

08-1238-CD

Portfolio Rec. vs Fawn Bell

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

PORTFOLIO RECOVERY ASSOCIATES,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. 2058-1238-CDType of Case: CIVILType of Pleading: PLEADING

VS.

Filed on Behalf of:

FAWN BELL

(Defendant)

764 CURWENSVILLE GRAMPIAN HWY

(Street Address)

GRAMPIAN, PA 16838-7916

(City, State, ZIP)

PORTFOLIO RECOVERY ASSOCIATES,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)

FILEDM 12:43 P.M. GK
JUL 07 20081CC Atty
1 Comt. SheriffWilliam A. Shaw
Prothonotary/Clerk of Courts Atty

Our File No.: 138138
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

**PORTFOLIO RECOVERY
ASSOCIATES, LLC**
c/o Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

VS.

FAWN BELL
764 CURWENSVILLE GRAMPIAN
HWY
GRAMPIAN, PA 16838-7916

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.

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

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

PORTFOLIO RECOVERY ASSOCIATES, LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
Plaintiff,
vs.
FAWN BELL
764 CURWENSVILLE GRAMPIAN
HWY
GRAMPIAN, PA 16838-7916
Defendant.

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

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is PORTFOLIO RECOVERY ASSOCIATES, LLC c/o Apothaker & Associates, P.C.,
2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are FAWN BELL, an adult individual residing at 764 CURWENSVILLE
GRAMPIAN HWY GRAMPIAN, PA 16838-7916.
3. Plaintiff, PORTFOLIO RECOVERY ASSOCIATES, LLC, is the Assignee and Successor in
Interest of Account #4479410625101394; and said account was issued to Defendant(s) by WASHINGTON
MUTUAL BANK, 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 \$4,919.30. 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 \$4,919.80 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: 6/30/2008

Our File No.: 138138

VERIFICATION

Tiffany Ross, hereby states that I am Legal Specialist 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.

Tiffany Ross
Plaintiff

DATE:

PORFOLIO RECOVERY ASSOCIATES, LLC

FAWN BELL
764 CURWENSVILLE GRAMPIAN HWY
GRAMPIAN, PA 16838-7916

STATEMENT OF ACCOUNT

Debtor's Name: FAWN BELL
Account Number: 4479410625101394
Original Creditor: WASHINGTON MUTUAL BANK
Balance Due: \$4,919.80

Our File No.: 138138

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1238-CD

PORTFOLIO RECOVERY ASSOCIATES, LLC
vs
FAWN BELL

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/06/2008

HEARING:

PAGE: 104383

DEFENDANT: FAWN BELL

ADDRESS: 764 CURWENSVILLE GRAMPIAN HWY.
GRAMPIAN, PA 16838

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

William A. Shaw
O&G&B/CLerk of Courts

ATTEMPTS

7-21-08-2:24-PM/H

FILED

08:30 AM
JUL 23 2008

CM

SHERIFF'S RETURN

NOW, 7-22-08 AT 2:08 AM / PM SERVED THE WITHIN

COMPLAINT ON FAWN BELL, DEFENDANT

BY HANDING TO JESSICA Bell

Daughter

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

ADDRESS SERVED 764 Curwenville - Grampian Hwy.
GRAMPIAN, PA. 16838

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR FAWN BELL

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO FAWN BELL

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
CIVIL DIVISION

PORTFOLIO RECOVERY
ASSOCIATES, LLC,
Plaintiff
vs. : No. 08-1238-CD
FAWN BELL,
Defendant

CASE NUMBER: No. 08-1238-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: DEFENDANT'S PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 3CC
03-4031 Atty
AUG 15 2008
Gearhart
William A. Shaw
Prothonotary/Clerk of Courts
(60)

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

PORFOLIO RECOVERY :
ASSOCIATES, LLC, :
Plaintiff :
vs. : No. 08-1238-CD
FAWN BELL, :
Defendant :
.....

