

08-167-CD  
Atlantic Credit al vs Duane Kirk

2039337

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

Atlantic Credit & Finance Inc.  
Successor in Interest to  
Metrис  
3353 Orange Avenue  
Roanoke, VA 24012

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CJ

DUANE KIRK  
1711 LAWRENCE AVE  
HYDE PA 16843

pd \$95.00  
FILED *Att*  
m/12/2008 ICC Atty  
FEB 01 2008 ICC Shff  
*WAS*

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 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. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

10-10-08 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*W.A. Shaw*  
Deputy Prothonotary

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.

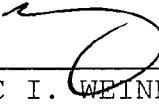
4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account, if available, is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$11,603.77.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$11,603.77 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 3/31/05.  
WHEREFORE, plaintiff claims of the defendant(s) the sum of  
\$11,603.77 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

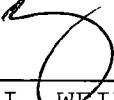
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

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

ATLANTIC CREDIT & FINANCE, INC.  
v.  
DUANE KIRK

2039337

**AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS**

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

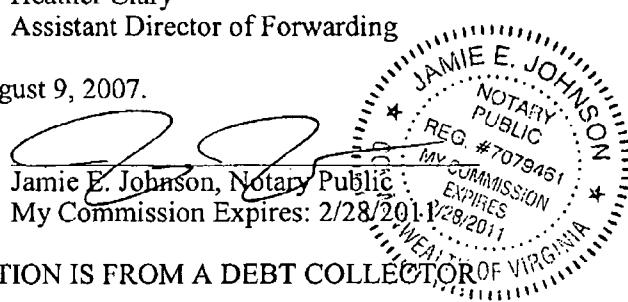
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on METRIS BANK Account No. 5410581104046984. Said Account was charged off on October 31, 2005 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$11,603.77.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account, and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was March 31, 2005. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$11,603.77.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:

Heather Clary  
Heather Clary  
Assistant Director of Forwarding

Subscribed and sworn before me August 9, 2007.



THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket #

**103701**

ATLANTIC CREDIT & FINANCE INC.

Case # 08-167-CD

VS.

DUANE KIRK

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW May 21, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO DUANE KIRK, DEFENDANT. SEVERAL ATTEMPTS, NO RESPONSE

SERVED BY: /

**FILED**  
05/21/2008  
MAY 21 2008  
CM  
William A. Shaw  
Prothonotary/Clerk of Courts

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	045308	10.00
SHERIFF HAWKINS	GORDON	045308	26.12

Sworn to Before me This

\_\_\_\_ Day of \_\_\_\_\_ 2008  
\_\_\_\_\_  
\_\_\_\_\_

So Answers,

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

2039337

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

---

Atlantic Credit & Finance Inc.  
Successor in Interest to  
Metris  
3353 Orange Avenue  
Roanoke, VA 24012

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CD

DUANE KIRK  
1711 LAWRENCE AVE  
HYDE PA 16843

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

FEB 01 2008

Attest.

*William E. 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 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.

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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, if available, 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 \$11,603.77.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$11,603.77 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 3/31/05.  
WHEREFORE, plaintiff claims of the defendant(s) the sum of  
\$11,603.77 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

ATLANTIC CREDIT & FINANCE, INC.  
v.  
DUANE KIRK

2039337

**AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS**

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

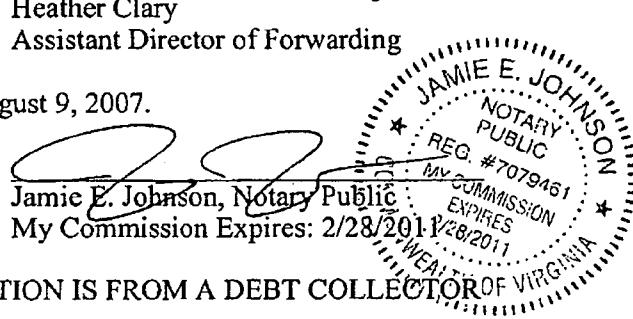
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6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:

Heather Clary  
Heather Clary  
Assistant Director of Forwarding

Subscribed and sworn before me August 9, 2007.



THIS COMMUNICATION IS FROM A DEBT COLLECTOR OF VIRGINIA

2039337

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

Atlantic Credit & Finance Inc.  
Successor in Interest to Metris

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CD

DUANE KIRK  
1711 LAWRENCE AVE  
HYDE PA 16843

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Plaintiffs' Complaint in Civil Action in  
the above-captioned matter for an additional thirty (30) days.

GORDON & WEINBERG, P.C.

