

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

11/12:20 (wn)

William A. Shaw
Prothonotary/Clerk of Courts

CLERK TO ATTORNEY &
SUPER

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. Meholic, 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".

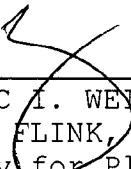
5. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due as of November 7, 2008 in the amount of \$17,923.39.

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.

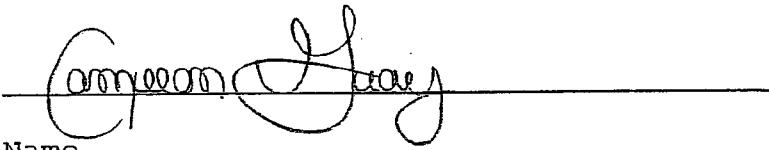
BY: 

~~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.
v.
JOHN M BAKAYSA

2050399

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:

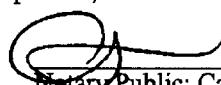
1. Plaintiff's principal business consists of purchasing charged off receivables.
2. The Defendant defaulted on HSBC Account No. 5407920680451454. Said Account was charged off on 9/30/2006 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$17923.39.
3. Plaintiff purchased or 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

[REDACTED]

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 AM-N/H
12-5-08- 10:45 AM-N/H-LEFT Arts

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 C. Davis
Deputy Signature

James E. Davis
Print Deputy Name

2050399

FILED *EW*

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 JAN 14 2009
m/11/10/w
William A. Shaw
Prothonotary/Clerk of Courts

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: *W*

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

5
FILED
01/24/09
MAR 24 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

1
Chester A. Hawkins
Sheriff