

08-2271-CD

Asset Acceptance vs Sherry L. Beers

FILED

NOV 24 2008

01/12:45/J

William A. Shaw
Prothonotary/Clerk of Courts

I came to Ann

I came to Shaw

HAYT, HAYT & LANDAU, LLC
By: Arthur Lashin, Esquire
Identification No. 23425
400 Market Street
Suite 600
Philadelphia, PA 19106-2513
(215) 928-1400

Attorney for Plaintiff

ASSET ACCEPTANCE LLC

P.O. BOX 2041
WARREN, MI 48090

vs.

SHERRY L BEERS
217 WILSON AVE
DUBOIS PA 15801

CLEARFIELD COUNTY

COURT OF COMMON PLEAS
CIVIL DIVISION

TERM.

No. 2008-2271-C0

CIVIL ACTION

"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.

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

RAYMOND BILLOTTE, COURT ADMIN.
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD PA, 16830
814-765-2541

"AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CIVIL ACTION

1. Plaintiff ASSET ACCEPTANCE LLC is a business entity securing or collection debts, with offices located at: P.O. BOX 2041, WARREN, MI 48090.
2. Defendant(s) SHERRY L BEERS is/are individual(s) residing at: 217 WILSON AVE, DUBOIS, PA 15801.
3. Upon application by Defendant(s) a Credit/Revolving Charge Account was established for Defendant(s), which was assigned account number 71172300617223; a copy of the account Agreement is attached hereto, made a part of hereof, and marked Plaintiff's Exhibit "A".
4. Defendant(s) subsequently utilized the aforesaid account to make various purchases and/or receive cash advances, thereby incurring payment obligations to Plaintiff and/or Plaintiff's predecessor in interest under the terms of The Agreement.
5. Defendant(s) defaulted upon The Agreement by failing to adhere to the repayment terms contained therein, and in accordance therewith, the entire remaining balance became due and immediately payable.
6. Plaintiff's predecessor in interest assigned to the Plaintiff all of its right, title and interest in and to its account with Defendant(s) so that Plaintiff is now the owner of said account.
7. As a consequence of the foregoing there is presently due and owing to Plaintiff by Defendant(s) the following amounts:

Unpaid Balance:	\$7,815.62
Interest:	\$1,221.81
TOTAL DUE:	<u>\$9,037.43</u>

8. Despite repeated demand by Plaintiff, Defendant(s) has/have failed and refused to pay the aforesaid sum.

WHEREFORE, Plaintiff demands that judgment be entered against Defendant(s) in favor of Plaintiff in the amount of \$9,037.43 together with interest and costs.

HAYT, HAYT & LANDAU

By: 

ARTHUR LASHIN #29425
Attorney for Plaintiff

PO BOX 60175
CITY OF INDIAN CA 91714

Statement of Your Account

Payment Coupon	Account Number	New Balance	Closing Date	Payment Due Date	Minimum Amount Due
	711723-00-617223-0	10,247.48	05-25-2007	06-16-2007	2,351.51
	AUTO PRESORTED FIRST-CLASS SHERRY L BEERS 217 WILSON AVE DU 8015 PA 15801-1249				00525003136
	Mail Payment To: BENEFICIAL POST OFFICE BOX 4153-K CAROL STREAM IL 60197-4153				

0 1002351517117230061722300010247480

For Assistance:
800-365-0175

ACCOUNT SUMMARY

Account Number	Closing Date	Payment Due Date	Standard Payment	Amount Past Due	Minimum Amount Due
711723-00-617223-0	05-25-2007	06-16-2007	183.06	2,168.45	2,351.51

Account Detail Since Last Statement

Date	Transaction Description	Amount	Interest and Other Charges	Amount Applied To Balance	*New Balance
06-04-25-2007	Starting Balance				10,247.48

To evaluate and maintain the quality of our service to you, you permit us to listen to and/or record telephone calls between you and our representative.

YOUR ACCOUNT IS NOW SERIOUSLY OVERDUE. WE EXPECT YOU TO PAY THE AMOUNT PAST DUE IMMEDIATELY.

WE MAY REPORT INFORMATION ABOUT YOUR ACCOUNT TO CREDIT BUREAUS. LATE PAYMENTS, MISSED PAYMENTS, OR OTHER DEFAULTS ON YOUR ACCOUNT MAY BE REFLECTED IN YOUR CREDIT REPORT.

TO ENSURE PROPER AND PROMPT CREDIT IS APPLIED TO YOUR ACCOUNT, ALWAYS RETURN THE TOP PORTION OF YOUR BILLING STATEMENT WITH YOUR PAYMENT. IF YOUR NAME OR ADDRESS APPEARS INCORRECT, PLEASE LET US KNOW. WE TAKE PRIDE IN ADDRESSING OUR CUSTOMERS PROPERLY.

If you have an Adjustable Rate Mortgage, your monthly payments may be going up soon. Have questions about your current

Page 1 of 2

*Your payoff amount may differ from your balance as shown on this statement. If you would like to determine your payoff balance or if you have questions on this billing, please call Customer Service at 800-365-0175. Address written inquiries and all nonpayment correspondence to: Beneficial Customer Service, P O BOX 1547, CHESAPEAKE VA 23320, ATTN: QWR DEPT. Mail payment to: BENEFICIAL, POST OFFICE BOX 4153-K, CAROL STREAM IL 60197.

NOTE: PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

35528475

EXHIBIT "A"

PO BOX 60175
CITY OF INDUS CA 91714

Statement of Your Account

Payment Coupon	Account Number	New Balance	Closing Date	Payment Due Date	Minimum Amount Due
	711723-00-617223-0	10,247.48	05-25-2007	06-16-2007	2,351.51

AUTO PRESORTED FIRST-CLASS
SHERRY L BEERS

Mail Payment To:
BENEFICIAL
POST OFFICE BOX 4153-K
CAROL STREAM IL 60197-4153

0052500311

0 1002351517117230061722300010247480

For Assistance:
800-365-0175

ACCOUNT SUMMARY

mortgage? Talk to your branch to get answers and discuss our
loan options.To reach a Customer Service Specialist, please call toll free
1-877-812-6523.Get service when you want it, manage your account online! Make
payments, view statements or recent transactions. Register
today at www.beneficial.com -- see insert for details.

* * * DELINQUENCY CHARGES ACCRUE AFTER 10 DAYS * * *

Page 2 of 2

*Your payoff amount may differ from your balance as shown on this statement. If you would like to determine your payoff balance or if you have questions on this billing, please call Customer Service at 800-365-0175. Address written inquiries and all nonpayment correspondence to Beneficial Customer Service, P O BOX 1547, CHESAPEAKE VA 23320, ATTN: QWR DEPT. Mail payment to: BENEFICIAL, POST OFFICE BOX 4153-K, CAROL STREAM IL 60197.

NOTE: PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

EXHIBIT "A"

ASSIGNMENT AND BILL OF SALE

HSBC Consumer Lending (USA) Inc. on behalf of and as managing company for Beneficial Company LLC and HFC Company LLC and their respective subsidiaries (hereinafter called "Seller") has entered into an Account Purchase and Sale Agreement dated November 19, 2007 ("Agreement") for the sale of accounts dated in the initial paragraph of the Agreement thereof to Asset Acceptance LLC, (hereinafter called "Purchaser"), upon the terms and conditions set forth in that Agreement.

NOW, THEREFORE, for good and valuable consideration, Seller hereby sells, assigns, and transfers to Purchaser, its successors and assigns, all of Seller's rights, title, and interest in each and every one of the Accounts described in the Agreement.

Purchaser and Seller agree that the Purchase Price shall be as stated in Paragraph 3 of the Agreement.

IN WITNESS WHEREOF, Seller has signed and delivered this instrument on the 19th day of November, 2007.

HSBC Consumer Lending (USA) Inc.

By: _____

Printed Name: Mushtaq Sahaf

Title: Vice-President

**ASSET ACCEPTANCE LLC**

P.O. Box 2036
Warren, MI 48090

SHERRY L BEERS
217 WILSON AVE
DU BOIS, PA 15801

ACCOUNT NUMBER	CURRENT BALANCE
71172300617223	\$9037.43
STATEMENT DATE	DUE DATE
	DUE

ACCOUNT NUMBER
71172300617223

DATE OF LAST PAYMENT
06/13/06

DATE	REFERENCE NO	ACCOUNT INFORMATION	BALANCE DUE
	35528475	BALANCE DUE ASSET ACCEPTANCE LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, ASSIGNEE OF 71172300617223 P.O. Box 2036, Warren, MI 48090	\$9037.43

DATE OF DELINQUENCY
08/04/06

PURCHASED ON
11/19/2007

CHARGE OFF AMOUNT*
\$7815.62

INTEREST RATE
18.00%

SERVICE ADDRESS (IF APPLICABLE)

INTEREST DUE AS OF
\$1221.81

*For purposes of this Statement only, Charge Off Amount reflects credits for payments received by Asset, if any.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

EXHIBIT "A"

35528475
910 HAYT, HAYT **PA**

STATE OF MICHIGAN)
)
COUNTY OF MACOMB)

ss

ASSET ACCEPTANCE, LLC

Plaintiff,

vs

SHERRY L BEERS

Defendant,

AFFIDAVIT

I, Judy Melasi being first duly sworn deposes and states:

That I am the Supervisor of ASSET ACCEPTANCE, LLC, a Limited Liability company organized and existing under the laws of the State of Delaware and doing business at P.O. BOX 2041, WARREN, MI 48090.

That there is justly due and owing on the account the sum of \$9037.43 representing the charged off amount and interest.

That the said account originally with HSBC CONSUMER LENDING USA / , account number 71172300617223, has been purchased by ASSET ACCEPTANCE, LLC, who now owns said account and has all rights connected therewith including the right to institute this action.

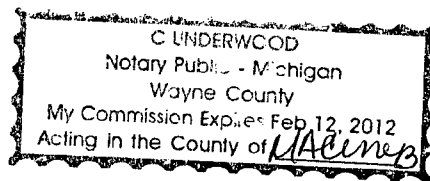
Dated this 08 th day of October, 2008.

I certify that the facts contained in the attached pleading are true and correct to the best of my information, knowledge and belief.

Judy Melasi
Supervisor

Subscribed and sworn to before me, a Notary Public for the State of Michigan, the 08 th of October, 2008 as certified by my hand as set forth immediately below.

C Underwood
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2271-CD

ASSET ACCEPTANCE LLC
vs
SHERRY L. BEERS

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/24/2008 HEARING: PAGE: 104975

DEFENDANT: SHERRY L. BEERS
ADDRESS: 217 WILSON AVE.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

5
FILED
013:436V
DEC 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12-2-08 AT 10:04 (AM) PM SERVED THE WITHIN

COMPLAINT ON SHERRY L. BEERS, DEFENDANT

BY HANDING TO Sherry Beers / Defendant

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

ADDRESS SERVED 217 Wilson Ave Dubois, Pa. 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR SHERRY L. BEERS

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO SHERRY L. BEERS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Newling
Deputy Signature
Jerome M. Newling
Print Deputy Name

LA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ASSET ACCEPTANCE, LLC.,	)	NO. 08 - 2271 - CD
)	
Plaintiff,	)	Type of Pleading: PRELIMINARY
	)	OBJECTIONS TO PLAINTIFF'S
v.	)	COMPLAINT
)	
SHERRY L. BEERS,	)	Filed on Behalf of: PLAINTIFF
)	
Defendant.	)	Counsel of Record:
	)	BENJAMIN S. BLAKLEY, III
)	
	)	Supreme Court No. 26331
)	
	)	BLAKLEY & JONES
	)	90 Beaver Drive, Box 6
	)	DuBois, PA 15801
	)	(814) 371-2730

FILED
DEC 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

icc
m10:56324 Amy Blakley
(611)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ASSET ACCEPTANCE, LLC.,	)	NO. 08 - 2271 - CD
)	
Plaintiff,)	
)	
v.)	
)	
SHERRY L. BEERS,)	
)	
Defendant.)	

PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW comes Defendant, **SHERRY L. BEERS**, by and through her attorneys, **BLAKLEY & JONES**, and files these Preliminary Objections to Plaintiff's Complaint, of which the following is a statement:

1. Plaintiff is **ASSET ACCEPTANCE, LLC**, a limited liability corporation with offices located at P. O. Box 2041, Warren, Michigan, 48090.
2. Defendant is **SHERRY L. BEERS**, an adult individual residing at 217 Wilson Avenue, DuBois, Clearfield County, Pennsylvania, 15801.
3. That by Complaint dated November 24, 2008, the Plaintiff instituted an action against the Defendant seeking payment of an amount allegedly past due to the Plaintiff and further allegedly based upon a written application by the Defendant involving a credit revolving charge account. A copy of said Complaint is attached hereto and made a part hereof.

