

08-1481-CD
LVNV Funding vs Tanya Ferguson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV FUNDING, LLC ASSIGNEE OF SHERMAN
ACQUISITION ASSIGNEE OF BANK OF AMERICA

No. 2008-1481-CO

C/O Mann Bracken LLC
4660 TRINDLE ROAD, SUITE 300
CAMP HILL, PA 17011

Plaintiff

Type of Case: Contract

VS.

TANYA A FERGUSON
37 SHORT ST
CURWENSVILLE PA 16833

Type of Pleading:

Filed on Behalf of: Plaintiff

Defendant(s)

Date: 8/10/08

Amy A
Amy F. Doyle #87062 / Philip C. Warholic #86341 /
David R. Galloway #87326 / Sarah E. Ehasz #86469 /
Robert N. Polas, Jr. #201259
Mann Bracken LLC
The Successor by Merger to Wolpoff & Abramson, L.L.P.
and Eskanos & Adler, P.C.
4660 Trindle Road, Suite 300, Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED

in 1:36 p.m. OK

AUG 11 2008

ICC ATTY.

1 COMPL. SHFF

William A. Shaw
Prothonotary/Clerk of Courts Amy. PAID 95.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC : No.
ASSIGNEE OF SHERMAN ACQUISITION :
ASSIGNEE OF BANK OF AMERICA :
Plaintiff : CIVIL ACTION - LAW
vs :
TANYA A FERGUSON :
Defendant(s) :
:

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 an 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 or any other claim or relief requested by the Plaintiff. You may lose money or property 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 HELP. 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.

Clearfield County Courthouse
David S. Meholic, Court Administrator 230 East Market Street
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC : No.
ASSIGNEE OF SHERMAN ACQUISITION :
ASSIGNEE OF BANK OF AMERICA :
Plaintiff : CIVIL ACTION - LAW
vs :
TANYA A FERGUSON :
Defendant(s) :
:

NOTICIA

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender conta la demanda puestas en las siguientes paginas, usted tienen que tomar acción dentro veinte (20) dias después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado conta usted por la Corte sin mas aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELEFONO LA OFICINA FIJADA AQUI ABAJO. ESTA OFICINA PUEDE PROVEERE CON INFORMACION DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ESTA OFICINA PUEDE PROVEERE INFORMACION ACERCA AGENCIAS. QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

Clearfield County Courthouse
David S. Meholic, Court Administrator 230 East Market Street
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF BANK OF AMERICA

Plaintiff

: No.

: CIVIL ACTION - LAW

vs

TANYA A FERGUSON
Defendant(s)

COMPLAINT

AND NOW, comes the Plaintiff, by and through its attorneys and the law firm of Mann Bracken LLC, and files this Complaint and in support avers as follows:

1. Plaintiff is LVNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF BANK OF AMERICA , located at 15 South Main Street Greenville, SC 29601.
2. Defendant, TANYA A FERGUSON, is an adult individual with a last known address of 37 Short St Curwensville, Clearfield County, PA 16833.
3. It is averred that Defendant was issued an open end credit account (hereinafter "Account").

4. At all relevant times material hereto, Defendant has been a regular user of said Account for the purchase of products, goods and/or for obtaining services.

5. Defendant was provided with copies of the Statement of Accounts showing all debits and credits for transactions on the aforementioned credit card account to which there was no bona fide objection by Defendant. A true and correct copy of the Statement of Account is attached hereto, incorporated herein and marked as Exhibit "A".

6. Defendant did not object to the above-mentioned statements submitted by Plaintiff and/or its assignors to Defendant.

7. As of the date of this Complaint, the remaining balance due, owing and unpaid on Defendant's credit card account as a result of the charges made by said Defendant and/or any authorized users is the sum of \$4,739.48.

8. Interest has accrued from the charge off date at a rate of 6 %.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$486.51.

10. Despite reasonable and repeated demands for payment, Defendant has refused and continues to refuse to pay all sums due and owing on the aforementioned account balance, all to the damage and detriment of the Plaintiff.

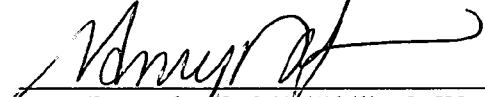
11. Plaintiff performed any and all conditions precedent to the bringing of this action.

