

08-830-CD

Atlantic Credit vs Ernest Luzier

2039382

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

Metris

3353 Orange Avenue

Roanoke, VA 24012

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-830-CD

ERNEST LUZIER

2826 EGYPT RD

WOODLAND PA 16881-8821

**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

**FILED**

MAY 11 11:57 AM '08

MAY 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ATTY PAID 95.00

1 CC ATTY

1 CC SHERIFF

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 \$4,663.52.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,663.52 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 4/13/05.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,663.52 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.

ERNEST LUZIER

2039382

**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 METRIS BANK Account No. 5462831821005624. Said Account was charged off on November 30, 2005 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4,663.52.
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 April 13, 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 \$4,663.52.
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

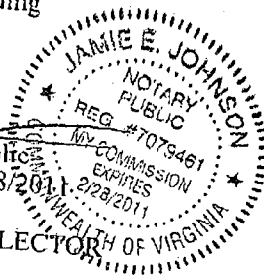
Assistant Director of Forwarding

Subscribed and sworn before me August 10, 2007.

*[Signature]*

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  
07/17/2007 10:08:08

Our Account ID: 2154019  
Account Number: 5462831821005624

Status: LGJ

Charge Off Date: 11/30/2005

Received: 12/27/2005

Original Creditor Last Pay Date: 04/13/2005

Purchase Balance: \$ 4,663.52  
Amount Paid: \$ 0.00  
Remaining Balance: \$ 4,663.52

## Debtor Info

Name: LUZIER, ERNEST  
Other Name:  
Street1: 2826 EGYPT RD  
Street2:  
City, State Zip: WOODLAND, PA 168818821

SSN-Last 4 Digits: 8846

HomePhone:

WorkPhone:

## Payment Info

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.

Confidential Property of Atlantic Credit & Finance Inc.

Page No

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-830-CD

ATLANTIC CREDIT & FINANCE INC

vs

ERNEST LUZIER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/04/2008

HEARING:

PAGE: 104130

DEFENDANT:

ERNEST LUZIER

ADDRESS:

2826 EGYPT RD

WOODLAND, PA 16881

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **SERVED** THE WITHIN

COMPLAINT ON ERNEST LUZIER, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR ERNEST LUZIER

AT (ADDRESS) \_\_\_\_\_

NOW 5/13/08 AT 1128 (AM) / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO ERNEST LUZIER deceased as of April 16<sup>th</sup> 2008.

REASON UNABLE TO LOCATE per Margie Luzier April 16.

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: S. Hunter

Deputy Signature

S. Hunter  
Print Deputy Name



2039382

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

Metris

3353 Orange Avenue

Roanoke, VA 24012

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-830-CD

ERNEST LUZIER

2826 EGYPT RD

WOODLAND PA 16881-8821

**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

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

MAY 05 2008

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

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 \$4,663.52.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,663.52 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 4/13/05.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,663.52 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.  
ERNEST LUZIER

2039382


**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 METRIS BANK Account No. 5462831821005624. Said Account was charged off on November 30, 2005 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4,663.52.
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 April 13, 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 \$4,663.52.
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.

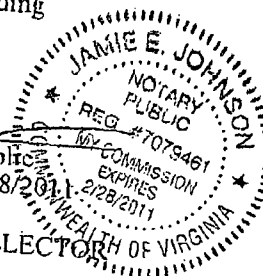
The foregoing is true and correct to the best of my knowledge and belief.

By:

  
Heather Clary  
Assistant Director of Forwarding

Subscribed and sworn before me August 10, 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  
07/17/2007 10:08:08

Our Account ID: 2154019  
Account Number: 5462831821005624

Status: LGJ

Charge Off Date: 11/30/2005

Received: 12/27/2005

Original Creditor Last Pay Date: 04/13/2005

Purchase Balance: \$ 4,663.52  
Amount Paid: \$ 0.00  
Remaining Balance: \$ 4,663.52

Debtor Info

Name: LUZIER, ERNEST  
Other Name:  
Street1: 2826 EGYPT RD  
Street2:  
City, State Zip: WOODLAND, PA 168818821

SSN-Last 4 Digits: 8846  
HomePhone:  
WorkPhone:

Payment History

Date	Type	Matched	Check No	Invoiced	Amount	Comment
No						
Payments						
Received						

Payment Type 'PU', 'PA', 'PC' - Payment  
Payment Type 'PUR', 'FAR', 'PCR' - Returned Payment NSF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104130  
NO: 08-830-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC  
vs.  
DEFENDANT: ERNEST LUZIER

FILED  
013:38:51  
AUG 20 2008 (610)

SHERIFF RETURN

RETURN COSTS

William A. Shaw  
Prothonotary/Clerk of Courts

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	052626	10.00
SHERIFF HAWKINS	GORDON	052626	19.05

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

2039382

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

SEP 10 2012

William A. Shaw  
Prothonotary/Clerk of Courts

MIDLAND FUNDING LLC Successor  
in Interest to Metris

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-830-CD

ERNEST LUZIER

**PRAECIPE TO WITHDRAW COMPLAINT**

TO THE PROTHONOTARY:

Kindly withdraw the above-captioned action, without  
prejudice.

GORDON & WEINBERG, P.C.

BY: \_\_\_\_\_

FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

P006



**CERTIFICATION OF SERVICE**

I, **FREDERIC I. WEINBERG, ESQUIRE**, hereby certify that I, on the date below, served a copy of the Praecipe to Withdraw Complaint to Pa.R.C.P. 1028(c)(1), via First Class Mail, postage pre-paid, to all other parties or their counsel of record.

  
\_\_\_\_\_  
FREDERIC I. WEINBERG, ESQUIRE

Dated 8/28/12