

08-2346-CD

Atlantic Credit al vs Marleen Martin

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

**ATLANTIC CREDIT & FINANCE, INC.**

(Plaintiff)

c/o Apothaker & Associates, P.C.

520 Fellowship Road C306

(Street Address)

Mount Laurel, NJ 08054

(City, State, ZIP)

**CIVIL ACTION**

No. 2008-2346-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

**MARLEEN MARTIN**

(Defendant)

109 FOREST AVE

(Street Address)

DU BOIS, PA 15801-1109

(City, State, ZIP)

**ATLANTIC CREDIT & FINANCE,**

INC.

(Plaintiff)

S **FILED** pd \$95.00 Atty  
m/1:30 cm ICC Shft  
DEC 08 2008 ICC Atty

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

David J. Apothaker, Esq.  
Apothaker & Associates, P.C.

(Filed by)

520 Fellowship Road C306

Mount Laurel, NJ 08054

(Address)

800-672-0215

(Phone)

(Signature)

Our File No.: 188998  
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

## 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.: 188998  
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. ) COURT OF COMMON PLEAS  
c/o Apotheker & Associates, P.C. ) CLEARFIELD COUNTY  
520 Fellowship Road C306 )  
Mount Laurel, NJ 08054 ) NO.:  
Plaintiff, )  
vs. )  
 )  
MARLEEN MARTIN )  
109 FOREST AVE )  
DU BOIS, PA 15801-1109 )  
Defendant. )  
 )

**CIVIL ACTION COMPLAINT  
FIRST COUNT**

1. Plaintiff is ATLANTIC CREDIT & FINANCE, INC. c/o Apotheker & Associates, P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054.
  2. Defendant(s) is/are MARLEEN MARTIN, an adult individual residing at 109 FOREST AVE DU BOIS, PA 15801-1109.
  3. Plaintiff, ATLANTIC CREDIT & FINANCE, INC., is the Assignee and Successor in Interest of Account #4791060013875025; and said account was issued to Defendant(s) by ASPIRE, 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 \$2,850.52. 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 \$2,850.52 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. Apothaker, Esquire

Dated: 12/1/2008

Our File No.: 188998

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:

ATLANTIC CREDIT & FINANCE, INC.

MARLEEN MARTIN  
109 FOREST AVE  
DU BOIS, PA 15801-1109

STATEMENT OF ACCOUNT

Debtor's Name: MARLEEN MARTIN

Account Number: 4791060013875025

Original Creditor: ASPIRE

Balance Due: \$2,850.52

Our File No.: 188998

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2346-CD

ATLANTIC CREDIT & FINANCE, INC.  
vs  
MARLEEN MARTIN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/07/2009 HEARING: PAGE: 105025

DEFENDANT: MARLEEN MARTIN  
ADDRESS: 109 FOREST AVE.  
DUBOIS, PA 15801-1109

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

*S*  
**FILED**  
*01/13/08*  
**DEC 18 2008**

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

**SHERIFF'S RETURN**

NOW, 12-10-08 AT 2:00 AM/PM **SERVED** THE WITHIN

COMPLAINT ON MARLEEN MARTIN, DEFENDANT

BY HANDING TO MARLEEN MARTIN 1 DEBT BUREAU

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

ADDRESS SERVED 109 FOREST AVE, DUBOIS, PA. 15801

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

COMPLAINT FOR MARLEEN MARTIN

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MARLEEN MARTIN

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

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*MARLEEN MARTIN*  
Deputy Signature

*Marie A. Conner*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105025  
NO. 08-2346-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: ATLANTIC CREDIT & FINANCE, INC.  
vs.  
DEFENDANT: MARLEEN MARTIN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	113190	10.00
SHERIFF HAWKINS	APOTHAKER	113190	40.23

5  
FILED  
03:35pm  
MAR 25 2009  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

Our File No.: 188998  
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

S FILED  
MAY 07 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Notice to Def.  
ICC to Atty  
20.00

ATLANTIC CREDIT & FINANCE, INC. ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY  
vs. )  
MARLEEN MARTIN ) NO.: 2008-2346-CD  
Defendant. )  
Civil Action  
)

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, MARLEEN MARTIN, in the default of an Answer, in the amount of \$3,056.37 computed as follows:

Amount claimed in complaint:	\$2,850.52
Amount Paid:	-\$(0.00)
Interest from December 01, 2008 to 04/29/09 at the legal interest rate of 6.000 per annum	\$60.62
Costs	\$145.23
Attorney fees	\$0.00
 TOTAL	 \$3,056.37

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, MARLEEN MARTIN, last know address is 109 FOREST AVE DU BOIS, PA 15801-1109.

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

By:

David J. Apothaker

Dated: 4/29/2009

Our File No.: 188998  
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, INC.	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
	)	
Plaintiff,	)	
vs.	)	NO.: 2008-2346-CD
	)	
MARLEEN MARTIN	)	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 109 FOREST AVE DU BOIS, PA 15801-1109.

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. Snavely-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
MARTIN	MARLEEN		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 "defenselink.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/fag/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.

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

ATLANTIC CREDIT & FINANCE, INC.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

vs.

)

MARLEEN MARTIN

) NO. 2008-2346-CD

)

To: MARLEEN MARTIN  
109 FOREST AVE  
DU BOIS, PA 15801-1109

**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. APOTHAKER, ESQUIRE  
APOTHAKER & 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

188998

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2346-CD

ATLANTIC CREDIT & FINANCE, INC.  
vs  
MARLEEN MARTIN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/07/2009 HEARING: PAGE: 105025

COPY

DEFENDANT: MARLEEN MARTIN  
ADDRESS: 109 FOREST AVE.  
DUBOIS, PA 15801-1109

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_

SHERIFF'S RETURN

NOW, 12-10-08 AT 2:00 AM / PM SERVED THE WITHIN

COMPLAINT ON MARLEEN MARTIN, DEFENDANT

BY HANDING TO Mareleen Martin 1 DEFBURANT

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

ADDRESS SERVED 109 Forest Ave, Dubois, PA. 15801

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

COMPLAINT FOR MARLEEN MARTIN

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MARLEEN MARTIN

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Marie A. Hawkins  
Deputy Signature

Marie A. Hawkins  
Print Deputy Name

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS

COPY

TO: MARLEEN MARTIN  
109 FOREST AVE  
DU BOIS, PA 15801-1109

ATLANTIC CREDIT & FINANCE, ) COURT OF COMMON PLEAS OF  
INC. ) CLEARFIELD COUNTY  
vs. Plaintiff, )  
 ) NO.: 2008-2346-CD  
MARLEEN MARTIN ) 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. Apotheker, Esq. at this telephone number: 215-634-8920

*Willie J. Apotheker  
5/1/09*