

08-619-CD

Atlantic Credit vs Kelly M. Harris

2045561

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

m 11:35 a.m. CLK

APR 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

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Atlantic Credit & Finance Inc.
Assignee from Citibank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-619-CD

KELLY M HARRIS
800 LINK ROAD
WEST DECATUR PA 16878-8322

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 \$5,690.30.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$5,690.30 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 03/31/2005.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$5,690.30 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.

KELLY M HARRIS

245561

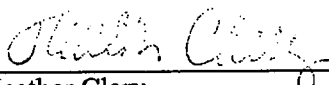
AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

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:

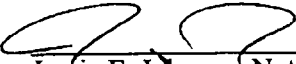
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on CITIBANK Account No. 5424181002103856. Said Account was charged off on November 3, 2005 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$5,690.30.
3. Plaintiff purchased 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 \$5,690.30.
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.

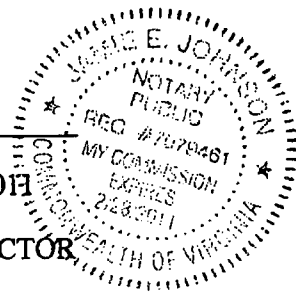
The foregoing is true and correct to the best of my knowledge and belief.

By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me December 28, 2007.


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



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



Atlantic Credit & Finance, Inc.
Account Statement

Report Date
11/27/2007 09:32:39

Our Account ID: 3132378

Account Number: 5424181002103856

Status: LGJ

Received: 06/01/2007

Charge Off Date: 11/03/2005

Purchase Balance: \$ 5,690.30

Original Creditor Last Pay Date: 03/31/2005

Amount Paid: \$ 0.00

Remaining Balance: \$ 5,690.30

Name: HARRIS, KELLY M

SSN-Last 4 Digits: 3883

Other Name:

HomePhone: 8143420946

Street1: 800 LINK ROAD

WorkPhone: 8143421916

Street2:

City, State Zip: WEST DECATUR, PA 16878-8322

Date	Type	Matched	Check No	Invoiced	Amount	Comment
No						
Payments						
Received						

Payment Type 'PU', 'PA', 'PC' - Payment

Payment Type 'PUR', 'PAR', 'PCR' - Returned Payment NSF

Page No: 1

FILED

APR 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

2045561

FILED

JUN 13 2008

m 10:15 | w
William A. Shaw
Prothonotary/Clerk of Courts

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 from Citibank
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008 619 CD

KELLY M HARRIS
800 LINK ROAD
WEST DECATUR PA 16878-8322

JUDGMENT BY AGREEMENT

AND NOW, this 9th day of May, 2008, it is hereby stipulated and agreed to by and between, KELLY M HARRIS her successors and assigns and Frederic I. Weinberg, Esquire, counsel for Atlantic Credit & Finance Inc. Assignee from Citibank that the Court enter a determination in the above-captioned case as follows:

1. Judgment shall be entered in the amount of Five Thousand Eight Hundred and Eighty Five Dollars (\$5885.00) in favor of Atlantic Credit & Finance Inc. Assignee from Citibank and against, KELLY M HARRIS her successors and assigns;

Citibank, will agree to accept the sum of \$490.00 per month from, KELLY M HARRIS her successors and assigns. The first payment of \$490.00 per month shall become due and payable on 5/9/2008 and then on the 9th of every month thereafter until the Stipulated Judgment is paid in full;

3. In the event that KELLY M HARRIS her successors and assigns do not make payments as prescribed in paragraph 2, they will be considered in default and the Plaintiff, Atlantic Credit & Finance Inc. Assignee from Citibank shall be allowed to exercise any and all remedies available at law.

4. The Parties to this action have authorized their respective counsel and agent to enter into this agreement on their behalf and by doing so this agreement will be binding on both that KELLY M HARRIS her successors and assigns and, Atlantic Credit & Finance Inc. Assignee from Citibank its successors and assigns.

Date: 5-17-08

Kelly M. Harris
KELLY M HARRIS
Defendant

Date: 6/9/08

FREDERIC I. WEINBERG, Esquire
Attorney for Plaintiff
I.D. #41360
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

BY THE COURT:

J.

FILED

JUN 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

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BY: FREDERIC I. WEINBERG, ESQUIRE
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KELLY M HARRIS

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 Agreement \$5,885.00
☐ 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103997
NO: 08-619-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: KELLY M. HARRIS

SHERIFF RETURN

NOW, April 23, 2008 AT 11:03 AM SERVED THE WITHIN COMPLAINT ON KELLY M. HARRIS DEFENDANT AT 800 LINK ROAD, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GREG HARRIS, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED

07:57/BN
JUL 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	050012	10.00
SHERIFF HAWKINS	GORDON	050012	29.11

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

FILED

JUL 16 2008

William A. Shaw
Prothonotary/Clerk of Courts