12. The amount in controversy is within the jurisdictional amount requiring compulsory arbitration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant in the amount of \$4,739.48, plus interest in the amount of \$486.51, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

Date: 8/6/08


Amy F. Doyle #87062 / Philip C. Warholic #86341 /
David R. Galloway #87326 / Sarah E. Ehasz #86469 /
Robert N. Polas, Jr. #201259
Mann Bracken LLC
The Successor by Merger to Wolpoff & Abramson, L.L.P.
and Eskanos & Adler, P.C.
4660 Trindle Road, Suite 300, Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

VERIFICATION

The undersigned hereby states that they are the attorney for the Plaintiff who is located outside of this jurisdiction and in order to file the within document in an expedient and timely manner, they are authorized to take this verification on behalf of said Plaintiff in the within action and verifies that the statements made in the foregoing Pleading are true and correct to the best of their knowledge, information, and belief, based upon information provided by the Plaintiff.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 8/6/08


Amy F. Doyle #87062 / Philip C. Warholic #86341 /
David R. Galloway #87326 / Sarah E. Ehasz #86469 /
Robert N. Polas, Jr. #201259
Mann Bracken LLC
The Successor by Merger to Wolpoff & Abramson, L.L.P.
and Eskinos & Adler, P.C.
4660 Trindle Road, Suite 300, Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

Exhibit "A"

••FICHINFO1 •• Date 05/16/08 Account [REDACTED] 5727 Mode L ••Nxt + •
ACCT# [REDACTED] 5727 LPYMT DT 03/17/2006
*ABL-ACCT-ID*ABL-ACCT-NO *ABL-EFF-DATE*ABL-CUR-BALANCE
05/14/2008 4739.48
*ABL-PRIN-COLLECTED*ABL-PRIN-OWING*ABL-PRIN-BAL*ABL-ATTYFEE-COLLECTED
0.00 4739.48 4739.48 0.00
*ABL-ATTYFEE-OWING*ABL-FEE-BAL*ABL-INT-COLLECTED*ABL-INT-OWING*ABL-INT-BAL
0.00 0.00 0.00 0.00 0.00
*ABL-COST-COLLECTED*ABL-COST-OWING*ABL-COST-BAL*ABL-CUR-INT-RATE*ABL-INT-ACCRUAL
0.00 0.00 0.00 0.200 2.60
*ABL-SUSPEND-INT*ABL-LAST-PYMT-DT*ABL-LAST-PYMT-AMT*ABL-LAST-NSF-DT
0.00 03/17/2006 100.00
*ABL-LAST-NSF-AMT*ABL-ACCRUAL-METHOD*PLA-ACCT-ID*PLA-ACCT-NO
2

--
*ADL-ACCT-NO *ADL-MERCHANT *ADL-CBR
Y

*ADL-CHGOFF-BAL*ADL-CHGOFF-DT*ADL-ORG-NAME
4719.64 10/30/2006 LVNV FUNDING LLC
*ADL-LAST-PURCH-AMT*ADL-MISC1
0.00 4888931118434948

*ADL-MISC2
N

••FICHINFO1 •• Date 05/16/08 Account [REDACTED] 5727 Mode L ••Nxt + •
*ADL-MISC3 *ADL-ORG-DT*ADL-PORTFOLIO-ID
03/28/2005 7384

*ADL-SELLER-NAME *ADL-TELECOMM-PHONE*ALT-ACCT-ID
BANK OF AMERICA
--
*BWR-TYPE*BWR-SSN *BWR-FIR-NAME
01 XXXXX1835 TANYA A
*BWR-LAST-NAME
FERGUSON
*BWR-ADDR
37 SHORT ST
*BWR-ADDR2 *BWR-CITY *BWR-ST*BWR-ZIP
CURWENSVILLE PA 16833
*BWR-DOB *BWR-HMPHONE*BWR-WKPHONE*BWR-OTPHONE*BWR-LANG-CODE
8142362134 8142363294 0
*BWR-BANK-NAME *BWR-EMPLOYED*BWR-HOME-OWNER
Y

