

08-2075-CD  
Atlantic Credit vs Frederick St. Clair

2052795

THIS IS AN ARBITRATION MATTER.  
ASSESSMENT OF DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
JOEL M. FLINK, ESQUIRE  
Identification No.: 41200  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
484/351-0500

S, **FILED** Atty Pd. 95.00  
m 10:42 AM  
OCT 30 2008 ICC Atty  
William A. Shaw, ICC Sheriff  
Prothonotary/Clerk of Courts

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Atlantic Credit & Finance Inc.  
Assignee from Capital One  
2727 Franklin Road  
Roanoke, VA 24014

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

FREDERICK L STCLAIR  
10 WOOD AVE  
CLEARFIELD PA 16830

DOCKET NO. : 08-2075-CD

**COMPLAINT IN ASSUMPSIT**  
**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 JUDGEMENT 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.

David S. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

1. Plaintiff is a debt buyer and successor in interest to the original creditor as set forth in the caption of this Complaint.

2. The defendant, for valuable consideration received, executed and delivered to plaintiff a promissory note under the terms of which the defendant promised to pay to the plaintiff consecutive monthly payments under the terms and conditions set forth in the promissory note. A true and correct copy of the aforesaid promissory note, if available, is attached hereto, made a part of this complaint and marked Exhibit "A".

3. Contrary to the terms of the aforesaid promissory note, the defendant failed to make the required payments when due as a result of which the unpaid balance of \$7,515.56 became due and payable.

4. As a result of defendant's default, defendant is indebted to plaintiff in the amount of \$7,515.56 plus interest thereon and attorney's fees as provided for in the promissory note.

5. Plaintiff has made demand upon the defendant for payment of the amount due but the defendant has failed and refused and still refuses to pay the said sum or any part thereof.

6. Defendant's last payment on account was made on 1/12/2007.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$7,515.56 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 2

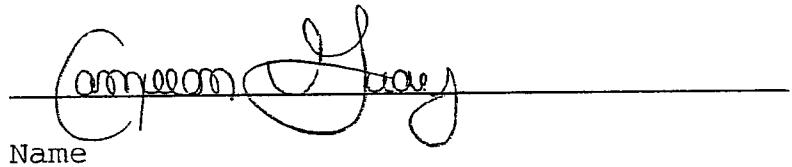
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

P01C.DB

**EXHIBIT "A"**

**VERIFICATION**

I hereby state that I am the agent for the plaintiff herein, and that the facts set forth in the attached Affidavit which is incorporated by reference in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief and is based upon information which plaintiff has furnished to counsel. The language in the Complaint is that of counsel and not of plaintiff. To the extent that the contents of the Complaint are that of counsel, plaintiff has relied upon counsel in making this verification. This verification is made subject to 18 Pa.C.S. §4904 which provides for certain penalties for making false statements.

  
\_\_\_\_\_  
Name

ATLANTIC CREDIT & FINANCE, INC.

v.

FREDERICK L STCLAIR

**AFFIDAVIT OF DEBT AND VERIFIED BILL OF PARTICULARS**

The undersigned being first duly sworn according to law, deposes and says that she is familiar with the policies and practices, as well as the books and records of the Plaintiff with respect to the matters stated herein, and based on information and belief states as follows:

1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on CAPITAL ONE INSTALLMENT Account No. 5903592410521955. Said Account was charged off on 6/29/2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$7,515.56.
3. Plaintiff purchased or was otherwise assigned this charged off account along with other debts. As a result of the foregoing sale and assignment, the Plaintiff succeeded to all right, title and interest in the charged off account and it now owns the account.
4. Plaintiff conducted a due diligence investigation to determine, among other things, the accuracy of the account information provided to ascertain whether the statute of limitations was a bar to demand or institution of suit. Further, Plaintiff and/or its predecessor entered into a contract where the predecessor made representations and warranties that 1) it had clear right, title and interest in the account; 2) the account was free and clear of all liens and encumbrances; and 3) it had the power, authority, and full right to sell and convey its interest in the account.
5. According to Plaintiff's records, the last payment date was 1/12/2007 in the amount of \$311.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$7,515.56.
6. The internal Account Statement of Plaintiff is attached hereto as Exhibit A and displays the account information that was provided to Plaintiff at the time of purchase and assignment.

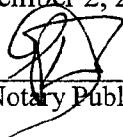
The foregoing is true and correct to the best of my knowledge and belief.

By:



\_\_\_\_\_  
Cameron Gray  
Authorized Representative

Subscribed and sworn before me, September 2, 2008 .