DEFENDANT'S PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT

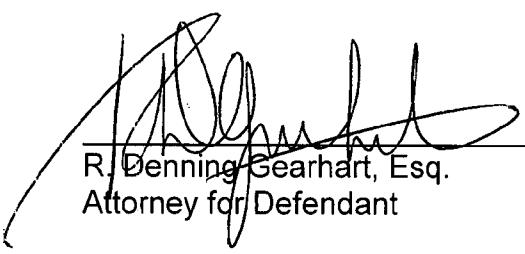
NOW COMES, the Defendant, Fawn Bell, by and through her Attorney, R. Denning Gearhart, Esquire, who files Preliminary Objections to Plaintiff's Complaint and respectfully avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania, on or about July 7, 2008, alleging that Plaintiff furnished consumer credit to Defendant through an account with Washington Mutual Bank as the original creditor.
2. Plaintiff alleges that there is an unpaid balance on the account of Four Thousand Nine Hundred Nineteen and 80/100 (\$4,919.80) Dollars.
3. Plaintiff attached one page of what is alleged to be a statement of the account. However, Plaintiff failed to attach a copy of the original agreement Plaintiff alleges that Defendant breached.
4. Plaintiff has failed to produce detailed statements of the account showing all purchases made on said account and how Plaintiff calculates the amount that is due.

5. Plaintiff fails to state what, if any, charges were made for interest, late fees, and other various charges which may or may not have been imposed by Plaintiff and the legal authority for such charges.

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

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



R. Denning Gearhart, Esq.
Attorney for Defendant

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

PORFOLIO RECOVERY
ASSOCIATES, LLC,
Plaintiff

vs.

No. 08-1238-CD

FAWN BELL,
Defendant

ORDER

AND NOW, this 18th Day of August, 2008, upon
consideration of Defendant's Preliminary Objections to Plaintiff's Complaint filed in the
above captioned action, it is the ORDER of this Court that a hearing be scheduled for the
2nd Day of October, 2008, at 2:00 O'clock P.M., in
Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



JUDGE

FILED ^{3CC}
010.06.01 Atty Gearhart
AUG 19 2008
(CD)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/19/08

- 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:

FILED

AUG 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

PORFOLIO RECOVERY
ASSOCIATES, LLC,
Plaintiff
vs.
FAWN BELL,
Defendant

CASE NUMBER: No. 08-1238-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED NO
034754
AUG 25 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

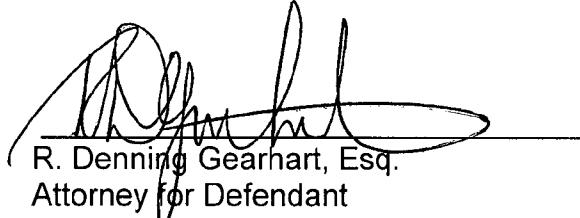
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PORFOLIO RECOVERY :
ASSOCIATES, LLC, :
Plaintiff :
vs. : No. 08-1238-CD
FAWN BELL, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of Defendant's Preliminary Objections to Plaintiff's Complaint filed in the above matter on the Plaintiff through Plaintiff's attorney by depositing such documents in the United States Mail, first class, postage pre-paid and addressed as follows:

David J. Apothaker, Esq.
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114


R. Denning Gearhart, Esq.
Attorney for Defendant

Dated: August 25, 2008

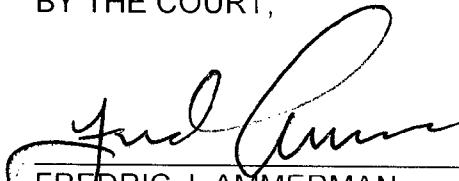
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PORFOLIO RECOVERY ASSOCIATES, LLC, *
Plaintiff *
vs. * NO. 08-1238-CD
FAWN BELL, *
Defendant *
*
*
*

ORDER

NOW, this 2nd day of October, 2008, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint be and are hereby granted. The Plaintiff shall have no more than 60 days from this date to file an Amended Complaint which shall contain 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. A copy of the credit card agreement which covered the issuance and use of the credit card shall also be attached.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
012:13/01
OCT 06 2008
S William A. Shaw
Prothonotary/Clerk of Courts
G
ICCAHys:
Apotheker
Gearhart

FILED

OCT 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/06/08

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 Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104383
NO: 08-1238-CD
SERVICES 1
COMPLAINT

PLAINTIFF: PORTFOLIO RECOVERY ASSOCIATES, LLC
vs.
DEFENDANT: FAWN BELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	96493	10.00
SHERIFF HAWKINS	APOTHAKER	96493	46.08

5
FILED
0/3:40 LM
OCT 13 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.: 138138
APOTHAKER & ASSOCIATES, P.C.
BY: Kimberly F. Scian, Esquire
Attorney I.D.#55140
520 Fellowship Road C306
Mount Laurel, NJ 08054
(300) 672-0215
Attorneys for Plaintiff

PORFOLIO RECOVERY
ASSOCIATES, LLC
c/o Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
Plaintiff,
vs.
FAWN BELL
764 CURWENSVILLE GRAMPIAN
HWY
GRAMPIAN, PA 16838-7916
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
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FILED *TK*
OCT 31 2008
n/12:05/08
William A. Shaw
S Prothonotary/Clerk of Courts

I VEN TO *Henry*

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.

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

Our File No.: 138138
APOTHAKER & ASSOCIATES, P.C.
BY: Kimberly F. Scian, Esquire
Attorney I.D.#55140
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff

PORTFOLIO RECOVERY) COURT OF COMMON PLEAS
ASSOCIATES, LLC) CLEARFIELD COUNTY
c/o Apothaker & Associates, P.C.)
520 Fellowship Road C306) NO.: 2008-1238-CD
Mount Laurel, NJ 08054)
Plaintiff,)
vs.)
)
)
FAWN BELL)
764 CURWENSVILLE GRAMPIAN)
HWY
GRAMPIAN, PA 16838-7916
Defendant.

AMENDED COMPLAINT
FIRST COUNT

1. Plaintiff, PORTFOLIO RECOVERY ASSOCIATES, LLC, is a company with its principal place of business located at 140 Corporate Boulevard, Norfolk, Virginia 23502.
2. Defendant is FAWN BELL, an adult individual residing at 764 CURWENSVILLE GRAMPIAN HWY GRAMPIAN, PA 16838-7916.
3. Defendant applied for and received a credit card from WASHINGTON MUTUAL BANK account number 4479410625101394.
4. Defendant used the credit card, account number 4479410625101394, and as of October 21, 2008 there was an outstanding balance due and owing in the amount of \$4,919.80.
5. Plaintiff purchased this account and presently owns and holds this account.
6. When Plaintiff purchased this account there was an outstanding balance due and owing of \$4,919.80. Attached hereto as Exhibit "A" are the Statement and Copy of Payment.

**TIMOTHY L. BELL
FAWN R. BELL**
764 CURVENVILLE GRAM
GRAMPION, PA. 16838

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TO PURCHASE • 1-800-204-2242 • www.GlobeGuitarAndDrum.com
GLOBE GUITAR & DRUM • WHERE THE POGUE

PAY to Providence
the ORDER of
One hundred Eleven dollars
and 50 cents
Dollars & Cents
COUNTY NATIONAL BANK
MAIN OFFICE
CLEARFIELD, PA
04/19/1924

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PAYMENT DUE DATE	MINIMUM PAYMENT	BALANCE AS OF 06/26/2008	ACCOUNT NUMBER
06/22/08	\$965.00	\$4,355.84	6479-4108-2510-1384
AMOUNT ENCLOSED (Use this line for direct dep.)			
\$ <input type="text"/>		Make Checks Payable to Washington Mutual	
Address	Alt.	N 000	
City <input type="text"/>	State <input type="text"/>		
Home Phone <input type="text"/>	Work Phone <input type="text"/>		
E-Mail <input type="text"/>			

WASHINGTON MUTUAL CARD SERVICES
P.O. BOX 680487
DALLAS TX 75266-0487

FAWN BELL
764 CURWENSVILLE GRAMPIAN RD
GRAMPIAN PA 16838-7916

55186

4479410625101394 0095600 0435564 0013000 26

DETACH HERE

5. **50116501** 6853 0215 0 055 7 5116501 0000 1 0000 1 0000 1 0000 1

Important Messages
YOUR ACCOUNT IS PAST DUE AND OVER ITS CREDIT LIMIT. Please pay the minimum payment listed above along with the amount immediately or call us at 1-800-260-9141.

Account Summary

Account Number	479-106-01084	Previous Balance	\$355.64
Statement Date	05/26/06	Credits & Payments	\$0.00
Minimum Payment or Due Date	due by 06/22/06	Purchases & Other Charges	\$39.00
Credit Line	\$4,300.00	Cash Advances	\$0.00
Available Credit for Cash Advances as of 05/26/06	\$0.00	FINANCIAL CHARGE	\$39.00
Days in Current Billing Cycle	26	NEW BALANCE	\$355.64

Transactions		Ref.	Amount	
Tran	Post Date	Description	Reference Number	Amount
May 24	May 24	LATE PAYMENT CHARGE	10000	\$39.00

FOR BILLING ERRORS AND IMPORTANT INFORMATION, SEE REVERSE SIDE

Balance Category	Average Daily Balance	Daily Periodic Rate	Annual % Rate (APR)	Finance Charge	Grace Terms
Standard Purchase - Current Cycle	\$4,284.02	.0548%	19.98%	\$70.43	Term A
Standard Cash - Current Cycle	\$0.00	.0582%	21.34%	\$0.00	Term B
ANNUAL PERCENTAGE RATE this billing cycle: 19.72% <small>*These rates may vary.</small>					
For 24-hour Automated Account Information, please call 1-800-280-5561 or visit us at www.providian.com					
Value account is issued by Washington Mutual Bank, Member FDIC					

Our File No.: 138138
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(300) 672-0215

Attorney for Plaintiff

FILED
M 11 25 09 20.00
MAR 02 2009
William A. Shaw
Prothonotary/Clerk of Courts
to Def
1CCS Notice
(G10)

PORFOLIO RECOVERY ASSOCIATES,
LLC
Plaintiff,
vs.
FAWN BELL
Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
)
) NO.: 2008-1238-CD
)
) Civil Action
)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, FAWN BELL, in the default of an Answer, in the amount of \$5,243.66 computed as follows:

Amount claimed in complaint:	\$4,919.80
Amount Paid:	\$(0.00)
Interest from June 30, 2008 to 2/24/2009 at the legal interest rate of 6.000 per annum	\$172.78
Cests	\$151.08
Attorney fees	<u>\$0.00</u>
 TOTAL	 \$5,243.66

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify that Plaintiff's address as PORTFOLIO RECOVERY ASSOCIATES, LLC c/o Apothaker & Associates, P.C. 520 Fellowship Road C 306, Mount Laurel, NJ 08054 and that Defendant, FAWN BELL, last known address is 764 CURWENSVILLE GRAMPIAN HWY GRAMPIAN, PA 16838-7916.

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

By:

David J. Apothaker

Dated: 2/24/2009

2

COPY

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: R DENNING GEARHART ESQ
207 EAST MARKET ST
CLEARFIELD, PA 16830

PORFTOLIO RECOVERY) COURT OF COMMON PLEAS OF
ASSOCIATES, LLC) CLEARFIELD COUNTY
vs. Plaintiff,)
FAWN BELL) NO.: 2008-1238-CD
Defendant.) 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. Apotheker, Esq. at this telephone number: 215-634-8920

*With return
ba 3/21/09*

Our File No.: 138138
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

POR	TO	COURT OF COMMON PLEAS OF
TFOLIO RECOVERY)	CLEARFIELD COUNTY
ASSOCIATES, LLC)	
)	
Plaintiff,)	
vs.)	NO.: 2008-1238-CD
)	
FAWN BELL)	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 764 CURWENSVILLE GRAMPIAN HWY GRAMPIAN, PA 16838-7916.

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-24-2009 11:52:59

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
BELL	FAWN		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

PORTFOLIO RECOVERY ASSOCIATES, LLC) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
VS.)
)
FAWN BELL) NO. 2008-1238-CD
)
)

To:

R DENNING GEARHART ESQ
207 EAST MARKET ST
CLEARFIELD, PA 16830

NOTICE, RULE 237.5

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: February 3, 2009

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: 08-1238-CD

PORTFOLIO RECOVERY ASSOCIATES, LLC

VS
FAWN BELL

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/06/2008

HEARING:

PAGE: 104383

COPY

DEFENDANT: FAWN BELL

ADDRESS: 764 CULWENNSVILLE GRAMPIAN HWY.
GRAMPIAN, PA 16838

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS

VACANT

OCCUPIED

ATTEMPTS:

7-21-08 2:24 PM/H

SHERIFF'S RETURN

NOW

7-22-08

AT 2:08

AM

PM

SERVED THE WITHIN

COMPLAINT ON FAWN BELL, DEFENDANT

BY HANDING TO JESSICA BELL

Daughter

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

ADDRESS SERVED

764 Culwenvsille - Grampian Hwy.
GRAMPIAN, PA. 16838

NOW

AT

AM / PM POSTED THE WITHIN

COMPLAINT FOR FAWN BELL

AT (ADDRESS)

NOW

AT

AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO FAWN BELL

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James F. Davis

Deputy Signature

Print Deputy Name