & Time _____</td> </tr> <tr> <td><input type="checkbox"/> This case dismissed without prejudice.</td> </tr> <tr> <td><input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____</td> </tr> </table>	<input checked="" type="checkbox"/> Judgment was entered against: (Name) MIDLAND FUNDING LLC,	in the amount of \$.00	<input type="checkbox"/> Defendants are jointly and severally liable.	<input type="checkbox"/> Damages will be assessed on Date & Time _____	<input type="checkbox"/> This case dismissed without prejudice.	<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____
<input checked="" type="checkbox"/> Judgment was entered against: (Name) MIDLAND FUNDING LLC,							
in the amount of \$.00							
<input type="checkbox"/> Defendants are jointly and severally liable.							
<input type="checkbox"/> Damages will be assessed on Date & Time _____							
<input type="checkbox"/> This case dismissed without prejudice.							
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____							
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____							
Amount of Judgment \$.00							
Judgment Costs \$.00							
Interest on Judgment \$.00							
Attorney Fees \$.00							
Total \$.00							
Post Judgment Credits \$ _____							
Post Judgment Costs \$ _____							
Certified Judgment Total \$ _____							

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.

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DEC 14 2006

Richard Ireland

, Magisterial District Judge

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

Date _____, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **12/14/06** **2:32:00 PM**

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

FILED *NOCC*
M 11/02/2007
JAN 15 2007 *JS*

William A. Shaw
Prothonotary/Clerk of Courts

MIDLAND FUNDING LLC
8875 Aero Drive, Suite 200, San Diego, CA
Plaintiff

v.

TIMOTHY COON
101 Paradise School Road, Clearfield, PA
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 07-604-CD
: CIVIL ACTION - LAW

Complaint - 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 within (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 claim 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. 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.

LAWYER REFERENCE AND INFORMATION SERVICE

David S. Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
Telephone No. 814-765-2641 Ext. 5982

78514



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
Plaintiff

v.

TIMOTHY COON
101 Paradise School Road, Clearfield, PA
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA

: NO.

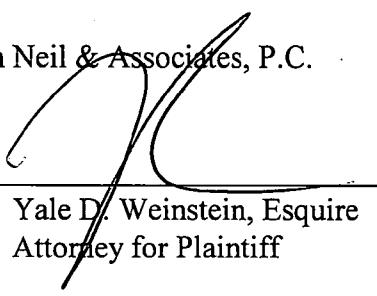
: CIVIL ACTION - LAW

Complaint

1. The plaintiff is Midland Funding LLC with place of business located at 8875 Aero Drive, Suite 200, San Diego, California.
2. The defendant is Timothy Coon, who resides at 101 Paradise School Road, Clearfield, Clearfield County, Pennsylvania.
3. Emerge furnished consumer credit to defendant bearing account number 5181890007651692 hereinafter referred to as the credit card account.
4. The defendant made purchases, balance transfers and/or cash advances on the credit card account.
5. The balance due on the credit card account is \$1,410.81.
6. Defendant did not pay the balance due on the credit card account as required by the credit card agreement. As such, defendant is in default on the credit card account.
7. Plaintiff purchased the defendant's account from Emerge and is now the holder and owner of the account.
8. Although demand has been made by plaintiff upon defendant to pay the sum of \$1,410.81, the defendant failed and refused to pay all or any part thereof.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$1,410.81 and the costs of this action.

Burton Neil & Associates, P.C.

By: 

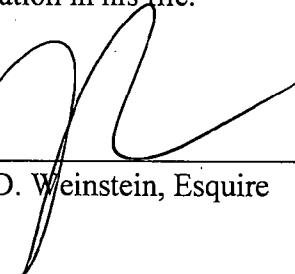
Yale D. Weinstein, Esquire
Attorney for Plaintiff

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

Verification

Yale D. Weinstein, Esquire, attorney for plaintiff, Midland Funding LLC, makes this statement on its behalf as to the truthfulness of the facts set forth in the foregoing Complaint subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities. Counsel, rather than an officer or other representative of plaintiff is verifying the foregoing Complaint because plaintiff's officers and/or representatives are outside the jurisdiction of the court and the verification of none of them could be obtained within the time required to file this pleading. Plaintiff's counsel is verifying plaintiff's Complaint based upon information and belief from information in his file.

Date: 1/9/11


Yale D. Weinstein, Esquire

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-02

MDJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD ST
STE 113
CLEARFIELD, PA 16830

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

Docket No.: **CV-0000350-06**
Date Filed: **10/25/06**



07-64-C

(Date of Judgment) **12/14/06**

Judgment was entered for: (Name) **COON, TIMOTHY**

Judgment was entered against: (Name) **MIDLAND FUNDING LLC**,
in the amount of \$ **.00**

Defendants are jointly and severally liable.

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00

Damages will be assessed on Date & Time _____

Total	\$.00
-------	---------------

This case dismissed without prejudice.

Post Judgment Credits	\$.00
Post Judgment Costs	\$.00
=====	

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

Certified Judgment Total \$ _____

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.

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FILED

m/3/5/06
JAN 22 2007

(60)

William A. Shaw
Prothonotary/Clerk of Courts
, Magisterial District Judge

DEC 14 2006 Date _____

Rubel A. Ireland

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

JAN 18 2007 Date _____

Rubel A. Ireland

, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **12/14/06 2:32:00 PM**

MIDLAND FUNDING LLC
Plaintiff

: IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

v.
TIMOTHY COON
Defendant

: NO. 07-64-CD
: CIVIL ACTION - LAW

Affidavit of Service

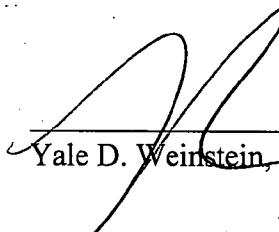
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

:
SS
:

Yale D. Weinstein, ESQUIRE, being duly sworn according to law, deposes and says:

1. That he is attorney for Plaintiff in the above captioned action in the Clearfield County Court of Common Pleas;
2. That on January 27, 2007 he served Plaintiff's complaint on Defendant by certified mail, return receipt requested;
3. That attached hereto marked Exhibit 1 and incorporated herein by reference is a true and correct copy of the return receipt card;
4. That this Affidavit is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

DATED: 1/31/07


Yale D. Weinstein, Esquire, Affiant

In making this communication, we advise that this office is a debt collector.

FILED *No cc*
M 1/30/07
FEB 05 2007


William A. Shaw
Prothonotary/Clerk of Courts

SENDER (COMPLETE THIS SECTION)

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy C. M.
10 Paradise School Road
Clearfield, PA 16830

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery
11/27/07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

PS Form 3811, February 20

7002 3150 0002 2627 7998

78514

Domestic Return Receipt

102585-02-M-1840

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC,

Plaintiff : Civil Action

vs. : No. 07-64-CD

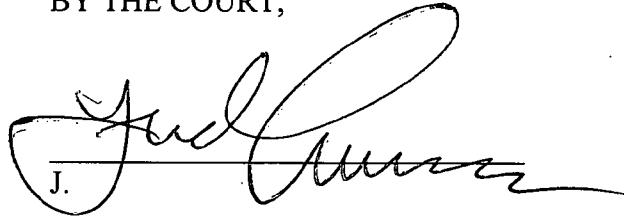
TIMOTHY COON,

Defendant :

ORDER

AND NOW, this 12 day of Feb, 2007, upon consideration of Defendant Timothy Coon's Preliminary Objections filed in the above captioned matter, it is the Order of the Court that argument has been scheduled for the 19th day of March, 2007 at 10:00 o'clock A .m. in Courtroom # 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FILED 3CC Atty Foor
9/11/15 cm
FEB 12 2007 (R)

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2-12-2007

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:

FILED

FEB 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

MIDLAND FUNDING LLC,
Plaintiff

vs.

