

08-1326-CD

North Star Capital vs Phyllis Emigh

172009

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NORTH STAR CAPITAL ACQUISITION  
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. 2008-1326-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

PHYLLIS A EMIGH

(Defendant)

3355 SCHOONOVER RD

(Street Address)

MORRISDALE, PA 16858-7107

(City, State, ZIP)

NORTH STAR CAPITAL ACQUISITION  
LLC

(Plaintiff)

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8820

(Phone)

**FILED**

m 10:47a.m. OK

JUL 21 2008

William A. Shaw

Prothonotary/Clerk of Courts

ICC TO ATTY

1 COMPI. TO SHFF

ATTY PAID 95.00

(Signature)

Our File No.: 172009  
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

NORTH STAR CAPITAL ACQUISITION	)	COURT OF COMMON PLEAS
LLC	)	CLEARFIELD COUNTY
c/o Apothaker & Associates, P.C.	)	
2417 Welsh Road, Suite 21 #520	)	NO.:
Philadelphia, PA 19114	)	
Plaintiff,	)	
vs.	)	
	)	
PHYLLIS A EMIGH	)	
3355 SCHOONOVER RD	)	
MORRISDALE, PA 16858-7107	)	
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

APOTHAKE & 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

NORTH STAR CAPITAL ACQUISITION	)	COURT OF COMMON PLEAS
LLC	)	CLEARFIELD COUNTY
c/o Apothaker & Associates, P.C.	)	
2417 Welsh Road, Suite 21 #520	)	NO.:
Philadelphia, PA 19114	)	
Plaintiff,	)	
vs.	)	
	)	
PHYLLIS A EMIGH	)	
3355 SCHOONOVER RD	)	
MORRISDALE, PA 16858-7107	)	
Defendant.	)	

CIVIL ACTION COMPLAINT  
FIRST COUNT

1. Plaintiff is NORTH STAR CAPITAL ACQUISITION LLC c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are PHYLLIS A EMIGH, an adult individual residing at 3355 SCHOONOVER RD MORRISDALE, PA 16858-7107.
3. Plaintiff, NORTH STAR CAPITAL ACQUISITION LLC, is the Assignee and Successor in Interest of Account #4862361906020552; and said account was issued to Defendant(s) by CAPITAL ONE BANK (USA) NA, 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 \$2,860.35. 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 \$2,860.35 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

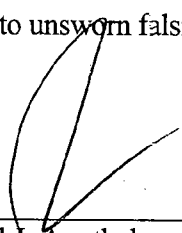
BY: \_\_\_\_\_  
David J. Apothaker

Dated: 7/14/2008

Our File No.: 172009

**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: 7/14/2008

NORTH STAR CAPITAL ACQUISITION LLC

PHYLLIS A EMIGH  
3355 SCHOONOVER RD  
MORRISDALE, PA 16858-7107

STATEMENT OF ACCOUNT

Debtor's Name:	PHYLLIS A EMIGH
Account Number:	4862361906020552
Original Creditor:	CAPITAL ONE BANK (USA) NA
Balance Due:	\$2,860.35

Our File No.: 172009

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO. 08-1326-CD

NORTH STAR CAPITAL ACQUISITION LLC  
vs  
PHYLLIS A. EMIGH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/20/2008 HEARING: PAGE: 104433

DEFENDANT: PHYLLIS A. EMIGH  
ADDRESS: 3355 SCHOONOVER RD.  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

7/24/08

7/31/08

7/30/08 LP

**SHERIFF'S RETURN**

NOW This 6th day of August 2008 AT 2:58 AM / PM **SERVED** THE WITHIN

COMPLAINT ON PHYLLIS A. EMIGH, DEFENDANT

BY HANDING TO Phyllis Emigh, Def.

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

ADDRESS SERVED 3355 Schoonover Rd

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR PHYLLIS A. EMIGH

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO PHYLLIS A. EMIGH

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: George F. Decker  
Deputy Signature

George F. Decker  
Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104433  
NO: 08-1326-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: NORTH STAR CAPITAL ACQUISITION LLC  
vs.  
DEFENDANT: PHYLLIS A. EMIGH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	98143	10.00
SHERIFF HAWKINS	APOTHAKE	98143	78.84

<sup>3</sup> FILED

0/2:30 Lm  
DEC 26 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

Our File No.: 172009  
APC THAKER & 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

**FILED**  
MAR 15 2009  
FEB 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Atty paid 20.00*  
*1 CC + Statement Atty.*  
*1 CC + Notice Def.*  
*610*

NORTH STAR CAPITAL ACQUISITION ) COURT OF COMMON PLEAS OF  
LLC ) CLEARFIELD COUNTY  
)  
Plaintiff, )  
vs. ) NO.: 2008-1326  
)  
PHYLLIS A EMIGH ) Civil Action  
)  
Defendant. )

**PRAECIPE TO ENTER DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, NORTH STAR CAPITAL ACQUISITION LLC, and against Defendant, PHYLLIS A EMIGH, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on August 06, 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 January 15, 2009, and also attached hereto.

Assess damages in the amount of:

- |     |                             |            |
|-----|-----------------------------|------------|
| (a) | Balance:                    | \$2,860.35 |
| (b) | Interest from July 14, 2008 | \$43.99    |
| (c) | Costs                       | \$183.84   |

TOTAL	\$3,088.18
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APOTHAKE & 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: PHYLLIS A EMIGH  
3355 SCHOCNOVER RD  
MORRISDALE, PA 16858-7107

NORTH STAR CAPITAL  
ACQUISITION LLC

Plaintiff,

vs.

PHYLLIS A EMIGH

Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY  
)

) NO.: 2008-1326  
)

) 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. Apothaker, Esq. at this telephone number: 215-634-8920

Our File No.: 172009  
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

NORTH STAR CAPITAL	)	COURT OF COMMON PLEAS OF
ACQUISITION LLC	)	CLEARFIELD COUNTY
	)	
Plaintiff,	)	
vs.	)	NO.: 2008-1326
	)	
PHYLLIS A EMIGH	)	Civil Action
	)	
Defendant.	)	

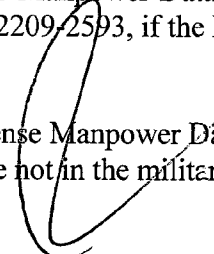
**AFFIDAVIT OF NON-MILITARY SERVICE**

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 3355 SCHOONOVER RD MORRISDALE, PA 16858-7107.

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 11:16:51



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
EMIGH	PHYLLIS A	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. Snavelly-Dixon*

Mary M. Snavelly-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**

NORTH STAR CAPITAL ACQUISITION LLC	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
vs.	)	
	)	
PHYLLIS A EMIGH	)	NO. 2008-1326
	)	

To: PHYLLIS A EMIGH  
3355 SCHOONOVER RD  
MORRISDALE, PA 16858-7107

**NOTICE, RULE 237.5**

**NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

Date of Notice: January 15, 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. APOTHAKE, ESQUIRE  
APOTHAKE & 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. 08-1326-CD

NORTH STAR CAPITAL ACQUISITION LLC

vs

PHYLLIS A. EMIGH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/20/2008

HEARING:

PAGE: 104433

DEFENDANT:

PHYLLIS A. EMIGH

ADDRESS:

3355 SCHOONOVER RD.  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

7/24/08

7/31/08

7/30/08 LP

SHERIFF'S RETURN

NOW, THIS 6th day of August 2008 AT 2:58 AM / PM SERVED THE WITHIN

COMPLAINT ON PHYLLIS A. EMIGH, DEFENDANT

BY HANDING TO

Phyllis Emigh

Ref

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

ADDRESS SERVED

3355 Schoonover Rd

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR PHYLLIS A. EMIGH

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO PHYLLIS A. EMIGH

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

George F. Decker

Deputy Signature

George F. Decker

Print Deputy Name



**FILED**

**FEB 20 2009**

**William A. Shaw  
Prothonotary/Clerk of Courts**

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

North Star Capital Acquisition, LLC  
Plaintiff(s)

No.: 2008-01326-CD

Real Debt: \$3,088.18

Atty's Comm: \$

Costs: \$

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

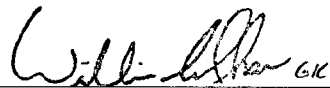
Date of Entry: February 20, 2009

Expires: February 20, 2014

Vs.

Phyllis A. Emigh  
Defendant(s)

Certified from the record this 20<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
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

COPY