

07-1871-CD
LVNV vs Linda Eisenhower

COMMONWEALTH OF PENNSYLVANIA

NOTICE OF APPEAL

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-1871-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT LVNV Funding, LLC		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Phila. PA 19114		CITY Phila.	STATE PA
DATE OF JUDGMENT 10-16-07	IN THE CASE OF (Plaintiff) LVNV Funding, LLC		
		vs. Linda Eisenbauer (Defendant)	
CLAIM NO. TA 20 CV-0000248-07 LT 20		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT David J Apothaker, Esq.	

This block will be signed ONLY when this notation is required under Pa. R.C.P.K.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was Claimant (See Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s)

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGEMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: _____, 20____.

Signature of Prothonotary or Deputy

FILED

NOV 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. 85.00
ICC Att'y Apothaker
Def
DJ Rudella

NOTICE OF APPEAL

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

FROM

COMMON PLEAS NO.

07-1871-07

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT LVNV Funding, LLC		MAG. DIST. NO. OR NAME OF D.J. 46-3-03
ADDRESS OF APPELLANT c/o Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #250, Phila. PA 19114		ZIP CODE
DATE OF JUDGMENT 10-16-07	IN THE CASE OF (Party) LVNV Funding, LLC	vs. Linda Eisenberger (Defendant)
CLAIM NO. CV-0000248-07	AT 20	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS filing the notice of appeal. Check applicable boxes)

This notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

after filing this NOTICE OF APPEAL, I must file a COMPLAINT TO RECOVER POSSESSION OF THE COMMONWEALTH OF PENNSYLVANIA, No. 1001(a) in action before District Justice, the R.C.P.R. No. 1001(a).

ss: _____
Signature of Plaintiff or Deputy

AFFIDAVIT: I hereby swear or affirm that I served

☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on _____ (date of service) _____, by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, 20____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

and, further, that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 20____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 20____.

Signature of official before whom affidavit was made

Name of appellee(s)

Signature of affiant

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of this rule upon you by personal service or by certified or registered mail.

My commission expired on _____, 20____.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: _____, 20____
Signature of Plaintiff or Deputy

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-1871-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT LVNV Funding, LLC		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Phila. PA 19114		CITY Phila.	STATE PA
DATE OF JUDGMENT 10-16-07	IN THE CASE OF (Plaintiff) LVNV Funding, LLC		
		vs. Linda Eisenhauer (Defendant)	
CLAIM NO. TA 20 CV-0000248-07 LT 20	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT David J Apothaker, Esq.		

This block will be signed ONLY when this notation is required under Pa. R.C.P.K.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was Claimant (See Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGEMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: _____, 20_____.

Signature of Prothonotary or Deputy

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 05-1871-CD

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

4th

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT JAMES J. HARRIS, JR.		M.D. DIST. NO. BRANCH OF D.J. 40-2-10	
ADDRESS OF APPELLANT c/o Appellate & Trial Court, 2417 Lehigh Road, Suite 2100, Allentown, PA 18101		CITY ALLENTOWN	
STATE PA		ZIP CODE 18101	
DATE OF JUDGMENT 10-15-01		IN THE CASE OF JAMES J. HARRIS, JR. vs. JAMES J. HARRIS, JR.	
SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT JAMES J. HARRIS, JR.		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT JAMES J. HARRIS, JR.	
CLAIM NO. 05-1871-CD		AT 05-1871-CD	

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS filing the notice of appeal. Check applicable boxes)

APPELLANT'S OFFICE: JAMES J. HARRIS, JR. vs. JAMES J. HARRIS, JR.

APPELLANT'S ADDRESS: 2417 Lehigh Road, Suite 2100, Allentown, PA 18101

COUNTY OF: ALL

AFFIDAVIT: I hereby swear or affirm that I served

☐ a copy of the Notice of Appeal, Common Pleas No. 05-1871-CD, upon the District Justice designated therein, on (date of service) 10/15/01, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) JAMES J. HARRIS, JR., on 10/15/01, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on 10/15/01, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 10 DAY OF OCTOBER, 2001

Signature of official before whom affidavit was made

Signature of affiant

Title of official: Notary Public for the Commonwealth of Pennsylvania

My commission expired on 10/15/01

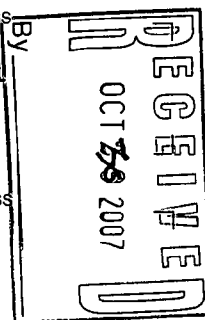
DO NOT SIGN THIS NOTICE OF APPEAL UNTIL YOU HAVE RECEIVED A COMPLAINT FROM THE DISTRICT JUDGE.

(3) The date of service of this notice of appeal is the date of mailing.

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

Mag. Dist. No.: **46-3-03**
MDJ Name: Hon. **MICHAEL A. RUDELLA**
Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**
Telephone: **(814) 345-6789 16847-0444**

PLAINTIFF: **LVNV FUNDING LLC**
2417 WELSH ROAD APT/STE 211
#250
PHILADELPHIA, PA 19114
VS.
DEFENDANT: **EISENHAUER, LINDA**
244 OLD RT. 53
MORRISDALE, PA 16858



% DAVID APOTHAKE, ESQUIRE
2417 WELSH ROAD APT/STE 21
#250
PHILADELPHIA, PA 19114

Docket No.: **CV-0000248-07**
Date Filed: **8/30/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT** (Date of Judgment) **10/16/07**

☒ Judgment was entered for: (Name) **EISENHAUER, LINDA**

☒ Judgment was entered against: (Name) **LVNV FUNDING LLC**
in the amount of \$ **.00**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10/16/07 Date MA Rudella, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

_____, Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

Mag. Dist. No.: **46-3-03**
MDJ Name: Hon. **MICHAEL A. RUDELLA**
Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**
Telephone: **(814) 345-6789 16847-0444**

PLAINTIFF: **LVNV FUNDING LLC**
**2417 WELSH ROAD APT/STE 21
#250
PHILADELPHIA, PA 19114**
VS.

DEFENDANT: **EISENHAUER, LINDA**
**244 OLD RT. 53
MORRISDALE, PA 16858**

**MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA 16847-0444**

Docket No.: **CV-0000248-07**
Date Filed: **8/30/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT** (Date of Judgment) **10/16/07**

☒ Judgment was entered for: (Name) **EISENHAUER, LINDA**

☒ Judgment was entered against: (Name) **LVNV FUNDING LLC**
in the amount of \$ **.00**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ 0
Post Judgment Costs	\$ 0
Certified Judgment Total	\$ 0

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

FILED

**013:59/34
NOV 26 2007**

GR

William A. Shaw
Prothonotary/Clerk of Courts

10/16/07 Date **MA Rudella**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
11/16/07 Date **MA Rudella**, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: 10/16/07 3:10:00 PM

Our File No.: 94591
APOTHAKE & 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

LVNV FUNDING, LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
Plaintiff,

vs.

LINDA L EISENHAUER
244 OLD ROUTE 53
MORRISDALE, PA 16858
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.: 07-1871-CD
)
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)
)
)

FILED ^{2cc}
DEC 19 2007
m/11:00 AM
Dmy Apothaker
@GK
William A. Shaw
Prothonotary/Clerk of Courts

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 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 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 paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla 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 SUFICIENTE 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

APOTHAKE & 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

LVNV FUNDING, LLC)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114)	NO.: 07-1871-CD
Plaintiff,)	
vs.)	
)	
LINDA L EISENHAUER)	
244 OLD ROUTE 53)	
MORRISDALE, PA 16858)	
Defendant.)	
)	

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, LVNV FUNDING, LLC, 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 LINDA L EISENHAUER, an adult individual residing at 244 OLD ROUTE 53 MORRISDALE, PA 16858.
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 \$2,923.22.

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

9. The original creditor is SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$2,923.22 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

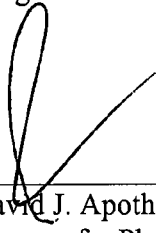
BY: 
David J. Apothaker

Dated: December 6, 2007

Our File No.: 94591

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.



David J. Apothaker
Attorney for Plaintiff

DATE: December 6, 2007

LVNV FUNDING, LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

LINDA L EISENHAUER
244 OLD ROUTE 53
MORRISDALE, PA 16858

STATEMENT OF ACCOUNT

Debtor's Name:	LINDA L EISENHAUER
Account Number:	4481268195706
Original Creditor:	SEARS
Balance Due:	\$2,923.22

Our File No.: 94591

EXHIBIT "A"

Date: December 6, 2007

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

FILED

DEC 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

W 4C

LVNV Funding LLC

(Plaintiff)

c/o Apothecary CISO, P.C.

2417 Welsh Road, Suite #520

(Street Address)

CIVIL ACTION

No. 07-1871-CD

Philadelphia Pa 19114

(City, State ZIP)

Type of Case: Civil

Type of Pleading: Response

VS.