Timothy Coon,
Defendant

*
*
* NO.: 07-64-CD
*
* Type of Case: Civil
*
* Type of Pleading: Preliminary
* Objections
*
* Filed on Behalf of: Timothy Coon
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED 3cc Atty
01/27/2007
FEB. 07 2007
Foor

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC,

:

Plaintiff

: Civil Action

vs.

: No. 07-64-CD

TIMOTHY COON,

:

Defendant

:

DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT

Pursuant to Pa. R.C.P. No. 1028(c), Defendant Timothy Coon by and through his attorney, Robin Jean Foor, and MidPenn Legal Services preliminarily objects to Plaintiff's Complaint and moves for its dismissal as follows:

I. PRELIMINARY OBJECTION RAISING FAILURE OF A PLEADING TO CONFORM TO LAW OR RULE OF COURT Pa. R.C.P. 1028 (a)(2)

1. Plaintiff filed a Complaint demanding damages in the amount of \$1,410.81 plus costs.
2. Plaintiff has failed to attach to the Complaint a signed written contract between Plaintiff and Defendant. Such writing would form the very core of Plaintiff's case, but such writing has not been appended to the Complaint, nor its absence explained, as required by Pa.R.C.P. No. 1019(h) and (i).

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

II. PRELIMINARY OBJECTION RAISING INSUFFICIENT SPECIFICITY IN A PLEADING Pa. R.C.P. 1028 (a)(3)

3. The Complaint contains alleged claims for money owed but fails to provide any documentation or accounting of charges allegedly made by Defendant, which would support Plaintiff's claim of damages, such as a breakdown of charges, payments, and interest, so that Defendant can properly formulate a response and assert any counterclaims.

4. The Complaint is deficient in reciting factual averments and Defendant is without information upon which he can premise a meaningful response and formulate a defense.

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

III. PRELIMINARY OBJECTION RAISING FAILURE OF A PLEADING TO CONFORM TO LAW OR RULE OF COURT Pa. R.C.P. 1028 (a)(2)

5. The Plaintiff/real-party-in interest is Midland Funding LLC.
6. Pa.R.C.P. No. 1024 requires, *inter alia*, that pleadings containing averments of fact must be verified by the party making those averments.
7. The Complaint is verified by Attorney Yale D. Weinstein.
8. While Attorney Yale indicates that his client is not within the jurisdiction of the court and there was not time to obtain their signatures, in addition to the thirty days of the appeal

period following the District Magistrate's Judgment, the appellant is entitled to an additional twenty days to file the complaint after the notice of appeal is filed.

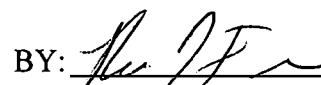
9. No verification in conformity with the aforesaid Rule is appended to the Complaint in this case.

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

Respectfully submitted,

MidPenn Legal Services
Attorneys for Defendant

2-7-07
Date

BY: 
Robin Jean Foor, Esquire
ID# 41520
211 East Locust Street
Clearfield, PA 16830
(814) 765-9646

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

MIDLAND FUNDING LLC,
Plaintiff

vs.

Timothy Coon,
Defendant

*
*
* NO.: 07-64-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of
* Service
*
* Filed on Behalf of: Timothy Coon
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED
01/03/07 Atty Foor
FEB 16 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND FUNDING LLC,

Plaintiff : Civil Action

vs. : No. 07-64-CD

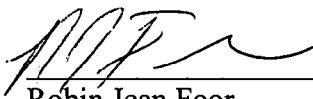
TIMOTHY COON,

Defendant :

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 12th day of February, 2007 I served a copy of the Preliminary Objections and the Order scheduling argument on those Objections filed in that above captioned matter to the following individual by first class mail, postage prepaid:

