

08-1370-CD

Asset Acceptance vs Dennis Clark

FILED

Prothonotary/Clerk of Courts
William A. Shaw

JUL 28 2008

FILED

JUL 28 2010

112:201

William A. Shaw

Clerk of Courts

Prothonotary

CANT. TO ATT.

SHAW

ATTORNEY FOR PLAINTIFF

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 08068
973-618-0000
ID # 92125

ASSET ACCEPTANCE, L.L.C.
BANK OF AMERICA, N.A.

CLEARFIELD COUNTY

Plaintiff(s)

v.

2008-1370-CD

DENNIS R CLARK

Defendant(s)

COMPLAINT IN CIVIL ACTION

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.

AVISO

Le han demandado a usted en la carta. 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 en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se aviso 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 cumpla 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

DANIEL J. NELSON, COURT ADMINISTRATOR

CLEARFIELD COUNTY COURTHOUSE
COURTHOUSE
CLEARFIELD, PA 16830

DANIEL J. NELSON,

COURT ADMINISTRATOR
CLEARFIELD COUNTY

CLEARFIELD, PA 16830

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE, L.L.C.	:	CLEARFIELD COUNTY
As Assignee of BANK OF AMERICA, N.A.	:	
	:	
Plaintiff(s)	:	
	:	
v.	:	2008-1370-CV
	:	
	:	
DENNIS R CLARK	:	
Defendant(s)	:	

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, ASSET ACCEPTANCE, L.L.C., As Assignee of BANK OF AMERICA, N.A., by and through its attorney, Paul J. Klemm and the law offices of Nudelman, Nudelman & Ziering, P.C., and files the following **Complaint in Civil Action** and in support thereof aver as follows:

1. Plaintiff, ASSET ACCEPTANCE, L.L.C., is a corporation licensed to do business in the State of Pennsylvania.
2. Defendant, DENNIS R CLARK, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at , 132 W SHERMAN AVE, DU BOIS PA 15801-2745.
3. At the special insistence and request of the Defendant, Defendant was issued a credit card by BANK OF AMERICA, N.A., account number 4888936993304967.

4. The Defendant is responsible for an unpaid balance in the amount of \$16,838.25 and interest in the amount of \$.00.

5. Plaintiff, ASSET ACCEPTANCE, L.L.C., is the assignee of Defendant's BANK OF AMERICA, N.A.account, account number 4888936993304967.

6. The Defendant is liable to the Plaintiff, ASSET ACCEPTANCE, L.L.C. as Assignee of Defendant's BANK OF AMERICA, N.A.account in the amount of \$16,838.25.

7. Plaintiff has made demand to Defendant for \$16,838.25, but Defendant has willfully failed and/or refused to reimburse Plaintiff for the aforesaid sum due.

Wherefore, Plaintiff demands Judgment in its favor and against the Defendant in the amount of \$16,838.25, plus attorney fees of \$4,209.56 and interest from the date of breach, with continuing interest thereon at the legal rate from the date of Judgment plus anticipated court costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully Submitted:

NUDELMAN, NUDELMAN & ZIERING, P.C.



Paul J. Klemm, Esquire
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

VERIFICATION

The undersigned, Paul J. Klemm, Esquire, hereby states that he is the attorney for Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. Counsel has signed this verification at the request of Plaintiff as a matter of time and convenience. Plaintiff has represented to counsel that there is a debt due and owing from Defendant to Plaintiff in the amount as set forth within the foregoing pleading. Plaintiff has provided counsel with all relevant information in order to allow counsel to sign this verification. Plaintiff agrees to provide a verification signed by Plaintiff upon request by Defendant. The undersigned understands that the statements herein are made subject to the penalties of 19 Pa.C.S.A Section 4904 relating to unsworn falsification to authorities.

Date: June 18, 2008



Paul J. Klemm, Esquire
Nudelman, Nudelman & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

FILED
JUL 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1370-CD

ASSET ACCEPTANCE, L.L.C. BANK OF AMERICA, N.A.

VS
DENIS R. CLARK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/27/2008

HEARING:

PAGE: 104459

DEFENDANT: DENNIS R. CLARK
ADDRESS: 132 SHERMAN AVE. over off Juniper St.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

09.08.08
JUL 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 7-30-08 AT 11:04 AM PM SERVED THE WITHIN

COMPLAINT ON DENNIS R. CLARK, DEFENDANT

BY HANDING TO Lisa Clark 1 wife

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

ADDRESS SERVED 132 West Sherman Ave Dubois Pa 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR DENNIS R. CLARK

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO DENNIS R. CLARK

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Mark A. Coulter
Deputy Signature

Mark A. Coulter
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104459
NO: 08-1370-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ASSET ACCEPTANCE, L.L.C. BANK OF AMERICA, N.A.
VS.
DEFENDANT: DENNIS R. CLARK

S
FILED

DEC 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NUDELMAN	021882	10.00
SHERIFF HAWKINS	NUDELMAN	021882	40.23

FILED

o/10.43cm
DEC 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins

Chester A. Hawkins
Sheriff

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

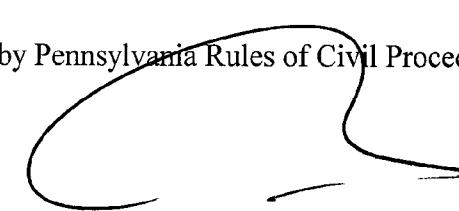
ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE, L.L.C. BANK OF : CLEARFIELD COUNTY
AMERICA, N.A. : COURT OF COMMON PLEAS
As Assignee of Asset Acceptance LLC :
v. :
DENNIS R CLARK : NO. 2008-01370-CD

PRAECLPICE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff(s), ASSET ACCEPTANCE, L.L.C. BANK OF AMERICA, N.A., As Assignee of Asset Acceptance LLC and against Defendant(s), DENNIS R CLARK, in the above- captioned matter, in the amount of \$21,193.04, for failure to answer the Complaint in twenty (20) days as required by Pennsylvania Rules of Civil Procedure.


PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff

AST01138

FILED Atty pd.
M 10/13/09 20.00
NOV 13 2009 1CC & Notice
S William A. Shaw
Prothonotary/Clerk of Courts
to Def.
1CC Atty 6/11

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE, L.L.C. BANK OF : CLEARFIELD COUNTY
AMERICA, N.A. : COURT OF COMMON PLEAS
As Assignee of Asset Acceptance LLC :
v. : NO. 2008-01370-CD
DENNIS R CLARK

ASSESSMENT OF DAMAGES

TO THE CLERK:

Please assess damages against Defendant(s) as follows:

Real Debt	\$16,838.25
Interest	\$.00
Attorney Fees	\$4,209.56
Costs	\$145.23
TOTAL	\$21,193.04

Damages are assessed as above in the sum of \$21,193.04.

Will Chang 11/13/09
PRO CLERK

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE, L.L.C. BANK OF : CLEARFIELD COUNTY
AMERICA, N.A. : COURT OF COMMON PLEAS
As Assignee of Asset Acceptance LLC :
v. :
DENNIS R CLARK : NO. 2008-01370-CD

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

The undersigned, being duly sworn according to law, deposes and says that the Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended;

That Defendant, DENNIS R CLARK, is over eighteen (18) years of age and resides at 132 W SHERMAN AVE, DU BOIS PA 15801-2745.

**PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff**

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6th DAY
OF November 2009.

Katherine E. Dieterle
NOTARY

AST01138

**KATHERINE E. DIETERLE
Notary Public, State of New Jersey
My Commission Expires
July 27, 2010**

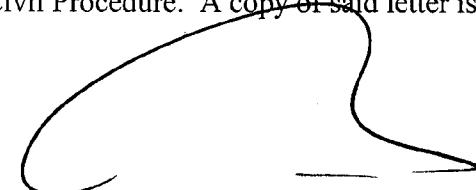
PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE, L.L.C. BANK OF	:	CLEARFIELD COUNTY
AMERICA, N.A.	:	COURT OF COMMON PLEAS
As Assignee of Asset Acceptance LLC	:	
	:	
v.	:	
	:	
DENNIS R CLARK	:	NO. 2008-01370-CD

CERTIFICATION

I, Paul J. Klemm, Esquire, Attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States mail a letter notifying the Defendant(s) that Judgment would be entered against them after ten (10) days from the date of said letter in accordance with Rule 237.1 of Pennsylvania Rules of Civil Procedure. A copy of said letter is attached hereto and marked Exhibit "A".



PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6th DAY
OF November 2009.

Katherine Dieterle
NOTARY



AST01138

EXHIBIT "A"

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

ASSET ACCEPTANCE LLC, et. al.	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff(s)	:	
v.	:	
DENNIS R CLARK	:	
Defendant(s)	:	NO. 2008-01370-CD

To:

**DENNIS R CLARK
132 W SHERMAN AVE
DU BOIS PA 15801-2745**

Date of Notice : JUL 07 2009

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 NOTICE TO A 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.

**DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830**

**DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830**

**Paul J. Klemm, Esq.
Nudelman, Nudelman & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
(973)618-0000**

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

COPY

PROTHONOTARY

TO: DENNIS R CLARK
132 W SHERMAN AVE
DU BOIS PA 15801-2745

ASSET ACCEPTANCE, L.L.C. BANK OF : CLEARFIELD COUNTY
AMERICA, N.A. : COURT OF COMMON PLEAS
As Assignee of Asset Acceptance LLC :
v. :
DENNIS R CLARK : NO. 2008-01370-CD

NOTICE

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in the
above proceeding as indicated below.

Willie L. Sharpe 11/3/09
PROTHONOTARY

JUDGMENT BY DEFAULT

MONEY JUDGMENT

JUDGMENT IN REPLEVIN

JUDGMENT FOR POSSESSION

If you have any questions concerning this Judgment, please call Paul J. Klemm,
Esquire at 973-618-0000.