

08-2296-CD

Atlantic Credit al vs Brett Lanich

185815

**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. 08-2296-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

BRETT E LANICH

(Defendant)

8 N FRONT ST

(Street Address)

CLEARFIELD, PA 16830-2411

(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)

800-672-0215

(Phone)

FILED

DEC 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

(Signature)

Our File No.: 185815
APOTHAKE & 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.	)	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.)	
)	
BRETT E LANICH)	
8 N FRONT ST)	
CLEARFIELD, PA 16830-2411)	
Defendant.)	

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.: 185815
APOTHAKE & 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.)	COURT OF COMMON PLEAS
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520 Fellowship Road C306)	NO.:
Mount Laurel, NJ 08054)	
Plaintiff,)	
vs.)	
)	
BRETT E LANICH)	
8 N FRONT ST)	
CLEARFIELD, PA 16830-2411)	
Defendant.)	

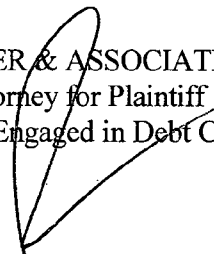
CIVIL ACTION COMPLAINT
FIRST COUNT

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 BRETT E LANICH, an adult individual residing at 8 N FRONT ST CLEARFIELD, PA 16830-2411.
3. Plaintiff, ATLANTIC CREDIT & FINANCE INC. ASSIGNEE FROM HSBC, is the Assignee and Successor in Interest of Account #5499450003042748; 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 \$15,905.61. 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 \$15,905.61 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

BY: 
David J. Apothaker, Esquire

Dated: 11/21/2008

Our File No.: 185815

VERIFICATION

Cameron 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.

Cameron O. Gray
Plaintiff

DATE:

185815

ATLANTIC CREDIT & FINANCE, INC.

v.

BRETT E LANICH

OCT 13 2008

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. 5499450003042748. Said Account was charged off on 1/31/2008 and subsequently sold to Atlantic Credit & Finance, Inc with a balance of \$15169.97.
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 6/22/2007 in the amount of \$ 485.21. After application of all payments, credits, adjustments, and lawful offsets, if any, there is still a balance due and owing on this indebtedness of \$15,169.97.
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:


Carol Jodrey
Authorized Representative

Subscribed and sworn before me, September 18, 2008 .


Notary Public: Amanda Guthrie



THIS COMMUNICATION IS FROM A DEBT COLLECTOR



CREDIT & FINANCE INCORPORATED

PO Box 13386 • Roanoke, VA 24033

Account Statement

Debtor Information	Account Information
--------------------	---------------------

BRETT E LANICH
8 N FRONT ST
CLEARFIELD, PA 16830-2411

Original Creditor Account Number:
5499450003042748

Original Creditor: HSBC

Original Creditor Last Pay Date: 6/22/2007

Original Creditor Last Payment Amount: \$ 485.21

Original Creditor Charge Off Date: 1/31/2008

ACF ID Number: 3412285

SSN: XXX-XX-6785

Statement Date	Purchased Balance	ACF Payment Activity	Current Balance
September 18, 2008	\$15,169.97	\$.00 ACF Payment Date:	\$15,169.97

FILED

DEC 01 2008

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2296-CD

ATLANTIC CREDIT & FINANCE INC., ASSIGNEE

vs
BRETT E. LANICH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/31/2008

HEARING:

PAGE: 104995

DEFENDANT: BRETT E. LANICH
ADDRESS: 8 N. FRONT ST.
CLEARFIELD, PA 16830-2411
ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

~~12/31/2008~~

SHERIFF'S RETURN

NOW, THIS 3RD DAY OF DEC 2008 AT 1:15 AM / PM SERVED THE WITHIN

COMPLAINT ON BRETT E. LANICH, DEFENDANT

BY HANDING TO BRENDA HOWDESHELL, GIRL FRIEND

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

ADDRESS SERVED 8 N FRONT ST. CLFD.

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR BRETT E. LANICH

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO BRETT E. LANICH

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answered: CHESTER A. HAWKINS, SHERIFF

BY:

George F. DeHaven
Deputy Signature

George F. DeHaven
Print Deputy Name

5
FILED
DEC 17 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104995
NO: 08-2296-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE INC., ASSIGNEE
VS.
DEFENDANT: BRETT E. LANICH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	112577	10.00
SHERIFF HAWKINS	APOTHAKE	112577	20.00

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

Our File No.: 185815
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215

Attorney for Plaintiff

ATLANTIC CREDIT & FINANCE INC.
ASSIGNEE FROM HSBC

Plaintiff,

vs.

