

08-1720-CD

Crown Asset Mange. Vs Deborah Feaster

101081

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

CROWN ASSET MANAGEMENT, 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. 2008-1720-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

DEBORAH L FEASTER
(Defendant)
4561 GLEN HOPE BLVD BOX 1
(Street Address)
IRVONA, PA 16656
(City, State, ZIP)

CROWN ASSET MANAGEMENT,
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

M 11:49 a.m. GK ICC ATTY
SEP 12 2008 1 COMPL. SHFF

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

Our File No.: 101081
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

CROWN ASSET MANAGEMENT, 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.)	
)	
DEBORAH L FEASTER)	
4561 GLEN HOPE BLVD BOX 1)	
IRVONA, PA 16656)	
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

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

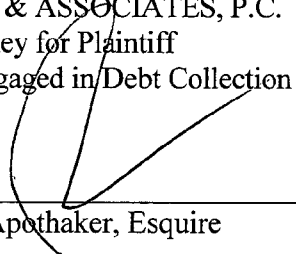
CROWN ASSET MANAGEMENT, LLC)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114)	NO.:
Plaintiff,)	
vs.)	
)	
DEBORAH L FEASTER)	
4561 GLEN HOPE BLVD BOX 1)	
IRVONA, PA 16656)	
Defendant.)	
)	

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff is CROWN ASSET MANAGEMENT, LLC c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are DEBORAH L FEASTER, an adult individual residing at 4561 GLEN HOPE BLVD BOX 1 IRVONA, PA 16656.
3. Plaintiff, CROWN ASSET MANAGEMENT, LLC, is the Assignee and Successor in Interest of Account #5488975015588802; and said account was issued to Defendant(s) by HOUSEHOLD, 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 \$1,658.71. 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 \$1,658.71 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

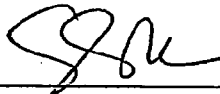
BY: 
David J. Apothaker, Esquire

Dated: 8/4/2008

Our File No.: 101081

VERIFICATION

SUSAN SHUPLOCK hereby states that I am 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.



DATE:

CROWN ASSET MANAGEMENT, LLC

DEBORAH L FEASTER
4561 GLEN HOPE BLVD BOX 1
IRVONA, PA 16656

STATEMENT OF ACCOUNT

Debtor's Name: DEBORAH L FEASTER

Account Number: 5488975015588802

Original Creditor: HOUSEHOLD

Balance Due: \$1,658.71

Our File No.: 101081

EXHIBIT "A"

FILED

SEP 12 2008

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1720-CD

CROWN ASSET MANAGEMENT, LLC
vs
DEBORAH L. FEASTER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/12/2008 HEARING: PAGE: 104658

DEFENDANT: DEBORAH L. FEASTER
ADDRESS: 4561 GLEN HOPE BLVD. BOX 1
IRVONA, PA 16656

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 10-1-08 AT 11:02 AM/PM SERVED THE WITHIN

COMPLAINT ON DEBORAH L. FEASTER, DEFENDANT

BY HANDING TO Deborah L. Feaster, Def.

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

ADDRESS SERVED 4561 Glen Hope Blvd. Box 1
Irivona, Pa. 16656

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR DEBORAH L. FEASTER

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO DEBORAH L. FEASTER

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

FILED

OCT 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

UN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

CROWN ASSET MANAGEMENT, LLC
Plaintiff

vs.

