

08-1770-CD
Palisades Acquisition vs Mary Davis

178799

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

PALISADES ACQUISITION XVI, LLC
(Plaintiff)
c/o Apothaker & Associates, P.C.
520 Fellowship Road C306
(Street Address)
Mount Laurel, NJ 08054
(City, State, ZIP)

CIVIL ACTION

No. 2008-1770-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

MARY DAVIS
(Defendant)
85 HEMLOCK DR
(Street Address)
PENFIELD, PA 15849
(City, State, ZIP)

PALISADES ACQUISITION XVI,
LLC
(Plaintiff)

FILED Pd \$95.00 Atty
my 12:16pm ICC shff
SEP 19 2008 ICC Atty
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

David J. Apothaker, Esq.
Apothaker & Associates, P.C.
(Filed by)
520 Fellowship Road C306
Mount Laurel, NJ 08054
(Address)
800-672-0215
(Phone)

(Signature)

Our File No.: 178799
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire, Esq.
Attorney I.D.#38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff

| | | |
|----------------------------------|---|-----------------------|
| PALISADES ACQUISITION XVI, LLC |) | COURT OF COMMON PLEAS |
| c/o Apothaker & Associates, P.C. |) | CLEARFIELD COUNTY |
| 520 Fellowship Road C306 |) | |
| Mount Laurel, NJ 08054 |) | NO.: |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| MARY DAVIS |) | |
| 85 HEMLOCK DR |) | |
| PENFIELD, PA 15849 |) | |
| 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

Our File No.: 178799
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire, Esq.
Attorney I.D.#38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff

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| PALISADES ACQUISITION XVI, LLC |) | COURT OF COMMON PLEAS |
| c/o Apothaker & Associates, P.C. |) | CLEARFIELD COUNTY |
| 520 Fellowship Road C306 |) | |
| Mount Laurel, NJ 08054 |) | NO.: |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| MARY DAVIS |) | |
| 85 HEMLOCK DR |) | |
| PENFIELD, PA 15849 |) | |
| Defendant. |) | |
| |) | |

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff is PALISADES ACQUISITION XVI, LLC c/o Apothaker & Associates, P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054.
2. Defendant(s) is/are MARY DAVIS, an adult individual residing at 85 HEMLOCK DR PENFIELD, PA 15849.
3. Plaintiff, PALISADES ACQUISITION XVI, LLC, is the Assignee and Successor in Interest of Account #4791070114288556; and said account was issued to Defendant(s) by ASPIRE, 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 \$3,818.47. 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 \$3,818.47 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

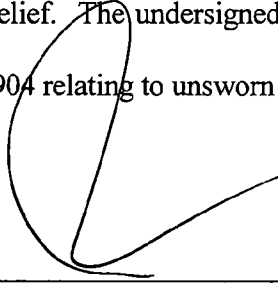
BY: _____
David J. Apothaker, Esquire

Dated: 9/9/2008

Our File No.: 178799

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.

A handwritten signature in black ink, appearing to be 'D. Apothaker', written over a horizontal line.

David J. Apothaker, Esquire
Attorney for Plaintiff

DATE: 9/9/2008

PALISADES ACQUISITION XVI, LLC

MARY DAVIS
85 HEMLOCK DR
PENFIELD, PA 15849

STATEMENT OF ACCOUNT

| | |
|--------------------|------------------|
| Debtor's Name: | MARY DAVIS |
| Account Number: | 4791070114288556 |
| Original Creditor: | ASPIRE |
| Balance Due: | \$3,818.47 |

Our File No.: 178799

EXHIBIT "A"



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1770-CD

PALISADES ACQUISITION XVI, LLC

vs

MARY DAVIS

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/19/2008

HEARING:

PAGE: 104685

DEFENDANT:

MARY DAVIS

ADDRESS:

85 HEMOCK DR.

PENFIELD, PA 15849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 10-01-08 AT 3:20 AM (PM) SERVED THE WITHIN

COMPLAINT ON MARY DAVIS, DEFENDANT

BY HANDING TO Mary Davis / DEFENDANT

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

ADDRESS SERVED 85 Hemlock Drive, Penfield, PA, 15849

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR MARY DAVIS

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MARY DAVIS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

Mark A. Condit

Deputy Signature

Mark A. Condit

Print Deputy Name

FILED

03:55 PM
OCT 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104685
NO: 08-1770-CD
SERVICES 1
COMPLAINT

PLAINTIFF: PALISADES ACQUISITION XVI, LLC
vs.
DEFENDANT: MARY DAVIS

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|----------|---------|--------|
| SURCHARGE | APOTHAKE | 105071 | 10.00 |
| SHERIFF HAWKINS | APOTHAKE | 105071 | 36.72 |

FILED

01/13/304m
JAN 15 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

Our File No.: 178799
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

| | | |
|--------------------------------|---|--------------------------|
| PALISADES ACQUISITION XVI, LLC |) | COURT OF COMMON PLEAS OF |
| Plaintiff, |) | CLEARFIELD COUNTY |
| vs. |) | |
| |) | NO.: 2008-1770-CD |
| MARY DAVIS |) | |
| Defendant. |) | Civil Action |
| |) | |

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, MARY DAVIS, in the default of an Answer, in the amount of \$4,068.82 computed as follows:

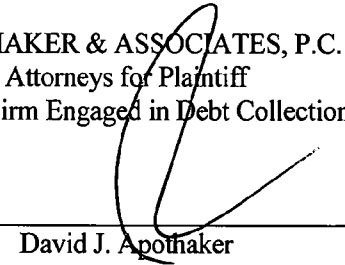
| | |
|---|----------------|
| Amount claimed in complaint: | \$3,818.47 |
| Amount Paid: | - \$(0.00) |
| Interest from September 09, 2008 to 04/29/09 at the legal interest rate of 6.000 per annum | \$108.63 |
| Costs | \$141.72 |
| Attorney fees | <u>\$0.00</u> |
| TOTAL | \$4,068.82 |

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 Defendant, MARY DAVIS, last know address is 85 HEMLOCK DR PENFIELD, PA 15849.

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

By:


David J. Apothaker

Dated: 4/29/2009

S FILED *Any pd.*
371140307
MAY 07 2009 *20.00*
William A. Shaw *15000 Notice*
Prothonotary/Clerk of Courts *to Def.*
ICC Any

Our File No.: 178799
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

| | | |
|-----------------------------------|---|--------------------------|
| PALISADES ACQUISITION XVI, LLC |) | COURT OF COMMON PLEAS OF |
| |) | CLEARFIELD COUNTY |
| |) | |
| Plaintiff, |) | |
| vs. |) | NO.: 2008-1770-CD |
| |) | |
| MARY DAVIS |) | 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 85 HEMLOCK DR PENFIELD, PA 15849.

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. Snively-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.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

| ◀ Last Name | First/Middle | Begin Date | Active Duty Status | Service/Agency |
|-------------|--------------|--|--------------------|----------------|
| DAVIS | MARY | 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

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 "defenseink.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: BMNRAKHCJNY

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

PALISADES ACQUISITION XVI, LLC

vs.

MARY DAVIS

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)

) NO. 2008-1770-CD
)

To: MARY DAVIS
85 HEMLOCK DR
PENFIELD, PA 15849

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.

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COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1770-CD

PALISADES ACQUISITION XVI, LLC
vs
MARY DAVIS

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/19/2008

HEARING:

PAGE: 104685

COPY

DEFENDANT: MARY DAVIS
ADDRESS: 85 HEMLOCK DR.
PENFIELD, PA 15849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

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COMPLAINT ON MARY DAVIS, DEFENDANT

BY HANDING TO MARY DAVIS, DEFENDANT

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

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I MAKE RETURN OF **NOT FOUND** AS TO MARY DAVIS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

Mark A. Condit
Deputy Signature

Mark A. Condit
Print Deputy Name

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

COPY

TO: MARY DAVIS
85 HEMLOCK DR
PENFIELD, PA 15849

| | |
|-----------------------------------|----------------------------|
| PALISADES ACQUISITION XVI, LLC |) COURT OF COMMON PLEAS OF |
| |) CLEARFIELD COUNTY |
| |) |
| Plaintiff, |) |
| vs. |) NO.: 2008-1770-CD |
| |) |
| MARY DAVIS |) Civil Action |
| |) |
| Defendant. |) |

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

William L. Shaw
BY 5/7/09