

08-1985-CD

Asset Acceptance vs Kimberly Vitullo

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC
PO Box 2036
Warren, MI 48090

Plaintiff

CIVIL ACTION

vs.

KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE PA 16833

Defendant

NO: 08-1985-CD

NOTICE TO DEFEND

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 to Defend are served, by entering a written appearance personally or by an 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 ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT REDUCED FEE OR NO FEE.

MIDPENN LEGAL SERVICES
211 1/2 E LOCUST STREET
CLEARFIELD, PA 16830
814-765-9646

5
FILED Any pd.
m/1:34:57 95.00
OCT 16 2008
(W) ICCSHF
William A. Shaw
Prothonotary/Clerk of Courts
ICC Any

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC
PO Box 2036
Warren, MI 48090

Plaintiff

CIVIL ACTION

vs.

KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE PA 16833

Defendant

NO:

COMPLAINT

Plaintiff, ASSET ACCEPTANCE LLC , by and through its attorneys, Edwin A.

Abrahamsen & Associates, P.C., complains of the Defendant as follows:

1. Plaintiff, ASSET ACCEPTANCE LLC , (hereinafter "Plaintiff") is a Michigan corporation with a principal place of business located at PO Box 2036 Warren, MI 48090.
2. The Defendant KIMBERLY J VITULLO (hereinafter "Defendant") is an adult individual residing at 1043 SCHOFIELD ST CURWENSVILLE PA 16833.
3. At all relevant times herein, Plaintiff was engaged in the business of debt purchase and collection.
4. Defendant applied for and received a credit card issued by HSBC Consumer Lending (US with the account number 71172300590338.
5. The within account was sold by HSBC Consumer Lending (US to ASSET ACCEPTANCE, LLC for valuable consideration and all rights under said accounts were assigned to ASSET ACCEPTANCE, LLC. (See, Bill of Sale, Affidavit and Assignment attached hereto as

Exhibit "A.")

6. Use of the HSBC Consumer Lending (US credit card was subject to the terms of the Cardmember Agreement, a copy of which was sent to the Defendant along with the credit card.

7. Defendant used the HSBC Consumer Lending (US credit card account number 71172300590338, for purchases, cash advances and/or balance transfers.

8. The Defendant was mailed account statements relative to the Defendant's use of the subject credit card. (See, Card Statements attached hereto as Exhibit "B.")

9. The Defendant defaulted under the terms of the Agreement by failing and refusing to make monthly payments on the account as they became due.

10. The account became delinquent October 19, 2004.

11. The principal amount was \$7,979.61 at the time it was received by Plaintiff.

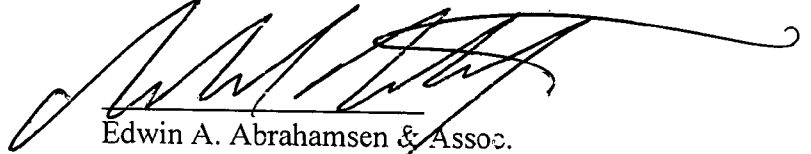
12. Pursuant to the account agreement, any unpaid balance accrues interest at the rate of 17.

13. The total amount due and owing the Plaintiff including interest, is \$12,108.84.

14. Pursuant to the terms of the Agreement, Defendant is liable to Plaintiff for court costs and reasonable attorney's fees.

WHEREFORE, Plaintiff requests judgment in its favor and against Defendant in the amount of \$12,108.84 plus costs of suit, reasonable attorneys' fees and any other relief as the Court deems just and appropriate.

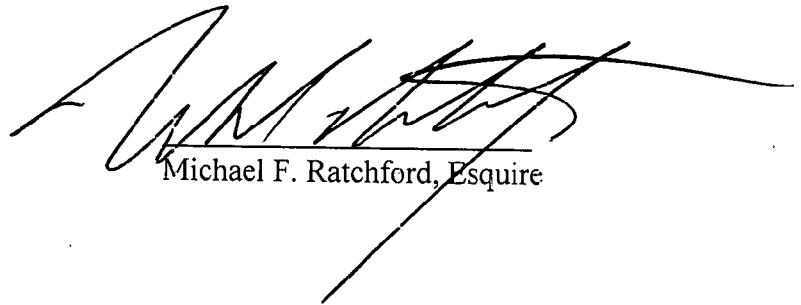
Respectfully submitted.

A large, stylized handwritten signature in black ink, likely belonging to Edwin A. Abrahamsen, is written over the typed name.

