

08-870-CD
Harvest Credit vs P. DeMatteo al

2044199

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

HARVEST CREDIT MANAGEMENT VII,
LLC as assignee of Wells
Fargo/Business Line
600 Seventeenth Street
Denver CO 80202
vs.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

DOCKET NO. : 08-870-CD

PENALOPE M DEMATTEO d/b/a
CLEARFIELD BEAUTY ACADEMY
1411 JOSEPH ST
CLEARFIELD PA 16830

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
MAY 12 2008 Atty Pd.
\$95.00
ICC Atty
William A. Shaw
Prothonotary/Clerk of Courts ICC 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 was the holder of a credit card, which at the request of the defendant was issued to the defendant by the plaintiff under the terms of which the plaintiff agreed to extend to defendant the use of plaintiff's credit facilities.

3. Defendant 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 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 an Affidavit of Claim and Certification of Amount Due is attached hereto as Exhibit "A".

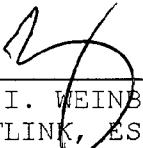
5. All the credits to which the defendant is entitled have been applied and there remains a balance due in the amount of \$22,314.52.

6. Plaintiff has made demand upon the defendant for payment of the balance due of \$22,314.52 but the defendant 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 September 23, 2005.

WHEREFORE, plaintiff claims of the defendant the sum of \$22,314.52 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

Harvest Credit Management VII, LLC

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

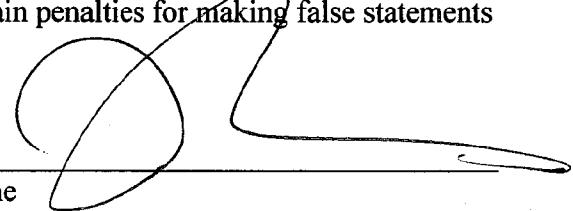

Name

EXHIBIT "A"

**AFFIDAVIT OF CLAIM
AND CERTIFICATION OF AMOUNT DUE**

26/11/99

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

CURRENT ACCOUNT HOLDER: HARVEST CREDIT MANAGEMENT VII, LLC
ORIGINAL ACCOUNT NUMBER: 5474640130239147
ORIGINAL CREDITOR: Wells Fargo/Business Line

Personally appeared before me, the undersigned, being duly sworn, states and deposes as follows:

1. That Affiant is at least eighteen (18) years of age, competent to testify and has personal knowledge of the facts set forth herein;
2. That Affiant is authorized to make oath on behalf of HARVEST CREDIT MANAGEMENT VII, LLC, organized and existing under the laws of the State of Colorado;
3. That one of Affiant's responsibilities is to serve as keeper of the books and records of HARVEST CREDIT MANAGEMENT VII, LLC, which are kept in the ordinary course of business, with the entries in them having been made at or near the time of the occurrence;
4. That as of November 11, 2007, the balance due on account number 5474640130239147, in the name of PÉNALOPE M DEMATT'EO

CLEARFIELD BEAUTY ACADEMY, was \$21,315.34 inclusive of \$16,760.23 principal and \$4,555.11 interest. Interest continues to accrue at the rate of 16% per annum;

5. That the above-referenced account, which originated with Wells Fargo/Business Line, was sold, transferred and conveyed to plaintiff. As a result of the sale of the subject account, plaintiff has complete authority to settle, adjust, compromise, and satisfy the above-referenced account and that Wells Fargo/Business Line has no further interest in this account for any purpose. Attached hereto are photocopies of documents reflecting the transfer of ownership of this account from Wells Fargo/Business Line to HARVEST CREDIT MANAGEMENT VII, LLC.
6. That to the best of Affiant's knowledge, based on information provided by the Defense Manpower Data Center, the Defendant is not now on active duty in the military.
7. Debtor is responsible for payment of attorney fees and collection costs pursuant to the account terms and conditions and/or where authorized by law.

