

**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. 08-959-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

BRIAN JOHNSTON

(Defendant)

906 WALTON ST

(Street Address)

PHILIPSBURG, PA 16866-2744

(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

MAY 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y fee. \$95.00

ICC Att'y

ICC Sheriff

Our File No.: 160254
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	)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520	)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,	)	
vs.	)	
BRIAN JOHNSTON	)	
906 WALTON ST	)	
PHILIPSBURG, PA 16866-2744	)	
Defendant.	)	

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

AVISO

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

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

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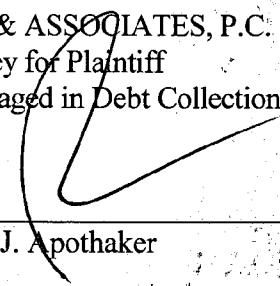
LVNV FUNDING LLC	)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520	)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,	)	
vs.	)	
	)	
BRIAN JOHNSTON	)	
906 WALTON ST	)	
PHILIPSBURG, PA 16866-2744	)	
Defendant.	)	

**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 BRIAN JOHNSTON, an adult individual residing at 906 WALTON ST PHILIPSBURG, PA 16866-2744.
3. Plaintiff, LVNV FUNDING LLC, is the Assignee and Successor in Interest of Account #8060526652108; and said account was issued to Defendant(s) by 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 \$1,745.62. 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 \$1,745.62 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

BY: 
David J. Apothaker

Dated: 5/13/2008

Our File No.: 160254

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: 5/13/2008

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

BRIAN JOHNSTON
906 WALTON ST
PHILIPSBURG, PA 16866-2744

STATEMENT OF ACCOUNT

Debtor's Name: BRIAN JOHNSTON

Account Number: 8060526652108

Original Creditor: SEARS

Balance Due: \$1,745.62

Our File No.: 160254

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-959-CD

LVNV FUNDING LLC
vs
BRIAN JOHNSTON

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/22/2008 HEARING: PAGE: 104206

DEFENDANT: BRIAN JOHNSTON
ADDRESS: 906 WALTON ST.
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

*does not live there.
Robinsons live there*

6/2/08

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON BRIAN JOHNSTON, 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 BRIAN JOHNSTON

AT (ADDRESS) _____

NOW *6/2/08* AT *1150* (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BRIAN JOHNSTON

REASON UNABLE TO LOCATE *Does NOT LIVE THERE 906 Walton st.*

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: *Deputy S. Hunter*
Deputy Signature

S. Hunter
Print Deputy Name

FILED

JUN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # **104206**

DEAR BRIAN JOHNSTON

Would you please contact the Sheriff's Office EXTENSION **1360** concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104206**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641

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

LVNV FUNDING LLC

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215 634-8920

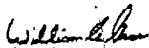
(Phone)

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

(Signature)

MAY 23 2008

Attest.


Prothonotary/
Clerk of Courts

Our File No.: 160254
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
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Attorneys for Plaintiff

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Philadelphia, PA 19114

Plaintiff,

vs.

BRIAN JOHNSTON
906 WALTON ST
PHILIPSBURG, PA 16866-2744
Defendant.

) COURT OF COMMON PLEAS
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Plaintiff,

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) CLEARFIELD COUNTY

) NO.:

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Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____

David J. Apothaker

Dated: 5/13/2008

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David J. Apothaker
Attorney for Plaintiff

DATE: 5/13/2008

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104206
NO: 08-959-CD
SERVICES 1
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC
vs.
DEFENDANT: BRIAN JOHNSTON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	90323	10.00
SHERIFF HAWKINS	APOTHAKE	90323	30.16

FILED

9/13/15 cm
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.: 160254
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

5
FILED 1cc Atty
m/12:08pm
DEC - 3 2010
William A. Shaw
Prothonotary/Clerk of Courts

LVNV FUNDING LLC	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	
BRIAN JOHNSTON	)	NO. 08-959-CD
	)	
	)	
Defendant.	)	
	)	

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: _____
David J. Apothaker, Esquire

Dated: 11/24/2010



* Q 1 6 0 2 5 4 D I S N 1 - *