

08-1527-CD
RAB Performace vs Timothy Patton

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

CIVIL ACTION -- (LAW) (EQUITY)

RAB Performance Recoveries, L.L.C.,
As Assignee of HSB Metris
Plaintiff(s)

No. 2008 - 1527-CD

Type of Case: Civil

Type of Pleading: Complaint in Civil Action

Filed on Behalf of: Plaintiff

v.

TIMOTHY PATTON
Defendant(s)

Counsel of Record for this Party:

Paul J. Klemm, Esquire
Nudelman, Nudelman, & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
973-618-0000 tel
973-618-0647 fax
Attorney ID # 92125

Dated: August 13, 2008

FILED Aug 13 2008 95.00
m 2:23pm GK
AUG 15 2008 1 CC CITY
1 COMPLAINT S HFF
William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

RAB Performance Recoveries, L.L.C.,
As Assignee of HSB Metris

: CLEARFIELD COUNTY

:

:

Plaintiff(s)

:

v.

:

:

TIMOTHY PATTON

:

:

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
CLEARFIELD, PA 16830

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ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

RAB Performance Recoveries, L.L.C.	:	CLEARFIELD COUNTY
As Assignee of HSB Metris	:	
	:	
Plaintiff(s)	:	
	:	
v.	:	
	:	
	:	
TIMOTHY PATTON	:	
Defendant(s)	:	

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, RAB Performance Recoveries, L.L.C., As Assignee of HSB Metris, 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, RAB Performance Recoveries, L.L.C., is a corporation licensed to do business in the State of Pennsylvania.
2. Defendant, TIMOTHY PATTON, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at, 210 S 5TH ST, CLEARFIELD PA 16830.
3. At the special insistence and request of the Defendant, Defendant was issued a credit card by HSB Metris, account number 5123003044302722.

4. The Defendant is responsible for an unpaid balance in the amount of \$13,671.24 and interest in the amount of \$0.00.

5. Plaintiff, RAB Performance Recoveries, L.L.C., is the assignee of Defendant's HSB Metris account, account number 5123003044302722.

6. The Defendant is liable to the Plaintiff, RAB Performance Recoveries, L.L.C. as Assignee of Defendant's HSB Metris account in the amount of \$13,671.24.

7. Plaintiff has made demand to Defendant for \$13,671.24, 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 \$13,671.24, plus attorney fees of \$3,417.81 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: August 6, 2008



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1527-CD

RAB Performance Recoveries, L.L.C. as Assignee
vs
TIMOTHY PATTON

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/14/2008 HEARING: PAGE: 104547

DEFENDANT: TIMOTHY PATTON
ADDRESS: 210 S. 5TH ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8/27/08 N/H/2 _____

SHERIFF'S RETURN

NOW, September 5th, 2008 AT 10:15 AM PM SERVED THE WITHIN

COMPLAINT ON TIMOTHY PATTON, DEFENDANT

BY HANDING TO Timothy Patton 1 DEF

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

ADDRESS SERVED 1 N. 2nd ST CLEARFIELD, PA

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR TIMOTHY PATTON

AT (ADDRESS) _____

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

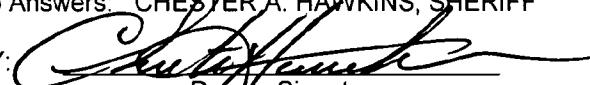
I MAKE RETURN OF **NOT FOUND** AS TO TIMOTHY PATTON

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: 
CHESTER A. HAWKINS Deputy Signature

CHESTER A. HAWKINS
Print Deputy Name
SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104547
NO: 08-1527-CD
SERVICES 1
COMPLAINT

PLAINTIFF: RAB Performance Recoveries, L.L.C. as Assignee

vs.

DEFENDANT: TIMOTHY PATTON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NUDELMAN	025675	10.00
SHERIFF HAWKINS	NUDELMAN	025675	21.00

Shaw
013-37eBN
1-10-7
WAS
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

Chester A. Hawkins

Chester A. Hawkins
Sheriff

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

PROTHONOTARY

TO: TIMOTHY PATTON
210 S 5TH ST
CLEARFIELD PA 16830

RAB Performance Recoveries, L.L.C. : CLEARFIELD COUNTY
As Assignee of HSB Metris : COURT OF COMMON PLEAS

v.

