

08-1240-CD

LVNV Funding vs Orvin L. Bortot

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

LVNV FUNDING, LLC

(Plaintiff)

c/c Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

CIVIL ACTION

No. 2008-1240-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

ORVIN L BORTOT

(Defendant)

611 MCBRIDE ST

(Street Address)

CLEARFIELD, PA 16830-1219

(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

in 1:30 P.M. GK

JUL 07 2008

1CC ATTY

1COMPL. SHEFF.

William A. Shaw
Prothonotary/Clerk of Courts

ATTY PAID 95.00

Our File No.: 166355
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

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

Plaintiff,

vs.

ORVIN L BORTOT
511 MCBRIDE ST
CLEARFIELD, PA 16830-1219
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.

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

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.)
ORVIN L BORTOT)
611 MCBRIDE ST)
CLEARFIELD, PA 16830-1219)
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 ORVIN L BORTOT, an adult individual residing at 611 MCBRIDE ST CLEARFIELD, PA 16830-1219.
 3. Plaintiff, LVNV FUNDING, LLC, is the Assignee and Successor in Interest of Account #5121071870988619; 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 \$15,438.78. 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 \$15,438.78 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

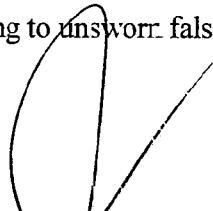
BY: _____
David J. Apothaker

Dated: 6/26/2008

Our File No.: 166355

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: 6/26/2008

LVNV FUNDING, LLC

ORVIN L BORTOT
611 MCBRIDE ST
CLEARFIELD, PA 16830-1219

STATEMENT OF ACCOUNT

Debtor's Name: ORVIN L BORTOT

Account Number: 5121071870988619

Original Creditor: SEARS

Balance Due: \$15,438.78

Our File No.: 166355

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1240-CD

LVNV FUNDING, LLC
vs
ORVIN L. BORTOT

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/06/2008 HEARING: PAGE: 104385

DEFENDANT: ORVIN L. BORTOT
ADDRESS: 611 MCBRIDE ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

FILED

0/3/10 LM
JUL 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 7/11/08 AT 10:00 AM / PM SERVED THE WITHIN

COMPLAINT ON ORVIN L. BORTOT, DEFENDANT

BY HANDING TO Mary Higgs, daughter

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

ADDRESS SERVED 611 McBride st. Clearfield

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ORVIN L. BORTOT

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ORVIN L. BORTOT

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

DOCKET # 104385
NO. 08-1240-CD
SERVICES 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC
vs.
DEFENDANT: ORVIN L. BORTOT

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	96136	10.00
SHERIFF HAWKINS	APOTHAKER	96136	20.00

S
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.: 166355

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apethaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215

Attorney for Plaintiff

LVNV FUNDING, LLC) COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY
vs.)
ORVIN L BORTOT)) NO.: 2008-1240-CD
Defendant.)) Civil Action
)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, ORVIN L BORTOT, in the default of an Answer, in the amount of \$16,196.17 computed as follows:

Amount claimed in complaint:	\$15,438.78
Amount Paid:	- \$(0.00)
Interest from June 26, 2008 to 04/01/09 at the legal interest rate of 6.000 per annum	\$632.39
Costs	\$125.00
Attorney fees	\$0.00
TOTAL	\$16,196.17

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 Defendant, ORVIN L BORTOT, last know address is 611 MCBRIDE ST CLEARFIELD, PA 16830-1219.

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

By:

David J. Apothaker

Dated: 4/1/2009

FILED *Att'y pd.*
mt/15/09 *20.00*
APR 08 2009 ICC Notice
to Def.
S William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty
60

Our File No.: 166355
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

LVNV FUNDING, LLC) COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY
vs.)
ORVIN L BORTOT) NO.: 2008-1240-CD
Defendant.) Civil Action

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 611 MCBRIDE ST CLEARFIELD, PA 16830-1219.

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.



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
BORTOT	ORVIN L		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

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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **CACLZLQGOHK**

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

LVNV FUNDING, LLC

vs.

ORVIN L BORTOT

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
) NO. 2008-1240-CD
)

To: ORVIN L BORTOT
611 MCBRIDE ST
CLEARFIELD, PA 16830-1219

NOTICE, RULE 237.5
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: March 03, 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



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

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

Copy

TO: ORVIN L BORTOT
611 MCBRIDE ST
CLEARFIELD, PA 16830-1219

LVNV FUNDING, LLC) COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY
vs.)
ORVIN L BORTOT)) NO.: 2008-1240-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

Willie L. Shan 4/8/07
BD