

08-2205-CD

Atlantic Credit vs John Bakaysa

2050399

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

FILED

NOV 17 2008

m/12:20/wn

William A. Shaw  
Prothonotary/Clerk of Courts

Cent. TO Amy +  
Shaw

Atlantic Credit & Finance Inc.

Assignee from HSBC

2727 Franklin Road

Roanoke, VA 24014

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-2205-C0

JOHN M BAKAYSA

34 CHURCH STREET

MAHAFFEY PA 15757-0011

**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

COMPLAINT IN CIVIL-ACTION

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

2. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

3. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

4. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account, if available, is attached hereto as Exhibit "A".

5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due as of November 7, 2008 in the amount of \$17,923.39.

6. Plaintiff has made demand upon the defendant(s) for payment of the balance due but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

7. Defendant's last payment on account was made on 2/21/2006.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$17,923.39 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

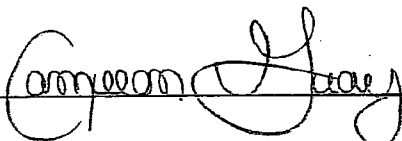
BY: \_\_\_\_\_

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

P01A.DB

**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.

2050399

v.

JOHN M BAKAYSA

**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. 5407920680451454. Said Account was charged off on 9/30/2006 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$17923.39.
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 2/21/2006 in the amount of \$ 290.00. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$17,923.39.
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.

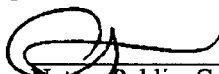
The foregoing is true and correct to the best of my knowledge and belief.

By:



Amanda Dunbar  
Authorized Representative

Subscribed and sworn before me, April 24, 2008 .



Notary Public: Cameron Gray

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**



CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

## Account Statement



JOHN M BAKAYSA  
34 CHURCH STREET  
MAHAFFEY, PA 15757-0011

**Original Creditor Account Number:**  
**5407920680451454**

**Original Creditor: HSBC**

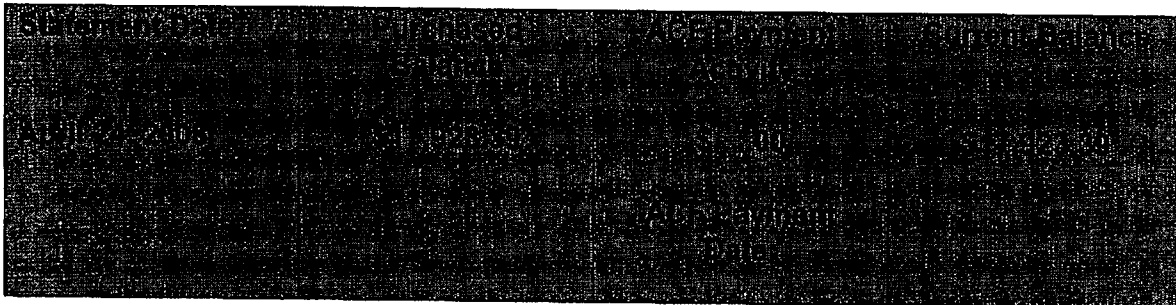
**Original Creditor Last Pay Date: 2/21/2006**

**Original Creditor Last Payment Amount: \$ 290.00**

**Original Creditor Charge Off Date: 9/30/2006**

**ACF ID Number: 2761852**

SSN: XXX-XX-8916



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2205-CD

ATLANTIC CREDIT & FINANCE INC., ASSIGNEE

vs

JOHN M. BAKAYSA

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/17/2008

HEARING:

PAGE: 104942

DEFENDANT: JOHN M. BAKAYSA  
ADDRESS: 34 CHURCH STREET  
MAHAFFEY, PA 15757-0011

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

12-3-08- 10:28<sup>AM</sup> N/H

12-5-08- 10:45<sup>AM</sup> N/H-Left Mts

**SHERIFF'S RETURN**

NOW, 12-8-08 AT 11:11 AM PM SERVED THE WITHIN

COMPLAINT ON JOHN M. BAKAYSA, DEFENDANT

BY HANDING TO John M. BAKAYSA

Def.

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

ADDRESS SERVED 34 Church St.  
MAHAFFEY, Pa. 15757

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

COMPLAINT FOR JOHN M. BAKAYSA

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

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN M. BAKAYSA

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*James E. Davis*  
Deputy Signature

James E. Davis  
Print Deputy Name



2050399

FILED *Eu*

*S* JAN 14 2009  
*m/11:10/a*  
William A. Shaw  
Prothonotary/Clerk of Courts

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.  
Assignee from HSBC

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-2205-CD

JOHN M BAKAYSA

**ORDER TO SETTLE, DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter settled, discontinued  
and ended upon payment of your costs only.

GORDON & WEINBERG, P.C.

BY: *[Signature]*

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

P003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104942  
NO: 08-2205-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC., ASSIGNEE  
vs.  
DEFENDANT: JOHN M. BAKAYSA

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	067464	10.00
SHERIFF HAWKINS	GORDON	067464	90.00

9  
**FILED**  
012:45LM  
MAR 24 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff