

08-1613-CD  
LVNV Funding vs Lisa M. Nishida

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

LVNV FUNDING, 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. 2008-1613-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

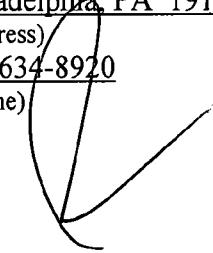
VS.

Filed on Behalf of:

LISA M NISHIDA  
(Defendant)  
814 DAISY STREET  
(Street Address)  
CLEARFIELD, PA 16830  
(City, State, ZIP)

LVNV FUNDING,  
LLC  
(Plaintiff)

David J. Apothaker, Esq.  
Apothaker & Associates, P.C.  
(Filed by)  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(Address)  
215 634-8920  
(Phone)

  
(Signature)

**FILED**  
01:54 P.M. 6K 1cc Atty  
AUG 27 2008 1 comp. shff  
Atty Paid 95.00  
William A. Shaw  
Prothonotary/Clerk of Courts

\*Our File No.: 168467  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

LVNV FUNDING, LLC ) COURT OF COMMON PLEAS  
c/o Apothaker & Associates, P.C. ) CLEARFIELD COUNTY  
2417 Welsh Road, Suite 21 #520 )  
Philadelphia, PA 19114 ) NO.:  
Plaintiff, )  
vs. )  
LISA M NISHIDA )  
814 DAISY STREET )  
CLEARFIELD, PA 16830 )  
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

APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

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LVNV FUNDING, LLC ) COURT OF COMMON PLEAS  
c/o Apothaker & Associates, P.C. ) CLEARFIELD COUNTY  
2417 Welsh Road, Suite 21 #520 )  
Philadelphia, PA 19114 ) NO.:  
Plaintiff, )  
vs. )  
LISA M NISHIDA )  
814 DAISY STREET )  
CLEARFIELD, PA 16830 )  
Defendant. )  
)

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**CIVIL ACTION COMPLAINT  
FIRST COUNT**

1. Plaintiff is LVNV FUNDING, LLC c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are LISA M NISHIDA, an adult individual residing at 814 DAISY STREET CLEARFIELD, PA 16830.
3. Plaintiff, LVNV FUNDING, LLC, is the Assignee and Successor in Interest of Account #5121071882598166; and said account was issued to Defendant(s) by SEARS, 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 \$7,450.11. 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 \$7,450.11 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

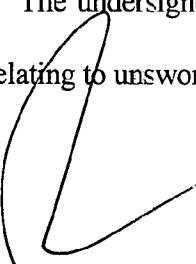
BY: \_\_\_\_\_  
David J. Apotheker, Esquire

Dated: 8/18/2008

Our File No.: 168467

**VERIFICATION**

David J. Apothaker, Esquire 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, Esquire  
Attorney for Plaintiff

DATE: 8/18/2008

LVNV FUNDING, LLC

LISA M NISHIDA  
814 DAISY STREET  
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name: LISA M NISHIDA

Account Number: 5121071882598166

Original Creditor: SEARS

Balance Due. \$7,450.11

Our File No.: 168467

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1613-CD

LVNV FUNDING, LLC  
vs  
LISA M. NISHIDA

SERVICE # 1 OF 1

## COMPLAINT

SERVE BY: 09/26/2008 HEARING:   PAGE: 104581

DEFENDANT: LISA M. NISHIDA  
ADDRESS: 814 DAISY ST.  
                  CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED  
03/20/04  
SEP 19 2003

William A. Shaw  
Prothonotary/Clerk of Courts

OCCUPIED

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  BACK PORCH  VACANT  OCCUPIED  
ATTEMPTS 1st door. 9/8/08 2pm 9-17-08 10/11  
3A Memphis 9/12/08 11/14

## **SHERIFF'S RETURN**

NOW, 19th day Sept 2008 AT 1:15 AM/PM **SERVED THE WITHIN**

COMPLAINT ON LISA M. NISHIDA, DEFENDANT

BY HANDING TO LISA NISHIDA, DEST.

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

ADDRESS SERVED  

AND MADE KNOW TO HIM / HER THE CONT  
CURWENSVILLE, Tex

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

COMPLAINT FOR LISA M. NISHIDA

AT (ADDRESS)

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / I MAILED DILIGENT SEARCH IN MY BAILEWICK,

I MAKE RETURN OF NOT FOUND AS TO LISA M. NISHIDA

**REASON UNABLE TO LOCATE**

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Rep. George F. Detteren  
Rep. Signature

Deputy Signature  
Rep. GEORGE F. DELAVER  
Print Deputy Name

**FILED**

**SEP 19 2008**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104581  
NO. 08-1613-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: L VNV FUNDING, LLC  
vs.  
DEFENDANT: LISA M. NISHIDA

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	102532	10.00
SHERIFF HAWKINS	APOTHAKER	102532	31.02

3  
**FILED**  
03:45 AM  
JAN 08 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

Our File No.: 168467  
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

LVNV FUNDING, LLC ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY  
vs. )  
LISA M NISHIDA ) NO.: 2008-1613-CD  
Defendant. )  
) Civil Action  
)

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, LISA M NISHIDA, in the default of an Answer, in the amount of \$7,818.48 computed as follows:

Amount claimed in complaint:	\$7,450.11
Amount Paid:	- \$ (0.00)
Interest from August 18, 2008 to 03/14/09 at the legal interest rate of 6.000 per annum	\$232.35
Costs	\$136.02
Attorney fees	\$0.00
<b>TOTAL</b>	<b>\$7,818.48</b>

pd \$20.00 Atty  
S FILED 3/11/53cm CC & notice to  
deft  
MAR 25 2009  
William A. Shaw  
Prothonotary/Clerk of Courts to Atty.  
JW  
CC & statement

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify that Plaintiff's address as LVNV FUNDING, LLC c/o Apothaker & Associates, P.C. 520 Fellowship Road C 306, Mount Laurel, NJ 08054 and that Defendant, LISA M NISHIDA, last know address is 814 DAISY STREET CLEARFIELD, PA 16830.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:

\_\_\_\_\_  
David J. Apothaker

Dated: 3/14/2009

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS**

TO: LISA M NISHIDA  
814 DAISY STREET  
CLEARFIELD, PA 16830

LVNV FUNDING, LLC ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY  
vs. )  
LISA M NISHIDA ) NO.: 2008-1613-CD  
Defendant. ) Civil Action

CO<sub>2</sub>

## 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. Apotheker, Esq. at this telephone number: 215-634-8920

Willitham 3-25-2009  
Prothonotary.

Our File No.: 168467  
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

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LVNV FUNDING, LLC	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	NO.: 2008-1613-CD
LISA M NISHIDA	)	
Defendant.	)	Civil Action
	)	

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**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 814 DAISY STREET CLEARFIELD, PA 16830.

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.

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

LVNV FUNDING, LLC

vs.

LISA M NISHIDA

) COURT OF COMMON PLEAS  
 ) CLEARFIELD COUNTY  
 )  
 )  
 ) NO. 2008-1613-CD  
)

To: LISA M NISHIDA  
814 DAISY STREET  
CLEARFIELD, PA 16830

**NOTICE, RULE 237.5**

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

Date of Notice: February 12, 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

151  
DAVID J. APOTHAKER, ESQUIRE  
APOTHAKER & 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

Department of Defense Manpower Data Center

MAR-14-2009 06:08:44



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
NISHIDA	LISA M		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. Snavely-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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **FPLWUEZAV0**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1613-CD

LVN FUNDING, LLC  
vs  
LISA M. NISHIDA

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/26/2008 HEARING: PAGE: 104581

DEFENDANT: LISA M. NISHIDA  
ADDRESS: 814 DAISY ST.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

Back porch  
ATTEMPTS  
1st door.

9/8/08 Lw 9-17-08 10/11

VACANT OCCUPIED

3A Attempts 9/12/08 10/14

**SHERIFF'S RETURN**

NOW 11/15 19th day Sept 2008 AT 1:15 AM / PM SERVED THE WITHIN

COMPLAINT ON LISA M. NISHIDA, DEFENDANT

BY HANDING TO LISA NISHIDA

, Def.

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

ADDRESS SERVED

Cooper Road

CURWENSVILLE, PA

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

COMPLAINT FOR LISA M. NISHIDA

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

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

I MAKE RETURN OF NOT FOUND AS TO LISA M. NISHIDA

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dep. George F. DetHaen  
Deputy Signature

Dep. George F. DetHaen  
Print Deputy Name

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

LVNV Funding, LLC  
Plaintiff(s)

No.: 2008-01613-CD

Real Debt: \$7818.48

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Lisa M. Nishida  
Defendant(s)

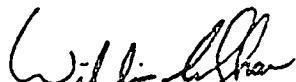
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 25, 2009

Expires: March 25, 2014

Certified from the record this March 25, 2009



im

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