

08-1103-CD
Discover Bank vs James Frankovich

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

DISCOVER BANK

(Plaintiff)

c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
(Street Address)
Philadelphia, PA 19114
(City, State, ZIP)

CIVIL ACTION

No. 2008-1103-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

JAMES A FRANKOVICH

(Defendant)

1993 GINTER MORANN HWY
(Street Address)
HOUTZDALE, PA 16651
(City, State, ZIP)

DISCOVER

BANK

(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
on 2:39 p.m. 6/16/2008

1CC Atty
1CC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

PLA Atty Paid
95.00

Our File No.: 163513
APOTHAKER & 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

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

Plaintiff,
vs.

JAMES A FRANKOVICH
1993 GINTER MORANN HWY
HOUTZDALE, PA 16651
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
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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 páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante 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 SUFFICIENTE 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.

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

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Attorneys for Plaintiff

DISCOVER BANK
c/o Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,
vs.

JAMES A FRANKOVICH
1993 GINTER MORANN HWY
HOUTZDALE, PA 16651
Defendant.

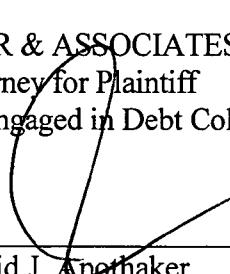
) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
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**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is DISCOVER BANK c/o Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are JAMES A FRANKOVICH, an adult individual residing at 1993 GINTER MORANN HWY HOUTZDALE, PA 16651.
3. At the special instance and request of Defendant, Plaintiff, DISCOVER BANK, issued to Defendant(s), Account #6011002050376516.
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 \$7,463.98. 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 \$7,463.98 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. Apotheker

Dated: 6/5/2008

Our File No.: 163513

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: 6/5/2008

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

JAMES A FRANKOVICH
1993 GINTER MORANN HWY
HOUTZDALE, PA 16651

STATEMENT OF ACCOUNT

Debtor's Name: JAMES A FRANKOVICH

Account Number: 6011002050376516

Balance Due: \$7,463.98

Our File No.: 163513

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1103-CD

DISCOVER BANK

vs

JAMES A. FRANKOVICH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/16/2008

HEARING:

PAGE: 104288

DEFENDANT: JAMES A. FRANKOVICH
ADDRESS: 1993 GINTER MORANN HWY.
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

6-18-08-11:03-10/14

FILED
07-18-08
JUN 25 2008
LAW
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6-23-08 AT 11:20 AM PM SERVED THE WITHIN

COMPLAINT ON JAMES A. FRANKOVICH, DEFENDANT

BY HANDING TO Stella Frankovich MOTHER

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

ADDRESS SERVED 1993 Ginter - Morann Hwy.
Houtzdale, Pa. 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JAMES A. FRANKOVICH

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JAMES A. FRANKOVICH

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

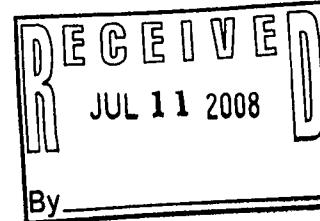
James E. Davis
Deputy Signature

James E. Davis
Print Deputy Name

Our file No.: 163513
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
Attorney ID# 55140

FILED

AUG 01 2008
m 11:20 fm
William A. Shaw
Prothonotary/Clerk of Courts
1 cent, TO PARTY



~~SCANNED~~

DISCOVER BANK

Plaintiff,
vs.
JAMES A FRANKOVICH

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 2008-1103-CD
)
) Civil Action
)
) STIPULATION IN LIEU OF JUDGMENT
)
)

The matters and things in controversy having been discussed by and between the parties, and a settlement having been agreed upon:

It is on July 01, 2008, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, JAMES A FRANKOVICH parties as follows:

1. Defendant agrees to pay the sum of \$7,658.98, which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of counsel fees and court costs.

2. The sum aforesaid shall be paid by Defendant, JAMES A FRANKOVICH, to the attorneys for Plaintiff in the following manner:

- a. Payment of \$1,603.98 to be paid on or before July 15, 2008;
- b. Payments of \$173.00 to be paid on or before the 15th of every month, starting August 15, 2008 until balance is paid.

All checks are to be made payable to DISCOVER BANK, and sent to:

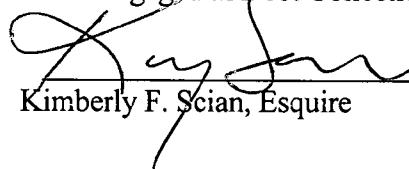
Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054

3. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$7,658.98, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

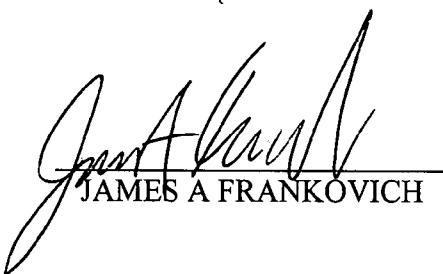
4. In the event of default as aforesaid, and default is not cured within ten (10) days, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to JAMES A FRANKOVICH by first-class, postage prepaid.

We hereby consent to the form and entry of the within Stipulation.

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

By: 

Kimberly F. Scian, Esquire


JAMES A FRANKOVICH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104288
NO: 08-1103-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: JAMES A. FRANKOVICH

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 93247 | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 93247 | 54.36 |

FILED

10:50 AM

OCT 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

Our File No.: 163513
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
JUL 20 2011
NO CC
William A. Shaw
Prothonotary/Clerk of Courts
-6c

DISCOVER BANK

Plaintiff,

vs.

JAMES A FRANKOVICH

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
) NO. 2008-1103-CD
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)

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: 7/12/2011



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

DISCOVER BANK
Plaintiff

vs.

JAMES A. FRANKOVICH
Defendant

* NO. 2008-1103-CD

*

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*

ORDER

NOW, this 26th day of June, 2013, upon the Court's review of the record, with the Court noting that on July 20, 2011 a Praeclipe to Dismiss Without Prejudice was filed by Attorney David J. Apotheker, Esquire, the Court considers this case concluded. The Prothonotary shall code the case in Full Court as Z-TFWDA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

019:25cm
6/27/2013 NoCC.
S 6K

William A. Shaw
Prothonotary/Clerk of Courts