--
*PLA-COMM-RATE*PLA-BATCH-ID*PLA-TRUST-ACCTID*PLA-DEADLINE*PLA-SIF*BKY-ACCT-ID
0.2700 125396 1

•MODE L=LFT R=RGT W=WRP Next File •

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1481-CD

LVNV FUNDING LLC Assignee
vs
TANYA A. FERGUSON

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/10/2008 HEARING: PAGE: 104526

DEFENDANT: TANYA A. FERGUSON
ADDRESS: 37 SHORT ST.
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8-14-08-11:23^{AM}-N/H 8-28-08-11:36^{AM}-N/H 9-3-08-9:35^{AM}-N/H
8-19-08-2:35^{PM}-N/H Left Note 9-2-08-1:30^{PM}-N/H

FILED
09/10/2008
SEP 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 9-4-08 AT 9:15 AM SERVED THE WITHIN

COMPLAINT ON TANYA A. FERGUSON, DEFENDANT

BY HANDING TO TANYA A. Ferguson, Def.

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

ADDRESS SERVED 37 SHORT ST.
Curwenville, Pa. 16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR TANYA A. FERGUSON

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO TANYA A. FERGUSON

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature

James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104526
NO. 08-1481-CD
SERVICES 1
COMPLAINT

PLAINTIFF: LNV FUNDING LLC Assignee
vs.
DEFENDANT: TANYA A. FERGUSON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MANN	009134	10.00
SHERIFF HAWKINS	MANN	009134	60.12

S
FILED
10/13/2008
William A. Shan
Sheriff

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC : No. 2008-1481-C-D

ASSIGNEE OF SHERMAN ACQUISITION

ASSIGNEE OF BANK OF AMERICA

15 SOUTH MAIN STREET

GREENVILLE S.C. 29601

:

:

Plaintiff

:

vs.

:

TANYA A FERGUSON

:

37 SHORT ST

CURWENSVILLE PA 16833

:

Defendant(s)

:

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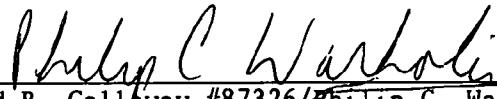
William A. Shaw
 Prothonotary/Clerk of Courts

PRAECIPE TO DISCONTINUE

PLEASE MARK THE ABOVE-ENTITLED CASE AS DISCONTINUED WITHOUT PREJUDICE.

Respectfully submitted,

By:



David R. Galloway #87326 Philip C. Warholic #86341
 Sarah E. Ehasz #86469 Robert N. Polas, Jr. #201259
 Amy F. Doyle #87062
 Mann Bracken LLP / Counsel for Plaintiff
 The Successor by Merger to Wolpoff & Abramson, LLP
 and Eskanos & Adler, P. C.
 4660 Trindle Road, Suite 300, Camp Hill, PA 17011
 Telephone: (717) 303-6700 Fax: (717) 737-9051

cc:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LVNV Funding, LLC
Bank Of America
Sherman Acquisition

Vs.
Tanya A. Ferguson

No. 2008-01481-CD

CC
COURT
CLERK

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 12, 2009, marked:

Discontinued without prejudice

Record costs in the sum of \$95.00 have been paid in full by Amy F. Doyle Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of January A.D. 2009.

William A. Shaw

Lm

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC

: No. 2008-1481-C-1

ASSIGNEE Plaintiff AMERICA

: CIVIL ACTION - LAW

vs.

TANYA A FERGUSON

Defendant(s)

CERTIFICATE OF SERVICE

§ **FILED** 2cc AAA
M/2000m Warholic
JAN 12 2009
SFC

William A. Shaw

Prothonotary/Clerk of Courts

The undersigned does hereby certify that a true and correct copy of the Præcipe
was served upon the individual(s) listed below by Regular Mail, Postage Pre-Paid on

JASON J MAZZEI
432 BLVD OF THE ALLIES
PITTSBURGH PA 15219

Philip C Warholic

David R. Galloway #87326/Philip C. Warholic #86341

Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259

Amy F. Doyle #87062

Mann Bracken LLP / Counsel for Plaintiff

The Successor by Merger to Wolpoff & Abramson, LLP
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