

08-357-CD
Atlantic Credit vs Dusty Coulter

2041547

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.
ASSIGNEE OF HOUSEHOLD BANK
3353 ORANGE AVENUE
ROANOKE, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-357-CD

DUSTY L COULTER
370 GOOD ST
CLEARFIELD, PA 16830-7413

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

FILED
M/1/3534
FEB 29 2008
ICCSheriff

William A. Shaw
Prothonotary/Clerk of Courts *Atty pd. 95.00*

2041547

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

FILED
M/1/35/01
FEB 29 2001
William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty
ICC Sheriff
Atty pd. 95.00

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 \$5,118.08.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$5,118.08 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 December 1, 2006.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$5,118.08 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

I hereby state that I am the agent for the plaintiff herein, and that the facts set forth in the attached Affidavit which is incorporated by reference in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief and is based upon information which plaintiff has furnished to counsel. The language in the Complaint is that of counsel and not of plaintiff. To the extent that the contents of the Complaint are that of counsel, plaintiff has relied upon counsel in making this verification. This verification is made subject to 18 Pa.C.S. §4904 which provides for certain penalties for making false statements



Name

ATLANTIC CREDIT & FINANCE, INC.
v.
DUSTY L COULTER

2041547

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:

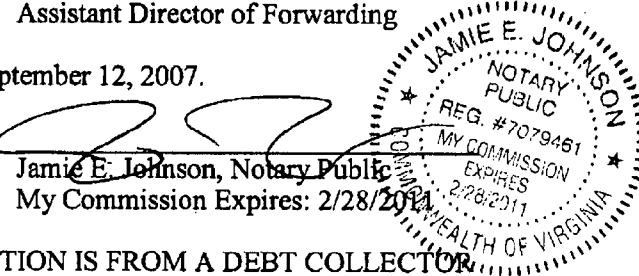
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HOUSEHOLD BANK Account No. 5480420013874951. Said Account was charged off on December 30, 2006 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$5,118.08.
3. Plaintiff 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 December 1, 2006. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$5,118.08.
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 September 12, 2007.



THIS COMMUNICATION IS FROM A DEBT COLLECTOR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

ATLANTIC CREDIT &
FINANCE, INC. assignee of
HOUSEHOLD BANK,
Plaintiff

vs.

DUSTY L. COULTER,
Defendant

*
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*
*
* NO.: 08-357-CD
*
* Type of Case: Civil
*
* Type of Pleading: Preliminary
* Objections
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED
8 11:41 a.m. GK
APR 14 2008 3 cc Atty
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ATLANTIC CREDIT & FINANCE, :
INC., assignee of HOUSEHOLD BANK, :
Plaintiff : Civil Action
vs. : No. 08-357-CD
DUSTY L.COULTER, :
Defendant :
:

DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT

Pursuant to Pa. R.C.P. No. 1028(c), Defendant Dusty L. Hess f.k.a. Coulter, by and through her attorneys, Robin Jean Foor, and MidPenn Legal Services preliminarily objects to Plaintiff's Complaint and moves for its dismissal as follows:

**I. PRELIMINARY OBJECTIONS RAISING FAILURE OF A PLEADING TO
CONFORM TO LAW OR RULE OF COURT Pa. R.C.P. 1028 (a)(2)**

1. Pennsylvania Rule of Civil Procedure 1019(i) states that "when a claim is based on upon a writing, the pleader shall attach a copy of the writing or the material part thereof..."
2. Plaintiff claims to be the assignee of the original creditor.
3. Plaintiff has failed to attach any documentation of the assignment of the Ms. Hess' specific account.
4. Plaintiff filed a Complaint demanding damages in the amount of \$5,118.08 plus attorney fees and costs.

5. Plaintiff has failed to attach to the Complaint a written contract signed or dated by the plaintiff and defendant. Such writing would form the very core of Plaintiff's case, but such writing has not been appended to the Complaint, nor its absence explained, as required by Pa.R.C.P. No. 1019(h) and (i).

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

II. PRELIMINARY OBJECTION RAISING INSUFFICIENT SPECIFICITY IN A PLEADING Pa. R.C.P. 1028 (a)(3)

1. The Complaint contains alleged claims for money owed but fails to provide adequate documentation or accounting of charges allegedly made by Defendant, which would support Plaintiff's claim of damages, such as a breakdown of charges, payments, and interest, so that Defendant can properly formulate a response and assert any counterclaims.

2. The Complaint is deficient in reciting factual averments and Defendant is without information upon which she can premise a meaningful response and formulate a defense.

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

Respectfully submitted,

MidPenn Legal Services
Attorneys for Defendant

4-14-08

Date

BY:


Robin Jean Foor, Esquire
ID# 41520

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

ATLANTIC CREDIT &
FINANCE, INC. assignee of
HOUSEHOLD BANK,
Plaintiff

vs.

