

07-371-CD
Atlantic Credit vs Frank Updike

Atlantic Credit et al vs Frank Updike
2007-371-CD

2033508

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

Atlantic Credit & Finance Inc.
Assignee from Household Bank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

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 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 JUDGEMENT 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

FILED Atty pd. 85.00
2/10/47/01
MAR 12 2007 ICC Sheriff
J

William A. Shaw
Prothonotary/Clerk of Courts

Feb 13, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Willie Shaw GK
Deputy Prothonotary

COMPLAINT IN CIVIL-ACTION

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$4,591.16.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,591.16 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 2/24/04.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,591.16 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

ATLANTIC CREDIT & FINANCE, INC.

2033508

v.
FRANK L UPDIKE

AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

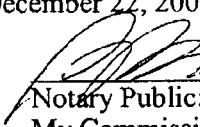
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HOUSEHOLD BANK Account No. 5480420010078523. Said Account was charged off on November 30, 2004 in the amount of \$4,591.16.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was February 22, 2004. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,591.16.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me December 22, 2006.


Notary Public: Pamela Blankenship
My Commission Expires: 9/30/2010



THIS COMMUNICATION IS FROM A DEBT COLLECTOR

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

102545

ATLANTIC CREDIT & FINANCE INC.

Case # 07-371-CD

vs.

FRANK L. UPDIKE

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW July 25, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO FRANK L. UPDIKE, DEFENDANT. 501 WALKER ST., OSCEOLA MILLS, PA. "IN CENTRE CO.".

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	31269	10.00
SHERIFF HAWKINS	GORDON	31269	33.40

FILED
07:55 AM
JUL 25 2007
CS

William A. Shaw
Prothonotary/Clerk of Courts

So Answers,

*Chester A. Hawkins
by Marcy Harris*
Chester A. Hawkins
Sheriff

Sworn to Before me This

____ Day of _____ 2007

2033508

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Atlantic Credit & Finance Inc.
Assignee from Household Bank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

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 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 JUDGEMENT 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

Mar 12 2007

Attest.

2033508
L. M. - 13
Mary
J. M. J. M.

COMPLAINT IN CIVIL-ACTION

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$4,591.16.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,591.16 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 2/24/04.

WHEREFORE, plaintiff claims of the defendant(s) the sum of
\$4,591.16 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

ATLANTIC CREDIT & FINANCE, INC.
v.
FRANK L UPDIKE

2033508

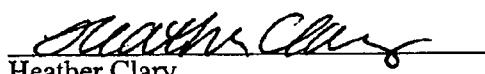
AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

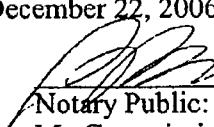
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HOUSEHOLD BANK Account No. 5480420010078523. Said Account was charged off on November 30, 2004 in the amount of \$4,591.16.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was February 22, 2004. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,591.16.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me December 22, 2006.


Notary Public: Pamela Blankenship
My Commission Expires: 9/30/2010

THIS COMMUNICATION IS FROM A DEBT COLLECTOR



2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

Atlantic Credit & Finance Inc.
Assignee from Household Bank

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Plaintiffs' Complaint in Civil Action
in the above-captioned matter for an additional thirty (30) days.

GORDON & WEINBERG, P.C.

BY:

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff(s)

FILED
m/11/2009
FEB 13 2009
Atty pd.
7.00
2009-21

5 William A. Shaw
Prothonotary/Clerk of Courts *2000 Compl.*
Reinstated to Sheriff
61

2033508

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600



Atlantic Credit & Finance Inc.
Assignee from Household Bank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

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 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 JUDGEMENT 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

COMPLAINT IN CIVIL-ACTION

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$4,591.16.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,591.16 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 2/24/04.
WHEREFORE, plaintiff claims of the defendant(s) the sum of
\$4,591.16 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

ATLANTIC CREDIT & FINANCE, INC.
v.
FRANK L UPDIKE

3033508

AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

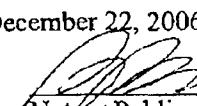
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HOUSEHOLD BANK Account No. 5480420010078523. Said Account was charged off on November 30, 2004 in the amount of \$4,591.16.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was February 22, 2004. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,591.16.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me December 22, 2006.


