

08-411-CD

Atlantic Credit vs Frederick L. Painter

2044137

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 Bank
of America
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-411-CD

FREDERICK L PAINTER
2489 Curwensville Grampian
Hwy.
Grampian PA 16838-7825

FILED *pd 89500*
10/11:20um *ICC Shff*
MAR 10 2008 *ICC Atty.*
um

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

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 \$4,127.24.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,127.24 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 8/9/06.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,127.24 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

ATLANTIC CREDIT & FINANCE, INC.

v.

FREDERICK L PAINTER

2644137

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 BANK OF AMERICA Account No. [REDACTED] Said Account was charged off on March 30, 2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4,127.24.
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 August 9, 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 \$4,127.24.
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.

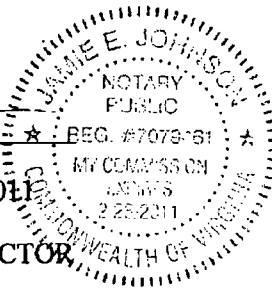
By:

Heather Clary

Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me November 8, 2007.

[Signature]
Jamie E. Johnson, Notary Public
My Commission Expires: 2/28/2011



THIS COMMUNICATION IS FROM A DEBT COLLECTOR

FILED

MAR 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103860
NO: 08-411-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: FREDERICK L. PAINTER

SHERIFF RETURN

NOW, March 31, 2008 AT 11:43 AM SERVED THE WITHIN COMPLAINT ON FREDERICK L. PAINTER DEFENDANT AT 2489 CURWENSVILLE GRAMPAN HWY., GRAMPAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO FRED PAINTER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
013:0061
JUN 30 2008
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	048710	10.00
SHERIFF HAWKINS	GORDON	048710	30.12

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

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 *Atty pd. 20.00*
M 110/1381
AUG 04 2008 *ICC Notice to Def.*

William A. Shaw
 Prothonotary/Clerk of Courts

Atlantic Credit & Finance Inc.
 Successor in Interest to Bank of
 America

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

ICC Statement to Atty
(GD)

vs.

DOCKET NO. : 08-411-CD

FREDERICK L PAINTER

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	\$4,127.24
Costs (Complaint & Service)	\$135.12
Total:	\$4,262.36

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 Bank of America and that the
 last known address of defendant, FREDERICK L PAINTER, 2489
 Curwensville Grampian Hwy., Grampian PA 16838-7825.

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 4th day of August, 2008 Judgment

COPY

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
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Atlantic Credit & Finance Inc.
Successor in Interest to Bank of
America

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-411-CD

FREDERICK L PAINTER

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 \$4,262.36
☐ 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


PROTHONOTARY

8/4/08

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

COPY

Atlantic Credit & Finance Inc.
Bank of America
Plaintiff(s)

No.: 2008-00411-CD

Real Debt: \$4,262.36

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Frederick L. Painter
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 4, 2008

Expires: August 4, 2013

Certified from the record this 4th day of August, 2008.



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