

08-191-CD
LNVN vs Joel Shofestall

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV FUNDING, LLC ASSIGNEE OF SHERMAN
ACQUISITION ASSIGNEE OF SEARS

No. 2008-191-CO

FILED

FEB 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

2 CENT to
ATTN

C/O WOLPOFF & ABRAMSON, L.L.P.
4660 TRINDLE ROAD, 3rd FLOOR
CAMP HILL, PA 17011

Plaintiff

Type of Case: Contract

Type of Pleading:

VS.

Filed on Behalf of: Plaintiff

JOEL SHOFESTALL
11 OAKLAND AVE
DU BOIS PA 15801

Defendant(s)

Date: 1/31/08

Philip C. Warholick
Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholick #86341 / David R. Galloway #87326
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469
Robert N. Polas, Jr. #201259
Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
Plaintiff

vs

JOEL SHOFESTALL
Defendant(s)

:
: No.
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: CIVIL ACTION - LAW
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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 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 or any other claim or relief requested by the Plaintiff. You may lose money or property 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 HELP. 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. Meholick, Court Administrator 230 East Market Street
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
Plaintiff

vs

JOEL SHOFESTALL
Defendant(s)

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: No.
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NOTICIA

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender conta la demanda puestas en las siguientes paginas, usted tienen que tomar acción dentro veinte (20) dias después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado conta usted por la Corte sin mas aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELEFONO LA OFICINA FIJADA AQUI ABAJO. ESTA OFICINA PUEDE PROVEERE CON INFORMACION DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ESTA OFICINA PUEDE PROVEERE INFORMACION ACERCA AGENCIAS. QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
Plaintiff

vs

JOEL SHOFESTALL
Defendant(s)

:
: No.
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:
: CIVIL ACTION - LAW

COMPLAINT

AND NOW, comes the Plaintiff, by and through its attorneys and the law firm of Wolpoff & Abramson, LLP, and files this Complaint and in support avers as follows:

1. Plaintiff is LVNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF SEARS , located at 15 South Main Street Greenville, SC 29601.
2. Defendant, JOEL SHOFESTALL, is an adult individual with a last known address of 11 Oakland Ave Du Bois, Clearfield County, PA 15801.
3. It is averred that Defendant was issued an open end credit account (hereinafter "Account").

4. At all relevant times material hereto, Defendant has been a regular user of said Account for the purchase of products, goods and/or for obtaining services.

5. Defendant was provided with copies of the Statement of Accounts showing all debits and credits for transactions on the aforementioned credit card account to which there was no bona fide objection by Defendant. A true and correct copy of the Statement of Account is attached hereto, incorporated herein and marked as Exhibit "A".

6. Defendant did not object to the above-mentioned statements submitted by Plaintiff and/or its assignors to Defendant.

7. As of the date of this Complaint, the remaining balance due, owing and unpaid on Defendant's credit card account as a result of the charges made by said Defendant and/or any authorized users is the sum of \$8,800.96.

8. Interest has accrued from the charge off date at a rate of 6 %.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$1,186.32.

10. Despite reasonable and repeated demands for payment, Defendant has refused and continues to refuse to pay all sums due and owing on the aforementioned account balance, all to the damage and detriment of the Plaintiff.

11. Plaintiff performed any and all conditions precedent to the bringing of this action.

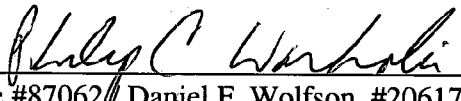
12. The amount in controversy is within the jurisdictional amount requiring compulsory arbitration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant in the amount of \$8,800.96, plus interest in the amount of \$1,186.32, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

Date:

1/31/08



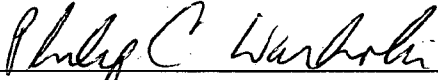
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4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

VERIFICATION

The undersigned hereby states that they are the attorney for the Plaintiff who is located outside of this jurisdiction and in order to file the within document in an expedient and timely manner, they are authorized to take this verification on behalf of said Plaintiff in the within action and verifies that the statements made in the foregoing Pleading are true and correct to the best of their knowledge, information, and belief, based upon information provided by the Plaintiff.

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

Date: 1/31/08



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Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

Exhibit "A"

••FICHINFO1 •• Date 05/30/07 Account 5121075029434235 Mode L ••Nxt + •
ACCT#5121075029434235 BAL 8800.96 LPYMT DT 05/04/2005
*ABL-ACCT-ID*ABL-ACCT-NO *ABL-EFF-DATE*ABL-CUR-BALANCE
05/24/2007 8800.96
*ABL-PRIN-COLLECTED*ABL-PRIN-OWING*ABL-PRIN-BAL*ABL-ATTYFEE-COLLECTED
0.00 8800.96 8800.96 0.00
*ABL-ATTYFEE-OWING*ABL-FEE-BAL*ABL-INT-COLLECTED*ABL-INT-OWING*ABL-INT-BAL
0.00 0.00 0.00 0.00 0.00
*ABL-COST-COLLECTED*ABL-COST-OWING*ABL-COST-BAL*ABL-CUR-INT-RATE*ABL-INT-ACCRUAL
0.00 0.00 0.00 0.060 1.45
*ABL-SUSPEND-INT*ABL-LAST-PYMT-DT*ABL-LAST-PYMT-AMT*ABL-LAST-NSF-DT
0.00 05/04/2005 151.00
*ABL-LAST-NSF-AMT*ABL-ACCRUAL-METHOD*PLA-ACCT-ID*PLA-ACCT-NO
2