DUSTY L. COULTER,
Defendant

*
*
*
*
* NO.: 08-357-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of
Service
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED *cc*
04/15/2008
APR 15 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

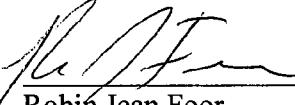
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., assignee of HOUSEHOLD BANK, :
Plaintiff : Civil Action
vs. : No. 08-357-CD
DUSTY L.COULTER, :
Defendant :
:

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 14th day of April, 2008, I served a copy of the Preliminary Objections filed in that above captioned matter to the following individual by first class mail, postage prepaid:

Frederic I. Weinberg, Esquire
GORDON & WEINBERG, P.C.
1001 E. Hector Street, Suite 220
Conshocken, PA 19428



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield, PA 16803
(814)765-9646

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

ATLANTIC CREDIT &
FINANCE, INC. assignee of
HOUSEHOLD BANK,

Plaintiff

*

*

*

*

* NO.: 08-357-CD

*

vs.

DUSTY L. COULTER,
Defendant

* Type of Case: Civil

*

* Type of Pleading: Petition to Schedule
Argument

*

* Filed on Behalf of: Defendant

*

* Counsel of Record for this Party:

* Robin Jean Foor, Esquire

*

* Supreme Court No.: 41520

*

* MidPenn Legal Services

* 211 East Locust Street

* Clearfield, PA 16839

* (814)765-9646

FILED
O 11:19 a.m. 08
MAY 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

3cc Atty Foor

6P

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

Atlantic Credit & Finance,
Inc., assignee of Household Bank, :
Plaintiff : Civil Action
vs. : No. 08-357-CD
Dusty L. Coulter, :
Defendant :

PETITION TO SCHEDULE ARGUMENT ON DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S COMPLAINT

Defendant, Dusty L. Hess f.k.a. Coulter, by and through her attorneys, Robin Jean Foor, Esq and MidPenn Legal Services, requests the court to schedule the argument on defendant's objections and alleges as follows:

1. Plaintiff filed a complaint on or about February 29, 2008.
2. Defendant filed preliminary objections to the complaint on April 14, 2008.
3. As of May 7, 2008, the plaintiff has not filed an amended complaint.

WHEREFORE, defendant requests the Court to schedule argument on the Preliminary Objections.



Robin Jean Foor

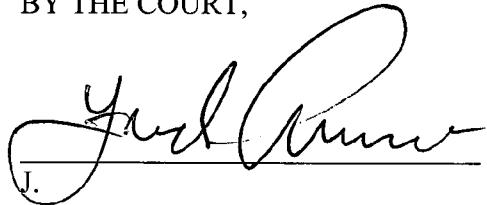
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Atlantic Credit & Finance, Inc, :
Assignee of Household Bank, :
:
Plaintiff : Civil Action
:
vs. : No. 08-357-CD
:
Dusty L. Coulter, :
:
Defendant :
:

ORDER

AND NOW, this 12 day of May, 2008, upon consideration
of Defendant Dusty L Hess f.k.a. Coulter's Preliminary Objections filed in the above captioned
matter, it is the Order of the Court that argument has been scheduled for the 4th day of
June, 2008 at 3:30 o'clock A.m. in Courtroom # 1,
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FILED 3cc
01305201 MAY 12 2008 Atty Foor
MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/12/08

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

MAY 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

ATLANTIC CREDIT &
FINANCE, INC. assignee of
HOUSEHOLD BANK,

Plaintiff

*
*
*
*
* NO.: 08-357-CD

vs.
DUSTY L. COULTER,
Defendant

* Type of Case: Civil
*
* Type of Pleading: Certificate of
Service
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED *cc*
01017301 Atty Foor
MAY 29 2008
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., assignee of HOUSEHOLD BANK,

Plaintiff : Civil Action
vs. : No. 08-357-CD
DUSTY L.COULTER, :
Defendant :
:

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 15th day of May, 2008, I served a copy of the Petition to Schedule Argument and the Order Scheduling Argument filed in that above captioned matter to the following individual by first class mail, postage prepaid:

Frederic I. Weinberg, Esquire
GORDON & WEINBERG, P.C.
1001 E. Hector Street, Suite 220
Conshocken, PA 19428



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield, PA 16803
(814)765-9646

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Atlantic Credit & Finance, :
Inc., assignee of Household Bank, :
Plaintiff : Civil Action
vs. : No. 08-357-CD
Dusty L. Coulter, :
Defendant :
:

ORDER

AND NOW, this 4th day of June, 2008, the date scheduled for argument on Defendant's Preliminary Objections to Plaintiff's Complaint, the Court notes the following:

1. Plaintiff's Counsel received notification of the said argument as indicated in the Certificate of Service filed by defense counsel, Robin J. Foor, Esquire on May 15, 2008;
2. Plaintiff's Counsel failed to appear for the argument scheduled for this date; and
3. Therefore, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint are GRANTED and that the Plaintiff's Complaint be and is hereby DISMISSED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 30C
013140601 Atty Foor
JUN 04 2008 (will serve)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103824
NO: 08-357-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE, INC. Assignee
vs.
DEFENDANT: DUSTY L. COULTER

SHERIFF RETURN

NOW, March 28, 2008 AT 1:45 PM SERVED THE WITHIN COMPLAINT ON DUSTY L. COULTER DEFENDANT AT 370 GOOD ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO AMOS HESS, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED

JUN 23 2008

0/2:48/08

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	047632	10.00
SHERIFF HAWKINS	GORDON	047632	20.00

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

*Chester A. Hawkins
by Marilyn Harper*

Chester A. Hawkins
Sheriff