

08-931-CD

LVNV Funding vs Kathleen Plotner

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

LVNV 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. 2008-931-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

KATHLEEN PLOTNER

(Defendant)

414 W SPRUCE ALY

(Street Address)

DU BOIS, PA 15801

(City, State, ZIP)

LVNV FUNDING

LLC

(Plaintiff)

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)

FILED

PAID ATT. PAID 95.00
MAY 19 2008
MAY 19 2008
MAY 19 2008
MAY 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

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

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

vs.

KATHLEEN PLOTNER
414 W SPRUCE ALY
DU BOIS, PA 15801
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff is LVNV FUNDING LLC c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are KATHLEEN PLOTNER, an adult individual residing at 414 W SPRUCE ALY DU BOIS, PA 15801.
3. Plaintiff, LVNV FUNDING LLC, is the Assignee and Successor in Interest of Account #0362022933265; and said account was issued to Defendant(s) by CITI-SEARS, the Original creditor.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$1,104.92. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$1,104.92 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: _____

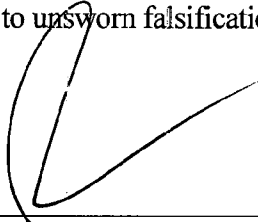
David J. Apothaker

Dated: 5/7/2008

Our File No.: 143797

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: 5/7/2008

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

KATHLEEN PLOTNER
414 W SPRUCE ALY
DU BOIS, PA 15801

STATEMENT OF ACCOUNT

| | |
|--------------------|------------------|
| Debtor's Name: | KATHLEEN PLOTNER |
| Account Number: | 0362022933265 |
| Original Creditor: | CITI-SEARS |
| Balance Due: | \$1,104.92 |

Our File No.: 143797

EXHIBIT "A"

LVNV FUNDING LLC
vs
KATHLEEN PLOTNER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/18/2008 HEARING: PAGE: 104189

DEFENDANT: KATHLEEN PLOTNER
ADDRESS: 414 W. SPRUCE ALY
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

5-29-08-NH
left notice

FILED

08:30 am
JUN 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, THIS 30TH Day OF May 2008 AT 11:45 (AM) PM SERVED THE WITHIN

COMPLAINT ON KATHLEEN PLOTNER, DEFENDANT

BY HANDING TO KATHLEEN PLOTNER / DEFENDANT

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

ADDRESS SERVED 414 WEST SPRUCE ALY. DUBOIS, PA. 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR KATHLEEN PLOTNER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO KATHLEEN PLOTNER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS / SHERIFF

BY:

Mark A. Coudriest
Deputy Signature

Mark A. Coudriest
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104189
NO: 08-931-CD
SERVICES 1
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC
vs.
DEFENDANT: KATHLEEN PLOTNER

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|----------|---------|--------|
| SURCHARGE | APOTHAKE | 90083 | 10.00 |
| SHERIFF HAWKINS | APOTHAKE | 90083 | 56.38 |

FILED

03:15 PM
SEP 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Our File No.: 143797
APOTHAKE & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED *pd \$20.00 Atty*
m/ 10:49 am
icc & notice to
def + Atty
AUG 27 2010
William A. Shaw
Prothonotary/Clerk of Courts

| | | |
|------------------|---|--------------------------|
| LVNV FUNDING LLC |) | COURT OF COMMON PLEAS OF |
| |) | CLEARFIELD COUNTY |
| Plaintiff |) | |
| vs. |) | NO.: 2008-931-CD |
| KATHLEEN PLOTNER |) | |
| |) | Civil Action |
| Defendant |) | |

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, KATHLEEN PLOTNER, in the default of an
Answer, in the amount of \$1,393.43 computed as follows:

| | | |
|--|-----------|-----------------|
| Amount claimed in complaint: | \$ | 1,104.92 |
| Less: Amount Paid: | | (0.00) |
| Plus: Interest from May 7, 2008 to August 19, 2010 | | |
| at the legal interest rate of 6.00% per annum | | 127.13 |
| Costs | | 161.38 |
| Attorney fees | | <u>0.00</u> |
| TOTAL | \$ | 1,393.43 |

I certify that Defendant, KATHLEEN PLOTNER, last known address is 414 W SPRUCE
ALY DU BOIS, PA 15801.

David J. Apothaker, Esq.
Attorney for Plaintiff

Dated: August 19, 2010

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: KATHLEEN PLOTNER
414 W SPRUCE ALY
DU BOIS, PA 15801

LVNV FUNDING LLC

Plaintiff

vs.

KATHLEEN PLOTNER

Defendant

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

NO.: 2008-931-CD

Civil Action

NOTICE

Pursuant to Rule 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.

XX JUDGMENT BY DEFAULT

___ JUDGMENT IN REPLEVIN

___ JUDGMENT BY CONFESSION

___ JUDGMENT FOR POSSESSION

___ JUDGMENT ON AWARD OF ARBITRATORS

___ JUDGMENT ON VERDICT

___ JUDGMENT ON COURT FINDINGS

___ JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apothaker, Esq. at this telephone number: 800-672-0215

William L. Shanon
Prothonotary

8-27-2010

Our File No.: 143797
APOTHAKE & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

LVNV FUNDING LLC

Plaintiff

vs.

KATHLEEN PLOTNER

Defendant

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

) NO.: 2008-931-CD
)
)

) Civil Action
)
)

CERTIFICATION PURSUANT TO RULE 237.1

Pursuant to PA Rule Civil Procedure 237.1, I certify that a copy of the NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT has been sent to the Defendant or the Attorney of Record.

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



David J. Apothaker, Esq.
Attorney for Plaintiff

Dated: August 19, 2010

Our File No.: 143797
APOTHAKE & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

LVNV FUNDING LLC

Plaintiff

vs.

KATHLEEN PLOTNER

Defendant

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

) NO.: 2008-931-CD
)
)
)
)

Civil Action

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

:
: SS.
:

COUNTY OF CLEARFIELD

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 414 W SPRUCE ALY DU BOIS, PA 15801.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavelly-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.



David J. Apothaker, Esq.
Attorney for Plaintiff

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



Military Status Report
Pursuant to the Service Members Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Active Duty End Date | Service Agency |
|-----------|--------------|--|--------------------|----------------------|----------------|
| PLOTNER | KATHLEEN | Based on the information you have furnished, the DMDC does not possess any information indicating the individual status. | | | |

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Suavely-Dixon

Mary M. Suavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/fao/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:SN81TUF0TC

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

LVNV FUNDING LLC

vs.

KATHLEEN PLOTNER

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)

) NO. 2008-931-CD
)

To: KATHLEEN PLOTNER
414 W SPRUCE ALY
DU BOIS, PA 15801

NOTICE, RULE 237.5**NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**Date of Notice: October 20, 2008**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641

/s/ David J. Apothaker
DAVID J. APOTHAKE, ESQUIRE
APOTHAKE & ASSOCIATES, PC
A Law Firm Engaged in Debt Collection
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff
Attorney ID #38423

Our File No.: 143797
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED *pd \$7.00 Att*
m/ 2:18Lm
icc Att
Apothaker
4 SEP 10 2012
William A. Shaw
Prothonotary/Clerk of Courts

LVNV FUNDING LLC

Plaintiff,

vs.

KATHLEEN PLOTNER

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
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NO. 2008-931-CD

PRAECIPE TO MARK JUDGMENT SATISFIED

TO THE PROTHONOTARY:

Please mark the Judgment Satisfied against the Defendant. Judgment has been paid in full.

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

By: _____

David J. Apothaker, Esquire



* Q - 1 4 3 7 9 7 - S A T - 1 - *