DEBORAH L. FEASTER,
Defendant

*
*
*
* NO.: 08-1720-CD
*
* Type of Case: Civil
*
* Type of Pleading: Preliminary
* Objections
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Shana M. Pugh, Esquire
*
* Supreme Court No.: 200952
*
* MidPenn Legal Services
* 230 Lincoln Way East, Suite A
* Chambersburg, PA
* (717) 264-5354

FILED

O 1:37 PM. CX
OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

2 cc. AHZ

GLU

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CROWN ASSET MANAGEMENT, LLC	:	
Plaintiff	:	Civil Action
	:	
vs.	:	No. 08-1720-CD
	:	
DEBORAH L. FEASTER,	:	
Defendant	:	

**DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT**

Defendant, Deborah L. Feaster, by and through her undersigned counsel, Shana M. Pugh, of MidPenn Legal Services, hereby files these Preliminary objections to Plaintiff's Complaint and avers the following in support thereof:

**I. MOTION TO STRIKE/FAILURE OF PLEADING TO CONFORM TO LAW
OR RULE OF COURT – FAILURE TO ATTACH
COPY OF WRITTEN AGREEMENT**

1. Crown Asset Management c/o Apothaker & Associates, (hereinafter referred to as "Plaintiff"), filed a Complaint in this Honorable Court against Deborah L. Feaster, (hereinafter referred to as "Defendant") on September 12, 2008, seeking judgment in excess of one thousand six hundred fifty-eight dollars and seventy-one cents (\$1,658.71).
2. Pennsylvania Rule of Civil Procedure 1019(h) requires that when "[w]hen any claim or defense is based upon an agreement, the pleading shall state specifically whether the agreement is oral or written."

3. Plaintiff does not state, as required by Pa. R.C.P. No. 1019(h), whether any of the agreements upon which the claim is based are oral or written.
4. The Pennsylvania Rules of Civil Procedure go on to state that when the claim or defense is based upon a writing a copy of the writing shall be attached. Pa. R.C.P. 1919(i).
5. Plaintiff references an assignment of the alleged account from Household to Crown Asset Management but fails to attach a valid written assignment from the original creditor properly identifying the account alleged to be owed by Defendant. The assignment is essential to Plaintiff's case to establish that Plaintiff is in fact a party in interest, a requirement of Pa. R.C.P. No. 2002 and to establish that Plaintiff is in fact an assignee.
6. Plaintiff alleges Defendant received, accepted and used the alleged account to its benefit, which would appear to suggest that a written agreement would have been made between either Plaintiff and Defendant or Defendant and the alleged original creditor.
7. Again, Plaintiff failed to attach any written agreement or explain the absence of said agreement, despite the requirement to do so under Pa. R.C.P. No. 1019(i).
8. Therefore, Plaintiff has failed to adhere to the requirements of Pa. R.C.P. No. 1019(h) and (i) requiring the filing of Preliminary Objections pursuant to Pa. R.C.P. No. 1028(a)(2).

WHEREFORE, Defendant Deborah L. Feaster respectfully requests that this Honorable Court sustain her preliminary objections and dismiss Plaintiff's Complaint with prejudice.

II. MOTION TO STRIKE/INSUFFICIENT SPECIFICITY OF PLEADING

9. Pennsylvania Rule of Civil Procedure 1019(a) requires that the "material facts" upon which a cause of action is based be stated in a concise and summary form.
10. Plaintiff alleges Defendant's default in paragraph five (5) of the Complaint but does not set forth the date on which the alleged default occurred.
11. Plaintiff alleges a total unpaid balance of one thousand six hundred fifty-eight dollars and seventy-one cents (\$1,658.71) to be owed by Defendant.
12. Plaintiff attached a document as Exhibit "A" that is described as "a true and correct copy of the total due and owing".
13. This exhibit is nothing more than Plaintiff's rendition of a "Statement of Account" that provides no more information than that contained in the Complaint.
14. The information contained in the Statement of Account is inadequate to allow Defendant to properly prepare a defense to the action or prepare any meaningful response in light of the failure of the document to provide an accounting of alleged charges, payments, and interest.

15. Therefore, Plaintiff has failed to adhere to the requirements of Pa. R.C.P.

No. 1019(a) requiring the filing of Preliminary Objections pursuant to Pa.

R.C.P. No. 1028(a)(2).

