

07-1161-CD
LVNV Funding vs P. Prescott

LVNV Fudning et al vs Patty Prescott
2007-1161-CD

2035513

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

LVNV FUNDING, LLC ASSIGNEE TO
SEARS ROEBUCK AND COMPANY
15 SOUTH MAIN ST SUITE 7
GREENVILLE, SC 29601

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-1161-CD

PATTY PRESCOTT
306 S STATE ST
DU BOIS PA 15801

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

pd \$85.00 Atty
FILED 1CC Shlf
m 9:07 am 1CC Atty
JUL 23 2007
LJM

William A. Shaw
Prothonotary/Clerk of Courts

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 \$1,591.74.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$1,591.74 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 12/11/05.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,591.74 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: _____

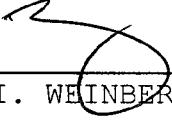

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

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

203553

LVNV FUNDING, LLC AFFIDAVIT OF ACCOUNT

STATE OF GEORGIA
COBB COUNTY

RE: ACCOUNT OF PATTY PRESCOTT

COMES NOW, Denise Gordon, and after being duly sworn before the below person authorized to administer oaths states the following:

1.

I am over 18 years old and sui juris and I am attorney network manager for LVNV Funding, LLC ASSIGNEE TO SEARS ROEBUCK AND COMPANY.

2.

I am familiar with the books and records of the Plaintiff and these books and records are kept in the ordinary course of business.

3.

The statements and documents attached hereto are true and correct.

4.

The Defendants owe the principal sum of \$1,323.52. Interest has accrued at 6 since December 11, 2003 in the amount of \$252.12.

5.

The Defendants account number for which they owe the debt is 1150078228873. The Defendants are past due on this account and in breach of the contractual agreement to pay as agreed.

6.

I know no liability insurance, bond or other security which may be available to pay this debt.

7.

The Defendants are not minors nor incompetent persons.

Denise Gordon
Attorney Network Manager
LVNV FUNDING, LLC ASSIGNEE TO SEARS ROEBUCK AND COMPANY

Sworn to and subscribed before me this 5th day of March, 2007.

Michele A. Cammon
NOTARY PUBLIC

My Commission Expires: 3.22.10
GORDON & WEINBERG, P.C.
06157168



To Whom It May Concern

July 24, 2007

RE: Docket Number: 07-1161-CD

FILED
M 10:24 AM
JUL 31 2007
NO CC
GR

William A. Shaw
Prothonotary/Clerk of Courts

The Sears Credit Card that this notice is in reference to was reported to Sears as being used fraudulently years ago. A purchase was made in Erie, PA, which is obviously miles away from my home. I was not in Erie at the time of purchase, and had not authorized anyone to make a purchase with my card. This matter was all disputed with Sears. Upon further investigation, the card was not even used for the purchase, just the account number. Again, I did not make any purchase from Sears, nor did I authorize any purchase to be made at Sears under any circumstances by anyone.

The matter was reported to Sears, again years ago, and they removed the account from my credit report. They did not have my signature for a purchase, because I did not make a purchase, and could not provide any, therefore the account was removed as unverifiable. This was confirmed by Trans Union, the account was unverifiable and therefore removed from my credit file.

Unfortunately, it seems they did not inform the company that they sold the account to that this was an unauthorized purchase and that I did not make or give permission to anyone to make said purchase.

Therefore: I dispute the charges being made

In reference to item #3 Defendant (me) did not use this credit card for this purchase and did not authorize anyone else to use my credit card for any purchase.

Item #4 I did not accept goods through the use of this credit card. Someone else did. Sears has removed this account from my credit report...as verified by Trans Union as not being able to verify the validity of the account.

Sears nor LVNV Funding cannot provide a copy of my signature for this purchase as I did not make the purchase.

Therefore I am requesting that this claim be stopped immediately. Sears has already corrected the credit report, they need to inform who ever they sold the account to that they need to correct their records also and quit trying to sue me for something I didn't purchase and to which they were already informed of.

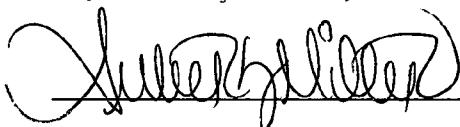
Sincerely



Patty Prescott
306 South State Street
DuBois, PA 15801

State of Pennsylvania)
)
 County of Clearfield)
 ss

On this 27th day of July, 2007, Patricia A. Prescott personally appeared before me, a Notary Public, subscribed and sworn.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Amber S. Miller, Notary Public
Sandy Twp., Clearfield County
My Commission Expires July 27, 2008

Member, Pennsylvania Association of Notaries

Request investigation/change: Resolution summary

Report date: 10/21/2006
< Return to the Request Status page

Resolution summary

We have completed verification of the investigation or change(s) you requested, regarding your TransUnion Personal Credit Report. Please review these results carefully. If your credit report changed, an updated copy of your TransUnion Personal Credit Report is available by clicking the Details button.

If you are not satisfied with the resolution or the updated report, please print and complete a Request for Investigation form and return it by mail along with any supporting documentation. You may also add a consumer statement of 100 words or less to your credit report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to TransUnion including this information in every credit report we issue about you.

Name: PATRICIA A PRESCOTT.
Address: 306 S STATE ST, DU BOIS, PA 15801

Account information	Creditor	Account	Results
	GEMB/LOWES	7981923390031419	DELETED
	SEARS/CBSD	1150078228873	DELETED

800-524-4111
800-692-7375

2035513

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
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GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

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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
statement filed in this case.

JUL 23 2007

Attest.

William J.
Prothonotary/
Clerk of Courts

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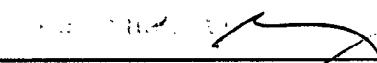
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GORDON & WEINBERG, P.C.

BY: 

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

P01A.DB

VERIFICATION

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FREDERIC I. WEINBERG, ESQUIRE

2035513

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STATE OF GEORGIA
COBB COUNTY

RE: ACCOUNT OF PATTY PRESCOTT

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6. I know no liability insurance, bond or other security which may be available to pay this debt.

7. The Defendants are not minors nor incompetent persons.

Denise Gordon
Attorney Network Manager

LVNV FUNDING, LLC ASSIGNEE TO SEARS ROEBUCK AND COMPANY

Sworn to and subscribed before me this 5th day of March, 2007.

Michele A. Cammon
NOTARY PUBLIC

My Commission Expires: 3.22.10
GORDON & WEINBERG, P.C.
06157168



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103016
NO: 07-1161-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC Assignee
vs.
DEFENDANT: PATTY PRESCOTT

SHERIFF RETURN

FILED
0/3:00
DEC 05 2007
William A. Shaw
Prothonotary/Clerk of Courts

NOW, July 25, 2007 AT 2:05 PM SERVED THE WITHIN COMPLAINT ON PATTY PRESCOTT DEFENDANT AT 306 S STATE ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ALI PRESCOTT, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	36662	10.00
SHERIFF HAWKINS	GORDON	36662	36.43

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Marilyn Harken*

Chester A. Hawkins
Sheriff

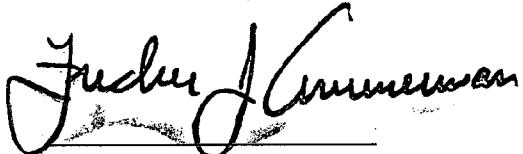
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LVNV FUNDING, LLC and SEARS ROEBUCK * NO. 2007-1161-CD
and COMPANY, *
Plaintiffs *
vs. *
PATTY PRESCOTT *
Defendant *
*
*
*
*

ORDER

NOW, this 24th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over five years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

REC'D REC'D
07830m
JUN 25 2013 ICC draft
S William A. Shaw
Prothonotary/Clerk of Courts 61

JUN 25 2013

William A. Shaw
Prothonotary/Clerk of Courts

deft
306 S Stake St
DuBois 15801