Yale D. Weinstein, Esquire
BURTON NEIL & ASSOCIATES, P.C.
1060 Andrew Drive, Suite 170
West Chester, PA 19380



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield, PA 16803
(814)765-9646

FILED
M 05 2007
MAR 05 2007
No cc
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

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 : IN THE COURT OF COMMON PLEAS
8875 Aero Drive, Suite 200, San Diego, CA
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO. 07-64-CD
TIMOTHY COON
101 Paradise School Road, Clearfield, PA
Defendant : CIVIL ACTION - LAW

Amended Complaint - 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 within (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 claim 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. 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.

LAWYER REFERENCE AND INFORMATION SERVICE
David S. Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
Telephone No. 814-765-2641 Ext. 5982

78514

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

FILED
M 11 2007
MAR 05 2007
cc

William A. Shaw
Prothonotary/Clerk of Courts

MIDLAND FUNDING LLC : IN THE COURT OF COMMON PLEAS
8875 Aero Drive, Suite 200, San Diego, CA
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v.

TIMOTHY COON : NO. 07-64-CD
101 Paradise School Road, Clearfield, PA
Defendant : CIVIL ACTION - LAW

Amended Complaint

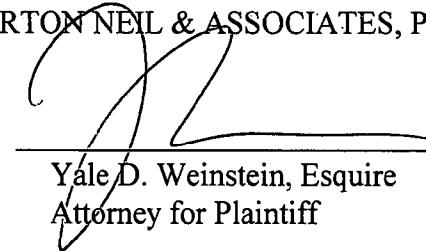
1. The plaintiff is Midland Funding LLC with place of business located at 8875 Aero Drive, Suite 200, San Diego, California.
2. The defendant is Timothy Coon, who resides at 101 Paradise School Road, Clearfield, Clearfield County, Pennsylvania.
3. Emerge Mastercard furnished consumer credit to defendant bearing account number 5181890007651692 hereinafter referred to as the credit card account.
4. A copy of defendant's application for the credit card is not accessible to plaintiff
5. The defendant made purchases, balance transfers and/or cash advances on the credit card account. A true and correct copy of the transaction history is attached hereto, incorporated by reference, marked Exhibit A.
6. The balance due on the credit card account is \$1,360.31.
7. Defendant did not pay the balance due on the credit card account as required by the credit card agreement. As such, defendant is in default on the credit card account.

8. Plaintiff purchased the defendant's account from Emerge Mastercard and is now the holder and owner of the account.

9. Although demand has been made by plaintiff upon defendant to pay the sum of \$1,360.31, the defendant failed and refused to pay all or any part thereof.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$1,360.31 and the costs of this action.

BURTON NEIL & ASSOCIATES, P.C.

By: 