Notary Public: Pamela Blankenship
My Commission Expires: 9/30/2010

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

GORDON & WEINBERG P.C.: JAFF- 1135591



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105267
NO: 07-371-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: FRANK L. UPDIKE

SHERIFF RETURN

NOW, February 17, 2009, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON FRANK L. UPDIKE.

NOW, March 05, 2009 AT 4:45 PM SERVED THE WITHIN COMPLAINT ON FRANK L. UPDIKE, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5

9830LM

William A. Jones
Notary Public

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105267
NO: 07-371-CD
SERVICES 1

COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.

vs.

DEFENDANT: FRANK L. UPDIKE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	072131	10.00
SHERIFF HAWKINS	GORDON	072131	12.00
CENTRE CO.	GORDON	072132	47.52

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

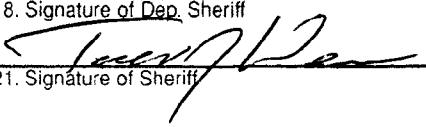
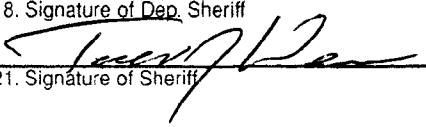
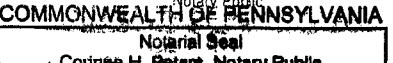

Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

Gordon & Weinberg P. C.

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN		INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do Not detach any copies.											
1. Plaintiff(s) Atlantic Credit & Finance Inc.		2. Case Number 07-371-CD											
3. Defendant(s) Frank L Updike		4. Type of Writ or Complaint: Complaint 503432											
SERVE → AT		5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. Frank L Updike 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 501 Walker St., Osceola Mills, PA 16666											
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other													
Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This depose being made at the request and risk of the plaintiff. Sheriff of Centre County													
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE													
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.													
9. Print/Type Name and Address of Attorney/Originator Gordon & Weinberg P. C. 1001 E HECTOR ST. SUITE 220 CONSHOCKEN PA 19428		10. Telephone Number (215) 988-9600	11. Date										
		12. Signature											
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE													
13. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed										
TO BE COMPLETED BY SHERIFF													
16. Served and made known to Kathy Updike		on the 5 day of March											
20 2009, at 4:45 PM o'clock, m., at 501 Walker St., Osceola Mills, PA 16666		, County of Centre											
Commonwealth of Pennsylvania, in the manner described below:													
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is wife <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. and officer of said Defendant company. Other _____													
On the _____ day of _____, 20____, at _____ o'clock. M.													
Defendant not found because:													
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____													
Remarks:													
<table border="1"> <tr> <td>Advance Costs 75.00</td> <td>Docket 9.00</td> <td>Service 9.00</td> <td>Sur Charge 0.00</td> <td>Affidavit 2.50</td> <td>Mileage 27.00</td> <td>Postage</td> <td>Misc.</td> <td>Total Costs 47.50</td> <td>Costs Due or Refund (27.50)</td> </tr> </table>				Advance Costs 75.00	Docket 9.00	Service 9.00	Sur Charge 0.00	Affidavit 2.50	Mileage 27.00	Postage	Misc.	Total Costs 47.50	Costs Due or Refund (27.50)
Advance Costs 75.00	Docket 9.00	Service 9.00	Sur Charge 0.00	Affidavit 2.50	Mileage 27.00	Postage	Misc.	Total Costs 47.50	Costs Due or Refund (27.50)				
17. AFFIRMED and subscribed to before me this 11				So Answer.		18. Signature of Dep. Sheriff		19. Date					
20. day of 11/09								3/10/09					
23. 				21. Signature of Sheriff				22. Date					
						SHERIFF OF CENTRE COUNTY							
				Amount Pd.		Page							
24. I ACKNOWLEDGE RECEIPT OF THIS SHERIFF'S RETURN SIGNATURE OF ALL DEFENDANTS								25. Date Received					
Member, Pennsylvania Association of Notaries													



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 105267

TERM & NO. 07-371-CD

ATLANTIC CREDIT & FINANCE INC.

