

08-1707-CD

Atlantic Credit al vs David A. Frase

2052136

THIS IS AN ARBITRATION MATTER.
ASSESSMENT OF DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED

SEP 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

1 CC Atty
1 Compl. Staff

Atty Paid 95.00

Altantic Credit & Finance Inc.
Assignee from Capital One
2727 Franklin Road
Roanoke, VA 24014

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1707-CD

DAVID A FRASE
376 YODER RD
MAHAFFEY PA 15757

COMPLAINT IN ASSUMPSIT
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 JUDGEMENT 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.

David S. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. The defendant, for valuable consideration received, executed and delivered to plaintiff a promissory note under the terms of which the defendant promised to pay to the plaintiff consecutive monthly payments under the terms and conditions set forth in the promissory note. A true and correct copy of the aforesaid promissory note, if available, is attached hereto, made a part of this complaint and marked Exhibit "A".

3. Contrary to the terms of the aforesaid promissory note, the defendant failed to make the required payments when due as a result of which the unpaid balance of \$20,754.77 became due and payable.

4. As a result of defendant's default, defendant is indebted to plaintiff in the amount of \$20,754.77 plus interest thereon and attorney's fees as provided for in the promissory note.

5. Plaintiff has made demand upon the defendant for payment of the amount due but the defendant has failed and refused and still refuses to pay the said sum or any part thereof.


6. Defendant's last payment on account was made on 11/6/06.

WHEREFORE, plaintiff claims of the defendant(s) the sum of

\$20,754.77 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: _____


FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P01C.DB

VERIFICATION

I hereby state that I am the agent for the plaintiff herein, and that the facts set forth in the attached Affidavit which is incorporated by reference in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief and is based upon information which plaintiff has furnished to counsel. The language in the Complaint is that of counsel and not of plaintiff. To the extent that the contents of the Complaint are that of counsel, plaintiff has relied upon counsel in making this verification. This verification is made subject to 18 Pa.C.S. §4904 which provides for certain penalties for making false statements.

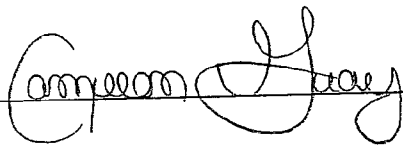

Name

EXHIBIT "A"

2052136

ATLANTIC CREDIT & FINANCE, INC.

v.
DAVID A FRASE

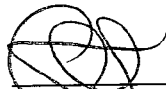
AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on CAPITAL ONE INSTALLMENT Account No. 5903592607703283. Said Account was charged off on 4/30/2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$20754.77.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was 11/6/2006 in the amount of \$ 600.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$20,754.77.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

The foregoing is true and correct to the best of my knowledge and belief.

By:

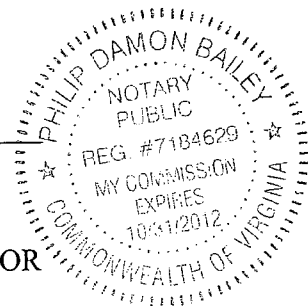


Cameron Gray
Authorized Representative

Subscribed and sworn before me, July 24, 2008 .



Notary Public: Philip Damon Bailey



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

Account Statement

Debtor Information	Account Information
--------------------	---------------------

DAVID A FRASE
376 YODER RD
MAHAFFEY, PA 15757

Original Creditor Account Number:
5903592607703283

Original Creditor: CAPITAL ONE INSTALLMENT

Original Creditor Last Pay Date: 11/6/2006

Original Creditor Last Payment Amount: \$ 600.00

Original Creditor Charge Off Date: 4/30/2007

ACF ID Number: 3341710

SSN: XXX-XX-4408

Statement Date	Purchased Balance	ACF Payment Activity	Current Balance
July 24, 2008	\$20,754.77	\$.00 ACF Payment Date:	\$20,754.77

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1707-CD

ATLANTIC CREDIT & FINANCE INC
vs
DAVID A. FRASE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/11/2008 HEARING: PAGE: 104646

DEFENDANT: DAVID A. FRASE
ADDRESS: 376 YODER RD
MAHAFFEY, PA 15757
ALTERNATE ADDRESS

FILED

012:23:01
SEP 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 9-24-08 AT 10:59 AM/PM SERVED THE WITHIN

COMPLAINT ON DAVID A. FRASE, DEFENDANT

BY HANDING TO David A. FRASE, Det.

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

ADDRESS SERVED 376 Yoder Rd.
MAHAFFEY, PA. 15757

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR DAVID A. FRASE

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO DAVID A. FRASE

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
JAMES E. DAVIS
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104646
NO: 08-1707-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC
vs.
DEFENDANT: DAVID A. FRASE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	062007	10.00
SHERIFF HAWKINS	GORDON	062007	43.74

3
FILED
01/01/08
JAN 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

2052136

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED²

FEB 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

Cent w/ Motion

to DEPT 1

Ann

Altantic Credit & Finance Inc.
Assignee from Capital One

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1707-CD

DAVID A FRASE

NOTICE

Pursuant to Pa.R.Civ.P. 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.

☒ Judgment by Default \$20,949.77
☐ Money Judgment \$
☐ Judgment on Award of Arbitrators\$
☐ Judgment on Verdict\$

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL
ATTORNEYS: FREDERIC I. WEINBERG OR JOEL M. FLINK, ESQUIRES AT THIS
TELEPHONE NUMBER: 484/351-0500


PROTHONOTARY

2-27-09

2052136

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 81894
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED

FEB 27 2009

W/11:50/aw
William A. Shaw
Prothonotary/Clerk of Courts

came to notice
to Arty & Der

Altantic Credit & Finance Inc.
Assignee from Capital One

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1707-CD

DAVID A FRASE

**PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF AN ANSWER, ASSESSMENT
OF DAMAGES, VERIFICATION OF ADDRESS AND NON-MILITARY SERVICE**

TO THE PROTHONOTARY:

Enter judgment for want of an answer for plaintiff and against defendant(s) DAVID A FRASE above named only and assess damages certified to be calculable as a sum certain from the complaint, as follows:

Principal \$20,754.77

Costs (Complaint & Service) \$195.00

Total: \$20,949.77

Understanding the false statements made herein are subject to penalty under 18 Pa.C.S.A. §4904, Unsworn Falsification to Authorities, I verify that:

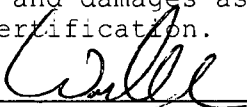
1. The last known addresses of the parties are: Altantic Credit & Finance Inc. Assignee from Capital One and that the last known address of defendant, DAVID A FRASE, 376 YODER RD, MAHAFFEY PA 15757.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties, defendant and to their record attorneys, if any, after default occurred, and at least ten days prior to the date of filing of this praecipe.

3. The said defendant(s) is (are) not in the military service of the United States or otherwise within the coverage of the Soldiers and Sailors Civil Relief Act and is (are) over 18 years of age.


AND NOW, this 27 day of FEB, 2009 Judgment is entered in favor of the plaintiff(s) and against defendant(s) by

default for want of an answer and damages assessed at the sum of ,
\$20,949.77 as per the above certification.



Prothonotary

GORDON & WEINBERG, P.C.

BY:  _____
FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

2052136

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
JOEL M. FLINK, ESQUIRE
Identification No.: 41200
1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
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Altantic Credit & Finance Inc.
Assignee from Capital One

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1707-CD

DAVID A FRASE

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA :

DAVID A FRASE
376 YODER RD
MAHAFFEY PA 15757

DATE OF NOTICE/FECHA DEL AVISO: January 16, 2009

IMPORTANT NOTICE

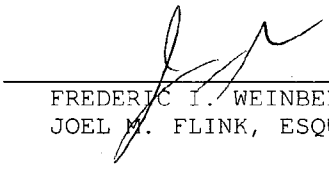
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU 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.

David S. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GORDON & WEINBERG, P.C.

BY: 
FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE

2052136

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1001 E. Hector Street, Ste 220
Conshohocken, PA 19428
484/351-0500

FILED

JUL 21 2011
William A. Shaw
Prothonotary/Clerk of Courts

Altantic Credit & Finance Inc.
Assignee from Capital One

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1707-CD

DAVID A FRASE

SUGGESTION OF BANKRUPTCY OF DEFENDANT

TO THE PROTHONOTARY:

AND NOW, this 15Jul11, it is suggested of record that Defendant, DAVID A FRASE, filed a petition in bankruptcy under Chapter 7 of the Bankruptcy Code on or about July 14, 2011, in the United States Bankruptcy Court for the Western District of Pennsylvania, docket number 11-70755. Therefore, this matter should be stayed until further notice.

GORDON & WEINBERG, P.C.

BY: _____

FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff