

08-1084-CD
Atlantic Credit vs Kimberly Dickson

2049631

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

FILED

0 11:24 am GK Amy PAID 95.00
JUN 13 2008 ICC ATTY

William A. Shaver
Prothonotary/Clerk of Courts

ICC SHERIFF

Atlantic Credit & Finance Inc.
Assignee from HSBC
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1084-CD

KIMBERLY DICKSON
10 SALEM RD
WEST DECATUR PA 16878-8300

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

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".

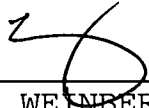
5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$4,550.52.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$4,550.52 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 4/5/07.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,550.52 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

Heath Clark
Name

ATLANTIC CREDIT & FINANCE, INC.

v.

KIMBERLY DICKSON

2049631


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. [REDACTED] Said Account was charged off on 8/31/2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4550.52.
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 4/5/2007 in the amount of \$ 103.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,550.52.
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.

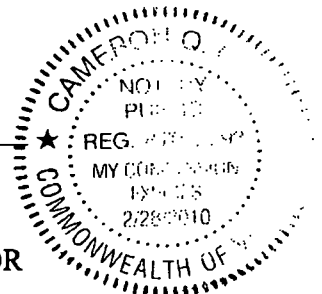
The foregoing is true and correct to the best of my knowledge and belief.

By:


Amanda Dunbar
Authorized Representative

Subscribed and sworn before me, April 11, 2008 .


Notary Public Cameron Gray



THIS COMMUNICATION IS FROM A DEBT COLLECTOR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1084-CD

ATLANTIC CREDIT & FINANCE INC.

vs

KIMBERLY DICKSON

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/13/2008

HEARING:

PAGE: 104280

DEFENDANT:

KIMBERLY DICKSON

ADDRESS:

10 SALEM RD

WEST DECATUR, PA 16878

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

6/23/08
6/24/08 - N/A

FILED

9:15 AM

JUN 25 2008

William A. Shaw

Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6/25/08 AT 905 AM PM SERVED THE WITHIN

COMPLAINT ON KIMBERLY DICKSON, DEFENDANT

BY HANDING TO Kimberly Dickson, SAT

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

ADDRESS SERVED 10 Salem rd West Decatur PA.

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR KIMBERLY DICKSON

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO KIMBERLY DICKSON

REASON UNABLE TO LOCATE _____

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., Assignee from HSBC,
Plaintiff

CIVIL DIVISION

No. 08 - 1084 - CD

vs.

KIMBERLY DICKSON,
Defendant

*DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
COMPLAINT*

Filed on Behalf of:

Defendant, KIMBERLY DICKSON

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

JUL 01 2008 ⁶¹⁰

0/12:05/2

William A. Shaw
Prothonotary/Clerk of Courts

3 CERT TO ATT

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

ATLANTIC CREDIT & FINANCE, INC., :
Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY DICKSON, :
Defendant :

*DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT*

Defendant, Kimberly Dickson, through her attorney, Joseph Colavecchi, Esquire, files Preliminary Objections to the Plaintiff's Complaint and respectfully avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania, on or about June 13, 2008, alleging a credit card account between Defendant and HSBC.

2. Plaintiff alleges there is an unpaid balance on the credit card account of Four Thousand Five Hundred Fifty Dollars and Fifty-two Cents (\$4,550.52).

3. Plaintiff failed to attach a copy of the alleged credit card agreement between Defendant and HSBC.


4. Plaintiff has failed to produce detailed statements of the account showing all purchases and/or charges made on said account and how Plaintiff calculates the amount claimed to be due.

5. Plaintiff fails to state what, if any charges were made for interest, late fees and other various items which may have been imposed by Plaintiff and the legal authority for such charges.

6. In addition, Plaintiff attached an exhibit to the Complaint which appears to be an Affidavit of Debt and Verified Bill of Particulars.

7. Plaintiff's Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce an original copy of the agreement, a detailed monthly statement of the account setting out purchases and costs incurred so that Defendant is able to calculate the details leading to the conclusion of the Plaintiff in order to enter into a proper defense of the claim.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be stricken pursuant to Pennsylvania Rule of Civil Procedure 1028 on the grounds of legal insufficiency.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., Assignee from HSBC,
Plaintiff

vs.

KIMBERLY DICKSON,
Defendant

CIVIL DIVISION

No. 08 - 1084 - CD

RULE

Filed on Behalf of:

Defendant, KIMBERLY DICKSON

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3CC
013:2861 Atty J. Colavecchi
JUL 02 2008
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

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

ATLANTIC CREDIT & FINANCE, INC., :
Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY KICKSON, :
Defendant :

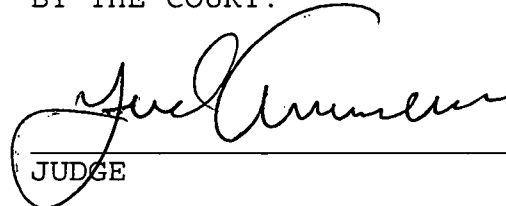
RULE

AND NOW, this 2 day of July, 2008, upon
consideration of the foregoing Defendant's Preliminary Objections
to Plaintiff's Complaint filed on behalf of the Defendant, a Rule
is issued on the Plaintiff to appear and show cause why the relief
requested therein should not be granted.

Rule made Returnable the 23rd day of July,
2008, at 2:00 P.M., Clearfield County Courthouse, Courtroom No.
1.

A total of one-half (1/2) hour has been set aside for this
hearing.

BY THE COURT:


JUDGE


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

ATLANTIC CREDIT & FINANCE :
INC., Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY DICKSON, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Preliminary Objections and Rule Returnable in the above-captioned action was mailed by First Class Mail, postage prepaid, the 7th day of July 2008, to the attorney of record:

Frederic I. Weinberg
Attorney at Law
1001 E. Hector Street, Ste. 220
Conshohocken, PA 19428


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

Dated: 7/7/08

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
0/3:46/32K
JUL 10 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.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED *No cc*
718:5861
JUL 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

Atlantic Credit & Finance Inc.
Assignee from HSBC

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1084-CD

KIMBERLY DICKSON

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA :
COUNTY OF PHILADELPHIA : ss

FREDERIC I. WEINBERG, ESQUIRE, being duly sworn according to law, deposes and says that on July 11, 2008, he mailed a copy of the Amended Complaint, in the above-captioned matter to the defendant's counsel, Joseph Colavecchi, Esq., by regular mail. He further states that the facts set forth herein are true and correct to the best of his knowledge, information and belief.

GORDON & WEINBERG, P.C.

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

Sworn to and subscribed
before me this 11th day
of July, 2008.

Barbara A. Pisanick
Notary Public
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
BARBARA A. PISANICK, Notary Public
City of Philadelphia, Phila. County
My Commission Expires July 29, 2009

2049631

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

FILED
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JUL 21 2008 @

William A. Shaw
Prothonotary/Clerk of Courts

Atlantic Credit & Finance Inc.
Assignee from HSBC
3353 Orange Avenue
Roanoke, VA 24012

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1084-CD

KIMBERLY DICKSON
10 SALEM RD
WEST DECATUR PA 16878-8300

AMENDED COMPLAINT

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

AMENDED COMPLAINT PURSUANT TO Pa.R.C.P. 1028(c)(1)

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 Debt and Verified Bill of Particulars 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 \$4,550.52.

6. Plaintiff has made demand upon the defendant for payment of the balance due of \$4,550.52 but the defendant has failed and refused and still refuses to pay the same or any part thereof.

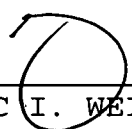
7. The documents upon which this claim is based are not

currently available pursuant to Pa.R.C.P. Rule 1019(i) but have been or promptly will be requested from storage archives.

WHEREFORE, plaintiff claims of the defendant the sum of \$4,550.52 from the date of August 31, 2007, together with costs and attorney fees.

GORDON & WEINBERG, P.C.

BY: _____

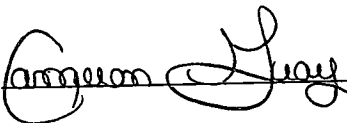

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P307

VERIFICATION

I, CAMERON GRAY, hereby state I am employed by(am the agent of) the Plaintiff in this action and verify that I am authorized and competent to make this verification. I verify that I have received the foregoing pleading and verify that the facts contained therein are true and correct to the best of my knowledge, information and belief.

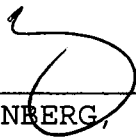
I understand that the statements herein are made subject to the penalties of 18Pa.C.S.A. §4904 relating to unsworn statements to authorities.

