

08-2385-CD
Midland Funding vs Edward Cowfer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

c/o Mann Bracken LLP
 4660 Trindle Road, 3rd Floor
 Camp Hill, PA 17011
 Plaintiff

VS.

EDWARD COWFER
 501 STONE ST
 OSCEOLA MILLS PA 16666

Defendant(s)

: NO. 2008-2385-CD
 :
 :
 :
 : Type of Case: Contract
 :
 : Type of Pleading: Civil Complaint
 :
 : