

07-1504-CD
Comm Fin. Vs Leslie Nicholls

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO. 07-1504-C D
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

FILED Atty pd.
112-2567 85.00
SEP 13 2007
JFC/ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

**COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,**

**NO.
IN CIVIL ACTION**

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

NOTICE TO DEFEND

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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646

COMPLAINT

1. Plaintiff is a corporation having offices at 120 North Keyser Avenue, Scranton, PA 18504, and as the assignee of Unifund CCR Partners, assignee of First USA, stands in its assignor's stead, and all are hereinafter referred to interchangeably as "Plaintiff".
2. At a specific instance Bank One Delaware NA, f/k/a First USA Bank sold, assigned and transferred to Unifund CCR Partners all of its right, title and interest in, and to the agreement between it and Defendant. Thereafter Unifund CCR Partners assigned the agreement to Plaintiff. Assignors had the right to assign the agreement. True and correct copies of the assignments are attached hereto as Exhibit "A" and "B".
3. All conditions precedent to Assignor's right to be paid under the terms of the contract have occurred.

COUNT ONE

4. Defendant is an individual whose address is 118 Hill Street, Du Bois, Clearfield County, Pennsylvania 15801.
5. At a specific instance and request of the Defendant, the Defendant applied for and was granted a credit card account #5544530002179552 by Plaintiff at the terms and conditions agreed upon by the parties, as is more specifically shown by the Agreement, a true and correct copy of which is attached hereto, marked Exhibit "C" and made a part hereof.
6. The Plaintiff avers that the agreement between the parties was based upon a written agreement which the Defendant accepted by using credit card to make purchases and/or cash advances.

7. Thereafter, in breach of obligations under the Agreement, the Defendant failed to make payments as they became due.
8. Plaintiff avers that the terms of the Agreement provide for acceleration of the entire balance due and owing upon Defendant's breach of the Agreement.
9. Plaintiff avers that the balance due amounts to \$3,002.85, as is more specifically shown by Plaintiff's Statement of Account, a true and correct copy of which is attached hereto, marked Exhibit "D" and made a part hereof.
10. Plaintiff avers that the interest has accrued at the rate of 24.74% per annum on the balance due from June 13, 2004.
11. Per the term of the agreement, the Defendant has agreed to pay to the Plaintiff as liquidated damages, the costs of collection, including all reasonable attorneys' fees incurred in the collection of monies owing, which Plaintiff avers will amount to 25% of the balance due.
12. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due to Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in Count One of the Complaint in the amount of \$3,002.85, with appropriate additional interest from June 31, 2004, plus attorneys' fees and costs.

COUNT TWO

13. Plaintiff incorporates herein as if restated verbatim paragraphs 1 through 12.
14. At a specific instance and request of the Defendant, the Defendant applied for and was granted a credit card account #5424180225085148 by Plaintiff at the terms and conditions agreed upon by the parties, as is more specifically shown by the Agreement, a true and correct copy of which is attached hereto, marked Exhibit "C" and made a part hereof.
15. The Plaintiff avers that the agreement between the parties was based upon a written agreement which the Defendant accepted by using credit card to make purchases and/or cash advances.
16. Thereafter, in breach of obligations under the Agreement, the Defendant failed to make payments as they became due.
17. Plaintiff avers that the terms of the Agreement provide for acceleration of the entire balance due and owing upon Defendant's breach of the Agreement.
18. Plaintiff avers that the balance due amounts to \$5,463.03, as is more specifically shown by Plaintiff's Statement of Account, a true and correct copy of which is attached hereto, marked Exhibit "E" and made a part hereof.
19. Plaintiff avers that the interest has accrued at the rate of 29.74% per annum on the balance due from July 31, 2005.
20. Per the term of the agreement, the Defendant has agreed to pay to the Plaintiff as liquidated damages, the costs of collection, including all reasonable attorneys'

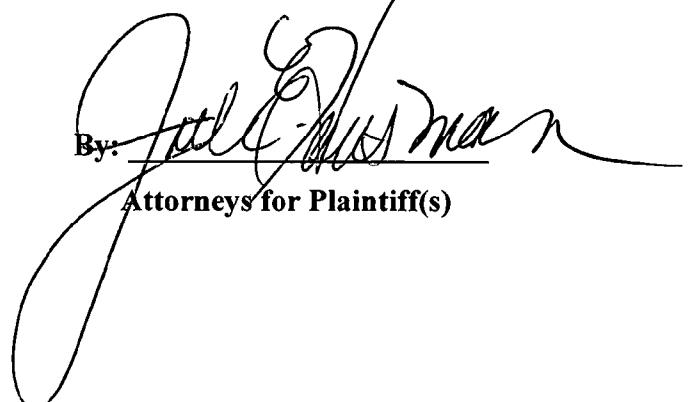
fees incurred in the collection of monies owing, which Plaintiff avers will amount to 25% of the balance due.

21. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due to Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in Count Two of the Complaint in the amount of \$5,463.03, with appropriate additional interest from July 31, 2005, plus attorneys' fees and costs.

WHEREFORE, Plaintiff demands Judgment against Defendant in all Counts of the Complaint in the amount of \$8,465.88, with appropriate additional interest, plus attorneys' fees and costs.

APPLE AND APPLE, P.C.

By: 

Attorneys for Plaintiff(s)

EXHIBIT A

BILL OF SALE

Bank One, Delaware NA ("Seller"), for value received and pursuant to the terms and conditions of Credit Card Account Flow Purchase Agreement dated July 23, 2003 between Seller and Unifund CCR Partners, ("Purchaser"), its successors and assigns ("Credit Card Account Purchase Agreement"), hereby assigns effective as of the Applicable Cut-Off Date of May 19, 2004 all rights, title and interest of Seller in and to those certain receivables, judgments or evidences of debt described in Exhibit "1" attached hereto and made part hereof for all purposes.

Number of Accounts	17,822
Total Unpaid Balances	\$104,854,782.57

Amounts due to Seller by Purchaser in hereunder shall be paid U.S. Dollars by a wire transfer to be received by Seller on May 26, 2004 (the "Applicable Closing Date") by 3:00 p.m. Seller's time, as follows:

Bank One, Delaware NA

c/o Federal Reserve Bank-Philadelphia
ABA: 031 100 393
Account: 407253-1061000000
Attention: Marcos Castillo

This Bill of Sale is executed without recourse except as stated in the Credit Card Account Purchase Agreement to which this is an Exhibit. No other representation of or warranty of title or enforceability is expressed or implied.

**SELLER: BANK ONE, DELAWARE
N.A.**

BUYER: UNIFUND CCR PARTNERS

By:



Title: Vice President

Date: May 19, 2004

By:



Title: CEO/Chairman

Date: 20 May 04

EXHIBIT A



Unifund CCR Partners

BILL OF SALE

Unifund CCR Partners, for value received and in accordance with the terms of the Accounts Receivable Purchase Agreement by and among Unifund CCR Partners and Commonwealth Financial Systems, Inc. ("Purchaser"), dated as of June 11, 2004 (the "Agreement"), does hereby sell, assign and transfer to Purchaser all of its good and marketable title, free and clear of all liens, claims and encumbrances in and to the Accounts listed in the Account Schedule attached as Appendix A to the Agreement, without recourse and without representation or warranty of collectibility, or otherwise, except to the extent stated in the Agreement.

Executed on June 11, 2004.

UNIFUND CCR PARTNERS
By Credit Card Receivables Fund, Inc.
Its General Partner

By _____
David Rosenberg
President

A handwritten signature in black ink, appearing to read "David Rosenberg", placed over a horizontal line.

For Unifund Use ONLY

Client #	PID	CID #

14

EXHIBIT B


[First Time User](#) | [Contact Us](#) | [Search](#) | [Log On](#)

CardMember Services

See your account online!

Get a User ID

[Go](#)

Returning Users: Log On

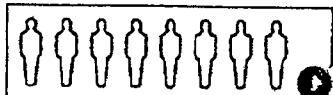
User ID:

Password:

Remember my User ID

[User ID/Password Help](#)

[Log On](#)



Terms of Use

These Terms of Use state the terms and conditions that govern your use of CardMemberServices.com ("Online Banking") offered by First USA ("FUSA"). When you use or access, or permit any other person (s) to use or access Online Banking, you agree to the terms and conditions of these Terms of Use. FUSA may amend or change these Terms of Use (including applicable fees and service charges) from time to time, in our sole discretion, by sending you written notice by electronic mail or by regular mail (sent to your address as it appears on your account records) or by posting the updated terms on the sites within Online Banking (the "Site(s)"). Please access and review these Terms of Use regularly. If you find the Terms of Use unacceptable to you at any time, please discontinue your use of Online Banking.

