

07-924-CD

Elite Rec. vs Joanna L. St. Clair

2007-924-CD

Elite Recovery vs Joanna St. Clair

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Elite Recovery Svcs Inc
(Plaintiff)

CIVIL ACTION

Apothaker & Associates, P.C.

2417 Welsh Road
(Street Address)

Suite 21 #520

Philadelphia, PA 19114

(City, State ZIP)

No.

07-924-CD

Type of Case:

CIVIL

Type of Pleading:

Complaint

VS.

JOANNA L ST. CLAIR
(Defendant)

Filed on Behalf of:

DAVID J APOTHAKER

(Plaintiff) (Defendant)

168 Cooper Ave.

(Street Address)

GRASSFLAT, PA 16839

(City, State ZIP)

DAVID APOTHAKER, Esq

(Filed by)

Apothaker & Associates, P.C.

2417 Welsh Road

Suite 21 #520

(Address) Philadelphia, PA 19114

215-634-8920

(Phone)

L

(Signature)

FILED

cc Sheriff

mla:2061
JUN 1 2007 Atty Pd: 85.00
JUN 1 2007

W

William A. Shaw
Prothonotary/Clerk of Courts

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

ELITE RECOVERY SERVICES INC c/o Apothaker & Associates, P.C. 2417 Welsh Road, Suite 21 #520 Philadelphia, PA 19114	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
))
	)	NO.:
Plaintiff,)	
vs.)	
)	
JOANNA L ST CLAIR 168 COOPER AVE GRASSFLAT, PA 16839)	
Defendant.)	
)	

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action with twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

ELITE RECOVERY SERVICES INC	) COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.	) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114	) NO.:
Plaintiff,)
vs.)
JOANNA L ST CLAIR)
168 COOPER AVE)
GRASSFLAT, PA 16839)
Defendant.)
)

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff, ELITE RECOVERY SERVICES INC, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.

2. Defendant is JOANNA L ST CLAIR, an adult individual residing at 168 COOPER AVE GRASSFLAT, PA 16839.

3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".

4. Defendant received and accepted the goods and/or services described in Exhibit "A".

5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.

6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".

7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$4,331.93 from June 28, 2006.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

9. The original creditor is PROVIDIAN BANK.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$4,331.93 plus costs, and reasonable attorney's fees.

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

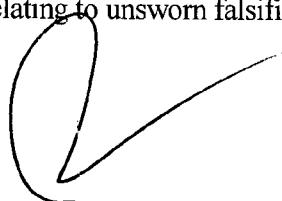
BY: _____
David J. Apothaker

Dated: 5/25/2007

Our File No.: 97714

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "David J. Apothaker".

David J. Apothaker
Attorney for Plaintiff

DATE: 5/25/2007

ELITE RECOVERY SERVICES INC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

JOANNA L ST CLAIR
168 COOPER AVE
GRASSFLAT, PA 16839

STATEMENT OF ACCOUNT

Debtor's Name: JOANNA L ST CLAIR
Account Number: 4465612000746513
Original Creditor: PROVIDIAN BANK
Date of Debt: June 28, 2006
Balance Due: \$4,331.93

Our File No.: 97714

EXHIBIT "A"

July 11, 2007

FILED

Court of Common Please of Clearfield County, PA

JUL 13 2007

RE: Civil Action No. 07-924-CD

13:45 PM
William A. Shaw
Prothonotary/Clerk of Courts

This letter is in reference to the notice that I received. Enclosed is a copy of my Credit Report which lists Provician Bank. This was a credit card with the original date of being Closed as of 01/2002. Therefore I am protesting this complaint in regards to the date and the limitations set forth under PA Law.

Regards,


Joanna St. Clair

PO BOX 827
EDGEMONT, PA 19028-0827
(610) 446-4500

Balance: \$222
Date Updated: 10/2003
Original Balance: \$222
Original Creditor: COMCAST
Past Due: >\$222<

Pay Status: >Collection Account<
Account Type: Open Account
Responsibility: Individual Account

Loan Type: Collection Agency Attorney

Remark: >Placed for collection<

Date placed for collection: [05/2003]

Estimated date that this item will be removed: 09/2008

PARAGON WAY INC #5458004013264351

2101 W BEN WHITE B
103
AUSTIN , TX 78704-7516
(888) 570-5007

Balance: \$3,060
Date Updated: 04/2007
Original Balance: \$2,888
Original Creditor: 12 METRIS COMPANIES
Past Due: >\$3,060<

Pay Status: >Collection Account<
Account Type: Open Account
Responsibility: Individual Account

Loan Type: Collection Agency Attorney

Remark: >Placed for collection<

Date placed for collection: [02/2006]

Estimated date that this item will be removed: 10/2009

PROVIDIAN FINANCIAL #4465612000746513

3801 S COLLINS ST
ARLINGTON , TX 76014-4122
(800) 964-6000

Balance: \$0
Date Updated: 09/2002
High Balance: \$4,304
Credit Limit: \$4,400
Past Due: \$0

Pay Status: >Charged Off as Bad D
Account Type: Revolving Account
Responsibility: Ind'vidual Account
Date Opened: 03/1999
Date Closed: 01/2002

Loan Type: Credit Card

Remark: Purchased by another lender

Estimated date that this item will be removed: 06/2008

Satisfactory Accounts

The following accounts are reported with no adverse information. (Note: The account # may be scrambled by the creditor for your protection).

CHELA/USA INC #1865061201

C/O ACS
501 BLEECKER ST
UTICA , NY 13501
(800) 835-4611

Balance: \$0
Date Updated: 10/2001
High Balance: \$1,868
Past Due: \$0
Terms: \$50 for 30 months

Pay Status: Paid or Paying as Agree
Account Type: Installment Account
Responsibility: Individual Account
Date Opened: 02/1997
Date Closed: 10/2001

Loan Type: Student Loan

Remark: Closed

Late Payments

18 months

Last 10

0 0 0

sep aug jst jut may june july july feb '01 dec

Months

HSBC AUTO FINANCE #50000200073150

CUSTOMER SERVICE
PO BOX 17904
SAN DIEGO , CA 92177
(800) 418-1888

Balance: \$0
Date Updated: 08/2006
High Balance: \$26,861
Past Due: \$0
Terms: \$591 for 72 months

Pay Status: Paid or Paying as Agree
Account Type: Installment Account
Responsibility: Joint Account
Date Opened: 09/2005
Date Closed: 08/2006

Loan Type: Automobile

Remark: Closed

Late Payments

10 months

Last 10

0 0 0

x x x
jul jun may apr mar feb '06 dec nov oct

Months

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102887
NO: 07-924-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ELITE RECOVERY SERVICES, INC.
vs.
DEFENDANT: JOANNA ST. CLAIR

SHERIFF RETURN

NOW, June 15, 2007 AT 2:49 PM SERVED THE WITHIN COMPLAINT ON JOANNA L. ST. CLAIR DEFENDANT AT 168 COOPER AVE., GRASSFLAT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT ST. CLAIR, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
OCT 26 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	48893G	10.00
SHERIFF HAWKINS	APOTHAKER	48893G	39.34

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

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

Our File No.: 97714
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
David J. Apothaker, Esquire
Attorney ID #38423

FILED

FEB 15 2008

112:05 AM
William A. Shaw
Prothonotary/Clerk of Courts
CERT w/ notice re
Def &
ATT

ELITE RECOVERY SERVICES INC
Plaintiff,
vs.
JOANNA L ST CLAIR
Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
)
) NO.: 07-924-CD
)
) Civil Action
)
)

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, ELITE RECOVERY SERVICES INC and against Defendant, JOANNA L ST CLAIR, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on June 15, 2007 by the CLEARFIELD Sheriff's Department. Copies of the proofs of service are attached hereto as Exhibit "A".

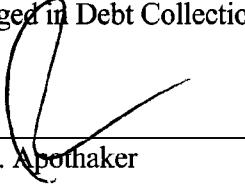
I certify, a copy of the Notice of Intention To Take Default was mailed on January 4, 2008, and also attached hereto.

Assess damages in the amount of:

(a)	Balance:	\$4,331.93
(b)	Interest from May 25, 2007	\$183.72
(c)	Costs	\$154.34
	TOTAL	\$4,669.99

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

By:


David J. Apotheker

Dated: February 8, 2008

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: JOANNA L ST CLAIR
168 COOPER AVE
GRASSFLAT, PA 16839

ELITE RECOVERY SERVICES INC) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
Plaintiff,)
vs.)
) NO.: 07-924-CD
JOANNA L ST CLAIR)
) Civil Action
Defendant.)

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

 JUDGMENT IN REPLEVIN

 JUDGMENT BY CONFESSION

 JUDGMENT FOR POSSESSION

 JUDGMENT ON AWARD OF ARBITRATORS

 JUDGMENT ON VERDICT

 JUDGMENT ON COURT FINDINGS

 JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

ELITE RECOVERY SERVICES INC	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
	)	NO.: 07-924-CD
)	
JOANNA L ST CLAIR	)	Civil Action
)	
Defendant.)	
)	

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 168 COOPER AVE GRASSFLAT, PA 16839.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.



David J. Apothaker
Attorney for Plaintiff

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102887
NO: 07-924-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ELITE RECOVERY SERVICES, INC.
vs.

DEFENDANT: JOANNA ST. CLAIR

SHERIFF RETURN

NOW, June 15, 2007 AT 2:49 PM SERVED THE WITHIN COMPLAINT ON JOANNA L. ST. CLAIR DEFENDANT AT 158 COOPER AVE., GRASSFLAT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT ST. CLAIR, DEFENDANT A TRUE AND ATTESTED COPY OF THE CRGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	48893G	10.00
SHERIFF HAWKINS	APOTHAKER	48893G	39.34

Sworn to Before Me This

____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

Our File No.: 97714
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

ELITE RECOVERY SERVICES INC	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	
	)	NO. 07-924-CD
JOANNA L ST CLAIR)	
168 COOPER AVE)	
GRASSFLAT, PA 16839)	
Defendant.)	
)	

**NOTICE OF INTENTION
TO TAKE DEFAULT**

TO: JOANNA L ST CLAIR

DATE OF NOTICE: January 04, 2008

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice as set forth above, a judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

151

DAVID J. APOTHAKER, ESQUIRE
A Law Firm Engaged in Debt Collection
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff
Attorney ID #38423

Department of Defense Manpower Data Center

JAN-31-2008 10:41:40



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

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

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

Mary M. Snavely-Dixon

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

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

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

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

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

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

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