

08-2123-CD  
Atlantic Credit vs Bartholom Barnes

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

ATLANTIC CREDIT & FINANCE INC.

ASSIGNEE FROM HSBC

(Plaintiff)

c/o Apothaker & Associates, P.C.

520 Fellowship Road C306

(Street Address)

Mount Laurel, NJ 08054

(City, State, ZIP)

**CIVIL ACTION**

No. 2008-2123

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

BARTHOLOM J BARNES

(Defendant)

1063 GRASSFLAT AVE

(Street Address)

GRASSFLAT, PA 16839-9508

(City, State, ZIP)

ATLANTIC CREDIT & FINANCE INC.

ASSIGNEE FROM

HSBC

(Plaintiff)

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

520 Fellowship Road C306

Mount Laurel, NJ 08054

(Address)

300-672-0215

(Phone)

(Signature)

**FILED**

in 2:13P.M. ER  
NOV 07 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Our File No.: 174181  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire, Esq.  
Attorney I.D.#38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorneys for Plaintiff

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ATLANTIC CREDIT & FINANCE INC.	)	COURT OF COMMON PLEAS
ASSIGNEE FROM HSBC	)	CLEARFIELD COUNTY
c/o Apothaker & Associates, P.C.	)	
520 Fellowship Road C306	)	NO.:
Mount Laurel, NJ 08054	)	
Plaintiff,	)	
vs.	)	
BARTHOLOM J BARNES	)	
1068 GRASSFLAT AVE	)	
GRASSFLAT, PA 16839-9508	)	
Defendant.	)	

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#### 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 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 ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
814-765-2641

Our File No.: 174181  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire, Esq.  
Attorney I.D.#38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorneys for Plaintiff

ATLANTIC CREDIT & FINANCE INC.  
ASSIGNEE FROM HSBC  
c/o Apothaker & Associates, P.C.  
520 Fellowship Road C306  
Mount Laurel, NJ 08054

Plaintiff,  
vs.

BARTHOLOM J BARNES  
1068 GRASSFLAT AVE  
GRASSFLAT, PA 16839-9508  
Defendant.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO.

CIVIL ACTION COMPLAINT  
FIRST COUNT

1. Plaintiff is ATLANTIC CREDIT & FINANCE INC. ASSIGNEE FROM HSBC c/o Apothaker & Associates, P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054.
2. Defendant(s) is/are BARTHOLOM J. BARNES, an adult individual residing at 1068 GRASSFLAT AVE GRASSFLAT, PA 16839-9508.
3. Plaintiff, ATLANTIC CREDIT & FINANCE INC. ASSIGNEE FROM HSBC, is the Assignee and Successor in Interest of Account #5467020005697472; and said account was issued to Defendant(s) by HSBC, the Original creditor.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$9,336.89. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".

7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$9,336.89 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

BY:

David J. Apotheker, Esquire

Dated: 10/29/2008

Cur File No.: 174181

VERIFICATION

Conneen O. Gray, hereby states that I am  
Authorized Representative for Plaintiff in this action, and that I am authorized  
to take this Verification, and that the statements made in the foregoing Civil Action  
Complaint are true and correct to the best of my knowledge, information, and belief. The  
undersigned understands that the statements therein are made subject to the penalties of 18  
Pa.C.S.A. 4904 relating to ~~unsworn~~ falsification to authorities.

Conneen O. Gray  
Plaintiff

DATE:

44181

ATLANTIC CREDIT & FINANCE, INC.  
v.  
BARTHOLOM J BARNES

RECEIVED  
JUL - 9 2008  
By \_\_\_\_\_

**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 HSBC Account No. 5467020005697472. Said Account was charged off on 10/31/2007 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$8809.75.
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 1/30/2007 in the amount of \$ 300.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$8,809.75.
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.

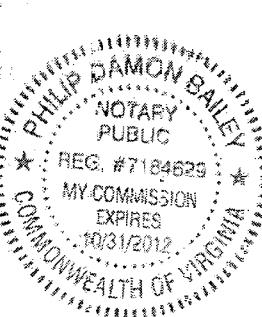
The foregoing is true and correct to the best of my knowledge and belief.

By:

  
Cameron Gray  
Authorized Representative

Subscribed and sworn before me, June 30, 2008.

Notary Public: Philip Damon Bailey



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



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

## Account Statement

### Debtor Information

### Account Information

BARTHOLOM J BARNES  
PO BOX 111  
LANSE, PA 16849-0111

Original Creditor Account Number:  
5467020005697472

Original Creditor: HSBC

Original Creditor Last Pay Date: 1/30/2007

Original Creditor Last Payment Amount: \$ 300.00

Original Creditor Charge Off Date: 10/31/2007

ACF ID Number: 3305059

SSN: XXX-XX-4451

Statement Date	Purchased Balance	ACF Payment Activity	Current Balance
June 30, 2008	\$8,809.75	\$ .00 ACF Payment Date:	\$8,809.75

**FILED**

**NOV 07 2008**

**William A. Shaw  
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2123-CD

ALANTIC CREDIT & FINANCE INC., ASSIGNEE  
vs  
BARTHOLOM J. BARNES

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/07/2008 HEARING: PAGE: 104892

DEFENDANT: BARTHOLOM J. BARNES  
ADDRESS: 1068 GRASSFLAT AVE.  
GRASSFLAT, PA 16839-9508

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED  
O 8:30 A.M. 6K  
DEC 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12/02/08 AT 905 AM PM SERVED THE WITHIN

COMPLAINT ON BARTHOLOM J. BARNES, DEFENDANT

BY HANDING TO Marisa Mosak girlfriend

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

ADDRESS SERVED 1068 Grassflat Ave Grassflat, Pa

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

COMPLAINT FOR BARTHOLOM J. BARNES

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

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

I MAKE RETURN OF **NOT FOUND** AS TO BARTHOLOM J. BARNES

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104892  
NO: 08-2123-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: ALANTIC CREDIT & FINANCE INC., ASSIGNEE  
VS.  
DEFENDANT: BARTHOLOM J. BARNES

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	111002	10.00
SHERIFF HAWKINS	APOTHAKER	111002	43.74

S  
FILED  
01/22/01  
FEB 20 2001  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

Our File No.: 174181  
APOTHAKER & ASSOCIATES, P.C.  
BY: Kimberly F. Scian, Esquire  
Attorney I.D.# 55140  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

ATLANTIC CREDIT & FINANCE ) COURT OF COMMON PLEAS  
INC. ASSIGNEE FROM HSBC ) CLEARFIELD COUNTY  
Plaintiff, )  
vs. )  
BARTHOLOM J BARNES ) NO. 2008-2123-CD  
Defendant. )

**PRAECIPE TO DISMISS WITHOUT PREJUDICE**

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:

Kimberly F. Scian, Esquire

Dated: February 16, 2009.

FILED 1CC Atty  
m/12/2009  
FEB 25 2009  
Scian  
WAT

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

FEB 25 2009

William A. Shaw  
Prothonotary/Clerk of Courts