

07-1672-CD
Midland Credit vs Bernard Gaines

FILED

OCT 15 2007 (E)
M/1:30pm

William A. Shaw
Prothonotary/Clerk of Courts
1 Client to Shae

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT)	
)	
Plaintiff)	NO. 2007-1672-C0
)	
)	
v.)	
)	
BERNARD GAINES)	
)	
Defendant(s))	
)	

**COMPLAINT IN CIVIL
ACTION**

Filed on behalf of:
MIDLAND CREDIT
MANAGEMENT

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT)
Plaintiff) NO.
v.)
BERNARD GAINES)
Defendant(s))

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 an 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.

Usted ha sido demandado en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparccencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted fall de tomar accion como se describe anteriormente, el caso pude proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad au otros derechos importantes para usted.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO

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.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSO A PERSONAS QUE CALIFICAN.

CLEARFIELD COUNTY COURTHOUSE
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PA 16830
814-765-2641

CLEARFIELD COUNTY COURTHOUSE
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT)
Plaintiff) NO.
v.)
BERNARD GAINES)
Defendant(s))

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, MIDLAND CREDIT MANAGEMENT , by and through its attorney, GREGG MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, MIDLAND CREDIT MANAGEMENT , is a corporation and for the purpose of this litigation, maintaining a place of business c/o PATENAUME AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is BERNARD GAINES, an adult individual, believed to currently reside at 1366 MAIN ST WINBURNE, PA 16879.
3. Defendant owes the sum of \$2,282.34 for credit extended by Household to Defendant at Account No. 5407915002287370.
4. Household sent Defendant monthly billing statements setting forth the nature and amount of all charges made by Defendant, and the transactions between Household and Defendant give rise to an account stated, upon which Plaintiff and Household have relied.
5. The Defendant made payments on the account, but has refused to pay, and now

refuses to pay the balance due and owing on the aforesaid account in the sum of \$2,282.34, plus interest and costs.

6. Defendant is in default for failing to make payments on the aforesaid account when payments were due.

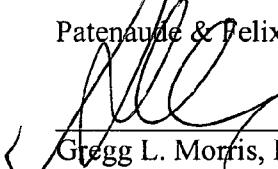
7. Plaintiff purchased and now owns the aforesaid account. A copy of the Billing Statement is attached hereto as Plaintiff's Exhibit "A" and is incorporated herein by reference.

8. Plaintiff has demanded payment but Defendant has failed to or otherwise refused to pay the aforesaid sum due.

WHEREFORE, Plaintiff demands Judgment in its favor, and against Defendant(s), in the amount of \$2,282.34, plus legal interest from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully submitted:
Patenaude & Felix, A.P.C.

Date: _____



Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675



MIDLAND CREDIT MANAGEMENT, INC.
P.O. Box 939019
San Diego, CA 92193-9019



ADDRESS SERVICE REQUESTED

07-07-2005

#BWNHLTH
#0000 0851 0014 4048#
BERNARD G GAINES
211 EAST SPRUCE ST
PHILIPSBURG, PA 16866-1627

Contact Information: Tel (800) 939-2353
Fax (800) 306-4443
Hours of Operation: M-Th 6am - 7pm;
Fri 6am - 5pm;
Sat 6am - 2:30pm PST
Current Owner: Midland Funding NCC-2 Corp
Original Creditor: HOUSEHOLD
Original Account No: 5407915002287370
MCM Account No: 8510014404
Current Balance: \$2,396.00
Payment Due Date: NOW
Letter Code: 04266007

Dear BERNARD G GAINES,

Midland Credit Management, Inc. has made several attempts to contact you regarding the following account:

Current Owner : Midland Funding NCC-2 Corp
Original Creditor : HOUSEHOLD
MCM Account No: 8510014404
Current Balance : \$2,396.00

This letter is to inform you that Midland Credit Management, Inc. is considering forwarding this account to an attorney with the intent to initiate legal action to satisfy the debt.

Please contact our office immediately at (800) 939-2353 to make arrangements to pay this debt and prevent any legal action on your account.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Sincerely,
Midland Credit Management, Inc.

Please tear off and return lower portion with payment in envelope provided

Account Summary

BERNARD G GAINES
211 EAST SPRUCE ST
PHILIPSBURG, PA 16866-1627

MCM Account No: 8510014404
Current Balance: \$2,396.00
Amount Due: \$2,396.00
Make Check Payable to: Midland Credit Management, Inc
Payment Due Date: NOW

mcm
Midland Credit Management, Inc.
Department 8870
Los Angeles, CA 90084-8870

10 8510014404 8 0239600 080605 8

Exhibit "A"

VERIFICATION

The undersigned is an authorized agent of the Plaintiff and verifies that the facts and statements made herein are true and correct based upon my knowledge, information and belief. Counsel has signed the verification as a matter of time and convenience. The verification of the party can be provided if requested. The statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: _____

Gregg L. Morris, Esquire
Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103312
NO: 07-1672-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: MIDLAND CREDIT MANAGEMENT
vs.
DEFENDANT: BERNARD GAINES

SHERIFF RETURN

NOW, October 19, 2007 AT 2:00 PM SERVED THE WITHIN COMPLAINT ON BERNARD GAINES DEFENDANT AT 1366 MAIN ST., WINBURN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BERNARD GAINES, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

FILED

FEB 08 2008
0/2301
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PATENAUME	16593	10.00
SHERIFF HAWKINS	PATENAUME	16593	37.40

Sworn to Before Me This

Day of 2008
2007

So Answers,

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.

Plaintiff

v.