These terms and conditions are in addition to those that apply to any accounts you may have with FUSA. Where appropriate, please review those specific terms and conditions.

As used in these Terms of Use, "you" or "your" refers to each person (s) subscribing to, using or accessing Online Banking; "Card" refers to your FUSA issued credit or debit card; and "we", "us", or "our" refers to FUSA and any agent, independent contractor, designee, or assignee FUSA may, at its sole discretion, involve in the provision of Online Banking.

Online Banking.

Online Banking is an online financial services website offering a variety of content, products and services. FUSA grants to you, for your personal or internal business purposes only, a nonexclusive, limited and revocable right to access and use the Sites. You agree not to use Online Banking for any other purpose, including commercial purposes, such as co-branding, framing or linking, without the FUSA's prior written consent.

Fees.

General access to Online Banking will be provided to you free of charge. However, you may incur fees if you use or obtain some of the products or services available through Online Banking. To learn more about such fees, please refer to the specific terms and conditions applicable to each product or service.

Equipment.

You are responsible for obtaining, installing, maintaining, and operating all computer hardware, software, and Internet access services necessary to use or access any aspect of Online Banking. FUSA will not be responsible for any errors or problems that arise from the malfunction or failure of your hardware, software, or any Internet access services.

Limitation of Access.

We may terminate, suspend or limit your access privileges to Online Banking, in whole or in part, in our sole discretion, at any time without prior notice.

Account Information and Password Protection.

To prevent unauthorized access to your accounts and to prevent unauthorized use of Online Banking, you agree to protect and keep confidential your Card number, account number, PIN, User ID, Password, or other means of accessing your accounts to any person not authorized to access your accounts. The loss, theft, or unauthorized use of your Card numbers, account numbers, PINs, User IDs, and Passwords could cause you to lose some or all of the money in your accounts, plus any amount available under your

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- ▶ [Phishing](#)
- ▶ [Fraudulent E-mails](#)
- ▶ [Example Messages](#)
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E X H I B I T C

Terms of Use

Unless otherwise prohibited by law, any communication or material you transmit to us via the Site or Internet electronic mail is on a non-confidential basis and we may use such communication or material for any purpose consistent with our Privacy Policy, including reproduction, publication, broadcast and posting.

We will not be deemed to have waived any of our rights or remedies under these Terms of Use unless such waiver is in writing and signed by us. No delay or omission on our part in exercising any rights or remedies shall operate as a waiver of such rights or remedies or any other rights or remedies. A waiver on any one occasion shall not be construed as a bar or waiver of any rights or remedies on future occasions.

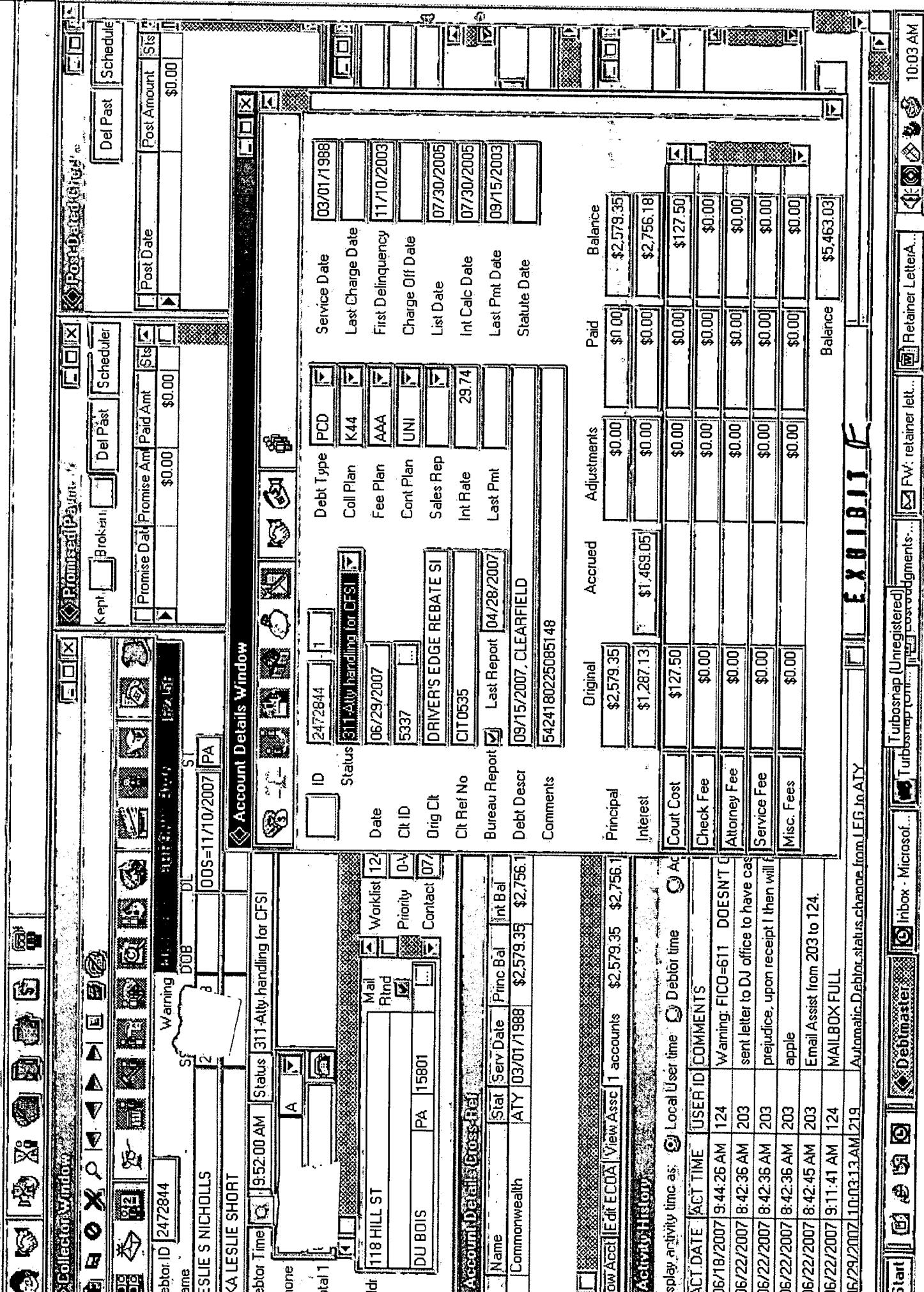
[Privacy Policy](#) | [Security](#) | [Terms of Use](#) | [Legal Agreements](#)

© 2007 First USA

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Deilmaster Enterprise

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AFFIDAVIT

I, Patricia Cobb, Esquire, of Commonwealth Financial Systems, Inc., Plaintiff herein, verify that the statements of fact contained in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

8-14-07
Date:



Patricia A. Cobb
PATRICIA COBB

Executive Vice President

120 North Keyser Avenue

Scranton, PA 18504

Apple & Apple File No. 107971

CFSI File No. 1462456
2472844

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103197
NO: 07-1504-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: COMMONWEALTH FINANCIAL SYSTEMS, INC. assignee of UNIFUND CCR PARTNERS, assignee of FIRST USA

vs.

DEFENDANT: LESLIE S. NICHOLS

SHERIFF RETURN

NOW, September 28, 2007 AT 11:40 AM SERVED THE WITHIN COMPLAINT ON LESLIE S. NICHOLS DEFENDANT AT 118 HILL ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DAVID SHORTS, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED

0/11/50 cm
JAN 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APPLE	16292	10.00
SHERIFF HAWKINS	APPLE	16292	73.29

Sworn to Before Me This

Day of 2008
2007

So Answers,

Chester A. Hawkins
by Marilyn Hawkins
Chester A. Hawkins
Sheriff

FILED

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

**COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,**

**NO.2007-1504
IN CIVIL ACTION**

FEB 11 2008
m 11:50 AM
William A. Shaw
Prothonotary/Clerk of Courts
1 CEN + w/NOTICE
to DEF

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

**PRAECLPICE FOR DEFAULT
JUDGMENT**

CODE-

**FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

Charles F. Bennett, Esq.
PA I.D. No 30541
Joel E. Hausman, Esq.
PA I.D. No 42096
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC., NO.2007-1504
assignee of UNIFUND CCR PARTNERS, IN CIVIL ACTION
assignee of FIRST USA,

-vs- Plaintiff(s),

LESLIE S. NICHOLLS,

Defendant.

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the above- named Defendant(s) in Default of an Answer, in the amount of \$13,730.74, computed as follows:

COUNT I

Amount named in Complaint	\$3,002.85
Interest from June 13, 2004 to January 13, 2008 on \$1,498.99	\$1,315.76
Less payment of:	-\$
Attorney fees	\$750.71
TOTAL COUNT I	\$5,069.32

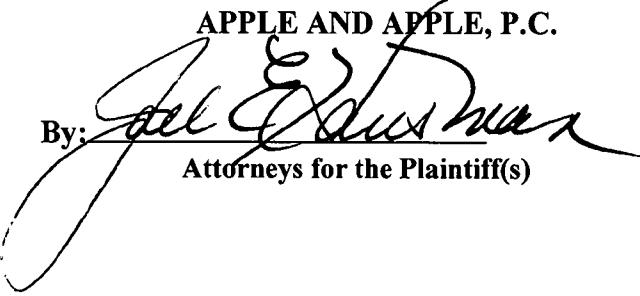
COUNT II

Amount named in Complaint	\$5,463.03
Interest from July 31, 2005 to January 13, 2008 on \$2,579.35	\$1,832.63
Less payment of:	-\$
Attorney fees	\$1,365.76
TOTAL COUNT II	\$8,661.42
TOTAL BOTH COUNTS	\$13,730.74

I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on January 4, 2008 by regular mail, postage prepaid and, addressed as follows:

Defendant: Leslie S. Nicholls
118 Hill Street
Du Bois PA 15801

Dated: 29 Jan '08

APPLE AND APPLE, P.C.
By: 
Attorneys for the Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

Leslie S. Nicholls
118 Hill Street
Du Bois, PA 15801

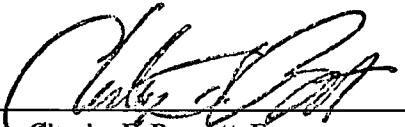
Date of Notice: January 4, 2008

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 DAYS FROM THE DATE OF THIS NOTICE. 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.

Keystone Legal Series
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646

By:


Charles F. Bennett, Esq.
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

-vs- Plaintiff(s),

LESLIE S. NICHOLLS,

Defendant.

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff Defendant Garnishee

You are hereby notified that the following Order or Judgment was entered against you on FEB. 11, 2008.

Assumpsit Judgment in the amount of \$13,730.74, plus costs.

Trespass Judgment in the amount of \$_____.

If not satisfied within sixty (60) days, your motor vehicle operator's license and/or

Registration will be suspended by the Dept. of Transportation, Bureau of Traffic Safety, Harrisburg, PA.

Entry of Judgment

Court Order

Non-Pros

Confession

Default

Verdict

Arbitration Award

Other

Leslie S. Nicholls
118 Hill Street
Du Bois, PA 15801

PROTHONOTARY

By: W. L. Bell

Prothonotary(or Deputy)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

PRAECLPICE FOR WRIT
OF EXECUTION

CODE-
FILED OF BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

FILED 1cc@lwrits
mjl:39/201 to Sheriff
AUG 29 2008
Atty pd. \$20.00
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue the Writ of Execution in the above-captioned matter...

(1) directed to the Sheriff of **Clearfield** County;

(2) against Defendant(s) **Leslie S. Nicholls**

(3) against Garnishee(s)

(4) Judgment: \$13,730.74

Interest from January 14, 2008 to August 14, 2008

On \$13,730.74

Amount of Interest \$480.76

Payments \$

SUBTOTAL \$14,211.50

Costs (to be added by Prothonotary) \$ 125.00 **Prothonotary costs**

APPLE AND APPLE, P.C.

Dated: 20 Aug 08

By: Galina Vaynshteyn

Copy

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

Commonwealth Financial Systems, Inc.,
assignee of Unifund CCR Partners,
assignee of First USA

Vs.

NO.: 2007-01504-CD

Leslie S. Nicholls

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against COMMONWEALTH FINANCIAL SYSTEMS, INC., assignee of UNIFUND CCR PARTNERS, assignee of FIRST USA, Plaintiff(s) from LESLIE S. NICHOLLS, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

AMOUNT DUE/PRINCIPAL:.....\$13,730.74
INTEREST FROM 1/14/08 to 8/14/08
on \$13,730.74:.....\$480.76
DATE: 8/29/2008

PROTH. COSTS PAID:....\$125.00
SHERIFF: \$
ATTY'S COMM: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

Requesting Party: Joel E. Hausman, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15213
(412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20846

NO: 07-1504-CD

PLAINTIFF: COMMONWEALTH FINANCIAL SYSTEMS, INC., ASSIGNEE OF UNIFUND CCR PARTNERS, ASSIGNEE OF FIRST USA

vs.

DEFENDANT: LESLIE S. NICHOLLS

Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 8/29/2008

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/17/2009

5 FILED
07-1504-CD
FEB 17 2009
William A. Shaw
Prothonotary/Clerk of Courts
WAS

DETAILS

10/3/2008 @ 12:24 PM SERVED LESLIE S. NICHOLLS

SERVED LESLIE S. NICHOLLS, DEFENDANT, AT HER RESIDENCE 118 HILL STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID SHORTS, SON/ADULT AT RESIENCE

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

@ SERVED LESLIE S. NICHOLLS

DEPUTIES ATTEMPTED SEVERAL TIMES TO LEVY ON THE PROPERTY OF LESLIE S. NICHOLLS. SHE WAS NEVER AT HOME.

@ SERVED

NOW, FEBRUARY 17, 2009 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20846

NO: 07-1504-CD

PLAINTIFF: COMMONWEALTH FINANCIAL SYSTEMS, INC., ASSIGNEE OF UNIFUND CCR PARTNERS, ASSIGNEE
OF FIRST USA

vs.

DEFENDANT: LESLIE S. NICHOLLS

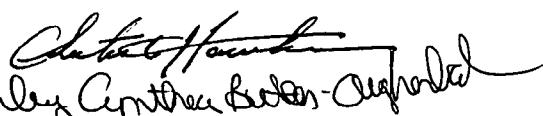
Execution PERSONAL PROPERTY

SHERIFF RETURN

SHERIFF HAWKINS \$123.28

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


by *Andrea Butler-Chester A. Hawkins*
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

Commonwealth Financial Systems, Inc.,
assignee of Unifund CCR Partners,
assignee of First USA

Vs.

NO.: 2007-01504-CD

Leslie S. Nicholls

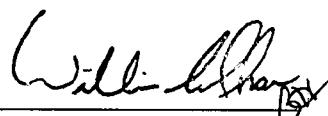
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against COMMONWEALTH FINANCIAL SYSTEMS, INC., assignee of UNIFUND CCR PARTNERS, assignee of FIRST USA, Plaintiff(s) from LESLIE S. NICHOLLS, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:
as garnishee(s):
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

AMOUNT DUE/PRINCIPAL:.....\$13,730.74
INTEREST FROM 1/14/08 to 8/14/08
on \$13,730.74:.....\$480.76
DATE: 8/29/2008

PROTH. COSTS PAID:....\$125.00
SHERIFF: \$
ATTY'S COMM: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 29th day
of August A.D. 2008
At 2:00 A.M./P.M.)

Chesler A. Hawkins
Sheriff by Amber Butta-Cayhenday

Requesting Party: Joel E. Hausman, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15213
(412) 682-1466

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME LESLIE S. NICHOLLS

NO. 07-1504-CD

NOW, February 15, 2009, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Leslie S. Nicholls to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	9.00
SERVICE	9.00
MILEAGE	22.23
LEVY	
MILEAGE	22.23
POSTING	9.00
HANDBILLS	
COMMISSION	0.00
POSTAGE	0.59
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	9.00
ADD'L POSTING	
ADD'L MILEAGE	22.23
ADD'L LEVY	
BID/ SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$123.28

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	13,730.74
INTEREST @ %	0.00
FROM 08/15/2008 TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	480.76
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$14,479.78
COSTS:	
ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
SHERIFF COSTS	123.28
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$248.28
TOTAL COSTS	\$14,479.78

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

CHESTER A. HAWKINS, Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

**PRAECLPICE FOR WRIT
OF EXECUTION**

CODE-
FILED OF BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213
Telephone: 412-682-1466
Fax: 412-682-3138

FILED Atty pd.
MAY 10 2007 20.00
JUN 26 2007 ICC Atty
William A. Shaw
Prothonotary/Clerk of Courts
CC to Lowryts
to Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMONWEALTH FINANCIAL SYSTEMS, INC.,
assignee of UNIFUND CCR PARTNERS,
assignee of FIRST USA,

NO.2007-1504
IN CIVIL ACTION

Plaintiff(s),

-vs-

LESLIE S. NICHOLLS,

Defendant.

PRAECIPE FORWRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue the Writ of Execution in the above-captioned matter...

- (1) directed to the Sheriff of **Clearfield** County;
- (2) against Defendant(s) **Leslie S. Nicholls**
- (3) against Garnishee(s)
- (4) Judgment: \$13,730.74

Interest from January 14, 2008 to June 12, 2009
On \$13,730.74

Amount of Interest \$1,162.41

Payments \$

SUBTOTAL \$14,893.15

Costs (to be added by Prothonotary) \$ 145.00 Prothonotary costs

APPLE AND APPLE, P.C.

Dated: 6-23-09

By: Apple

COPY

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

Commonwealth Financial Systems, Inc.,
Assignee of Unifund CCR Partners,
Assignee of First USA

Vs.

NO.: 2007-01504-CD

Leslie S. Nicholls

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against COMMONWEALTH FINANCIAL SYSTEMS, INC., Assignee of UNIFUND CCR PARTNERS, Assignee of FIRST USA, Plaintiff(s) from LESLIE S. NICHOLLS, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

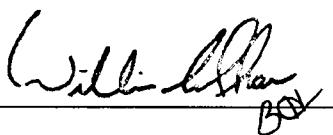
as garnishee(s):

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) **If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.**

AMOUNT DUE/PRINCIPAL:....\$13,730.74
INTEREST FROM 1/14/08 to
6/12/09 on \$13,730.74:.....\$1,162.41
ATTY'S COMM: \$

PROTH. COSTS PAID: \$145.00
SHERIFF: \$
OTHER COSTS: \$
DATE: 6/26/2009


William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

Requesting Party: Charles F. Bennett, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15213
(412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20995

NO: 07-1504-CD

PLAINTIFF: COMMONWEALTH FINANCIAL SYSTEMS, INC., ASSIGNEE OF UNIFUND CCR PARTNERS, ASSIGNEE OF FIRST USA

vs.

DEFENDANT: LESLIE S. NICHOLLS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 6/26/2009

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/22/2010

FILED

0/9/2010
FEB 22 2010

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

7/20/2009 @ 11:50 AM SERVED LESLIE S. NICHOLLS

DEPUTIES UNABLE TO LEVY LISLIE S. NICHOLLS, DEFENDANT, AT 118 HILL STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, DEFENDANT HAS NOTHING OF VALUE TO LEVY, LIVES WITH BOYFRIEND AWAITING SPINAL SURGERY.

@ SERVED

NOW, JULY 29, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF' ATTORNEY TO ABANDON LEVY, AND MAKE A RETURN.

@ SERVED

NOW, FEBRUARY 22, 2010 RETURN WRIT AS LEVY ABANDONED; TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20995
NO: 07-1504-CD

PLAINTIFF: COMMONWEALTH FINANCIAL SYSTEMS, INC., ASSIGNEE OF UNIFUND CCR PARTNERS, ASSIGNEE
OF FIRST USA
vs.
DEFENDANT: LESLIE S. NICHOLLS

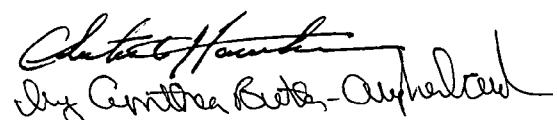
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$58.90

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


In Counter Bets - Authority
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Commonwealth Financial Systems, Inc.,
Assignee of Unifund CCR Partners,
Assignee of First USA

Vs.

NO.: 2007-01504-CD

Leslie S. Nicholls

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against COMMONWEALTH FINANCIAL SYSTEMS, INC., Assignee of UNIFUND CCR PARTNERS, Assignee of FIRST USA, Plaintiff(s) from LESLIE S. NICHOLLS, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell defendant's interest(s) therein:
Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

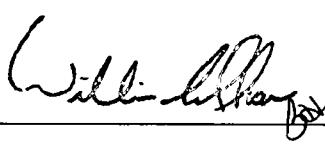
as garnishee(s):

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.
- (4) If Social Security or Supplemental Income funds are directly deposited into an account of the defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits. In addition, the levy and attachment shall not include \$300.00 in the account of the defendant.