**I- PRELIMINARY OBJECTIONS FOR FAILURE
OF A PLEADING TO CONFORM TO LAW OR RULE OF COURT**

4. That in its Complaint, the Plaintiff alleges that the claim is based upon an application by the Defendant for a credit/revolving charge account with the Plaintiff.

5. That Pennsylvania Rule of Civil Procedure 1019(I) mandates that when any claim is based upon a writing, the pleading shall attach a copy of the writing or the material part thereof.

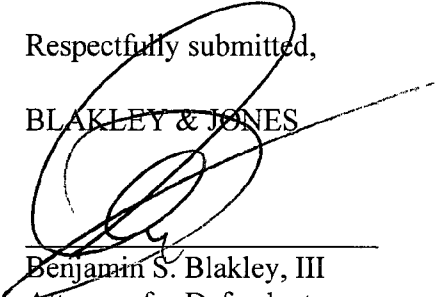
6. That in its Complaint, the Plaintiff fails to attach a copy of the alleged application by the Defendant for a credit/revolving charge account, but nearly attaches account statements indicating a balance allegedly due and owing the Plaintiff.

7. Plaintiff Complaint fails to conform to Pennsylvania Rule of Civil Procedure 1019(I).

WHEREFORE, Defendant respectfully requests this Honorable Court dismiss Plaintiff's Complaint.

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendant

VERIFICATION

I, **SHERRY L. BEERS**, hereby state that I am the Defendant in this action and verify that the statements made in the foregoing Preliminary Objections to Plaintiff's Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


SHERRY L. BEERS

Dated: 12-17-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ASSET ACCEPTANCE, LLC.,)	NO. 08 - 2271 - CD
)	
Plaintiff,)	
)	
v.)	
)	
SHERRY L. BEERS,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of Preliminary Objection to Plaintiff's Complaint in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail on the 22nd day of December, 2008:

Arthur Lashin, Esquire
Hayt, Hayt & Landau, Inc.
400 Market Street, Suite 600
Philadelphia, PA 19106-2513



Benjamin S. Blakley, III

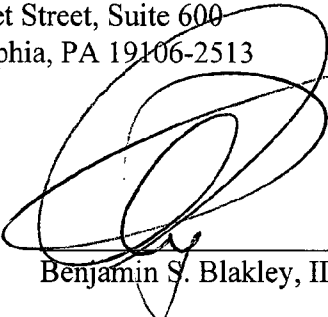
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ASSET ACCEPTANCE, LLC.,)	NO. 08 - 2271 - CD
)	
Plaintiff,)	
)	
v.)	
)	
SHERRY L. BEERS,)	
)	
Defendant.)	

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Arthur Lashin, Esquire
Hayt, Hayt & Landau, Inc.
400 Market Street, Suite 600
Philadelphia, PA 19106-2513



Benjamin S. Blakley, III

HAYT, HAYT & LANDAU
BY: ARTHUR LASHIN, ESQUIRE
IDENTIFICATION NO. 23425
SIXTH FLOOR
400 MARKET STREET
PHILADELPHIA, PA 19106-2509
(215) 928-1400

ATTORNEY FOR PLAINTIFF

William A. Shaw
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

ASSET ACCEPTANCE LLC

vs.

SHERRY L. BEERS

TERM,

No. 2008-02271-CD

PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly discontinue the above captioned matter without prejudice.

HAYT, HAYT & LANDAU

By: 

Attorney for Plaintiff

5
FILED
m/1:40pm
JAN 12 2009

2cc & 2
Cert of disc
issued to
Atty Lashin

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Asset Acceptance LLC

Vs.

No. 2008-02271-CD

Sherry L. Beers

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 12, 2009, marked:

Discontinued without prejudice

Record costs in the sum of \$95.00 have been paid in full by Hayt Hayt & Landau.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of January A.D. 2009.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104975
NO: 08-2271-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ASSET ACCEPTANCE LLC
vs.
DEFENDANT: SHERRY L. BEERS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HAYT	56899	10.00
SHERIFF HAWKINS	HAYT	56899	40.65

FILED
9/2:45 am
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