BERNARD GAINES and XXX XXXX

Defendant(s)

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NO. 07-1672-C1

**PRAECIPE FOR DEFAULT
JUDGMENT**

Filed on behalf of:
MIDLAND CREDIT
MANAGEMENT, INC.

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

FILED Atty pd. \$20.00
M 11/01/08
APR 23 2008 ICC Notice to Def.

William A. Shaw
Prothonotary/Clerk of Courts

Statement
to Atty

RU

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.

Plaintiff

v.

BERNARD GAINES and XXX XXXX

Defendant(s)

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NO. 07-1672-C1

PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT

TO: PROTHONOTARY

Please enter a judgment against the defendant, above named, for failure to file an Answer to Plaintiff's complaint.

Amount claimed in Complaint	\$2,282.34
Interest from September 17, 2005	\$0.00
Less payments received	\$0.00
Attorney's fees	<u>\$616.23</u>
TOTAL	\$2,898.57

With continuing interest on the principal amount of \$2,898.57, with interest at the legal rate, plus costs of suit.

I hereby certify that a written notice of intention to file this praecipe was mailed to the defendants and defendants' counsel (if known), after the default had occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the Notice is attached.

Respectfully submitted:

Paternoade & Felix, A.P.C.

Date: _____

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.

NO. 07-1672-C1

1

BERNARD GAINES and XXX XXXX

Defendant(s)

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF
NOTICE PURSUANT TO P.A.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA)
)
 COUNTY OF CLEARFIELD) SS.

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), BERNARD GAINES and XXX XXXX, is not in the military service of the United States of America to the best of his knowledge, information and belief and certifies that Notice of Intent to take Default Judgment was mailed in accordance with Pa.R.C.P.237.1, as evidenced by the attached copy.

Respectfully submitted

Paterno & Felix, A.P.C.

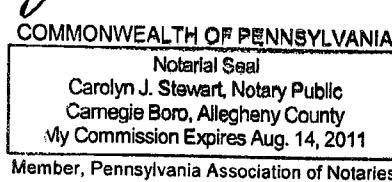
Date: _____

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

Sworn to and subscribed before me this

7 day of Asul, 2008.

Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.

)

Plaintiff

)

) NO. 07-1672-CJ

v.

)

BERNARD GAINES

)

Defendant(s)

)

)

IMPORTANT NOTICE

Filed on behalf of:

MIDLAND CREDIT MANAGEMENT,
INC.

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.

)

Plaintiff

)

) NO. 07-1672-C1

)

)

v.

)

)

BERNARD GAINES

)

)

Defendant(s)

)

)

To: BERNARD GAINES
1366 MAIN ST
WINBURNE PA 16879

BERNARD GAINES
PO BOX 234
WINBURNE, PA 16879-0234

Date of Notice: March 07, 2008

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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

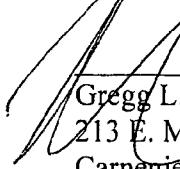
IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Clearfield County Courthouse
David S. Meholic, Court Administrator 230 East Market Street
Clearfield PA 16830
814-765-2641

Respectfully submitted:

Paterno & Felix, A.P.C.

Date: _____



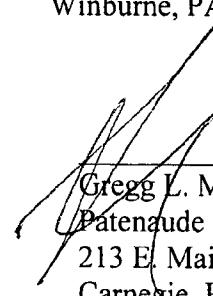
Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

I, GREGG MORRIS, attorney for Plaintiff, MIDLAND CREDIT MANAGEMENT, INC., hereby certify that a true and correct copy of foregoing document was served this date by ordinary mail upon the following:

Bernard Gaines
1366 Main St
Winburne PA 16879

Bernard Gaines
PO Box 234
Winburne, PA 16879-0234

Date: _____


Gregg L. Morris, Esquire
Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MIDLAND CREDIT MANAGEMENT, INC.)
Plaintiff) NO. 07-1672-C1
v.)
BERNARD GAINES and XXX XXXX)
Defendant(s))

**NOTICE OF ORDER, DECREE
OR JUDGMENT**

Filed on behalf of:
MIDLAND CREDIT
MANAGEMENT, INC.

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

COPY

MIDLAND CREDIT MANAGEMENT, INC.

Plaintiff

) NO. 07-1672-CD

v.

BERNARD GAINES and XXX XXXX

Defendant(s)

NOTICE OF ORDER, DECREE OR JUDGMENT
AGAINST BERNARD GAINES and XXX XXXX ONLY

TO: () Plaintiff () Defendant () Garnishee () Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on April 23, 2008.

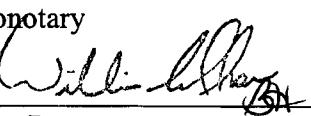
() Decree Nisi in Equity
() Final Decree in Equity
(X) Judgment of () Confession () Verdict () Court Order
 (X) Default () Non-suit
 () Non-Pros () Arbitration Award

(X) Judgment in the amount of \$2,898.57, plus costs.
() District Justice Transcript of Judgment in the amount of \$ _____, plus costs.
() If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation.

Prothonotary

By

Deputy



If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire
213 East Main St
Carnegie PA 15106
(412)-429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

Midland Credit Management
Plaintiff(s)

No.: 2007-01672-CD

Real Debt: \$2,898.57

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Bernard Gaines
Defendant(s)

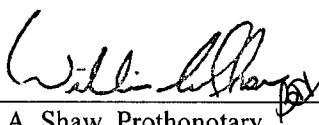
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 23, 2008

Expires: April 23, 2013

Certified from the record this 23rd day of April, 2008.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney