

[REDACTED]

[REDACTED]

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

⁵ FILED *Atty pd. 95.00*
m/10:42 AM
OCT 30 2008 *1cc Atty*
W
William A. Shaw *1cc Sheriff*
Prothonotary/Clerk of Courts

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.

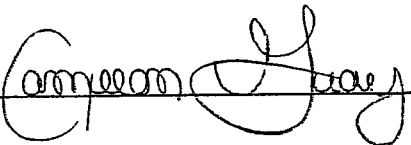
BY: 
FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

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.

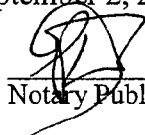
The foregoing is true and correct to the best of my knowledge and belief.

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



CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

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
September 2, 2008	\$7,515.56	\$.00 ACF Payment Date:	\$7,515.56

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: VACANT

ATTEMPTS

3 Attempts

11-17-08 N/A

11-19-08

11-18-08 N/A

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 Answered: CHESTER A. HAWKINS, SHERIFF

BY:

[Signature]
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
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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. B...
Prothonotary/
Clerk of Courts

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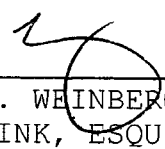
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BY:



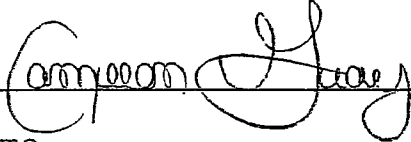
FREDERIC I. WEINBERG, ESQUIRE
JOEL M. FLINK, ESQUIRE
Attorney for Plaintiff

P01C.DB

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v.

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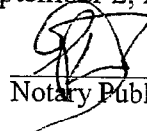
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By:



Cameron Gray
Authorized Representative

Subscribed and sworn before me, September 2, 2008 .



Notary Public: Philip D. Bailey

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CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

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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
013:45 Lms
FEB 11 2009
WMS

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



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

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

FILED
MT 9:13/10
APR 08 2010
William A. Shaw
Prothonotary/Clerk of Courts