

07-1962-CD
LVNV Funding vs John J. Toney

2042409

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED

DEC 03 2007

12:30(w)

William A. Shaw
Prothonotary/Clerk of Courts
(1 CENT TO ATT)

(1 CENT TO SFILE)

LVNV Funding LLC Assignee of
Lowe's Credit Card
15 South Main St, Ste 700
Greenville, SC 29601

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2007-1962-C9

JOHN J TONEY
25 CARDINAL DR
DU BOIS PA 15801-8718

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

COMPLAINT IN CIVIL-ACTION

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$2,359.32.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$2,359.32 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

7. Defendant's last payment on account was made on 03/25/2004.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$2,359.32 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: _____

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P01A.DB

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

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


FREDERIC I. WEINBERG, ESQUIRE

Account #: C81923390224238
Cardmember Name: John J Toney
Balance Due: 2348.03
Date Balance Due: 10/19/2007

State of South Carolina
County of Greenville

AFFIDAVIT

I, Dondrea Robinson, being duly served sworn according to law, depose and say that:

1. I am an authorized representative for LVNV Funding LLC, and I have custody and control of the files relating to this account;
2. I have personal knowledge of the facts and circumstances in connection with this case;
3. Plaintiff's files are maintained in the usual and ordinary course of business;
4. This action is based on a claim for breach of contract and that damages are sought as a direct result of said breach;
5. After allowing for all offsets and credits, a balance remains on the subject account having account number in the amount of \$2348.03.
6. If called upon, affiant can testify at trial as to the facts pertaining to this matter.

The above facts are true and correct to the best of my knowledge, information and belief.

Dondrea Hobson
Authorized Representative

Sworn to and Subscribed

before me this 23rd day
of October, 2007

Notary Public


Jennifer Heitz
Notary Public
State of South Carolina
My Comm. Exp. 10-2-17

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103500
NO: 07-1962-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC Assignee
vs.
DEFENDANT: JOHN J. TONEY

SHERIFF RETURN

NOW, December 21, 2007 AT 9:29 AM SERVED THE WITHIN COMPLAINT ON JOHN J. TONEY DEFENDANT AT SHERIFF'S OFFICE, 1 N SECOND ST, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN TONEY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
07:55 AM
APR 14 2008
LS

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	42642	10.00
SHERIFF HAWKINS	GORDON	42642	37.43

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

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

2042409

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

LVNV Funding LLC Assignee of
Lowe's Credit Card

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2007-1962-CD

JOHN J TONEY

NOTICE

Pursuant to Pa.R.Civ.P. 236 of the Supreme Court of Pennsylvania,
you are hereby notified that a judgment has been entered against
you in the above proceeding as indicated below.

/X/ Judgment by Default \$2,173.47
/ / Money Judgment \$
/ / Judgment on Award of Arbitrators\$
/ / Judgment on Verdict\$

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL
ATTORNEYS: FREDERIC I. WEINBERG OR JOEL M. FLINK, ESQUIRES AT THIS
TELEPHONE NUMBER: 484/351-0500

Willie L. Shan

cm

PROTHONOTARY

2042409

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 81894
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED at \$20.00 Atty
m 19:40pm 1CC & notice to
JUN 16 2008 Deft
WM
William A. Shaw
Prothonotary/Clerk of Courts
1CC & Statement
to Atty

LVNV Funding LLC Assignee of
Lowe's Credit Card

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2007-1962-CD

JOHN J TONEY

PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF AN ANSWER, ASSESSMENT
OF DAMAGES, VERIFICATION OF ADDRESS AND NON-MILITARY SERVICE

TO THE PROTHONOTARY:

Enter judgment for want of an answer for plaintiff and
against defendant(s) above named only and assess damages
certified to be calculable as a sum certain from the complaint,
as follows:

Principal	\$1,961.71
Interest from 9/20/07	
@6%	\$79.33
Costs (Complaint & Service)	\$132.43
 Total:	 \$2,173.47

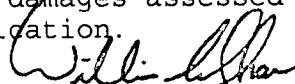
Understanding the false statements made herein are subject to
penalty under 18 Pa.C.S.A. §4904, Unsworn Falsification to
Authorities, I verify that:

1. The last known addresses of the parties are: LVNV
Funding LLC Assignee of Lowe's Credit Card and that the last known
address of defendant, JOHN J TONEY, 25 CARDINAL DR, DU BOIS PA
15801-8718.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties, defendant and to their record attorneys, if any, after default occurred, and at least ten days prior to the date of filing of this praecipe.

3. The said defendant(s) is (are) not in the military service of the United States or otherwise within the coverage of the Soldiers and Sailors Civil Relief Act and is (are) over 18 years of age.

AND NOW, this 16th day of June, 2008 Judgment is entered in favor of the plaintiff(s) and against defendant(s) by default for want of an answer and damages assessed at the sum of , \$2,173.47 as per the above certification.



Prothonotary

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

2042409

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
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1001 E. Hector Street, Ste 220
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484/351-0500

LVNV Funding LLC Assignee of Lowe's
Credit Card

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2007-1962-CD

JOHN J TONEY

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA :
JOHN J TONEY
25 CARDINAL DR
DU BOIS PA 15801-8718

DATE OF NOTICE/FECHA DEL AVISO: April 29, 2008

IMPORTANT NOTICE

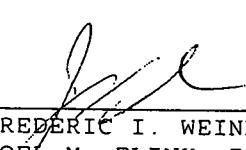
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE

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

COPY

LVNV Funding, LLC
Lowe's Credit Card
Plaintiff(s)

No.: 2007-01962-CD

Real Debt: \$2,173.47

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

John J. Toney
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 16, 2008

Expires: June 16, 2013

Certified from the record this June 16, 2008



William A. Shaw

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