Yale D. Weinstein, Esquire
Attorney for Plaintiff

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

Transaction History

TIMOTHY W COON		EMERGE MASTERCARD	Acct# 5181890007651692	
Date	Description	Reference	St. Location	Amount
SEP 07, 2001	ANNUAL MEMBERSHIP FEE	74168511253929203207686		\$89.00
SEP 15, 2001	BONANZA FAMILY REST #220	24418001260260215204909	5812 ST MARYS, PA	\$43.77
SEP 16, 2001	KMART 00096099	24399001260909609259266	5311 BRADFORD, PA	\$19.11
SEP 16, 2001	BIG LOTS #010800010843	24399001260916712493393	5310 BRADFORD, PA	\$18.20
SEP 16, 2001	QUALITY MARKET 626 S81	24262031261035710000306	5411 KANE, PA	\$24.03
SEP 17, 2001	WAL MART	24226381260324508002046	5310 ST MARYS, PA	\$20.95
SEP 17, 2001	WAL MART	24226381260324508002038	5310 ST MARYS, PA	\$58.00
SEP 19, 2001	BIG LOTS #010800010843	24399001263916716553389	5310 BRADFORD, PA	\$36.24
SEP 20, 2001	KANE FEED & SEED INC	24072021264706911000018	5995 KANE, PA	\$17.32
SEP 22, 2001	BONANZA FAMILY REST #220	24418001267267205437004	5812 ST MARYS, PA	\$20.61
SEP 22, 2001	WAL MART	24226381266323620733714	5310 ST MARYS, PA	\$90.44
SEP 23, 2001	KWIK FILL #0184	24455011266126771621967	5541 KANE, PA	\$1.70
SEP 25, 2001	C W HARDWARE	24610431269004070067506	5251 KANE, PA	\$7.41
SEP 26, 2001	WAL MART	74226381269324694801777	5310 ST MARYS, PA	-\$21.03
SEP 29, 2001	PEPES PIZZA	24236271273400003320103	5812 KANE, PA	\$20.46
OCT 06, 2001	WAL MART	24226381279326909969672	5310 AMHERST, NY	\$20.39
OCT 15, 2001	PAYMENT RECEIVED -- THANKYOU	74168511288870889940092		-\$40.00
OCT 17, 2001	UNI MARTS #4059	24323011291118290010037	5541 KANE, PA	\$3.38
OCT 18, 2001	KWIK FILL #0184	24455011291129271683296	5541 KANE, PA	\$1.70
OCT 20, 2001	TOPS MARKET #610	24246511294694961012700	5411 BRADFORD, PA	\$11.08
OCT 20, 2001	KMART 00096099	24399001295909609293926	5311 BRADFORD, PA	\$22.51
OCT 20, 2001	KWIK FILL #0184	24455011293129472086917	5541 KANE, PA	\$10.00
OCT 21, 2001	QUALITY MARKET 626 S81	24262031295035288100298	5411 KANE, PA	\$7.47
OCT 23, 2001	KWIK FILL #0184	24455011295129771575302	5541 KANE, PA	\$1.70
OCT 29, 2001	KWIK FILL #0184	24455011302130371580132	5541 KANE, PA	\$3.50
NOV 13, 2001	PAYMENT RECEIVED -- THANKYOU	74168511317870628890173		-\$25.00
NOV 16, 2001	QUALITY MARKET 626 S81	24262031322035494100238	5411 KANE, PA	\$21.19
NOV 28, 2001	KWIK FILL #0184	24455011332133371586889	5541 KANE, PA	\$6.58

Transaction History

TIMOTHY W COON		EMERGE MASTERCARD	Acct# 5181890007651692	
Date	Description	Reference	St. Location	Amount
DEC 24, 2001	PAYMENT RECEIVED -- THANKYOU	74168511358870607180737		-\$15.00
DEC 27, 2001	PURCHASE *FINANCE CHARGE*			\$9.29
DEC 27, 2001	KWIK FILL #01B4	24455011361136271637599	5541 KANE, PA	\$18.55
JAN 25, 2002	PURCHASE *FINANCE CHARGE*			\$9.52
JAN 25, 2002	LATE PAYMENT CHARGE			\$29.00
JAN 31, 2002	CR LINE FEE REV	74168512031946031001161	TILTON, NH	-\$29.00
FEB 04, 2002	PAYMENT RECEIVED -- THANKYOU	74168512035551038452585		-\$30.00
FEB 04, 2002	PAYMENT RECEIVED -- THANKYOU	74168512036832222202146		-\$30.00
FEB 05, 2002	RETURN PAYMENT	74168512038491038089730		\$30.00
FEB 08, 2002	BIG LOTS #016300016345	24399002040916122719887	5310 WARREN, PA	\$10.55
FEB 26, 2002	KWIK FILL #01B4	24455012057205871431286	5541 KANE, PA	\$2.96
FEB 26, 2002	PURCHASE *FINANCE CHARGE*			\$10.50
MAR 27, 2002	PURCHASE *FINANCE CHARGE*			\$9.76
MAR 27, 2002	LATE PAYMENT CHARGE			\$25.00
APR 03, 2002	LATE FEE CREDIT	74168512093110093012088		-\$25.00
APR 03, 2002	PAYMENT RECEIVED -- THANKYOU	74168512094832222202020		-\$31.00
APR 18, 2002	KWIK FILL #01B4	24455012108210971720942	5541 KANE, PA	\$5.41
APR 19, 2002	KWIK FILL #01B4	24455012109211071870503	5541 KANE, PA	\$5.41
APR 26, 2002	PURCHASE *FINANCE CHARGE*			\$9.85
MAY 14, 2002	'6 PHONE PAYMENT FEE	74168512134147134031223		\$9.95
MAY 14, 2002	PAYMENT RECEIVED -- THANKYOU	74168512134552087433534		-\$20.00
MAY 28, 2002	PURCHASE *FINANCE CHARGE*			\$10.56
JUN 24, 2002	AUTO PAYMENT DEDUCTION			-\$30.00
JUN 27, 2002	PURCHASE *FINANCE CHARGE*			\$9.84
JUL 09, 2002	KWIK FILL #01B4	24455012190219171874531	5541 KANE, PA	\$8.61
JUL 23, 2002	KWIK FILL #01B4	24455012204220571903056	5541 KANE, PA	\$3.77
JUL 24, 2002	NSF FEE(PAYMENT)	74168512213133212054075		\$29.00
JUL 24, 2002	AUTO PAYMENT DEDUCTION			-\$30.00

Transaction History

TIMOTHY W COON		EMERGE MASTERCARD	Acct# 5181890007651692	
Date	Description	Reference	Src. Location	Amount
JUL 26, 2002	PURCHASE *FINANCE CHARGE*			\$9.42
AUG 26, 2002	PURCHASE *FINANCE CHARGE*			\$9.85
SEP 04, 2002	NSF FEE CREDIT	74168512247113247092969		-\$29.00
SEP 26, 2002	LATE PAYMENT CHARGE			\$25.00
SEP 26, 2002	PURCHASE *FINANCE CHARGE*			\$10.05
SEP 28, 2002	PAYMENT RECEIVED -- THANKYOU	7416851227383222204102		-\$31.00
NOV 04, 2002	PURCHASE *FINANCE CHARGE*			\$12.00
DEC 04, 2002	LATE PAYMENT CHARGE			\$29.00
DEC 04, 2002	PURCHASE *FINANCE CHARGE*			\$9.45
JAN 06, 2003	PURCHASE *FINANCE CHARGE*			\$10.60
JAN 06, 2003	LATE PAYMENT CHARGE			\$29.00
FEB 04, 2003	LATE PAYMENT CHARGE			\$29.00
FEB 04, 2003	OVERLIMIT FEE			\$29.00
FEB 04, 2003	PURCHASE *FINANCE CHARGE*			\$9.51
MAR 04, 2003	LATE PAYMENT CHARGE			\$29.00
MAR 04, 2003	OVERLIMIT FEE			\$29.00
MAR 04, 2003	PURCHASE *FINANCE CHARGE*			\$9.36
MAR 10, 2003	AUTO PAY FEE	75182853069000000030868	ATLANTA, GA	\$9.95
MAR 10, 2003	PAYMENT RECEIVED -- THANKYOU	75182853069000238000675		-\$19.00
APR 04, 2003	PAYMENT RECEIVED -- THANKYOU	75182853094000114001713		-\$19.00
APR 04, 2003	PURCHASE *FINANCE CHARGE*			\$10.22
APR 04, 2003	OVERLIMIT FEE			\$29.00
APR 04, 2003	LATE PAYMENT CHARGE			\$29.00
APR 07, 2003	AUTO PAY FEE	75182853097000000013746	ATLANTA, GA	\$9.95
MAY 05, 2003	PAYMENT RECEIVED -- THANKYOU	75182853125312500057750		-\$48.00
MAY 05, 2003	PURCHASE *FINANCE CHARGE*			\$9.97
MAY 05, 2003	AUTO PAY FEE	75182853125000000012264	ATLANTA, GA	\$9.95
MAY 05, 2003	OVERLIMIT FEE			\$29.00