Signed: _____

Print Name: CAMERON GRAY

CERTIFICATION OF SERVICE

I, FREDERIC I. WEINBERG, ESQUIRE, hereby certify that I, on the date below, served a copy of Plaintiff's Amended Complaint Pursuant 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: 7/11/08

EXHIBIT "A"

ATLANTIC CREDIT & FINANCE, INC.

v.

KIMBERLY DICKSON

2049631

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. 5480430002650692. Said Account was charged off on 8/31/2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$4550.52.
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 4/5/2007 in the amount of \$ 103.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$4,550.52.
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.

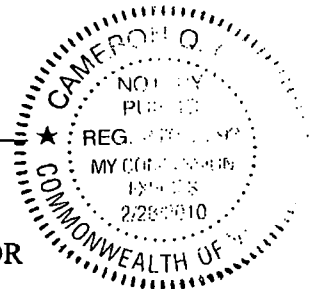
The foregoing is true and correct to the best of my knowledge and belief.

By: _____

Amanda Dunbar
Authorized Representative

Subscribed and sworn before me, April 11, 2008 .

Notary Public Cameron Gray



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

Account Statement



KIMBERLY DICKSON
10 SALEM RD
WEST DECATUR, PA 16878-8300

Original Creditor Account Number:
5480430002650692

Original Creditor: HSBC

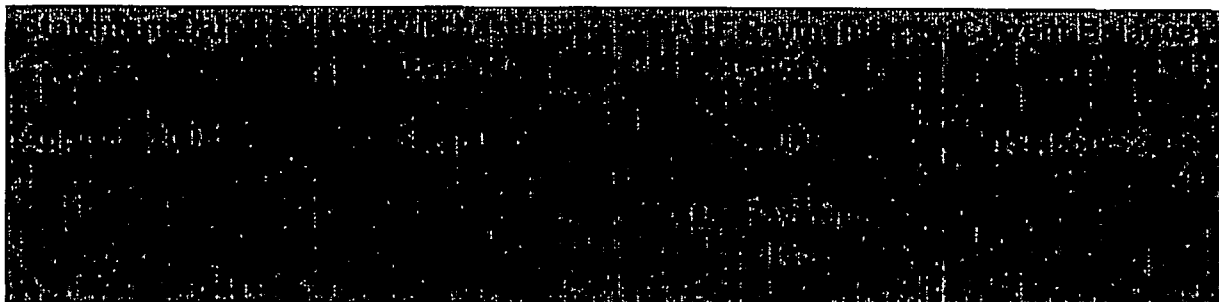
Original Creditor Last Pay Date: 4/5/2007

Original Creditor Last Payment Amount: \$ 103.00

Original Creditor Charge Off Date: 8/31/2007

ACF ID Number: 3255335

SSN: XXX-XX-3372



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., Assignee from HSBC,
Plaintiff

vs.

KIMBERLY DICKSON,
Defendant

CIVIL DIVISION

No. 08 - 1084 - CD

**DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
AMENDED COMPLAINT**

Filed on Behalf of:

Defendant, KIMBERLY DICKSON

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 302
01/31/5461 Amy Colavecchi
JUL 25 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

ATLANTIC CREDIT & FINANCE, INC., :
Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY DICKSON, :
Defendant :

**DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant, Kimberly Dickson, through her attorney, Joseph Colavecchi, Esquire, files Preliminary Objections to the Plaintiff's Amended Complaint and respectfully avers as follows:

1. Plaintiff filed an Amended Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania, on or about July 11, 2008, alleging a credit card account between Defendant and HSBC.

2. Plaintiff alleges there is an unpaid balance on the credit card account of Four Thousand Five Hundred Fifty Dollars and Fifty-two Cents (\$4,550.52).

3. Plaintiff attached a copy of an Affidavit of Debt and Verified Bill of Particulars and an Account Statement to this Amended Complaint which essentially just sets out that this debt was bought by Atlantic Credit & Finance, Inc., from HSBC, the account number, the date of last payment and the charge off date.

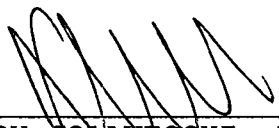
4. Plaintiff has failed to produce a copy of the alleged written agreement between HSBC and the Defendant.

5. Plaintiff has failed to produce detailed statements of the account showing all purchases and/or charges made on said account and how Plaintiff calculates the amount claimed to be due.

6. Plaintiff fails to state what, if any charges were made for interest, late fees and other various items which may have been imposed by Plaintiff and the legal authority for such charges.

7. Plaintiff's Amended Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce an original copy of the agreement, a detailed monthly statement of the account setting out purchases and costs incurred so that Defendant is able to calculate the details leading to the conclusion of the Plaintiff in order to enter into a proper defense of the claim.

WHEREFORE, Defendant respectfully requests that Plaintiff's Amended Complaint be stricken pursuant to Pennsylvania Rule of Civil Procedure 1028 on the grounds of legal insufficiency.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ATLANTIC CREDIT & FINANCE,
INC., Assignee from HSBC,
Plaintiff

vs.

KIMBERLY DICKSON,
Defendant

CIVIL DIVISION

No. 08 - 1084 - CD

RULE

Filed on Behalf of:

Defendant, KIMBERLY DICKSON

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
07/31/08
JUL 31 2008

William A. Shaw
Prothonotary/Clerk of Courts
3CC Atty Colavecchi

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

ATLANTIC CREDIT & FINANCE, INC., :
Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY KICKSON, :
Defendant :

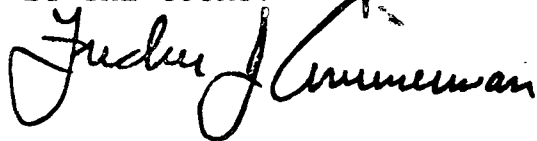
RULE

AND NOW, this 30th day of July, 2008, upon
consideration of the foregoing Defendant's Preliminary Objections
to Plaintiff's Amended Complaint filed on behalf of the Defendant,
a Rule is issued on the Plaintiff to appear and show cause why the
relief requested therein should not be granted.

Rule made Returnable the 3rd day of September,
2008, at 9:45 A.M., Clearfield County Courthouse, Courtroom No.
1.

A total of one-half (1/2) hour has been set aside for this
hearing.

BY THE COURT:



JUDGE

FILED

JUL 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/31/08

☒ 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

ATLANTIC CREDIT & FINANCE :
INC., Assignee from HSBC, : No. 08 - 1084 - CD
Plaintiff :
vs. :
KIMBERLY DICKSON, :
Defendant :


FILED No CC.
011:25am
AUG 07 2008
LM

CERTIFICATE OF SERVICE

William A. Shaw
Prothonotary/Clerk of Courts

I hereby certify that a true and correct copy of the Defendant's Preliminary Objections to Plaintiff's Amended Complaint and Rule Returnable in the above-captioned action was mailed by First Class Mail, postage prepaid, the 5th day of August 2008, to the attorney of record:

Frederic I. Weinberg
Attorney at Law
1001 E. Hector Street, Ste. 220
Conshohocken, PA 19428



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

Dated: 8/5/08

29

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

ATLANTIC CREDIT & FINANCE INC.,
Assignee from HSBC,
Plaintiff

vs.

KIMBERLY DICKSON,
Defendant

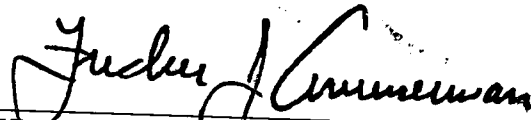
*
*
*
*
*
*

NO. 08-1084-CD

ORDER

NOW, this 3rd day of September, 2008, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint be granted. The Plaintiff shall have no more than 90 days from this date to file a Second Amended Complaint which shall contain a copy of the assignment document as well as a detailed statement of the account showing purchases made, the name the account was in and calculation of all interest charges, late fees, attorney's fees and any other costs or charges which are part of the demand for payment.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

01/10:43/07
SEP 01 2008

ICC Atty Weinberg
J. Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

610

FILED

SEP 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/4/08

- ☐ 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

DOCKET # 104280
NO: 08-1084-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC.
vs.
DEFENDANT: KIMBERLY DICKSON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	055004	10.00
SHERIFF HAWKINS	GORDON	055004	51.33

FILED
0/3:35 Lm
OCT 01 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff


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

ATLANTIC CREDIT & FINANCE, INC., et al	*	NO. 2008-1084-CD
Plaintiffs	*	
vs.	*	
KIMBERLY DICKSON	*	
Defendant	*	

ORDER

NOW, this 25th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

NOLL.
0/9:05cm
JUN 28 2013
William A. Shinn
Prothonotary, Court of Common Pleas

2
4