Filed on Behalf of:

Linda L Eisenhauer

(Defendant)

Linda L. Eisenhauer
(Plaintiff/Defendant)

244 Old Rt 53

(Street Address)

Morrisdale PA 16858

(City, State ZIP)

Linda L. Eisenhauer
(Filed by)

244 Old Rt 53 Morrisdale Pa
(Address) 16858

814 345 5102
(Phone)

Linda L Eisenhauer
(Signature)

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO.: 07-1871-CD

LVNV FUNDING, LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, Pa. 19114
Plaintiff,

vs.

LINDA L. EISENHAUER
244 OLD RT. 53
MORRISDALE, PA. 16858
Defendant.

FILED

DEC 31 2007

0/11:25/07
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

This is in response to the notice of intent to sue filed by the above named Plaintiff for the amount of \$2923.22.

In defense of the Civil Action Complaint please review the following:

I had been a long time holder of a Sears account since 1976. This account was always on time and without any problems until 1991 when as a student in LPN school and not employed my spouse decided to abandon me with a mortgage and three school age children. It was at this time my account began to fall behind. I had had my electric and phone shut off during this period, as well as having a pending sheriff's sale on my home as a result of my then spouse failing to comply with a court order to pay the mortgage. I sold my home and did manage to purchase an old home with the help of a co signer, and with the little profit from the sale, I did pay off the Sears at that time.

I did rely on the Sears account and made the minimum payment staying just above water until approximately 1998, when I had a decrease in income as the result of less child support. My bills did not decrease however, and I continued to fall behind.

I did seek a debt counselor at one point going to meet with a firm at the "Y" switches in Hollidaysburg, near Altoona. I do not remember the firm's name. They said I had to little to stretch to far. It was best that I just try to contact my creditors to request they at least stop the accumulation of the interest, which I did by letter to Sears. I did not get a response by mail and I called the 800 number on my monthly statement. I was passed to several extensions and finally was told that was not an option. I explained I would never be able to pay off this balance which at the time was \$1300.00, if they would not work with me. The answer was just simply no. I continued to pay what I could and with the

with me. The answer was just simply no. I continued to pay what I could and with the interest mounting, my usual monthly payment of \$32.00 was not even covering the interest.

I made arrangements then in 2003 with Ameridebt a credit counseling firm, who agreed to work with Sears and some other creditors I had on my behalf. I made monthly payments to Ameridebt for 2 years, with the understanding they had made arrangements with Sears to pay off the balance as per the contract I had with Ameridebt. In late 2005, I stopped receiving monthly statements from Ameridebt and I could not reach them by phone.

In March of 2006 I received a letter listing me as part of a class action suit against Ameridebt. I was advised I would be contacted when the suit was resolved. The only contact number I have for them is 1 800 862 0886 and an address of: FTC, Consumer Response Ctr., Room 130, 600 Pennsylvania NW, Washington, D.C. 20580.

I include my pay stub and a summary of my monthly bills. I still can't make them all each month and I often find myself paying for water but not sewage, for electric and not oil. Last winter I went without heating oil from mid January until late March. I used ceramic heaters and confined myself to one room in the house.

I do not own my home or my car. I have had my car repossessed and then had to borrow from my 401K to get my car back. I had fallen behind on that payment as a result of having surgery for uterine cancer in July of 2004, and being off work for 10 weeks, due to post operative complications. I was limited to the amount I could borrow from the 401K and the balance was borrowed from a local consumer credit agency that is holding the title on the car. I then had a second surgery in March of 2005 from complications from the first and I was off work again and fell even further behind financially.

In addition having researched the statue of limitations for Pennsylvania at the advice of District Justice M. Rudella, I found it to be 4 years. My not having contact with Sears has been in excess of the four years as shown on enclosed credit report, showing the date of last activity exceeding 81 months.

I request the court please take into consideration all I have declared above and dismiss the suit on the grounds that the statue of limitations has expired.

Sincerely,

A handwritten signature in cursive script that reads "Linda Eisenhauer". The signature is written in black ink and is positioned below the word "Sincerely,".

Linda L. Eisenhauer

Average monthly income about \$1450.00

Mortgage	\$343.20
Escrow	40.00
Clearfield Consumer	171.00
Gas to / from work @2.89	
Per gallon	320.00
Electric	110.00
Oil @ 2.69 gal.	300.00
Water	35.00
Sewage	44.00
Phone	35.00
Garbage	23.00

	\$1423.20

* this does not include car insurance premium of \$356.00 every 6 months, or cost of medical expenses, groceries, etc.

