

08-929-CD

Atlantic Credit vs Billy J. Creek

2046603

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.

Assignee from HSBC

3353 Orange Avenue

Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-929-CD

BILLY J CREEK

230 EASTVIEW DR

CURWENSVILLE PA 16833-1325

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 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. \$95.00

ice Sheriff

cc Att'y

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 \$4,201.39.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,201.39 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 9/27/2006.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,201.39 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

2046603

ATLANTIC CREDIT & FINANCE, INC.

v.

BILLY J CREEK

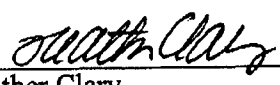
AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

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:

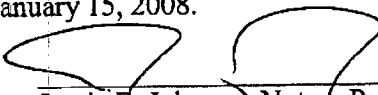
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HSBC Account No. 5480420024041186. Said Account was charged off on May 31, 2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4,201.39.
3. Plaintiff purchased 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 September 27, 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 \$4,201.39.
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.

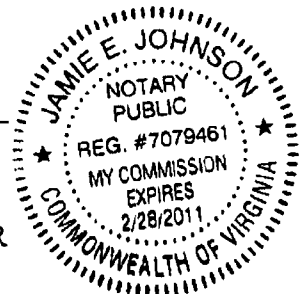
By:


Heather Clary
Assistant Director of Forwarding

Subscribed and sworn before me January 15, 2008.


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
12/26/2007 17:06:29

Our Account ID: 3156502
Account Number: 5480420024041186

Status: LGJ

Received: 06/20/2007

Charge Off Date: 05/31/2007

Purchase Balance: \$ 4,201.39 Original Creditor Last Pay Date: 09/27/2006
Amount Paid: \$ 0.00
Remaining Balance: \$ 4,201.39

Name: CREEK, BILLY J SSN-Last 4 Digits: 0000
Other Name: HomePhone: 8142368943
Street1: 230 EASTVIEW DR WorkPhone:
Street2:
City, State Zip: CURWENSVILLE, PA 16833-1325

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-929-CD

ATLANTIC CREDIT & FINANCE INC., assignee
vs
BILLY J. CREEK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/18/2008 HEARING: PAGE: 104187

DEFENDANT: BILLY J. CREEK
ADDRESS: 230 EASTVIEW DR
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

FILED

013:4081
MAY 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, MAY 30, 2008 AT 2:27 AM / PM (C) SERVED THE WITHIN

COMPLAINT ON BILLY J. CREEK, DEFENDANT

BY HANDING TO Billy J. Creek (C) Def.

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

ADDRESS SERVED 230 Eastview Dr.
Curwensville, PA. 16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR BILLY J. CREEK

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO BILLY J. CREEK

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: James Davis

Deputy Signature

James Davis

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104187
NO: 08-929-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC., assignee
vs.
DEFENDANT: BILLY J. CREEK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	053392	10.00
SHERIFF HAWKINS	GORDON	053392	24.06

FILED

012:45 LM
AUG 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

2046603

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 11:17/30
OCT 02 2008 *ICC Notice to Def.*

S William A. Shaw
Prothonotary/Clerk of Courts *Statement to Atty*

Atlantic Credit & Finance Inc. Assignee from HSBC

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-929 CD

BILLY J CREEK

**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	\$4,201.39
Interest from 5/31/07	
@0%	\$0.00
Costs (Complaint & Service)	\$195.00
Total:	\$4,396.39

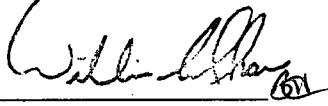
Understanding the false statements made herein are subject to penalty under 18 Pa.C.S.A. §4904, Unsworn Falsification to Authorities, I verify that:

1. The last known addresses of the parties are: Atlantic Credit & Finance Inc. Assignee from HSBC and that the last known address of defendant, BILLY J CREEK, 230 EASTVIEW DR, CURWENSVILLE PA 16833-1325.

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 2nd day of October, 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, \$4,396.39 as per the above certification.


Prothonotary,

GORDON & WEINBERG, P.C.

BY: 

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

2046603

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 HSBC

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-929 CD

BILLY J CREEK

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA :

BILLY J CREEK
230 EASTVIEW DR
CURWENSVILLE PA 16833-1325

DATE OF NOTICE/FECHA DEL AVISO: September 9, 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.

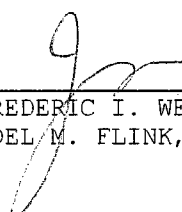
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY:


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

P10D-2

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

Atlantic Credit & Finance Inc.
Assignee from HSBC

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-929 CD

BILLY J CREEK

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 \$4,396.39
/ / 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

10/2/08

COPY

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

Atlantic Credit & Finance, Inc.
HSBC
Plaintiff(s)

Vs.

Billy J. Creek
Defendant(s)

No.: 2008-00929-CD

Real Debt: \$4,396.39

Atty's Comm: \$

Costs: \$

Int. From: \$

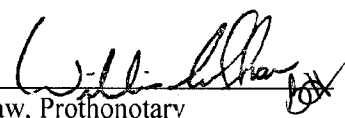
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 2, 2008

Expires: October 2, 2013

Certified from the record this 2nd day of October, 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

2046603

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

5
FILED No CC
m18:45/621
DEC 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

Atlantic Credit & Finance Inc.
Assignee from HSBC

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-929 CD

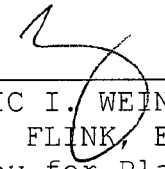
BILLY J CREEK

SUGGESTION OF BANKRUPTCY OF DEFENDANT

TO THE PROTHONOTARY:

AND NOW, this November 24, 2008, it is suggested of record that Defendant, BILLY J CREEK, filed a petition in bankruptcy under Chapter 7 of the Bankruptcy Code on or about November 17, 2008, in the United States Bankruptcy Court for the western District of Pennsylvania, docket number 08-71271. 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