

08-1370-CD  
Asset Acceptance vs Dennis Clark

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

William A. Shaw  
Prothonotary/Clerk of Courts

JUL 28 2008

FILED

FILED

JUL 28 2010

11:20 AM

William A. Shaw

Clerk of Courts

Prothonotary

CANT. TO ATT

SHAW

ATTORNEY FOR PLAINTIFF

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

Plaintiff(s)

CLEARFIELD COUNTY

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 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 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. See avisado que si usted no se defiende, la corte tomara medidas y puede continuar le 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 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

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.  
As Assignee of BANK OF AMERICA, N.A.

Plaintiff(s)

v.

DENNIS R CLARK

Defendant(s)

CLEARFIELD COUNTY

2008-1320-00

### 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.

A handwritten signature in black ink, appearing to read 'Paul J. Klemm', written over a horizontal line.

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



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Paul J. Klemm, Esquire  
Nudleman, 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 Junata St.

DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**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 / 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. Coudreist  
Deputy Signature

Mark A. Coudreist  
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

<sup>S</sup>  
**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**  
01/10/43 cm  
DEC 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



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.	:	
	:	NO. 2008-01370-CD
DENNIS R CLARK	:	

**PRAECIPE 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  
NOV 13 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
Att'y pd. 20.00  
ICC & Notice to Def.  
ICCAtt'y@

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

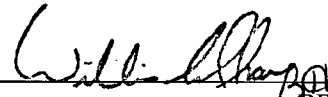
**ASSESSMENT OF DAMAGES**

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.

 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.	:	
	:	NO. 2008-01370-CD
DENNIS R CLARK	:	

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

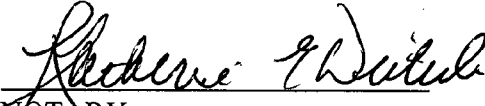
The undersigned, being duly sworn according to law, deposes and says that the Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended;

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.

  
\_\_\_\_\_  
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

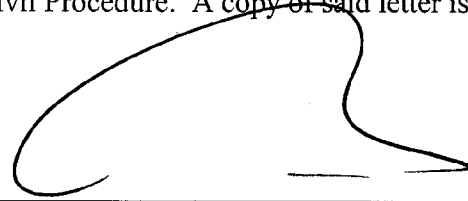
ATTORNEY FOR PLAINTIFF

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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	:	

**CERTIFICATION**

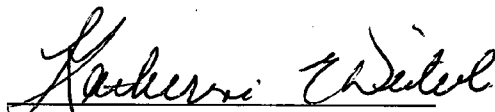
I, Paul J. Klemm, Esquire, Attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States mail a letter notifying the Defendant(s) that Judgment would be entered against them after ten (10) days from the date of said letter in accordance with Rule 237.1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

  
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

AST01138

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. Hester 11/13/09  
PROTHONOTARY

X 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.