FURTHER AFFIANT SAYETH NOT:

November 11, 2007

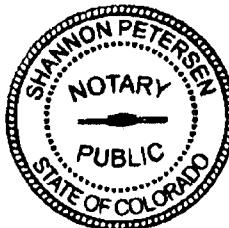
HARVEST CREDIT MANAGEMENT VII, LLC

By: David Ravin
Name: David Ravin
Title: Vice President

Subscribed and acknowledged to me on November 11, 2007.

My commission expires on: September 14, 2011

Shannon Petersen, Notary Public
600 Seventeenth Street, Suite 800N
Denver, Colorado 80202



My Commission Expires Sept. 14, 2011

HARVEST CREDIT MGT VII
LAST STATEMENT DETAILS FOR
Wells Fargo/Business Line
ACCOUNT#: 5474640130239147
LGBS#: EH118327

PENALOPE M DEMATTEO
RR 4
CLEARFIELD PA 16830

CLEARFIELD BEAUTY ADAEMLY
CLEARFIELD PA 16830

SSN: XXX-XX-1823

| ACCOUNT SUMMARY INFORMATION FOR #5474640130239147 | | | |
|---|-------------|----------------|--------------------|
| LAST STATEMENT: | N/A | INTEREST RATE: | 16% |
| BALANCE DUE: | \$16,760.23 | LAST PAYMENT: | September 23, 2005 |
| AVAILABLE BALANCE: | \$0.00 | OPEN DATE: | August 01, 1995 |

| TRANSACTION | AMOUNT | TRANS DATE | POST DATE | DETAIL |
|-------------|-------------|---------------|---------------|------------|
| CHARGE OFF | \$16,760.23 | March 1, 2006 | March 1, 2006 | CHARGE OFF |

EXHIBIT III
BILL OF SALE AND ASSIGNMENT OF ASSETS

The undersigned Wells Fargo Bank, N.A. ("Assignor") hereby absolutely sells, transfers, assigns, sets-over, quitclaims and conveys to Harvest Credit Management VII, LLC, a limited liability company organized under the laws of the State of Colorado ("Assignee") without recourse and without representations or warranties of any type, kind, character or nature, express or implied, all of Assignor's right, title and interest in and to each of the Assets (the "Assets") identified in the Asset Schedule ("Asset Schedule") attached hereto as Exhibit II, together with the right to collect all principal, interest or other proceeds of any kind with respect to the Assets remaining due and owing as of the date hereof (including but not limited to proceeds derived from the conversion, voluntary or involuntary, of any of the Assets into cash or other liquidated property, including, without limitation, insurance proceeds and condemnation awards), from and after the date of this Bill of Sale and Assignment of Assets.

DATED: JUNE 29, 2007.

ASSIGNOR: WELLS FARGO BANK, N.A.

By: 

Name (print): Marc Bernstein

Title: EVP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-870-CD

HARVEST CREDIT MANAGEMENT VII, LLC as assignee

VS

PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY
COMPLAINT

SERVICE # 1 OF 1

SERVE BY: 06/11/2008

HEARING:

PAGE: 104158

FILED

MAY 19 2008

6/11/08

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY

ADDRESS: 1411 JOSEPH ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 5/19/08 AT 11:00 AM / PM SERVED THE WITHIN

COMPLAINT ON PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY, DEFENDANT
BY HANDING TO Penelope M. Dematteo, self

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

ADDRESS SERVED Clef Beauty Acad. 3rd st Clef

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF June 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Chester A. Hunter
Deputy Signature
S. Hunter

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104158
NO. 08-870-CD
SERVICES 1
COMPLAINT

PLAINTIFF: HARVEST CREDIT MANAGEMENT VII, LLC as assignee
vs.
DEFENDANT: PENALOPE M. DEMATTEO d/b/a CLEARFIELD BEAUTY ACADEMY

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | GORDON | 053130 | 10.00 |
| SHERIFF HAWKINS | GORDON | 053130 | 20.00 |

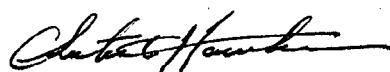
FILED
013:45 PM
AUG 21 2008

William A. Shaw *CR*
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



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 *(GIC)*
M110:13671 2000
 SEP 17 2008 ICC Notice
 to Def.
 William A. Shaw
 Prothonotary/Clerk of Courts
 ICC Statement
to Atty

HARVEST CREDIT MANAGEMENT VII,
 LLC as assignee of Wells
 Fargo/Business Line

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-870

PENALOPE M DEMATTEO d/b/a
 CLEARFIELD BEAUTY ACADEMY

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 | \$16,760.23 |
| Interest from 9/23/05 | |
| @16% | \$7,942.05 |
| Costs (Complaint & Service) | \$125.00 |
| Total: | \$24,827.28 |

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: HARVEST CREDIT MANAGEMENT VII, LLC as assignee of Wells Fargo/Business Line and that the last known address of defendant, PENALOPE M d/b/a DEMATTEO, 1411 JOSEPH ST, CLEARFIELD PA 16830.

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

FILED

SEP 17 2008

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.: 81894
 1001 E. Hector Street, Ste 220
 Conshohocken, PA 19428
 484/351-0500

FILED *(G.W.)*
m10/13/04 2000
 SEP 17 2008 ICC Notice
 to Def.
 William A. Shaw
 Prothonotary/Clerk of Courts
 ICC Statement
to Atty

HARVEST CREDIT MANAGEMENT VII,
 LLC as assignee of Wells
 Fargo/Business Line

COURT OF COMMON PLEAS
 CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-870

PENALOPE M DEMATTEO d/b/a
 CLEARFIELD BEAUTY ACADEMY

PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF AN ANSWER, ASSESSMENT
 OF DAMAGES, VERIFICATION OF ADDRESS AND NON-MILITARY SERVICE

TO THE PROTHONOTARY:

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 against defendant(s) above named only and assess damages
 certified to be calculable as a sum certain from the complaint,
 as follows:

| | |
|-----------------------------|--------------------|
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 Authorities, I verify that:

1. The last known addresses of the parties are: HARVEST
 CREDIT MANAGEMENT VII, LLC as assignee of Wells Fargo/Business Line
 and that the last known address of defendant, PENALOPE M d/b/a
 DEMATTEO, 1411 JOSEPH ST, CLEARFIELD PA 16830.

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.

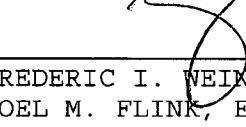
AND NOW, this 17th day of September, 2008 Judgment is entered in favor of the plaintiff(s) and against defendant(s) by default for want of an answer and damages assessed at the sum of, \$24,827.28 as per the above certification.



Prothonotary

GORDON & WEINBERG, P.C.

BY: _____



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

2044199

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

HARVEST CREDIT MANAGEMENT VII, LLC
as assignee of Wells Fargo/Business
Line

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-870

PENALOPE M d/b/a DEMATTEO

NOTICE OF INTENTION TO TAKE DEFAULT

TO/ PARA :

PENALOPE M d/b/a DEMATTEO
1411 JOSEPH ST
CLEARFIELD PA 16830

DATE OF NOTICE/FECHA DEL AVISO: August 28, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

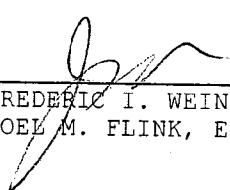
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY:


FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE

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
484/351-0500

HARVEST CREDIT MANAGEMENT VII,
LLC as assignee of Wells
Fargo/Business Line

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-870

PENALOPE M DEMATTEO d/b/a
CLEARFIELD BEAUTY ACADEMY

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.

/X/ Judgment by Default \$24,827.28
/ / 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

Will Shahan 9/17/08

PROTHONOTARY

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

Harvest Credit Management VII, LLC
Wells Fargo/Business Line
Plaintiff(s)

No.: 2008-00870-CD

Real Debt: \$24,827.28

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Penelope M. Dematteo
Clearfield Beauty Academy
Defendant(s)

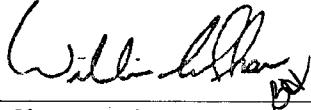
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 17, 2008

Expires: September 17, 2013

Certified from the record this 17th day of September, 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

2044199

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

HARVEST CREDIT MANAGEMENT VII,
LLC as assignee of Wells
Fargo/Business Line

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-870

PENALOPE M DEMATTEO

SUGGESTION OF BANKRUPTCY OF DEFENDANT

TO THE PROTHONOTARY:

AND NOW, this September 10, 2008, it is suggested of record that Defendant, PENALOPE M DEMATTEO, filed a petition in bankruptcy under Chapter 07 of the Bankruptcy Code on or about , in the United States Bankruptcy Court for the Western District of Pennsylvania, docket number 08-70660. Therefore, this matter should be stayed until further notice.

GORDON & WEINBERG, P.C.

BY: 

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

FILED
M 10:30 AM
SEP 19 2008
NOCC
(G)

William A. Shaw
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

*
*
*
* No. 2008-0870-CD
*
*
*
*
*
*

* Type of Pleading:

* PETITION TO OPEN JUDGMENT
* AND TO AWARD COUNSEL FEES
* AND PENALTIES

* Filed on behalf of:
* Defendant

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* Naddeo & Lewis, LLC
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED ICC Atty
07/3/2012 Naddeo
S. JUL 02 2012
GW

William A. Shaw
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT *
VII, LLC, *
Plaintiff, *
* No. 2008-0870-CD
*
vs. *
*
PENALOPE M. DEMATTEO, *
d/b/a CLEARFIELD BEAUTY *
ACADEMY, *
Defendant. *

Petition to Open Judgment and to Award Counsel Fees and
Penalties

NOW COMES the Petitioner, Penelope M. DeMatteo, and by her attorney, James A. Naddeo, Esquire, sets forth as follows:

1. Petitioner is Penelope M. DeMatteo, an adult individual, who resides at 1411 Joseph Road, Clearfield, Pennsylvania 16830.

2. Judgment was entered against Penelope M. DeMatteo d/b/a Clearfield Beauty Academy in the amount of \$24,827.28 on September 17, 2008 to No. 2008-00870-CD.

3. Subsequent to the entry of the aforesaid judgment, Petitioner and her deceased husband filed a Petition for Bankruptcy in the United States Bankruptcy Court for the Western District of Pennsylvania to No. 08-706660-BM.

4. During the course of said bankruptcy, debtors paid into the Bankruptcy Court the sum of \$10,000.00 for release of their equity in certain real property known as 706 - 710 Weaver Street, Clearfield Borough, Clearfield County, Pennsylvania, free and clear of any interest of the bankrupt estate. A copy of said Order dated May 11, 2009 is attached hereto as Exhibit "A".

5. Petitioner was eventually discharged in bankruptcy by Order dated May 29, 2009. A copy of said Order is attached hereto as Exhibit "B".

6. Petitioner attempted to sell her duplex known as 706/708 Weaver Street, Clearfield Borough, Clearfield County, Pennsylvania at which time buyer's attorney refused to accept title to the premises because of Respondent's judgment referenced in Paragraph 2 hereof which is incorporated by reference.

7. Counsel for Petitioner attempted to negotiate a satisfaction of said judgment by making an offer to Respondent's attorney of record, Gordon & Weinberg, P.C. A copy of said email is attached hereto as Exhibit "C".

8. Respondent failed to respond affirmatively to Petitioner's offer.

9. When Respondent failed to accept Petitioner's office, Petitioner gave Respondent notice pursuant to 42 Pa. C.S.A. 8104 of Respondent's duty to satisfy the judgment referenced in Paragraph 3 hereof and tendered a check for satisfaction fee in the amount of \$7.00. A copy of said letter is attached hereto as Exhibit "D".

