

08-1985-CD  
Asset Acceptance vs Kimberly Vitullo

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC :  
PO Box 2036 : CIVIL ACTION  
Warren, MI 48090 :  
  
Plaintiff :  
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vs. :  
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KIMBERLY J VITULLO : NO: 08-1985-CJD  
1043 SCHOFIELD ST :  
CURWENSVILLE PA 16833 :  
  
Defendant :  
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## 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** Atty pd.  
M 11:34 AM 05.00  
OCT 16 2008  
(L) ICCShff  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Atty

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC :  
PO Box 2036 : CIVIL ACTION  
Warren, MI 48090 :

Plaintiff :

vs.

KIMBERLY J VITULLO :  
1043 SCHOFIELD ST :  
CURWENSVILLE PA 16833 :

Defendant :

NO:

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**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.

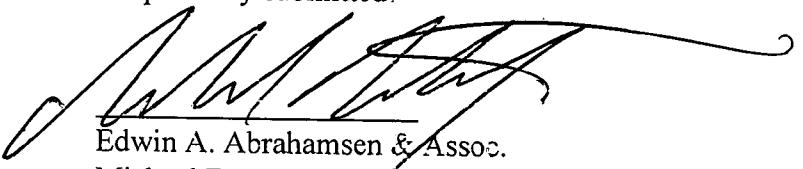
12. Pursuant to the account agreement, any unpaid balance accrues interest at the rate of 17.

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.

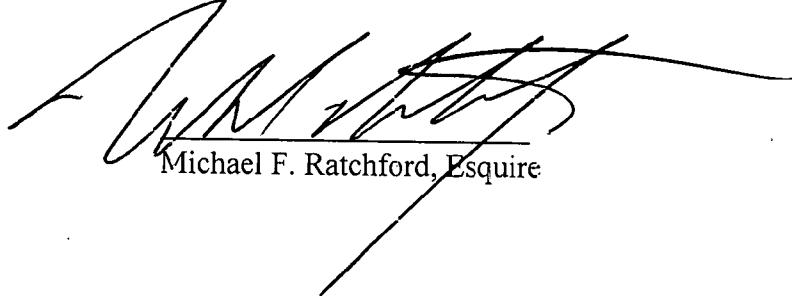
Respectfully submitted,



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](mailto:mratchford@eaa-law.com)  
[hwoodruff@eaa-law.com](mailto: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

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

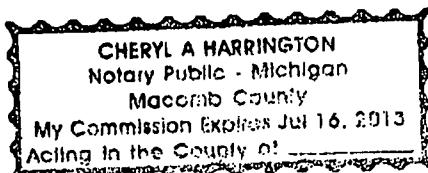
That the said account originally with HSBC CONSUMER LENDING USA, account number 71172300590338, has been purchased by ASSET ACCEPTANCE, LLC, who now owns said account and has all rights connected therewith including the right to institute this action.

Dated this 28th day of July, 2008.

Judy Melosi  
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.

Chery A. Harrington  
Notary Public



33786899  
1059 EDWIN A ABRAHAMS

AA8.  
1474

Exhibit  
B



**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	DUUE DATE
JUL 28 2008	DUUE

ACCOUNT NUMBER	DATE OF LAST PAYMENT
71172300590338	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	PURCHASED ON	CHARGE OFF AMOUNT*	INTEREST RATE
12/04/04	08/03/07	\$7979.61	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

UR

33786899  
1059 EDWIN A ABRAHAMS

0  
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

S  
**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.