\_\_\_\_\_  
Notary Public: Philip D. Bailey

THIS COMMUNICATION IS FROM A DEBT COLLECTOR



## Account Statement

Debtor Information	Account Information
--------------------	---------------------

FREDERICK L STCLAIR  
10 WOOD AVE  
CLEARFIELD, PA 16830

**Original Creditor Account Number:**  
**5903592410521955**

**Original Creditor: CAPITAL ONE INSTALLMENT**

**Original Creditor Last Pay Date: 1/12/2007**

**Original Creditor Last Payment Amount: \$311.00**

**Original Creditor Charge Off Date: 6/29/2007**

**ACF ID Number: 3347923**

SSN: XXX-XX-4920

Statement Date	Purchased Balance	ACF Payment Activity	Current Balance
<b>September 2, 2008</b>	<b>\$7,515.56</b>	<b>\$0.00</b> <b>ACF Payment Date:</b>	<b>\$7,515.56</b>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2075-CD

ATLANTIC CREDIT & FINANCE INC., ASSIGNEE from CAPITAL ONE

vs

FREDERICK L. STCLAIR

SERVICE # 1 OF 1

COMPLAINT IN ASSUMPSIT

SERVE BY: 11/29/2008

HEARING:

PAGE: 104836

DEFENDANT: FREDERICK L. STCLAIR  
ADDRESS: 10 WOOD AVE.  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

ATTEMPTS

3 Attempts

11-17-08 NIH 11-19-08  

11-18-08 NIH    

VACANT

*S*  
**FILED**

*0/8:45 AM*

*DEC 12 2008*

*LM*

William A. Shaw  
Prothonotary Clerk of Courts

RECEIVED

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **SERVED** THE WITHIN

COMPLAINT IN ASSUMPSIT ON FREDERICK L. STCLAIR, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

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

ADDRESS SERVED \_\_\_\_\_

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

COMPLAINT IN ASSUMPSIT FOR FREDERICK L. STCLAIR

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

NOW 12-12-08 AT 8:30 AM PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO FREDERICK L. STCLAIR

REASON UNABLE TO LOCATE NOT FOUND

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Deputy S. Hunter*  
Deputy Signature

*S. Hunter*  
Print Deputy Name

2052795

THIS IS AN ARBITRATION MATTER.  
ASSESSMENT OF DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
JOEL M. FLINK, ESQUIRE  
Identification No.: 41200  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
484/351-0500

Atlantic Credit & Finance Inc.      COURT OF COMMON PLEAS  
Assignee from Capital One      CLEARFIELD COUNTY  
2727 Franklin Road  
Roanoke, VA 24014

vs.

FREDERICK L STCLAIR  
10 WOOD AVE  
CLEARFIELD PA 16830

DOCKET NO. : 08-2075(C)

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David S. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

OCT 30 2008

Attest,

William L. Biss  
Prothonotary/  
Clerk of Courts

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GORDON & WEINBERG, P.C.

BY: 

~~FREDERIC I. WEINBERG, ESQUIRE~~  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

P01C.DB

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ATLANTIC CREDIT & FINANCE, INC.

v.

FREDERICK L STCLAIR

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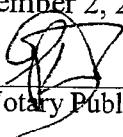
The foregoing is true and correct to the best of my knowledge and belief.

By:



Cameron Gray  
Authorized Representative

Subscribed and sworn before me, September 2, 2008.



Notary Public: Philip D. Bailey

THIS COMMUNICATION IS FROM A DEBT COLLECTOR



CREDIT & FINANCE INCORPORATED  
PO Box 13386 • Roanoke, VA 24033

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10 WOOD AVE  
CLEARFIELD, PA 16830

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104836  
NO: 08-2075-CD  
SERVICES 1  
COMPLAINT IN ASSUMPSIT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC., ASSIGNEE from CAPITAL ONE  
vs.

DEFENDANT: FREDERICK L. STCLAIR

**SHERIFF RETURN**

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	064381	10.00
SHERIFF HAWKINS	GORDON	064381	20.00

5  
FILED  
013:45pm  
FEB 11 2009  
WAM

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

**2052795**

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
JOEL M. FLINK, ESQUIRE  
Identification No.: 81894  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
484/351-0500

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Atlantic Credit & Finance Inc.  
Assignee from Capital One

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 08-2075-CD

FREDERICK L STCLAIR

**SUGGESTION OF BANKRUPTCY OF DEFENDANT**

TO THE PROTHONOTARY:

**AND NOW**, this 30Mar10, it is suggested of record that Defendant, FREDERICK L STCLAIR, filed a petition in bankruptcy under Chapter 7 of the Bankruptcy Code on or about March 25, 2010, in the United States Bankruptcy Court for the Western District of Pennsylvania, docket number 10-70321. Therefore, this matter should be stayed until further notice.

GORDON & WEINBERG, P.C.

BY: \_\_\_\_\_

FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

*SEARCHED* *INDEXED* *FILED*  
*APR 06 2010* *NOCC*  
*WJD* *1361* *GD*

William A. Shaw  
Prothonotary/Clerk of Courts