

08-1144-CD
Discover Bank vs John F. Dallape

**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 ACTIONNo. 2008-1144-CDType of Case: CIVILType of Pleading: PLEADING

VS.

Filed on Behalf of:

JOHN F DALLAPE

(Defendant)

5280 S MAIN ST
 (Street Address)
WESTOVER, PA 16692-8411
 (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
 m 11:59 a.m. GK
 JUN 23 2008

Atty PAID 95.00
 1CC ATTY
 1 Court. to Sheet.

William A. Shaw
 Prothonotary/Clerk of Courts

Our File No.: 164263
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 Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,
vs.

JOHN F DALLAPE
5280 S MAIN ST
WESTOVER, PA 16692-8411
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 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 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 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.

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

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.

JOHN F DALLAPE

5280 S MAIN ST

WESTOVER, PA 16692-8411

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

)

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**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is DISCOVER BANK c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are JOHN F DALLAPE, an adult individual residing at 5280 S MAIN ST WESTOVER, PA 16692-8411.
3. At the special instance and request of Defendant, Plaintiff, DISCOVER BANK, issued to Defendant(s), Account #6011002020139044.
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 \$6,773.11. 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 \$6,773.11 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

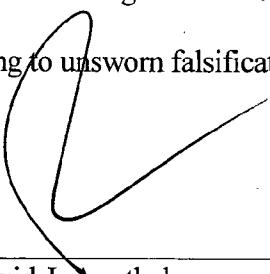
BY: _____
David J. Apothaker

Dated: 6/12/2008

Our File No.: 164263

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: 6/12/2008

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

JOHN F DALLAPE
5280 S MAIN ST
WESTOVER, PA 16692-8411

STATEMENT OF ACCOUNT

Debtor's Name: JOHN F DALLAPE

Account Number: 6011002020139044

Balance Due: \$6,773.11

Our File No.: 164263

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1144-CD

DISCOVER BANK
VS
JOHN F. DALLAPE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/23/2008 HEARING: PAGE: 104322

DEFENDANT: JOHN F. DALLAPE
ADDRESS: 5280 S. MAIN ST.
WESTOVER, PA 16692

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 7-7-08 AT 10:26 AM SERVED THE WITHIN

COMPLAINT ON JOHN F. DALLAPE, DEFENDANT

BY HANDING TO Nancy Dallape, Wife

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

ADDRESS SERVED 5280 S. Main ST.

Westover, Pa. 16692

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JOHN F. DALLAPE

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN F. DALLAPE

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature

JAMES E. DAVIS
Print Deputy Name

FILED
07/07/2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104322
NO: 08-1144-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: JOHN F. DALLAPE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	93910	10.00
SHERIFF HAWKINS	APOTHAKER	93910	56.61

5
FILED
010:57 AM
OCT 06 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.: 164263
APOTHAKER & 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

DISCOVER BANK

Plaintiff,

vs.

JOHN F DALLAPE

Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
)
)
) NO.: 2008-1144-CD
)
) Civil Action
)
)

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, DISCOVER BANK, and against Defendant, JOHN F DALLAPE, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on July 07, 2008 by the CLEARFIELD Sheriff's Department. Copies of the proofs of service are attached hereto as Exhibit "A".

I certify, a copy of the Notice of Intention To Take Default was mailed on November 10, 2008, and also attached hereto.

5 **FILED** pd \$20.00 Atty
1/10:30 am ICC & notice to
FEB 20 2009 deff
WM Shaw ICC & Statement
Prothonotary/Clerk of Courts to Atty.

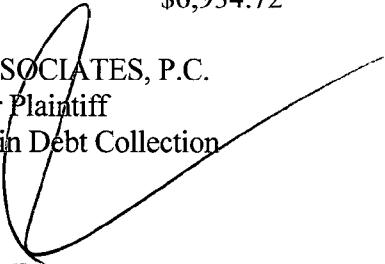
Assess damages in the amount of:

(a) Balance: \$6,773.11

(c) Costs \$161.61

TOTAL \$6,934.72

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

By: 

David J. Apothaker

Dated: 2/10/2009

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS**

TO: JOHN F DALLAPE
5280 S MAIN ST
WESTOVER, PA 16692-8411

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 FINDIN

 JUDGMENT ON WRIT OF REV

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

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

William H. Ham
Prothonotary 2-20-2009

Our File No.: 164263
APOTHAKER & 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

DISCOVER BANK)	COURT OF COMMON PLEAS OF
)	CLEARFIELD COUNTY
)	
Plaintiff,)	
)	
vs.)	
)	
JOHN F DALLAPE)) NO.: 2008-1144-CD
)	
)	Civil Action
Defendant.)	
)	

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 5280 S MAIN ST WESTOVER, PA 16692-8411.

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. Snavely-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
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Department of Defense Manpower Data Center

FEB-10-2009 10:33:41



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DALLAPE	JOHN F		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

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 Military.

Mary M. Snavely-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 Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly 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 active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further 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 current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

DISCOVER BANK) COURT OF COMMON PLEAS
vs.)) CLEARFIELD COUNTY
JOHN F DALLAPE)) NO. 2008-1144-CD
))

To: JOHN F DALLAPE
5280 S MAIN ST
WESTOVER, PA 16692-8411

NOTICE, RULE 237.5

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: November 10, 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. APOTHAKER, ESQUIRE
APOTHAKER & 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1144-CD

DISCOVER BANK

VS

JOHN F. DALLAPE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/23/2008

HEARING:

PAGE: 104322

COPY

DEFENDANT: JOHN F. DALLAPE

ADDRESS: 5280 S. MAIN ST.
WESTOVER, PA 16692

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 7-7-08 AT 10:36 AM/PM SERVED THE WITHIN

COMPLAINT ON JOHN F. DALLAPE, DEFENDANT

BY HANDING TO Nancy Dallape, Wife

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

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Westover, Pa. 16692

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I MAKE RETURN OF **NOT FOUND** AS TO JOHN F. DALLAPE

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

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

Discover Bank
Plaintiff(s)

No.: 2008-01144-CD

COPIED

Real Debt: \$6934.72

Atty's Comm: \$

Vs.

Costs: \$

John F. Dallape
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 20, 2009

Expires: February 20, 2014

Certified from the record this 20th day of February, 2009.

William A. Shaw

lm

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