Transaction History

TIMOTHY W COON		EMERGE MASTERCARD	Acct# 5181890007651692		
Date	Description	Reference	Sic	Location	Amount
MAY 05, 2003	PAYMENT RECEIVED -- THANKYOU	75182853125000230001574			-\$19.00
JUL 07, 2003	LATE PAYMENT CHARGE				\$29.00
JUL 07, 2003	PURCHASE *FINANCE CHARGE*				\$10.46
JUL 07, 2003	OVERLIMIT FEE				\$29.00
AUG 04, 2003	PURCHASE *FINANCE CHARGE*				\$9.04
AUG 04, 2003	OVERLIMIT FEE				\$29.00
AUG 04, 2003	PAYMENT RECEIVED -- THANKYOU	75182853216321600065555			-\$54.00
SEP 04, 2003	PURCHASE *FINANCE CHARGE*				\$9.79
SEP 04, 2003	PHONE PAYMENT FEE	75182853247000000108685			\$9.95
SEP 04, 2003	OVERLIMIT FEE				\$29.00
SEP 04, 2003	PAYMENT REVERSAL	75182853252324700022901			\$54.00
SEP 04, 2003	PAYMENT RECEIVED -- THANKYOU	75182853247324700022909			-\$54.00
SEP 09, 2003	NSF PROCESSING FEE	75182853252324700022901			\$29.00
OCT 06, 2003	PURCHASE *FINANCE CHARGE*				\$11.31
OCT 06, 2003	PAYMENT REVERSAL	75182853282327900046988			\$54.00
OCT 06, 2003	OVERLIMIT FEE				\$29.00
OCT 06, 2003	PAYMENT RECEIVED -- THANKYOU	75182853279327900046983			-\$54.00
OCT 06, 2003	PHONE PAYMENT FEE	75182853279000000127413			\$9.95
OCT 09, 2003	NSF PROCESSING FEE	75182853282327900046988			\$29.00
NOV 04, 2003	PURCHASE *FINANCE CHARGE*				\$11.30
NOV 04, 2003	PAYMENT RECEIVED -- THANKYOU	75182853308330800023370			-\$74.00
NOV 04, 2003	OVERLIMIT FEE				\$29.00
DEC 04, 2003	LATE PAYMENT CHARGE				\$29.00
DEC 04, 2003	PURCHASE *FINANCE CHARGE*				\$11.67
DEC 04, 2003	OVERLIMIT FEE				\$29.00
JAN 05, 2004	LATE PAYMENT CHARGE				\$29.00
JAN 05, 2004	PURCHASE *FINANCE CHARGE*				\$12.70
JAN 05, 2004	OVERLIMIT FEE				\$29.00

Transaction History

TIMOTHY W COON		EMERGE MASTERCARD	Acct# 5181890007651692	
Date	Description	Reference	Svc. Location	Amount
FEB 02, 2004	LATE PAYMENT CHARGE			\$35.00
FEB 04, 2004	PAYMENT RECEIVED -- THANKYOU	75182854035403500021941		-\$88.00
APR 05, 2004	LATE PAYMENT CHARGE			\$29.00
APR 05, 2004	PURCHASE *FINANCE CHARGE*			\$12.21
APR 05, 2004	OVERLIMIT FEE			\$29.00
MAY 04, 2004	LATE PAYMENT CHARGE			\$29.00
MAY 04, 2004	PURCHASE *FINANCE CHARGE*			\$11.29
MAY 04, 2004	OVERLIMIT FEE			\$29.00
JUN 04, 2004	OVERLIMIT FEE			\$29.00
JUN 04, 2004	LATE PAYMENT CHARGE			\$29.00
JUN 04, 2004	PURCHASE *FINANCE CHARGE*			\$12.31
JUL 06, 2004	OVERLIMIT FEE			\$29.00
JUL 06, 2004	LATE PAYMENT CHARGE			\$29.00
JUL 06, 2004	PURCHASE *FINANCE CHARGE*			\$12.97
AUG 04, 2004	LATE PAYMENT CHARGE			\$29.00
AUG 04, 2004	PURCHASE *FINANCE CHARGE*			\$11.99
AUG 04, 2004	OVERLIMIT FEE			\$29.00
SEP 07, 2004	OVERLIMIT FEE			\$29.00
SEP 07, 2004	LATE PAYMENT CHARGE			\$29.00
SEP 07, 2004	PURCHASE *FINANCE CHARGE*			\$14.35

