

156648

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

MIDLAND FUNDING LLC

(Plaintiff)

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

CIVIL ACTION

No. 2008-750-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

WILLIAM D SCHMOKE & CHARLOTTE

I SCHMOKE

(Defendant)

RR 1 BOX 61

(Street Address)

KYLERTOWN, PA 16847

(City, State, ZIP)

MIDLAND FUNDING

LLC

(Plaintiff)

FILED

m/11:30 am

APR 24 2008

20895.00 AH
200 AH
100 SH

William A. Shaw

Prothonotary/Clerk of Courts

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)

(Signature)

Our File No.: 156648
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

MIDLAND FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

vs.

WILLIAM D SCHMOKE &
CHARLOTTE I SCHMOKE
RR 1 BOX 61
KYLERTOWN, PA 16847
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY

) NO.:
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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 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 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.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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(215) 634-8920
Attorneys for Plaintiff

MIDLAND FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

vs.

WILLIAM D SCHMOKE &
CHARLOTTE I SCHMOKE
RR 1 BOX 61
KYLERTOWN, PA 16847

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY

) NO.:

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, MIDLAND FUNDING LLC, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is WILLIAM D SCHMOKE & CHARLOTTE I SCHMOKE, an adult individual residing at RR 1 BOX 61 KYLERTOWN, PA 16847.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$29,125.75.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

9. The original creditor is BENEFICIAL.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$29,125.75 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

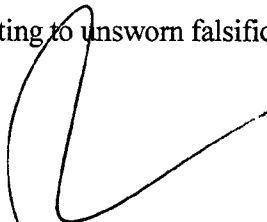
BY: _____
David J. Apothaker

Dated: 4/17/2008

Our File No.: 156648

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



David J. Apothaker
Attorney for Plaintiff

DATE: 4/17/2008

MIDLAND FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

WILLIAM D SCHMOKE & CHARLOTTE I SCHMOKE
RR 1 BOX 61
KYLERTOWN, PA 16847

STATEMENT OF ACCOUNT

Debtor's Name:	WILLIAM D SCHMOKE & CHARLOTTE I SCHMOKE
Account Number:	71022200106814
Original Creditor:	BENEFICIAL
Balance Due:	\$29,125.75

Our File No.: 156648

EXHIBIT "A"

FILED

APR 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

Our File No.: 156648
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

MIDLAND FUNDING LLC

Plaintiff,

vs.

WILLIAM D SCHMOKE &
CHARLOTTE I SCHMOKE

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
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)
)
)
)

NO. 2008-750-CD

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:

David J. Apothaker

Dated: June 2, 2008

FILED NO CC
JUN 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **104087**

MIDLAND FUNDING LLC

Case # 08-750-CD

vs.

WILLIAM D. SCHMOKE & CHARLOTTE I. SCHMOKE

TYPE OF SERVICE COMPLAINT

FILED
073:21301
AUG 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURNS

NOW August 04, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO WILLIAM D. SCHMOKE, DEFENDANT. DEFENDANT DECEASED.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104087
NO: 08-750-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: MIDLAND FUNDING LLC

vs.

DEFENDANT: WILLIAM D. SCHMOKE & CHARLOTTE I. SCHMOKE

SHERIFF RETURN

NOW, May 05, 2008 AT 9:20 AM SERVED THE WITHIN COMPLAINT ON CHARLOTTE I. SCHMOKE DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHARLOTTE SCHMOKE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104087
NO: 08-750-CD
SERVICES 2
COMPLAINT

PLAINTIFF: MIDLAND FUNDING LLC
vs.
DEFENDANT: WILLIAM D. SCHMOKE & CHARLOTTE I. SCHMOKE

SHERIFF RETURN

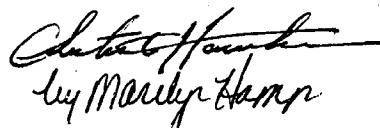
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	86395	20.00
SHERIFF HAWKINS	APOTHAKE	86395	39.13

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

MIDLAND FUNDING LLC

(Plaintiff)

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

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Filed on Behalf of:

WILLIAM D SCHMOKE & CHARLOTTE

I SCHMOKE

(Defendant)

RR 1 BOX 61

(Street Address)

KYLERTOWN, PA 16847

(City, State, ZIP)

MIDLAND FUNDING

LLC

(Plaintiff)

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

APR 24 2008

Attest.

William D. Schmoke
Prothonotary/
Clerk of Courts

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

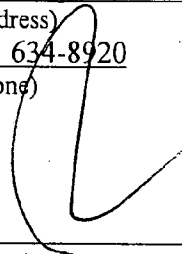
2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)


(Signature)

Our File No.: 156648
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

MIDLAND FUNDING LLC)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114)	NO.:
Plaintiff,)	
vs.)	
)	
WILLIAM D SCHMOKE &)	
CHARLOTTE I SCHMOKE)	
RR 1 BOX 61)	
KYLERTOWN, PA 16847)	
Defendant.)	

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Attorneys for Plaintiff

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2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114)	NO.:
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vs.)	
)	
WILLIAM D SCHMOKE &)	
CHARLOTTE I SCHMOKE)	
RR 1 BOX 61)	
KYLERTOWN, PA 16847)	
Defendant.)	

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FIRST COUNT

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2. Defendant is WILLIAM D SCHMOKE & CHARLOTTE I SCHMOKE, an adult individual residing at RR 1 BOX 61 KYLERTOWN, PA 16847.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$29,125.75.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

9. The original creditor is BENEFICIAL.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$29,125.75 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff
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BY: _____

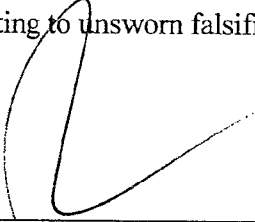
David J. Apothaker

Dated: 4/17/2008

Our File No.: 156648

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



David J. Apothaker
Attorney for Plaintiff

DATE: 4/17/2008

MIDLAND FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

WILLIAM D SCHMOKE & CHARLOTTE I SCHMOKE
RR 1 BOX 61
KYLERTOWN, PA 16847

STATEMENT OF ACCOUNT

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Original Creditor:	BENEFICIAL
Balance Due:	\$29,125.75

Our File No.: 156648

EXHIBIT "A"