--
*ADL-ACCT-NO *ADL-MERCHANT *ADL-CBR
Y
*ADL-CHGOFF-BAL*ADL-CHGOFF-DT*ADL-ORG-NAME
8800.96 12/20/2005 LVNV FUNDING LLC
*ADL-LAST-PURCH-AMT*ADL-MISC1
0.00
*ADL-MISC2
*ADL-MISC3 *ADL-ORG-DT*ADL-PORTFOLIO-ID

•MODE L=LFT R=RG T W=WRP Next File •
••FICHINFO1 •• Date 05/30/07 Account 5121075029434235 Mode L ••Nxt + •
01/10/2004 6135

*ADL-SELLER-NAME *ADL-TELECOMM-PHONE*ALT-ACCT-ID
SEARS

--
*BWR-TYPE*BWR-SSN *BWR-FIR-NAME

01 XXXXX4379 JOEL

*BWR-LAST-NAME

SHOFESTALL

*BWR-ADDR

11 OAKLAND AVE

*BWR-ADDR2

*BWR-CITY

DU BOIS

*BWR-ST*BWR-ZIP

PA 158018748

*BWR-DOB *BWR-HMPHONE*BWR-WKPHONE*BWR-OTPHONE*BWR-LANG-CODE

02/14/1955 8143717057 8146539007

0

*BWR-BANK-NAME

*BWR-EMPLOYED*BWR-HOME-OWNER

N

--
*PLA-COMM-RATE*PLA-BATCH-ID*PLA-TRUST-ACCTID*PLA-DEADLINE*PLA-SIF*BKY-ACCT-ID
0.270 92864 1

•MODE L=LFT R=RG T W=WRP Next File •

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103760
NO: 08-191-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC, Assignee
vs.
DEFENDANT: JOEL SHOFESTALL

SHERIFF RETURN

NOW, February 29, 2008 AT 11:00 AM SERVED THE WITHIN COMPLAINT ON JOEL SHOFESTALL DEFENDANT AT 11 OAKLAND AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOEL SHOFESTALL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

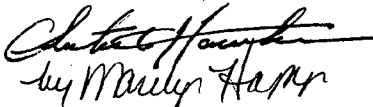
FILED
O 2:45 p.m. OK
JUN 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|---------|----------|--------|
| SURCHARGE | WOLPOFF | 00259796 | 10.00 |
| SHERIFF HAWKINS | WOLPOFF | 00259796 | 56.38 |

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
Plaintiff

No. 2008-191-CD

VS

CIVIL ACTION - LAW

JOEL SHOFESTALL
Defendant(s)

PRAECIPE TO SETTLE, DISCONTINUE, AND END

Please mark the above-captioned action as settled, discontinued, and ended.

Respectfully Submitted,

By:



Date:

7/7/08

Amy F. Doyle #87062 / Philip C. Warholc #86341 /
~~David R. Galloway #87326 / Sarah E. Ehasz #86469 /~~
Robert N. Polas, Jr. #201259
Mann Bracken LLC
The Successor by Merger to Wolpoff & Abramson, L.L.P.
and Eskanos & Adler, P.C.
4660 Trindle Road, Suite 300, Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED 1cc & 1 cert of
m/1:55pm disc issued to
JUL 14 2008 Atty Galloway
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS

No. 2008-191-CD

Plaintiff

CIVIL ACTION - LAW

vs.

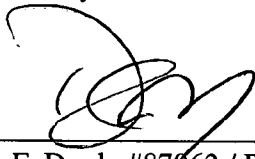
JOEL SHOFESTALL
Defendant(s)

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing praecipe was served this
date by Regular Mail, Postage Pre-Paid on this 11th day of JULY, 2008

Ross F. Ferraro
690 Main Street
Brockway, PA 15824

Date: 7/7/08



~~Amy F. Doyle #87062 / Philip C. Warholic #86341 /~~
David R. Galloway #87326 / Sarah E. Ehasz #86469 /
Robert N. Polas, Jr. #201259

Mann Bracken LLC

The Successor by Merger to Wolpoff & Abramson, L.L.P.
and Eskanos & Adler, P.C.

4660 Trindle Road, Suite 300, Camp Hill, PA 17011

Telephone: (717) 303-6700

Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LVNV Funding, LLC
Sherman Acquisition
Sears

Vs.
Joel Shofestall

No. 2008-00191-CD

COPY

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 14, 2008, marked:

Settled, discontinued and ended

Record costs in the sum of \$95.00 have been paid in full by Wolpoff & Abramson .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of July A.D. 2008.



William A. Shaw, Prothonotary

LM