Verification

I, Jacquelyn Munsterman am an employee of Midland Credit Management, Inc. which is by contract the servicer for plaintiff Midland Funding LLC retained to collect delinquent debt. I am authorized to make this verification pursuant to a servicing agreement from plaintiff to Midland Credit Management, Inc. The foregoing averments of fact in the within Amended Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

Date: 2/21/07

Jacquelyn Munsterman
Name

Timothy Coon
5181890007651692

FILED
M 11 2001 NO CC
MAR 05 2001
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

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 : IN THE COURT OF COMMON PLEAS

Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO. 07-64-CD

TIMOTHY COON

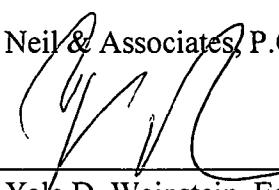
Defendant : CIVIL ACTION - LAW

Certificate of Service

I, Yale D. Weinstein, Esquire do hereby certify that I served a true and correct copy of the within plaintiff's Amended Complaint on defendant's counsel, Robin Jean Foor, Esquire at his/her address of record via first class mail, postage prepaid on the date set forth below.

Date: 2/28/07

Burton Neil & Associates, P.C.

By: 

Yale D. Weinstein, Esquire
Attorney for Plaintiff

The law firm of Burton Neil & Associates is a debt collector.
78514

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

Plaintiff(s)

v.

TIMOTHY COON
101 Paradise School Road
Clearfield PA 16830

Defendant(s)

CIVIL DIVISION, ARBITRATION
AND STATUTORY APPEALS ONLY
CASE NO. 07-64-CD

TYPE OF PLEADING: Praecipe

CODE AND CLASSIFICATION:

FILED ON BEHALF OF: Plaintiff
Midland Funding LLC

(Name of Party, indicate plaintiff or defendant)

NAME, ADDRESS AND TELEPHONE OF:

X Counsel of Record
____ Individual, if pro se

Yale D. Weinstein, Esquire
Burton Neil & Associates, P.C.
1060 Andrew Drive, Suite 170
West Chester, PA 19380
Telephone: 610-696-2120
email: litigation@burt-law.com

Attorney's State ID# 89678

Attorney's Firm ID# _____

(Signature)

FILED *10cc*
m/230pm *iceA of disc*
NOV 30 2007
m Issued to *Attu.*
William A. Shaw
Prothonotary/Clerk of Courts

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

v.

TIMOTHY COON
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 07-64-CD
: CIVIL ACTION - LAW

Praecipe to Settle, End, & Discontinue

To the Prothonotary:

Mark the above matter Settled, Ended and Discontinued.

Burton Neil & Associates, P.C.

By:

Yale D. Weinstein, Esquire
Attorney for Plaintiff

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

78514

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Midland Funding LLC

Vs. No. 2007-00064-CD
Timothy Coon

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 November 30, 2007, marked:

Settled, ended and discontinued

Record costs in the sum of \$85.00 have been paid in full by Yale D. Weinstein Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of November A.D. 2007.



lm

William A. Shaw, Prothonotary