BRETT E LANICH

Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY

) NO.: 08-2296-CD

) Civil Action

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, BRETT E LANICH, in the default of an Answer, in the amount of

\$16,427.11 computed as follows:

Amount claimed in complaint:	\$15,905.61
Amount Paid:	-(0.00)
Interest from November 21, 2008 to 04/29/09 at the legal interest rate of 6.000 per annum	\$396.50
Costs	\$125.00
Attorney fees	\$0.00

TOTAL \$16,427.11

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with
Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify Defendant, BRETT E LANICH, last know address is 8 N FRONT ST CLEARFIELD, PA 16830-
2411.

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

By:

David J. Apothaker

Dated: 4/29/2009

5 FILED
MAY 07 2009
William A. Shaw
Prothonotary/Clerk of Courts
20.00
Notice
to Def.
1 CC to Atty

Our File No.: 185815
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215

Attorney for Plaintiff

ATLANTIC CREDIT & FINANCE INC.
ASSIGNEE FROM HSBC

Plaintiff,

vs.

BRETT E LANICH

Defendant.

) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY

) NO.: 08-2296-CD

) Civil Action

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

By:

David J. Apothaker

Dated: 4/29/2009

5
FILED Any pd.
MAY 07 2009 20.00
William A. Shaw
Prothonotary/Clerk of Courts
Notice to Def.
ICC to Any

Our File No.: 185815
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

ATLANTIC CREDIT & FINANCE	)	COURT OF COMMON PLEAS OF
INC. ASSIGNEE FROM HSBC	)	CLEARFIELD COUNTY
)	
Plaintiff,)	
vs.	)	NO.: 08-2296-CD
)	
BRETT E LANICH	)	Civil Action
)	
Defendant.)	

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 8 N FRONT ST CLEARFIELD, PA 16830-2411.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavelly-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

David J. Apothaker
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LANICH	BRETT E	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenseink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BMDGSTICVJJ

185815

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

ATLANTIC CREDIT & FINANCE INC. ASSIGNEE) COURT OF COMMON PLEAS
FROM HSBC) CLEARFIELD COUNTY
)
vs.)
) NO. 08-2296-CD
BRETT E LANICH)

To: BRETT E LANICH
8 N FRONT ST
CLEARFIELD, PA 16830-2411

NOTICE, RULE 237.5

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: April 03, 2009


IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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



DAVID J. APOTHAKE, ESQUIRE
APOTHAKE & ASSOCIATES, PC
A Law Firm Engaged in Debt Collection
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff
Attorney ID #38423

185815

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

NO: 08-2296-CD

ATLANTIC CREDIT & FINANCE INC., ASSIGNEE

VS

SERVICE # 1 OF 1

BRETT E. LANICH

COMPLAINT

COPY

SERVE BY: 12/31/2008

HEARING:

PAGE: 104995

DEFENDANT:

BRETT E. LANICH

ADDRESS

8 N. FRONT ST.

CLEARFIELD, PA 16830-2411

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS

VACANT

OCCUPIED

ATTEMPTS

12-30-08

SHERIFF'S RETURN

NOW

THIS 3RD DAY OF DEC 2008 AT 1:15

AM / PM

SERVED THE WITHIN

COMPLAINT ON BRETT E. LANICH, DEFENDANT

BY HANDING TO

BRENDA HEDLESHELL

GIRL FRIEND

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

ADDRESS SERVED

8 N FRONT ST CLFD

NOW

AT

AM / PM POSTED THE WITHIN

COMPLAINT FOR BRETT E. LANICH

AT (ADDRESS)

NOW

AT

AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK

I MAKE RETURN OF **NOT FOUND** AS TO BRETT E. LANICH

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY

George F. DiHaven

Deputy Signature

George F. DiHaven

Print Deputy Name

COPY

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: BRETT E LANICH
8 N FRONT ST
CLEARFIELD, PA 16830-2411

ATLANTIC CREDIT & FINANCE	)	COURT OF COMMON PLEAS OF
INC. ASSIGNEE FROM HSBC	)	CLEARFIELD COUNTY
)	
Plaintiff,)	
vs.	)	NO.: 08-2296-CD
)	
BRETT E LANICH	)	Civil Action
)	
Defendant.)	

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

___ JUDGMENT IN REPLEVIN

___ JUDGMENT BY CONFESSION

___ JUDGMENT FOR POSSESSION

___ JUDGMENT ON AWARD OF ARBITRATORS

___ JUDGMENT ON VERDICT

___ JUDGMENT ON COURT FINDINGS

___ JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apothaker, Esq. at this telephone number: 215-634-8920

Willi Apothaker 517109