10. Ninety days has expired since Petitioner's tendered her demand to Respondent to satisfy its judgment but the judgment remains of record.

11. Respondent has willfully and unreasonably failed without good cause to satisfy its judgment against Petitioner within ninety days from February 24, 2012 as required by Pennsylvania Statute.

12. Petitioner has been required to retain counsel to obtain satisfaction of the judgment entered against her by Respondent at \$200.00 per hour which rate is fair, reasonable and consistent with the hourly rate for attorney's practicing in the area of Clearfield County, Pennsylvania.

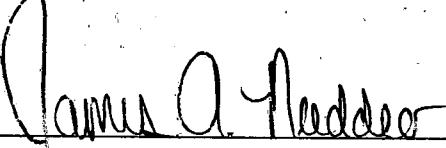
WHEREFORE, Petitioner respectfully requests your Honorable Court entered a Rule upon Respondent as follows:

1. The judgment entered in the Court of Common
Pleas of Clearfield County should not be immediately
satisfied.

2. Award her 1% of the face amount of the judgment
for each month the judgment remains unsatisfied after May
24, 2012.

3. Award reasonable counsel fees.

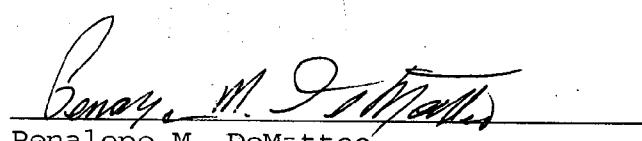
NADDEO & LEWIS, LLC

BY: 

James A. Naddeo, Esquire
Attorney for Defendant

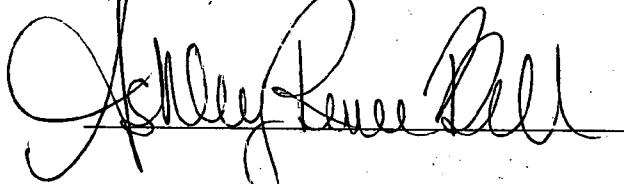
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared PENALOPE M. DEMATTEO, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief.



Penelope M. DeMatteo

SWORN and SUBSCRIBED before me this 25th day of June, 2012.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Ashley Renee Bell, Notary Public
Clearfield Borough, Clearfield County
My Commission Expires May 15, 2013

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Guistino DeMatteo and
Penelope M. DeMatteo,
Debtors

Case No. 08-70660 BM

Chapter 7

Lisa M. Swope, Esquire, Trustee
of the Bankruptcy Estate of
Guistino DeMatteo and
Penelope M. DeMatteo,
Movant

Doc. # 34

vs.

Guistino DeMatteo and
Penelope M. DeMatteo,
Respondents

DEFAULT O/E - BM

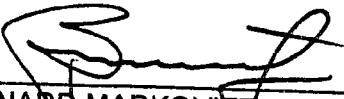
Penny's
SS #

209-32-1823

ORDER OF COURT

AND NOW, to wit, this 11th day of May, 2009, having considered the Trustee's Motion to Accept Payment From Debtor to Redeem Equity in Realty in Lieu of Sale of Same by Trustee, and all responses filed thereto, and having held hearing thereon as required by law, IT IS HEREBY ORDERED, ADJUDGED, DETERMINED, FOUND AND DECREED THAT the Trustee is authorized to accept the payment of \$10,000.00 from Debtor for the equity that exists in Debtor's interest in property located at 706-710 Weaver St., Clearfield Borough, and that upon payment of the same to Trustee the Property shall be the sole and exclusive Property of Debtor, free and clear of any interest of the estate.

BY THE COURT:


BERNARD MARKOVITZ
UNITED STATES BANKRUPTCY JUDGE

FILED

MAY 11 2009

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

Exhibit "A"

United States Bankruptcy Court

WESTERN DISTRICT OF PENNSYLVANIA

Case No. 08-70660-BM

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Guistino DeMatteo
1411 Joseph Road
Clearfield, PA 16830

Penelope M. DeMatteo
dba Clearfield Beauty Academy, dba
Budget Beauty Shop
1411 Joseph Road
Clearfield, PA 16830

Social Security / Individual Taxpayer ID No.:
xxx-xx-3477

xxx-xx-1823

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 5/29/09

Bernard Markovitz
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

Exhibit "B"

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [*In a case involving community property*: There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

NADDEO & LEWIS, LLC
ATTORNEYS AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

JAMES A. NADDEO
LINDA C. LEWIS

(814) 765-1601
FAX: (814) 765-8142
naddeolaw@atlanticbbn.net
naddeolaw@verizon.net

January 12, 2012

Gordon & Weinberg, P.C.
Attn: Agnes
1001 East Hector Street, Suite 2209
Conshohocken, PA 19428

RE: Harvest Credit Management, VII, LLC v. Gustino
DeMatteo and Penelope DeMatteo

Dear Agnes:

I would like to confirm the telephone conversation we had concerning the above-referenced judgment. I represent Penelope DeMatteo. Her husband, Gustino DeMatteo, is deceased.

My client has entered into a Sales Agreement to sell a house and lot located in Clearfield Borough, Clearfield County, Pennsylvania. This sale is being delayed by the buyer's attorney because of three judgments discovered in the course of his title examination. Those judgments in order of priority are as follows:

1. Brown Bark I, L.P. v. Gustino DeMatteo and Penelope DeMatteo; 2008-75-CD, 1/17/2008, \$27,258.09.
2. Citibank, USA, N.A. v. Penelope M. DeMatteo; 2007-00030-CD, 1/7/2008, \$4,888.58.
3. Harvest Credit Management VII, LLC v. Penelope M. DeMatteo; 2008-00870-CD, 9/17/2008, \$24,827.28

The DeMatteos filed bankruptcy and received an Order of discharge dated May 29, 2009. I am forwarding a copy of the Discharge Order. Unfortunately, the above-referenced liens remain of record. The underwriter for the buyer's title company will not issue title insurance unless the liens are satisfied.

Exhibit "(C)"

Gordon & Weinberg, P.C.

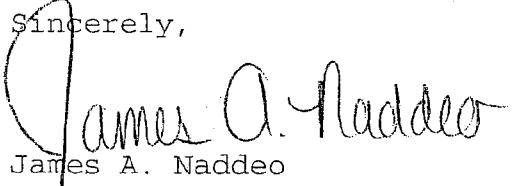
January 12, 2012

Page 2

I spoke to counsel for Brown Bark I, L.P. on Tuesday, January 10, 2012. He agreed to obtain authority from Brown Bark to satisfy its judgment. That authority was given. I am enclosing a copy of the email I received from Attorney Mazack. Brown Bark is satisfying its judgment. There is no agreement to pay Brown Bark any consideration for the release.

I have been advised by bankruptcy counsel that the DeMatteo's case would have to be re-opened with the Bankruptcy Court for the purpose of obtaining an Order of satisfaction of the judgments. This would be very time consuming. My concern is that the sale will not go through. Consequently, it is imperative to get the liens satisfied as expeditiously as possible. For that reason I have authority to pay your judgment creditor a token from the proceeds of sale in return for satisfaction of the lien. Your immediate response would be appreciated.