Curwenville, 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

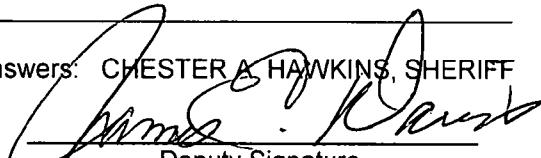
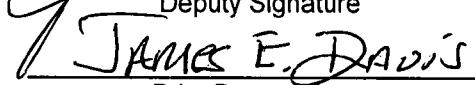
REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature  
  
Print Deputy Name

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  
073-2461  
FEB 09 2009  
William A. Shaw, Jr.  
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

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC :  
Plaintiff : CIVIL DIVISION  
vs. :  
KIMBERLY J VITULLO :  
: NO: 08-1985-CD  
Defendant :  
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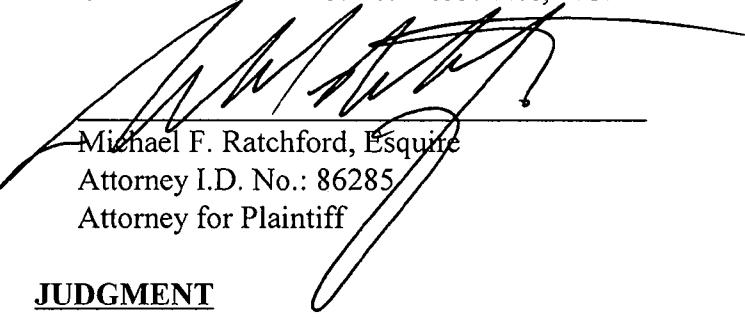
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**PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT**

**TO THE CLERK OF JUDICIAL RECORDS:**

Kindly enter judgment by default for failure to respond to Plaintiff's Complaint in the amount of \$12,108.84. Notice of the intent to file a default judgment was served upon the Defendant on February 20, 2009. A copy of the Notice of Intent to Take Default Judgment is attached hereto and marked Exhibit "A."

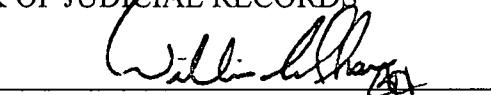
Edwin A. Abrahamsen & Associates, P.C.

  
Michael F. Ratchford, Esquire  
Attorney I.D. No.: 86285  
Attorney for Plaintiff

**JUDGMENT**

AND NOW, this 20<sup>th</sup> day of March, 2009, Judgment is hereby entered in favor of the Plaintiff and against the Defendant in the amount of \$12,108.84 for failure to respond to Plaintiff's Complaint.

CLERK OF JUDICIAL RECORDS

  
J.

**FILED**  
Atty pd.  
7/12/4561 20.00  
MAR 20 2009  
S 1CC & Notice  
to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts

1CC Atty 60

ASSET ACCEPTANCE LLC

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

vs.

KIMBERLY J VITULLO

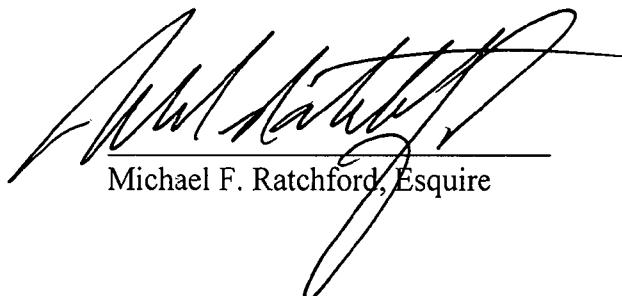
Defendant : AFFIDAVIT UNDER SOLDIERS AND SAILORS  
RELIEF CIVIL RELIEF ACT OF 1940 AS  
AMENDED

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;

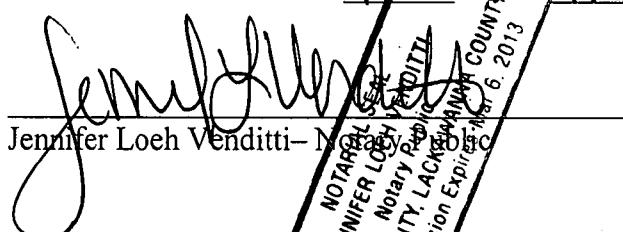
That the employment status of the defendant(s): KIMBERLY J VITULLO is(are) unknown.

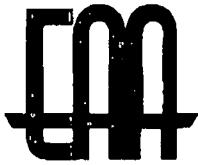


Michael F. Ratchford, Esquire

Subscribed before me this 17 day of March 2009

Jennifer Loeh Venditti- Notary Public  
NOTARIAL SEAL  
JENNIFER LOEH VENDITTI  
Notary Public  
SCRANTON CITY, LACKAWANNA COUNTY  
My Commission Expires March 6, 2013





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

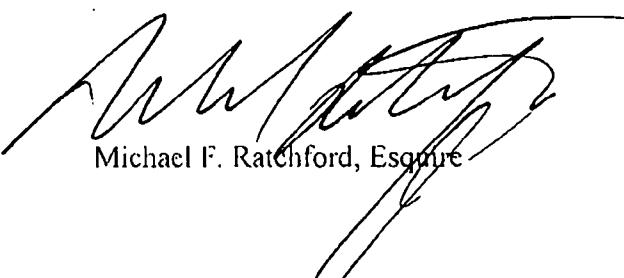
**Re: ASSET ACCEPTANCE LLC v. KIMBERLY J VITULLO**  
*CLEARFIELD County Civil Action No.:08-1985-CD*  
Our file No.: AA8-1474

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 :  
Plaintiff : CIVIL ACTION  
vs. :  
KIMBERLY J VITULLO : NO: 08-1985-CD  
Defendant :  
:

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**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 P.A.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 : CIVIL ACTION  
vs. :  
KIMBERLY J VITULLO : NO: 08-1985-CD  
Defendant :  
:

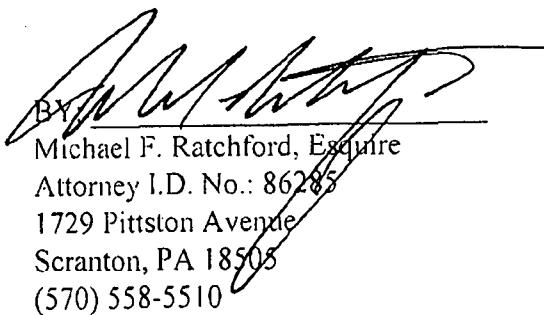
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**CERTIFICATE OF SERVICE**

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 18508  
(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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE LLC :  
:  
Plaintiff :  
: CIVIL DIVISION  
:  
vs.  
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KIMBERLY J VITULLO :  
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Defendant :  
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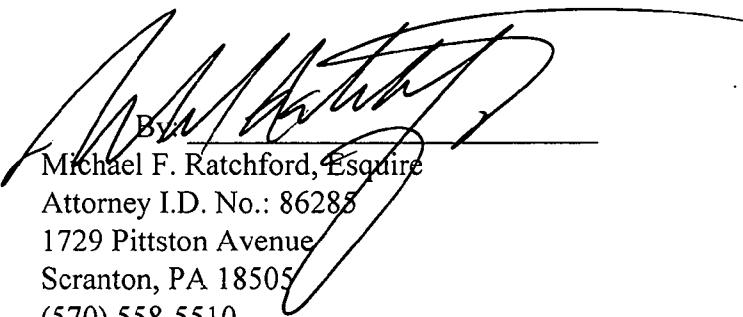
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**CERTIFICATE OF SERVICE**

I, Michael F. Ratchford, Esquire, hereby certify that on the date indicated below, I served a copy of the Praeclipe for Entry of Default Judgment 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.: 86283  
1729 Pittston Avenue  
Scranton, PA 18505  
(570) 558-5510

Date: March 17, 2009

ASSET ACCEPTANCE LLC

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

vs.

KIMBERLY J VITULLO

Defendant : NO: 08-1985-CD

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NOTICE OF FILING JUDGMENT

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: Willie J. Sharpe

If you have any questions regarding this notice, please contact the filing party:

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)