BY: 

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

4 **FILED** Atty pd 7.00  
m/10/08 OCT 10 2008 ICC & Compl. Reinstated  
to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC & Compl. Reinstated  
to Atty

2039337

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

Atlantic Credit & Finance Inc.  
Successor in Interest to  
Metris  
3353 Orange Avenue  
Roanoke, VA 24012

vs.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

DOCKET NO. : 08-167-C0

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

FEB 01 2008

Attest.

*William B. Prothonotary/Clerk of Courts*

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Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

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\$11,603.77 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

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FREDERIC I. WEINBERG, ESQUIRE

ATLANTIC CREDIT & FINANCE, INC.

v.

DUANE KIRK

2039337

**AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS**

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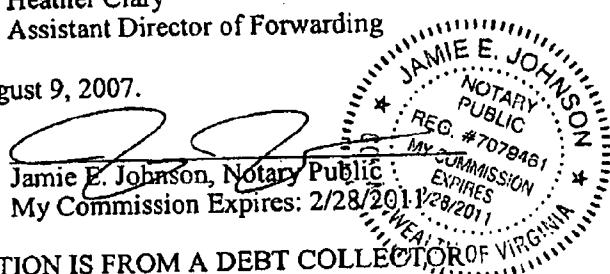
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6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:

Heather Clary  
Heather Clary  
Assistant Director of Forwarding

Subscribed and sworn before me August 9, 2007.



THIS COMMUNICATION IS FROM A DEBT COLLECTOR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-167-CD

ATLANTIC CREDIT & FINANCE INC. successor  
vs  
DUANE KIRK

SERVICE # 1 OF 1

COMPLAINT & PRAECIPE

SERVE BY: 11/09/2008 HEARING: PAGE: 104770

5 FILED

013:40LM  
OCT 17 2008

DEFENDANT: DUANE KIRK  
ADDRESS: 1711 LAWRENCE AVE.  
HYDE, PA 16843

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS \_\_\_\_\_

SHERIFF'S RETURN

NOW, 10/17/08 AT 10:48 AM / PM SERVED THE WITHIN

COMPLAINT & PRAECIPE ON DUANE KIRK, DEFENDANT

BY HANDING TO Duane Kirk, set

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED park lot on W. front st. Clearfield Pa 16830

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT & PRAECIPE FOR DUANE KIRK

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DUANE KIRK

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Chester A. Hawkins  
Deputy Signature

S. Hunter  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104770  
NO: 08-167-CD  
SERVICES 1  
COMPLAINT & PRAECIPE

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC. successor  
vs.  
DEFENDANT: DUANE KIRK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	062673	10.00
SHERIFF HAWKINS	GORDON	062673	11.00

5  
FILED  
02/00 AM  
JAN 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

2039337

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 Attypd 20.00  
m/11/2009  
FEB 27 2009 ICC Notice

S William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty

(G10)

Atlantic Credit & Finance Inc.  
Successor in Interest to  
Metris

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CD

DUANE KIRK

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) DUANE KIRK above named only and assess damages certified to be calculable as a sum certain from the complaint, as follows:

Principal \$11,603.77

Costs (Complaint & Service) \$238.12

**Total: \$11,841.89**

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

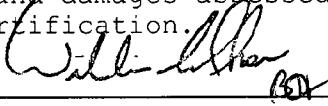
1. The last known addresses of the parties are: Atlantic Credit & Finance Inc. Successor in Interest to Metris and that the

last known address of defendant, DUANE KIRK, 1711 LAWRENCE AVE, HYDE PA 16843.

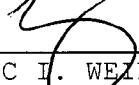
2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties, defendant and to their record attorneys, if any, after default occurred, and at least ten days prior to the date of filing of this praecipe.

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 27<sup>th</sup> day of February, 2009 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 , \$11,841.89 as per the above certification.

  
\_\_\_\_\_  
Prothonotary

GORDON & WEINBERG, P.C.

BY:   
\_\_\_\_\_  
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FINNICK, ESQUIRE  
Attorney for Plaintiff

2039337

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
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1001 E. Hector Street, Ste 220  
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Atlantic Credit & Finance Inc.  
Successor in Interest to Metris

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CD

DUANE KIRK

NOTICE OF INTENTION TO TAKE DEFAULT

TO/ PARA :

DUANE KIRK  
1711 LAWRENCE AVE  
HYDE PA 16843

DATE OF NOTICE/FECHA DEL AVISO: February 4, 2009

IMPORTANT NOTICE

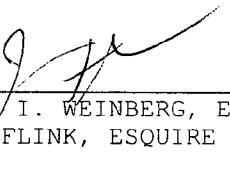
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU 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

2039337

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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

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Atlantic Credit & Finance Inc.  
Successor in Interest to  
Metris

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-167-CD

DUANE KIRK

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.

Judgment by Default \$11,841.89  
 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* 2127109  
PROTHONOTARY