Sincerely,


James A. Naddeo

JAN/arb

Enclosures

Cc: Penelope DeMatteo

NADDEO & LEWIS, LLC

ATTORNEYS AT LAW

207 EAST MARKET STREET

P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-1601

FAX: (814) 765-8142

naddeolaw@atlanticbbn.net

naddeolaw@verizon.net

JAMES A. NADDEO
LINDA C. LEWIS

February 24, 2012

Gordon & Weinberg, P.C.
Attn: Agnes
1001 East Hector Street, Suite 2209
Conshohocken, PA 19428

RE: Harvest Credit Management, VII, LLC v. Gustino
DeMatteo and Penelope DeMatteo; Clearfield County
Court of Common Pleas; 2008-00870-CD, 9/17/2008,
\$24,827.28

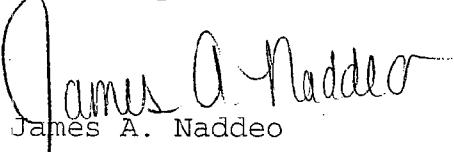
Dear Agnes:

I have had no response from Harvest Credit to my correspondence concerning the above-referenced judgment. That correspondence was initiated by letter dated January 12, 2012. In the meantime my client lost the sale pending on her property.

I am formally withdrawing my offer to pay Harvest Credit any money to satisfy its judgment. To the contrary, I am invoking 42 Pa.C.S.A § 8104. This statute requires judgment creditors to satisfy judgment upon receipt of the satisfaction fee. I am enclosing a check payable to the Clearfield County Prothonotary in the amount of \$7.00. This check represents the satisfaction fee payable to the Clearfield County Prothonotary to enter satisfaction on the above-referenced judgment.

Subsection (b) of the Act requires the judgment creditor to enter satisfaction upon tender of the appropriate satisfaction fee failing which it will incur liquidated damages. Should Harvest Credit fail to satisfy the judgment as requested within 90 days, I will pursue a liquidated damage claim against your client.

Sincerely,


James A. Naddeo

JAN/arb

Cc: Penelope DeMatteo
Enclosure

Exhibit "D"

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

No. 2008-0870-CD

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

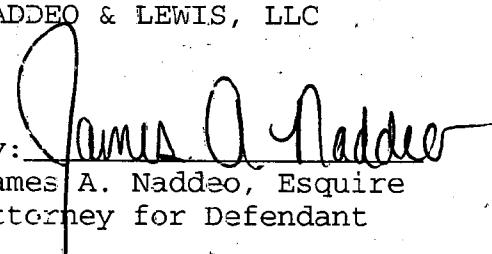
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Petition to Open Judgment and to Award Counsel Fees and Penalties filed in the above-captioned action was served on the following person and in the following manner on the 2nd day of July.

First-Class Mail, Postage Prepaid

Gordon & Weinberg, P.C.
1001 East Hecter Street, Suite 2209
Conshohocken, PA 19428

NADDEO & LEWIS, LLC

By: 
James A. Naddeo, Esquire
Attorney for Defendant

FILED

JUL 02 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT

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VII, LLC,

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Plaintiff,

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FILED

JUL 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/6/12

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:

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

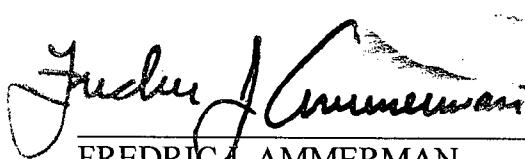
HARVEST CREDIT MANAGEMENT VII, :
LLC :
Plaintiff :
vs. : NO. 2008-0870-CD
PENALOPE M. DEMATTEO :
Defendant :
: :
: :
: :
: :

ORDER

AND NOW, this 6th day of July, 2012, due to a scheduling conflict, it is the Order of the Court that the hearing on Defendant's Petition To Open Judgment in the above captioned case, previously scheduled for August 8, 2012, shall be and is hereby re-scheduled for Tuesday, August 21, 2012 at 9:30 AM in Courtroom #1.

One half hour has been reserved for this proceeding.