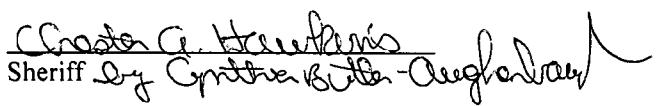
AMOUNT DUE/PRINCIPAL:....\$13,730.74
INTEREST FROM 1/14/08 to
6/12/09 on \$13,730.74:.....\$1,162.41
ATTY'S COMM: \$

PROTH. COSTS PAID: \$145.00
SHERIFF: \$
OTHER COSTS: \$
DATE: 6/26/2009



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 26th day
of June A.D. 2009
At 2:30 A.M./P.M.


Sheriff by Gretchen Butler - Deafchway

Requesting Party: Charles F. Bennett, Esq.
4650 Baum Boulevard
Pittsburgh, PA 15213
(412) 682-1466

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME LESLIE S. NICHOLLS NO. 07-1504-CD

NOW, February 20, 2010, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Leslie S. Nicholls to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	9.00	DEBT-AMOUNT DUE	13,730.74
MILEAGE		INTEREST @ %	0.00
LEVY	20.90	FROM TO	
MILEAGE		PROTH SATISFACTION	
POSTING		LATE CHARGES AND FEES	
HANDBILLS		COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE		ATTORNEY COMMISSION	
HANDBILLS		REFUND OF ADVANCE	
DISTRIBUTION		REFUND OF SURCHARGE	20.00
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	1,162.41
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID/ SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$15,117.05
RETURNS/DEPUTIZE	9.00		
COPIES	15.00		
		COSTS:	
BILLING/PHONE/FAX	5.00	ADVERTISING	0.00
CONTINUED SALES		TAXES - COLLECTOR	
MISCELLANEOUS		TAXES - TAX CLAIM	
		DUE	
TOTAL SHERIFF COSTS	\$58.90	LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	58.90
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	145.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$203.90
		TOTAL COSTS	\$15,117.05

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

APPLE and APPLE

4650 BAUM BOULEVARD – PITTSBURGH, PA 15213-1237
www.applelawcollects.com

Attorneys at Law

Tel: 412-682-1466
Toll Free: 800-477-2775
Fax: 412-682-3138

Licensed in Pennsylvania Only
MARVIN J. APPLE, RETIRED
JAMES R. APPLE, COLLECTION MANAGER

CHARLES F. BENNETT, ESQUIRE
CHRISTOPHER GILES, ESQUIRE

July 29, 2009

Sheriff, Clearfield County
Attn: Cindy
230 E. Market Street
Clearfield, PA 16830

765-5615
Fax: 814-444-5851

Re: Commonwealth Financial Systems,
Inc./First USA Credit vs: Leslie S.
Nicholls
A.Afile: 107971
Balance: \$8,465.88
Docket No: 2007-1504

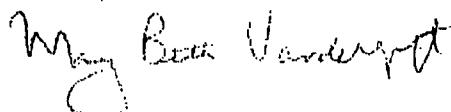
Dear Cindy:

Pursuant to our conversation of July 28, 2009, please accept this letter as our request and authorization to abandon the levy, make a return accordingly and close out your file. You indicated the defendant has no assets or vehicle in her name and that she is currently bedridden awaiting spinal cord surgery.

Thank you for your assistance in this matter. If you have any questions, please contact our office at your convenience.

Very truly yours,

APPLE AND APPLE, P.C.



Mary Beth Vandergraft,
Legal Assistant

mbv

MORRIS & ADELMAN, P.C.
BY: ROBERT M. MORRIS, ESQUIRE
IDENTIFICATION #67896
POB 30477
Philadelphia, PA 19103-8477
215/568-5621

ATTORNEY FOR PLAINTIFF

Commonwealth Financial
Systems, Inc.

Commonwealth Financial Systems
Inc. 245 Main St
Dickson City PA 18519

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: CIVIL ACTION

vs.

Leslie S. Nicholls
118 Hill Street
Du Bois PA 15801-3522

: NO. 2007-1504

CERTIFICATE OF SERVICE

I hereby certify that I am this date serving the foregoing document upon the person and in the manner indicated below, which service satisfies the requirement of Pa R C P 440.

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

Leslie S. Nicholls
118 Hill Street
Du Bois PA 15801-3522

MORRIS & ADELMAN, P.C.

DATE: July 9, 2012

BY: ROBERT M. MORRIS, ESQUIRE
Attorney for Plaintiff
MORRIS & ADELMAN P.C.
POB 30477
Philadelphia PA 19103
215/568-5621

