

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)

FILED

01:59 PM '08

AUG 27 2008

ICC Atty

1 comp. SHFF

William A. Shaw

Prothonotary/Clerk of Court:

Atty Paid 95.00

(Signature)

Our File No.: 168467
APOTHAKE & 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

LVNV FUNDING, LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
Plaintiff,

vs.

LISA M NISHIDA
814 DAISY STREET
CLEARFIELD, PA 16830
Defendant.

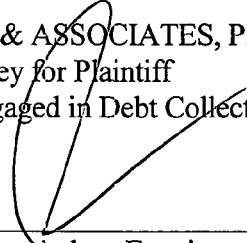
) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:

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.

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

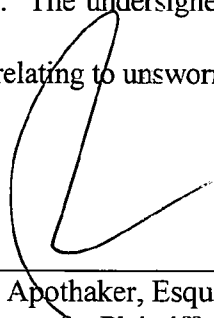
BY: 
David J. Apotnaker, Esquire

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
03:202m
SEP 19 2008
William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

Back porch
ATTEMPTS
1st door.
9/8/08 2p 9-17-08 N/H
3A Attempts 9/12/08 N/H
SHERIFF'S RETURN

NOW 15 19th day Spt 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 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. DeHaven
Deputy Signature

Dep. GEORGE F. DeHaven
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: LVNV FUNDING, LLC
VS.
DEFENDANT: LISA M. NISHIDA

SHERIFF RETURN

RETURN COSTS

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

⁹
FILED
013:45 Lm
JAN 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Our File No.: 168467
APOTHAKE & 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.)	
	)	NO.: 2008-1613-CD
LISA M NISHIDA)	
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:

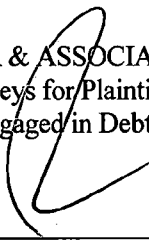
Amount claimed in complaint:	\$7,450.11
Amount Paid:	- \$(0.00)
Interest from August 18, 2008 to 03/14/09	
at the legal interest rate of 6.000 per annum	\$232.35
Costs	\$136.02
Attorney fees	\$0.00
TOTAL	\$7,818.48

FILED pd \$20.00 Atty
m/11:53 am lcc & notice to
MAR 25 2009 def
William A. Shaw lcc & statement
Prothonotary/Clerk of Courts to Atty.

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.

APOTHAKE & 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

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

Willie L. Lister, Jr. 3-25-2009
Prothonotary

Our File No.: 168467
APOTHAKE & 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
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
	)	NO.: 2008-1613-CD
LISA M NISHIDA)	
	)	Civil Action
Defendant.)	
)	

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. Snavelly-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. APOTHAKE, ESQUIRE
APOTHAKE & 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. Snavelly-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: FPLWUEZAVO

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

COP

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:

VACANT

OCCUPIED

Back porch
ATTEMPTS
1st door.
3 Attempts
9/8/08
9/12/08
9/17/08

SHERIFF'S RETURN

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

COMPLAINT ON LISA M. NISHIDA, DEFENDANT

BY HANDING TO LISA NISHIDA

1. Ref.

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. DeHaven
Deputy Signature

Dep. GEORGE F. DeHaven
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



William A. Shaw, Prothonotary

lm

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