BY THE COURT:


FREDRIC J. AMMERMAN

PRESIDENT JUDGE

FILED

07/31/2012 10:30 AM
JUL 09 2012 Attn: Weinberg
Nadded

William A. Shaw
Prothonotary/Clerk of Courts

100

FILED

JUL 09 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/09/12

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 Other
— Special Instructions:

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

* No. 2008-0870-CD

* Type of Pleading:

* Certificate of Service

* Filed on behalf of:

* Defendant

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
Pa I.D. 06820

* Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED NO
011052301
JUL 11 2012
10

William A. Shaw
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

No. 2008-0870-CD

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Petition to Open Judgment and to Award Counsel Fees and Penalties and Order scheduling hearing filed in the above-captioned action was served on the following person and in the following manner on the 9th day of July.

First-Class Mail, Postage Prepaid

Gordon & Weinberg, P.C.
1001 East Hector Street, Suite 2209
Conshohocken, PA 19428

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo, Esquire
Attorney for Defendant

FILED

JUL 11 2012

William A. Shape
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

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PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

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ORDER OF COURT

NOW this 21st day of August, 2012 after hearing held upon the Petition of Penelope DeMatteo requesting that the judgment of Harvest Credit Management VII, LLC, entered to number 2008-870-CD, be satisfied and further requesting statutory interest and counsel fees for failure of Harvest Credit Management, VII, LLC to satisfy said judgment it is the Order of this Court that the Prothonotary be and is hereby directed to mark the judgment of Harvest Credit Management, VII, LLC, to 2008-870-CD as satisfied. It is further the Order of this Court that Harvest Credit Management, VII, LLC, pay to Petitioner statutory interest in the amount of \$744.82 and counsel fees in the amount of \$500.00.

BY THE COURT,

JUDGE

FILED

AUG 21 2012
0193501
William A. Shaw
Prothonotary/Clerk of Courts

2 Encls to

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WADAM

FILED
AUG 21 2012
William A. Stein County
Probate Court Clerk

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

HARVEST CREDIT MANAGEMENT
VII, LLC., Plaintiff

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

No. 2008-0870-CD

Type of Pleading:

**PRAECLP TO MARK
JUDGMENT SATISFIED**

Filed on behalf of:
Defendant

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

1cc
FILED 013407571 Atty Nadeo
AUG 21 2012 Atty pd. \$7.00
S William A. Shaw
Prothonotary/Clerk of Courts

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

vs.

PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

* No. 2008-0870-CD

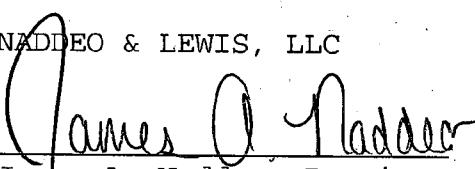
PRAECIPE TO MARK JUDGMENT SATISFIED

TO THE PROTHONOTARY:

Please enter satisfaction of the judgment entered to
the above-captioned term and number as directed by the Order of
Court dated August 21, 2012.

NADDEO & LEWIS, LLC

BY:


James A. Naddeo, Esquire
Attorney for Defendant

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

HARVEST CREDIT MANAGEMENT
VII, LLC,

Plaintiff,

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PENALOPE M. DEMATTEO,
d/b/a CLEARFIELD BEAUTY
ACADEMY,

Defendant.

No. 2008-0870-CD

vs.

CERTIFICATE OF SERVICE

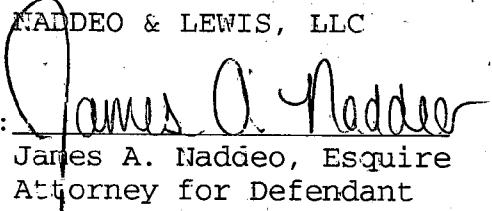
I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to Mark Judgment Satisfied filed in the above-captioned action was served on the following person and in the following manner on the 21st day of August.

First-Class Mail, Postage Prepaid

Gordon & Weinberg, P.C.
1001 East Hecter Street, Suite 2209
Conshohocken, PA 19428

NADDEO & LEWIS, LLC

By:


James A. Naddeo, Esquire
Attorney for Defendant

FILED

AUG 21 2012

William A. Shaw
Prothonotary/Clerk of Courts