WHEREFORE, Defendant Deborah L. Feaster respectfully requests that this Honorable Court sustain her preliminary objections and dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted,

MidPenn Legal Services
Attorneys for Defendant

10-21-08
Date

BY: Shana M. Pugh / 190
Shana M. Pugh, Esquire
ID# 200952

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

CROWN ASSET MANAGEMENT, LLC
Plaintiff

vs.

DEBORAH L. FEASTER,
Defendant

*
*
*
* NO.: 08-1720-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of Service
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Shana M. Pugh, Esquire
*
* Supreme Court No.: 200952
*
* MidPenn Legal Services
* 230 Lincoln Way East, Suite A
* Chambersburg, PA
* (717) 264-5354

FILED

O 1:38p.m GK

OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty
60

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CROWN ASSET MANAGEMENT, LLC	:	
Plaintiff	:	Civil Action
	:	
vs.	:	No. 08-1720-CD
	:	
DEBORAH L. FEASTER,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Shana M. Pugh, Esquire, hereby certify that on the 21st day of October, 2008, I served a copy of Defendant's Preliminary Objections to Plaintiff's Complaint filed in the above captioned matter to the following individual by first class mail, postage prepaid:

David J. Apothaker, Esquire
Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Date: 10-21-08

Shana M. Pugh / No
Shana M. Pugh
Supreme Court ID No. 200952
MidPenn Legal Services, Inc.
230 Lincoln Way East, Suite A
Chambersburg, PA 17201
(717) 264-5354
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

CROWN ASSET MANAGEMENT, LLC

Plaintiff

vs.

DEBORAH L. FEASTER,

Defendant

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*
* NO.: 08-1720-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of Service
*
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Shana M. Pugh, Esquire
*
* Supreme Court No.: 200952
*
* MidPenn Legal Services
* 230 Lincoln Way East, Suite A
* Chambersburg, PA
* (717) 264-5354

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012:4981 Amy Pugh
NOV 20 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CROWN ASSET MANAGEMENT, LLC	:	
Plaintiff	:	Civil Action
	:	
vs.	:	No. 08-1720-CD
	:	
DEBORAH L. FEASTER,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Shana M. Pugh, Esquire, hereby certify that on the 20th day of
November, 2008, I served a copy of Defendant's Petition to Schedule Argument
on Defendant's Preliminary Objections to Plaintiff's Complaint filed in the above
captioned matter to the following individual by first class mail, postage prepaid:

David J. Apothaker, Esquire
Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Date: 11-20-08

Shana M. Pugh
Shana M. Pugh
Supreme Court ID No. 200952
MidPenn Legal Services, Inc.
230 Lincoln Way East, Suite A
Chambersburg, PA 17201
(717) 264-5354
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA-
CIVIL DIVISION

CROWN ASSET MANAGEMENT, LLC
Plaintiff

vs.

DEBORAH L. FEASTER,
Defendant

*
*
*
* NO.: 08-1720-CD
*
* Type of Case: Civil
*
* Type of Pleading: Petition to Schedule Oral
* Argument
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Shana M. Pugh, Esquire
*
* Supreme Court No.: 200952
*
* MidPenn Legal Services
* 230 Lincoln Way East, Suite A
* Chambersburg, PA
* (717) 264-5354

5 FILED 3 CC AM
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NOV 18 2008
Pugh
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

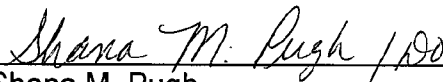
CROWN ASSET MANAGEMENT, LLC	:	
Plaintiff	:	Civil Action
	:	
vs.	:	No. 08-1720-CD
	:	
DEBORAH L. FEASTER,	:	
Defendant	:	

**PETITION TO SCHEDULE ARGUMENT ON DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S COMPLAINT**

Defendant, Deborah L. Feaster, by and through her attorney, Shana M. Pugh, of MidPenn Legal Services, requests the Court to schedule the argument on Defendant's objections and alleges as follows:

1. Plaintiff filed a Complaint on September 12, 2008.
2. Defendant filed Preliminary Objections to Plaintiff's Complaint on October 21, 2008, a date within twenty days of service of the Complaint.
3. As of November 18, 2008, Plaintiff has not filed a Complaint.