CENTRE MEDICAL & SURGICAL
1850 EAST PARK AVENUE
STATE COLLEGE, PA 16803-6706

01 15TF 0212
LINDA EISENHAUER
244 OLD RT. 53
MORRISDALE, PA 16858

Wed 6/28/2007 8:42/6

Account
Name

Account Number

Date
Opened

Balance

Date
ReportedPast
DueAccount Credit
Status Limit

1 of 1

Date Closed:

Type of Loan:

Factoring
Company
Account (debt
purchaser)

Comments:

Settlement accepted on this account,
Paid collection**81-Month Payment History**

No 81-Month Payment Data available for display.

LVNV

FUNDING
LLC

40073XXXX

n/a

\$153

09/2007

\$153

\$0

[- Hide Details](#)**LVNV FUNDING LLC**

PO Box 10584

Greenville, SC 296030584

(866) 464-1183

Account Number:

40073XXXX

Current Status:

Account Owner:

Individual Account.

High Credit:

\$153

Type of Account :

Open

Credit Limit:

\$0

Term Duration:

Terms Frequency:

Date Opened:

n/a

Balance:

\$153

Date Reported:

09/2007

Amount Past Due:

\$153

Date of Last Payment:

Actual Payment Amount:

\$0

Scheduled Payment
Amount:

\$0

Date of Last Activity:

n/a

Date Major Delinquency
First Reported:

02/2007

Months Reviewed:

5

Creditor Classification:

Financial

Activity Description:

n/a

Charge Off Amount:

\$0

Deferred Payment Start
Date:

Balloon Payment Amount:

\$0

Balloon Payment Date:

Factoring
Company
Account (debt
purchaser)

Date Closed:

Type of Loan:

Comments:

Collection account

Account Name	Account Number	Date Opened	Balance	Date Reported	Past Due	Account Status	Credit Limit
--------------	----------------	-------------	---------	---------------	----------	----------------	--------------

81-Month Payment History

No 81-Month Payment Data available for display.

LVNV

FUNDING

LLC

448126819XXXX

n/a

\$2,999

09/2007

\$2,999

\$0

[- Hide Details](#)**LVNV FUNDING LLC**

PO Box 10584

Greenville, SC 296030584

(866) 464-1183

Account Number: 448126819XXXX

Account Owner: Individual Account.

Type of Account : Open

Term Duration:

Date Opened: n/a

Date Reported: 09/2007

Date of Last Payment:

Scheduled Payment Amount: \$0

Date Major Delinquency First Reported:

Creditor Classification: Financial

Charge Off Amount: \$0

Balloon Payment Amount: \$0

Date Closed:

Comments: Collection account

Current Status:

High Credit: \$2,781

Credit Limit: \$0

Terms Frequency:

Balance: \$2,999

Amount Past Due: \$2,999

Actual Payment Amount: \$0

Date of Last Activity: n/a

Months Reviewed: 6

Activity Description: n/a

Deferred Payment Start Date:

Balloon Payment Date:

Type of Loan:

Factoring
Company
Account (debt
purchaser)**81-Month Payment History**

No 81-Month Payment Data available for display.

PORTFOLIO
RECOVERY

ARROW-G9A1169521XXXX n/a

\$417

09/2007

\$417

\$0

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

Mag. Dist. No.: **46-3-03**
MDJ Name: Hon. **MICHAEL A. RUDELLA**
Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**
Telephone: **(814) 345-6789 16847-0444**

PLAINTIFF: NAME and ADDRESS
LVNV FUNDING LLC
2417 WELSH ROAD APT/STE 21
#250
PHILADELPHIA, PA 19114

VS.
DEFENDANT: NAME and ADDRESS
EISENHAUER, LINDA
244 OLD RT. 53
MORRISDALE, PA 16858

LINDA EISENHAUER
244 OLD RT. 53
MORRISDALE, PA 16858

Docket No.: **CV-0000248-07**
Date Filed: **8/30/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT** (Date of Judgment) **10/16/07**

☒ Judgment was entered for: (Name) **EISENHAUER, LINDA**

☒ Judgment was entered against: (Name) **LVNV FUNDING LLC**
in the amount of \$ **.00**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10/16/07 Date *MA Rudella*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

____ Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

NOTICE OF CONTINUANCE

Mag. Dist. No.:	46-3-03
MDJ Name: Hon.	MICHAEL A. RUDELLA
Address:	131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA
Telephone:	(814) 345-6789 16847-0444

PLAINTIFF: NAME and ADDRESS
LVNV FUNDING LLC
2417 WELSH ROAD APT/STE 21
#250
PHILADELPHIA, PA 19114
VS.
DEFENDANT: NAME and ADDRESS
EISENHAUER, LINDA
244 OLD RT. 53
MORRISDALE, PA 16858

LINDA EISENHAUER
244 OLD RT. 53
MORRISDALE, PA 16858

Docket No.: **CV-0000248-07**
Date Filed: **8/30/07**



Please note that the hearing in the above captioned case, which was scheduled to occur on: **9/21/07**

has been continued to:

Date: 10/16/07	Place: DISTRICT COURT 46-3-03 131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA 16847-0444
Time: 3:00 PM	

If you have any questions, please contact this office immediately.

Continuance requested by: **EISENHAUER, LINDA**

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

9/21/07 Date

M A Rudella

My commission expires first Monday of January, **2012**



COMMONWEALTH OF PENNSYLVANIA

NOTICE OF APPEAL

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-1871-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT LVNV Funding, LLC		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Phila. PA 19114		CITY Phila.	STATE PA ZIP CODE 19114
DATE OF JUDGMENT 10-16-07	IN THE CASE OF (Plaintiff) LVNV Funding, LLC vs. Linda Eisenhauer (Defendant)		
CLAIM NO. TA 20 CV-0000248-07 LT 20 _____	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT David J Apothaker, Esq.		

This block will be signed ONLY when this notation is required under Pa. R.C.P.K.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was Claimant (See Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s)
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGEMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: _____, 20____.

Signature of Prothonotary or Deputy

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

NOV 15 2007

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV Funding, LLC
(Plaintiff)
10 Apothecary Bldg. P.C.
2417 Walsh Rd. Suite 21 #520

(Street Address)

Philadelphia PA 19114
(City, State ZIP)

CIVIL ACTION

No. 07-1871-CD

Type of Case: Civil

Type of Pleading: Response

vs.

Linda LEISENHAEUER
(Defendant)

244 Old Rt 33

(Street Address)

Morrisdale PA 16858
(City, State ZIP)

Filed on Behalf of:

Linda Eisenhauer
(Plaintiff/Defendant)

Linda Eisenhauer
(Filed by)

244 Old Rt 33 Morrisdale Pa
(Address) 16858

814 343 5102
(Phone)

Linda Eisenhauer
(Signature)

FILED

JAN 10 3 2008

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA

LINDA L. EISENHAUER
244 OLD RT. 53
MORRISDALE, PA. 16858
Defendant.

CASE NO. 007-1871-CD

Vs.

LVNV FUNDING,LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia,Pa. 19114
Plaintiff

CERTIFICATE OF SERVICE

I, Linda L. Eisenhower, defendant above named, do hereby certify that on the 31st day December, 2007, I caused a copy of the response to be mailed, by regular mail to the plaintiff at the address as follows:

LVNV FUNDING,LLC
c/o Apothaker & Associates,P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, Pa. 19114

Linda L. Eishnauer, defendant.

Heide L. Eisenbauer

1. 100-44190-1A0011
 2. 100-44190-1A0012
 3. 100-44190-1A0013
 4. 100-44190-1A0014

07872 R-4. 00 110

[illegible]

substantive research is needed.

FILED

JAN 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

[illegible]

Notice of Proposed Termination of Court Case

January 26, 2012

RE: 2007-01871-CD

LVNV Funding, LLC

Vs.

Linda Eisenhower

FILED

JAN 26 2012

WAS
William A. Shaw
Prothonotary/Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **March 28, 2012**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

F. Cortez Bell, III

F. Cortez Bell, III, Esq.
Court Administrator

Our File No.: 94591
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

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FILED
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FEB 27 2012
No
Ce
66
William A. Shaw
Prothonotary/Clerk of Courts

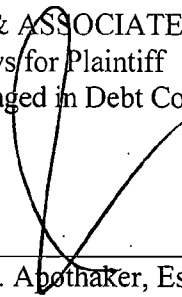
LVNV FUNDING, LLC)	COURT OF COMMON PLEAS
)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	
LINDA L EISENHAUER)	NO. 07-1871-CD
)	
)	
Defendant.)	
)	

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: 
David J. Apothaker, Esquire

Dated: 2/14/2012