COMPLAINT

VS.

FRANK L. UPDIKE

SERVE BY: 03/15/09
COURT DATE:

MAKE REFUND PAYABLE TO GORDON & WEINBERG, P.C.

SERVE: FRANK L. UPDIKE

ADDRESS: 501 WALKER ST., OSCEOLA MILLS, PA 16666

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, February 17, 2009.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500371

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY:

Atlantic Credit & Finance Inc.
Assignee from Household Bank TERM NO.: 07-371-CD
3353 Orange Avenue
Roanoke, VA 24012

vs.

TYPE OF PAPER BEING SERVED:
complaint

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

NAME AND ADDRESS(S) OF

DEFENDANT(S)

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

SPECIAL INSTRUCTIONS: (IF ANY)

Deputize service to Sheriff of Centre County.

MARC R. GORDON
FREDERIC I. WEINBERG*
JOEL M. FLINK*
CHRISTOPHER S. FROBA*

*Also member NJ Bar



1001 E. HECTOR STREET
SUITE 220
CONSHOHOCKEN, PA 19428

1200 LAUREL OAK ROAD
SUITE 104
VOORHEES, NJ 08043

PHONE: (484) 351-0500
FACSIMILE: (484) 351-0501

TOLL FREE: (866) 465-8087

(Reply to PA office)

Prothonotary of Clearfield County
P.O. Box 549
Clearfield, PA 16830

RE: Atlantic Credit & Finance Inc. Assignee from Household Bank vs. FRANK L
UPDIKE
Our File No. : 2033508

Dear Sir/Madam:

Enclosed for filing please find an original and two copies of the Praecept to Reinstate the Complaint with regard to the above matter. Kindly file same with the Court and return a time-stamped copy in the enclosed self-addressed stamped envelope provided herein for your convenience.

Kindly forward a copy of the Complaint in Civil Action to the Sheriff of Clearfield County to deputize and forward for service to Centre County. I have also enclosed this firm's check in the amount of \$100.00 to cover the Sheriff of Clearfield County's fees to deputize service and a check in the amount of \$75.00 to cover the Sheriff of Centre County's fees for service and self-addressed stamped envelopes to return the completed Service Order.

Thank you for your attention to this matter.

Very truly yours,

GORDON & WEINBERG, P.C.

/s/ Frederic I. Weinberg

FREDERIC I. WEINBERG, ESQUIRE

FIW/fb
E004-1

2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

Atlantic Credit & Finance Inc.
Assignee from Household Bank

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Plaintiffs' Complaint in Civil Action
in the above-captioned matter for an additional thirty (30) days.

GORDON & WEINBERG, P.C.

BY: _____

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff(s)

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

FEB 13 2009

Attest.

William L. Baer
Prothonotary/
Clerk of Courts

2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500371

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY:

Atlantic Credit & Finance Inc.
Assignee from Household Bank TERM NO.:07-371-CD
3353 Orange Avenue
Roanoke, VA 24012

VS.

TYPE OF PAPER BEING SERVED:
complaint

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

**NAME AND ADDRESS(S) OF
DEFENDANT(S)**

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

SPECIAL INSTRUCTIONS: (IF ANY)

Deputize service to Sheriff of Centre County.

2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY:

Atlantic Credit & Finance Inc.
Assignee from Household Bank TERM NO.:
3353 Orange Avenue
Roanoke, VA 24012

vs.

TYPE OF PAPER BEING SERVED:
complaint

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

NAME AND ADDRESS(S) OF
DEFENDANT(S)
FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

SPECIAL INSTRUCTIONS: (IF ANY)

2033508

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

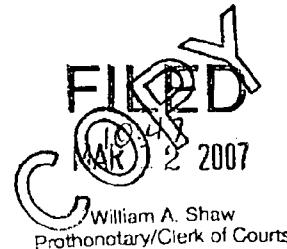
PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600



Atlantic Credit & Finance Inc.
Assignee from Household Bank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-371-CD

FRANK L UPDIKE
501 WALKER ST
OSCEOLA MILLS PA 16666-1619

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 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 JUDGEMENT 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

2/13/09 Document
Reinstated/Reissued to Sheriff/Attorney
for service. William A. Shaw
Deputy Prothonotary

COMPLAINT IN CIVIL-ACTION

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$4,591.16.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,591.16 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 2/24/04.
WHEREFORE, plaintiff claims of the defendant(s) the sum of
\$4,591.16 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

ATLANTIC CREDIT & FINANCE, INC.

3033508

v.
FRANK L UPDIKE

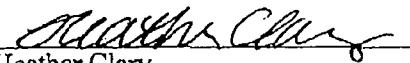
AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

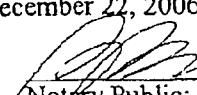
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HOUSEHOLD BANK Account No. 5480420010078523. Said Account was charged off on November 30, 2004 in the amount of \$4,591.16.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was February 22, 2004. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,591.16.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:

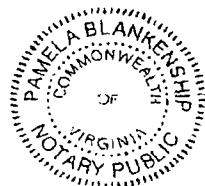

Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me December 22, 2006.


Notary Public: Pamela Blankenship
My Commission Expires: 9/30/2010

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

GORDON & WEINBERG P.C.: JAFF- 1135591



2033508

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

Atlantic Credit & Finance Inc. COURT OF COMMON PLEAS
Assignee from Household Bank CLEARFIELD COUNTY

vs. DOCKET NO. : 07-371-CD

FRANK L UPDIKE

ORDER TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter settled, discontinued and ended upon payment of your costs only.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P003

FILED No CC
M 10:54 AM APR 29 2009 2 Cert. of
APR 29 2009 Disc. to Def.
William A. Shaw
Notary/Clerk of Courts (6a)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Atlantic Credit & Finance, Inc.
Household Bank**

Vs.
Frank L. Updike

No. 2007-00371-CD

CERTIFICATE OF DISCONTINUATION

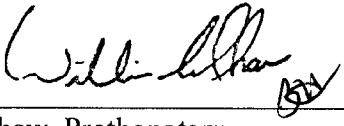
Commonwealth of PA
County of Clearfield

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 April 29, 2009, marked:

Settled, Discontinued, and Ended

Record costs in the sum of \$92.00 have been paid in full by Frederic I. Weinberg, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of April A.D. 2009.



William A. Shaw, Prothonotary

UA
S FILED

MAY 05 2009
6/4/09 1:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
1 cent to ATR

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

WANDA RUSSELL,

Plaintiff,

vs.

JAMES E. DEVLIN, M.D., MARK W.
MALONEY, D.O., DRMC PRIMARY CARE
ASSOCIATES, SANAA HELMI, M.D.,
THOMAS J. BRADLEY, M.D., BRADFORD
BOBRIN, M.D.; DuBOIS REGIONAL MEDICAL
CENTER WEST a/d/b/a/ DRMC
BEHAVIORAL UNIT a/k/a/ DRMC EAST
BEHAVIORAL HEALTH OUTPATIENT
CLINIC,

Defendants.

*Medical Professional Liability
Action*

Docket No: 07 - 644 - C.D.

JURY TRIAL DEMANDED
*A
2/1
ATC*

RULE TO SHOW CAUSE

AND NOW, this 5th day of MAY, 2009, the Plaintiff is directed to show cause, if any she has, why Defendant Dr. Helmi's Motion for Summary Judgment should not be granted.

This Rule is returnable for Answer within 20 days and argument is scheduled for the 15th day of June, 2009, at 2:30 Pm. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT


J. Cunningham