Edwin A. Abrahamsen & Assoc.
Michael F. Ratchford, Esquire
Heather K. Woodruff, Esquire
Attorney I.D. Nos.: 86285/207805
1729 Pittston Avenue
Scranton, PA 18505
mratchford@eaa-law.com
hwoodruff@eaa-law.com

VERIFICATION

I, Michael F. Ratchford, attorney for Plaintiff, ASSET ACCEPTANCE LLC , am fully familiar with the facts set forth in the within Complaint and am authorized to make this Verification on behalf of Plaintiff. I Verify that the facts set forth in the within allegations are true and correct to the best of my knowledge, knowing that any false statements are punishable by law pursuant to 18 C.S.A. 4904.



Michael F. Ratchford, Esquire

Exhibit
A

STATE OF MICHIGAN)
COUNTY OF MACOMB) ss

ASSET ACCEPTANCE, LLC

Plaintiff,

vs

KIMBERLY J VITULLO

Defendant,

AFFIDAVIT

I, Judy Melasi being first duly sworn deposes and states:

That I am the Supervisor of ASSET ACCEPTANCE, LLC a Limited Liability company organized and existing under the laws of the State of Delaware and doing business at P.O. BOX 2041, WARREN, MI 48090.

That there is justly due and owing on the account, the sum of \$11781.79 representing the charged off amount and interest.

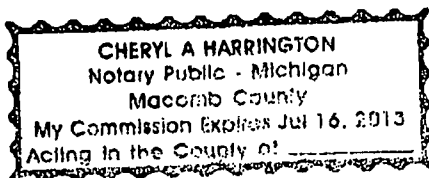
That the said account originally with HSBC CONSUMER LENDING USA/, account number 71172300590338, has been purchased by ASSET ACCEPTANCE, LLC, who now owns said account and has all rights connected therewith including the right to institute this action.

Dated this 28th day of July, 2008.

Judy Melasi
Supervisor

Subscribed and sworn to before me, a Notary Public for the State of Michigan, the 28th of July, 2008 as certified by my hand as set forth immediately below.

Cheryl A. Harrington
Notary Public



AA 8.
1474

Exhibit
15



ASSET ACCEPTANCE LLC

P.O. Box 2036
Warren, MI 48090

KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE, PA 16833

ACCOUNT NUMBER	CURRENT BALANCE
71172300590338	\$11781.79
STATEMENT DATE	DUE DATE
JUL 28 2008	DUE

ACCOUNT NUMBER
71172300590338

DATE OF LAST PAYMENT
10/19/04

DATE	REFERENCE NO	ACCOUNT INFORMATION	BALANCE DUE
JUL 28 2008	33786899	BALANCE DUE ASSET ACCEPTANCE LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, ASSIGNEE OF 71172300590338 P.O. Box 2036, Warren, MI 48090	\$11781.79

DATE OF DELINQUENCY
12/04/04

PURCHASED ON
08/03/07

CHARGE OFF AMOUNT*
\$7979.61

INTEREST RATE
17.00%

SERVICE ADDRESS (IF APPLICABLE)

INTEREST DUE AS OF JUL 28 2008
\$3802.18

*For purposes of this Statement only, Charge Off Amount reflects credits for payments received by Asset, if any.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

33786899
1059 EDWIN A ABRAHAMSEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1985-CD

ASSET ACCEPTANCE LLC
VS
KIMBERLY J. VITULLO

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/15/2008 HEARING: PAGE: 104813

DEFENDANT: KIMBERLY J. VITULLO
ADDRESS: 1043 SCHOFIELD ST.
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

5
FILED
0/8:30 cm
DEC 11 2008
William A. Shaw
Prothonotary/Clerk of Courts
OCCUPIED

SHERIFF'S RETURN

NOW, 11-6-08 AT 11:15 AM/PM SERVED THE WITHIN

COMPLAINT ON KIMBERLY J. VITULLO, DEFENDANT

BY HANDING TO LORRAINE WERTZ, Mother

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

ADDRESS SERVED 1043 Schofield St.
Curwensville, Pa. 16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR KIMBERLY J. VITULLO

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO KIMBERLY J. VITULLO

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Print Deputy Name

James E. Davis
JAMES E. DAVIS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104813
NO: 08-1985-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ASSET ACCEPTANCE LLC
vs.
DEFENDANT: KIMBERLY J. VITULLO

^S FILED
013:2461
FEB 09 2009
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ABRAHAMSEN	018924	10.00
SHERIFF HAWKINS	ABRAHAMSEN	018924	25.02

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Att'y pd.
20.00
ICC & Notice
to Def.
100 Att'y (60)

ASSET ACCEPTANCE LLC

Plaintiff

vs.

KIMBERLY J VITULLO

Defendant

In the Court of Common Pleas of
CLEARFIELD County, Pennsylvania
Civil Division

NO: 08-1985-CD

AFFIDAVIT UNDER SOLDIERS AND SAILORS
RELIEF CIVIL RELIEF ACT OF 1940 AS
AMENDED

State of Pennsylvania
County of CLEARFIELD SS:

Michael F. Ratchford, Esquire being duly sworn according to law deposes and says that the above named defendant(s): KIMBERLY J VITULLO is(are) not in the military service of the United States of America as defined by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended;

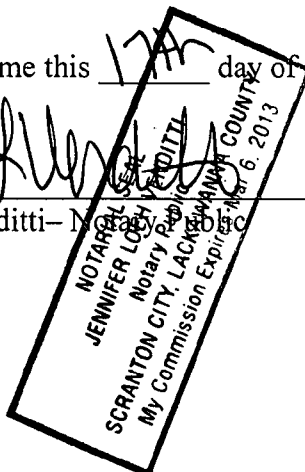
That the defendant(s): KIMBERLY J VITULLO is(are) older than eighteen years of age;

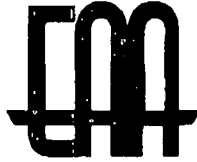
That the employment status of the defendant(s): KIMBERLY J VITULLO is(are) unknown.


Michael F. Ratchford, Esquire

Subscribed before me this 17th day of March 2009


Jennifer Loeh Venditti- Notary Public





EDWIN A. ABRAHAMSEN
MICHAEL F. RATCHFORD
HEATHER K. WOODRUFF*
*ALSO MEMBER OF FL BAR

THE LAW OFFICE OF
EDWIN A. ABRAHAMSEN & ASSOCIATES, P.C.

WWW.EAA-LAW.COM

February 20, 2009

KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE PA 16833

Re: ASSET ACCEPTANCE LLC v. KIMBERLY J VITULLO
CLEARFIELD County Civil Action No.: 08-1985-CD
Our file No.: AA8-1474

Dear KIMBERLY J VITULLO:

Enclosed please find the Ten Day Notice of Intent to Take Default in regard to the above-noted matter. Please act accordingly.

If you have any questions or wish to discuss your outstanding account, please contact me at (570) 558-5510.

Edwin A. Abrahamsen & Associates,

Michael F. Ratchford, Esquire

Enclosure

This is a communication from a debt collector in an attempt to collect a debt. Any information will be used for that purpose.

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

ASSET ACCEPTANCE LLC	:	
	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	
	:	
vs.	:	
	:	
	:	
KIMBERLY J VITULLO	:	NO: <u>08-1985-CD</u>
	:	
	:	
Defendant	:	
	:	
	:	
	:	

TEN DAY NOTICE OF INTENT TO TAKE DEFAULT JUDGMENT

To: KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE PA 16833

Date of Notice: February 20, 2009

IMPORTANT NOTICE PURSUANT TO PA.R.C.P. 237.1(a)(2)

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER AN 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.

MIDPENN LEGAL SERVICES
211 1/2 E LOCUST STREET
CLEARFIELD, PA 16830
814-765-9646

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC

:
:
Plaintiff :
:
:

vs.

KIMBERLY J VITULLO

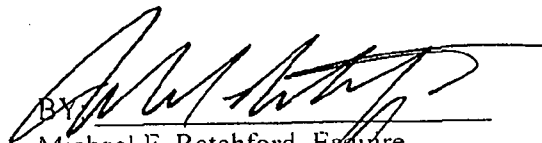
:
:
NO: 08-1985-CD
:
:
Defendant :
:
:
:

CERIFICATE OF SERVICE

I, Michael F. Ratchford, Esquire, hereby certify that on February 20, 2009 I served a copy of the Ten Day Notice of Intent to Take Default in the above captioned matter by mailing the same via First Class United States mail, postage prepaid addressed as follows:

KIMBERLY J VITULLO
1043 SCHOFIELD ST
CURWENSVILLE PA 16833

Edwin A. Abrahamsen & Associates, P.C.


BY _____
Michael F. Ratchford, Esquire
Attorney I.D. No.: 86285
1729 Pittston Avenue
Scranton, PA 18503
(570) 558-5510

Department of Defense Manpower Data Center

MAR-17-2009 10:13:53



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
VITULLO	KIMBERLY J	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 "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: **GYALKYPHDR**

ASSET ACCEPTANCE LLC

CIVIL DIVISION

NO: 08-1985-CD

Defendant

Michael F. Ratchford, Esquire
Attorney I.D. No.: 86285
1729 Pittston Avenue
Scranton, PA 18505
(570) 558-5510

Plaintiff : In the Court of Common Pleas of
: CLEARFIELD County, Pennsylvania
: Civil Division

KIMBERLY J VITULLO

Defendant

NO: 08-1985-CD

Notice is hereby given that a money judgment in the above-captioned matter has been entered against you in the amount of \$ 12,108.84 on March 20, 2009.

By: _____

Edwin A. Abrahamsen & Associates
1729 Pittston Avenue
Scranton, PA 18505
Telephone: (570)-558-5510

(Notice is given in accordance with PA Supreme Court Rule of Civil Procedure No. 236)