WHEREFORE, Defendant requests the Court to schedule argument on the Defendant's Preliminary Objections.



Shana M. Pugh

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CROWN ASSET MANAGEMENT, LLC :
Plaintiff :

vs.

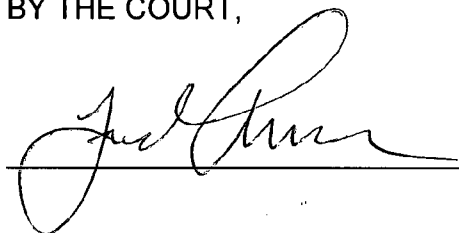
DEBORAH L. FEASTER,
Defendant :

: Civil Action
:
: No. 08-1720-CD
:
:

ORDER

AND NOW, this 19 day of November, 2008, upon
consideration of Defendant Deborah L. Feaster's Preliminary Objections to Plaintiff's
Complaint filed in the above captioned matter, it is the Order of the Court that argument
has been scheduled for the 17th day of December, 2008 at
10:30 o'clock A.m. in Courtroom # 1, Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


J.

FILED

NOV 20 2008



William A. Shaw
Prothonotary/Clerk of Courts

3ce
of 9:11 AM
for Amy Pugh

DATE: 11/20/08

☒ You are responsible for serving all appropriate parties.

☒ The Probationary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s)/Attorney ____ Other

____ Defendant(s) ____ Defendant(s)/Attorney

____ Special Instructions:

FILED

NOV 20 2008

William A. Shaw
Probationary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA-CIVIL DIVISION

CROWN ASSET MANAGEMENT, LLC
Plaintiff

vs.

DEBORAH L. FEASTER,
Defendant

*
*
*
* NO.: 08-1720-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of Service
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Shana M. Pugh, Esquire
*
* Supreme Court No.: 200952
*
* MidPenn Legal Services
* 230 Lincoln Way East, Suite A
* Chambersburg, PA
* (717) 264-5354

S
FILED *ICc. Atty Pugh*
9/11:45 am
DEC 03 2008
(LM)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CROWN ASSET MANAGEMENT, LLC	:	
Plaintiff	:	Civil Action
	:	
vs.	:	No. 08-1720-CD
	:	
DEBORAH L. FEASTER,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, Shana M. Pugh, Esquire, hereby certify that on the 3rd day of December, 2008, I served a copy of the Order scheduling Oral argument in the above captioned matter to the following individual by first class mail, postage prepaid:

David J. Apothaker, Esquire
Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Date: 12-3-08

Shana M. Pugh / do
Shana M. Pugh
Supreme Court ID No. 200952
MidPenn Legal Services, Inc.
230 Lincoln Way East, Suite A
Chambersburg, PA 17201
(717) 264-5354
Attorney for Defendant

Our File No.: 101081
APOTHAKER & ASSOCIATES, P.C.
BY: Kimberly F. Scian, Esquire
Attorney I.D.# 55140
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

CROWN ASSET MANAGEMENT,
LLC

Plaintiff,

vs.

DEBORAH L FEASTER

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
)
) NO. 2008-01720-CD
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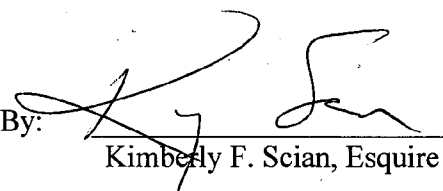
PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By:


Kimberly F. Scian, Esquire

Dated: 12/3/2008

FILED No cc
m 112:49/24
DEC 08 2008 (C10)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 08 2008

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104658
NO: 08-1720-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CROWN ASSET MANAGEMENT, LLC
vs.
DEFENDANT: DEBORAH L. FEASTER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	104396	10.00
SHERIFF HAWKINS	APOTHAKE	104396	49.59

5 FILED
0/3:30LM
JAN 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff