

2008-1998-CD

Performance Capital vs. Tracey Rose

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

PERFORMANCE CAPITAL MANAGEMENT

Plaintiff

No. 08-1998-CD

vs.

COMPLAINT IN CIVIL ACTION

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6846380

7  
**FILED** Atty Pd. 95.00  
M/12:59 PM  
OCT 17 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Sheriff

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

PERFORMANCE CAPITAL MANAGEMENT

Plaintiff

vs.

Civil Action No.

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

**COMPLAINT IN CIVIL ACTION AND 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 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

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 50-51

## COMPLAINT

1. Plaintiff is a corporation having offices in 7001 VILLAGE DR, STE 255 BUENA PARK, CA 90621-0000 .
2. Defendant is an adult individual residing at 4661 SHILOH ROAD WOODLAND,PA 16881 .
3. On or about SEPTEMBER 22 2006, Defendant duly executed a Contract ,a true and correct copy of said Contract is attached hereto, marked as Exhibit "1" and made a part hereof.
4. Plaintiff avers that Defendant is in default of the Contract by having not made payment to Plaintiff as promised, thereby rendering the entire balance immediately due and payable.
5. Plaintiff avers that a balance of \$1,203.67 is due from Defendant as of JULY 29 2008.
6. Plaintiff avers that the Contract between the parties provides that Plaintiff is entitled to interest at the rate of 0.00% per annum.
7. Plaintiff avers that the Contract between the parties provides that Defendant will pay Plaintiff's reasonable attorneys' fees.
8. Plaintiff avers that such attorneys' fees amount to \$100.00.

9. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, attorneys' fees, interest, or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant, TRACEY L ROSE, individually, in the amount of \$ 1,203.67 with continuing interest thereon at the Contract rate of 0.00% per annum from JULY 29 2008, plus attorneys' fees of \$100.00 and costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.**

WELTMAN, WEINBERG & REIS, CO., L.P.A.



William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#:6846380

PLEASE DETACH THIS PORTION AND RETURN IT IN THE ENVELOPE PROVIDED.

As consideration for resolving the below referenced account, Performance Capital Management LLC (PCM) is prepared to re-write the terms of the below account. PCM is willing to accept \$25.61 as a down payment and allow the remaining balance of \$1,203.67 to be paid in 47 monthly installments of \$25.61 with zero interest. The down payment of \$25.61 is due on or before September 29th 2006. PCM shall provide you with monthly courtesy statements setting out the monthly payments for your convenience. Payments under this contract shall not be conditioned on receipt of a courtesy statement. Payments shall continue on the 15th day of the month following the signing of this agreement.

~~Should the undersigned default on the terms herein the total remaining amount of the re-written balance only shall become~~  
immediately due and payable. An account shall be in default if any one payment is more than 30 days past due.

Should suit become necessary to enforce the terms of this agreement, PCM shall be entitled to any and all reasonable attorney fees and cost as allowed by law.

I have read, understand and agree to the terms and conditions set forth herein, I understand that this agreement is a resolution of an existing debt and not an application for credit or refinancing of an existing debt.

Signed: Tracey Rose Date: 9-22-06

Home #: 814-857-5156 Work #: no calls

Name: Tracey L Rose

PCM Account: 1900943

Original Creditor: GE - PCM PURCHASE

Original Account: CG8890852468826

Current Balance: \$1,248.14

*allowed*

*171660403*

*DS*

*RW*

*1008*

*1971238*

Performance Capital Management, LLC  
P.O. Box 65016  
Anaheim, CA 92815

Page 1- See Reverse For Page 2

PERS8-0913R225061-ZSAG-8 25061

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is MELODY R. BEYLER  
(Name)  
LEGAL ACCOUNT ADMINISTRATOR of PERFORMANCE CAPITAL MGT. LLC, plaintiff herein, that  
(Title) (Company)  
he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

Melody R. Beyer  
(Signature)

WWR#6846380

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

PERFORMANCE CAPITAL MANAGEMENT LLC

Plaintiff

No.08-1998-CD

vs.

**PRAECIPE FOR ENTRY OF JUDGMENT  
BY CONSENT**

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
Weltman, Weinberg & Reis CO., L.P.A.  
1400 Kopper Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

WWR#6846380  
\$1203.67

**FILED** *Att'y pd. 20.00*  
*m/3:37 PM*  
**DEC 01 2008** *ICC & Notice to Def.*  
S William A. Shaw  
Prothonotary/Clerk of Courts  
*Statement to Att'y*  
*(B/K)*



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

PERFORMANCE CAPITAL MANAGEMENT LLC

Plaintiff

vs.

Civil Action No. 08-1998-CD

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

**PRAECIPE FOR JUDGMENT BY CONSENT**


TO THE PROTHONOTARY:

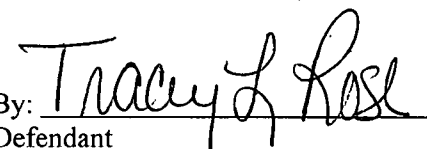
Kindly enter Judgment against Defendant, TRACEY L ROSE, in the amount of \$1203.67 plus costs, based upon the consent of the parties.

CONSENTED TO:

WELTMAN, WEINBERG & REIS CO., L.P.A.,  
AKA TRACEY ROSE ,

TRACEY L ROSE

By:   
Attorney for Plaintiff

By:   
Defendant

WWR#6846380

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

PERFORMANCE CAPITAL MANAGEMENT LLC

Plaintiff

vs.

Civil Action No. 08-1998-CD

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT  
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, TRACEY L ROSE, above-named, in the amount of \$1203.67 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

1. Defendant admits indebtedness to Plaintiff in the amount of \$1203.67 with continuing interest thereon at a rate of 6% per annum plus costs from date of judgment.
2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, TRACEY L ROSE, in the amount of \$1203.67 plus continuing interest thereon at the rate of 6% per annum from date of judgment and costs.
3. Plaintiff agrees not to execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:
  - (a) \$100.00 due by 11/15/08;
  - (b) \$100.00 due on the 15TH day of each consecutive month thereafter until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of " PERFORMANCE CAPITAL MANAGEMENT LLC"

5. The first payment due under this agreement is to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 436 Seventh Avenue, Suite 1400, Pittsburgh, PA 15219. All future payments are to be mailed to the offices of Weltman, Weinberg & Reis, Co., P.O. Box 5430, Cleveland, OH 44101-0430.


6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.

8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

9. Intending to be legally bound, the parties set their hands and seals this 21<sup>st</sup> day of November, 2008.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:   
Matthew D. Urban, Esquire  
PA I.D. #90963  
Weltman, Weinberg & Reis CO., L.P.A.  
1400 Kopper Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
WWR No. 6846380

By:   
Defendant, TRACEY L ROSE

COPY

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

PERFORMANCE CAPITAL MANAGEMENT LLC

Plaintiff

vs.

Civil Action No. 08-1998-CD

TRACEY L ROSE  
AKA TRACEY ROSE

Defendant

**NOTICE OF JUDGMENT OR ORDER**

TO:    ☐ Plaintiff  
         ☒ Defendant  
         ☐ Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 12/1/08

(xx)    Assumpsit Judgment in the amount  
         of \$1203.67 plus costs.

(    )    Trespass Judgment in the amount  
         of \$ \_\_\_\_\_ plus costs.

(    )    If not satisfied within sixty (60)  
         days, your motor vehicle operator's license and/or registration will be  
         suspended by the Department of Transportation, Bureau of Traffic  
         Safety, Harrisburg, PA.

(xx)    Entry of Judgment of  
         ☐ Court Order  
         ☐ Non-Pros  
         ☐ Confession  
         ☐ Default  
         ☐ Verdict  
         ☐ Arbitration  
         ☐ Award  
         (XX) By Consent

Prothonotary

TRACEY L ROSE  
4661 SHILOH ROAD  
WOODLAND, PA 16881

*Willie L. Shaw* 12/1/08  
BX

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Performance Capital Management  
Plaintiff(s)

No.: 2008-01998-CD

Real Debt: \$1,203.67

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Tracey L. Rose  
Defendant(s)

Entry: \$20.00

Instrument: Consent Judgment

Date of Entry: December 1, 2008

Expires: December 1, 2013

Certified from the record this 1st day of December, 2008.



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1998-CD

PERFORMANCE CAPITAL MANAGEMENT

vs

SERVICE # 1 OF 1

TRACEY L. ROSE A/K/A TRACEY ROSE

CIVIL ACTION & NOTICE

SERVE BY: 11/15/2008

HEARING:

PAGE: 104799

DEFENDANT: TRACEY L. ROSE A/K/A TRACEY ROSE

ADDRESS: 4661 SHILOH ROAD  
WOODLAND, PA 16881

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 10/31/08 AT 845 AM/PM SERVED THE WITHIN

CIVIL ACTION & NOTICE ON TRACEY L. ROSE A/K/A TRACEY ROSE, DEFENDANT

BY HANDING TO Tracey Rose, self

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

ADDRESS SERVED @ Cld Co Court house 1 N. 2nd St. Clearfield

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

CIVIL ACTION & NOTICE FOR TRACEY L. ROSE A/K/A TRACEY ROSE

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO TRACEY L. ROSE A/K/A TRACEY ROSE

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*[Signature]*  
Deputy Signature

S. Hunter  
Print Deputy Name

**FILED**  
DEC 09 2008  
6/8/40/2  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104799  
NO: 08-1998-CD  
SERVICES 1  
CIVIL ACTION & NOTICE

PLAINTIFF: PERFORMANCE CAPITAL MANAGEMENT  
vs.  
DEFENDANT: TRACEY L. ROSE A/K/A TRACEY ROSE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8737267	10.00
SHERIFF HAWKINS	WELTMAN	8737267	19.00

<sup>S</sup>  
**FILED**  
013146/47  
FEB 03 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2009  
\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff



**FILED**

M 3:55 P.M. EL  
AUG 30 2010

ICC Atty

William A. Shaw  
Prothonotary/Clerk of Courts

Atty paid 7.00

(600)

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

PERFORMANCE CAPITAL MANAGE

Plaintiff

No. 08-1998-CD

vs.

PRAECIPE FOR SATISFACTION OF  
JUDGMENT

TRACEY L ROSE

Defendant(s)

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Lyndsay E Rowland, Esquire  
PA I.D. # 205520  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6846380 TIC



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

PERFORMANCE CAPITAL MANAGE

Plaintiff

vs.

Civil Action No. 08-1998-CD

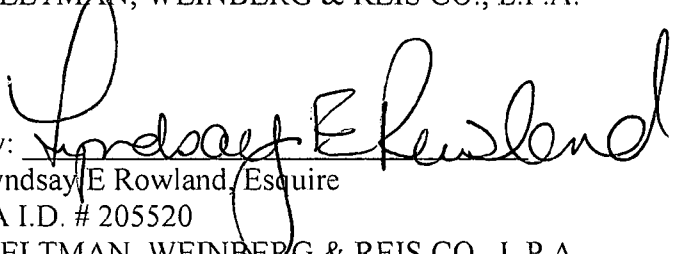
TRACEY L ROSE

Defendant(s)

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned Judgment.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:   
Lyndsay E Rowland, Esquire  
PA I.D. # 205520

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7999

WWR #6846380

Sworn to and subscribed  
before me this 30<sup>th</sup>  
day of March, 10

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Sheila G. Bevan, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Nov. 15, 2010

Member, Pennsylvania Association of Notaries