TIMOTHY PATTON : NO. 2008-01527-CD

NOTICE

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



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.

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

ATTORNEY FOR PLAINTIFF

RAB Performance Recoveries, L.L.C. : CLEARFIELD COUNTY
As Assignee of HSB Metris : COURT OF COMMON PLEAS

v.

TIMOTHY PATTON : NO. 2008-01527-CD

FILED

OCT 26 2009

11:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

Sent to ATTY DEPT.

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff(s), RAB Performance Recoveries, L.L.C., As Assignee of HSB Metris and against Defendant(s), TIMOTHY PATTON, in the above-captioned matter, in the amount of \$17,215.05, 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**

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

ATTORNEY FOR PLAINTIFF

RAB Performance Recoveries, L.L.C.	:	CLEARFIELD COUNTY
As Assignee of HSB Metris	:	COURT OF COMMON PLEAS
v.	:	
TIMOTHY PATTON	:	NO. 2008-01527-CD

ASSESSMENT OF DAMAGES

TO THE CLERK:

Please assess damages against Defendant(s) as follows:

Real Debt	\$13,671.24
Interest	\$.00
Attorney Fees	\$3,417.81
Costs	\$126.00
TOTAL	\$17,215.05

Damages are assessed as above in the sum of \$17,215.05.



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

RAB Performance Recoveries, L.L.C. : CLEARFIELD COUNTY
As Assignee of HSB Metris : COURT OF COMMON PLEAS
v. :
TIMOTHY PATTON : NO. 2008-01527-CD

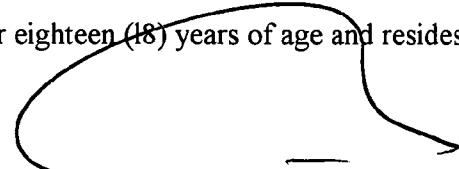
AFFIDAVIT OF NON-MILITARY SERVICE

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, TIMOTHY PATTON, is over eighteen (18) years of age and resides at 210 S 5TH ST, CLEARFIELD PA 16830.


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

SWORN TO AND SUBSCRIBED

BEFORE ME THIS *28th* DAY
OF *October* 2009.

Katherine E. Dieterle
NOTARY

RAB00017



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

ATTORNEY FOR PLAINTIFF

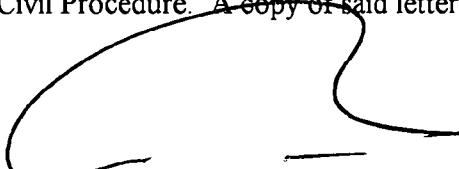
RAB Performance Recoveries, L.L.C. : CLEARFIELD COUNTY
As Assignee of HSB Metris : COURT OF COMMON PLEAS

v.

TIMOTHY PATTON : NO. 2008-01527-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 20 DAY
OF October 2009.

Katherine E. Dieterle
NOTARY

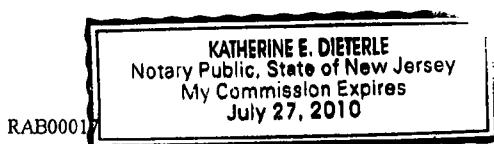


EXHIBIT “A”

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

ATTORNEY FOR PLAINTIFF

RAB Performance Recoveries, L.L.C., et. al.	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff(s)	:	
v.	:	
TIMOTHY PATTON	:	
Defendant(s)	:	NO. 2008-01527-CD

To:

**TIMOTHY PATTON
210 S 5TH ST
CLEARFIELD PA 16830**

Date of Notice : MAR 18 2009

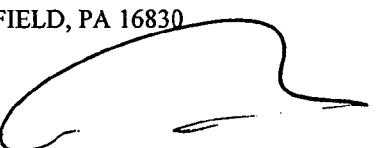
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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
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Paul J. Klemm, Esq.
Nudelman, Nudelman & Ziering, P.C.
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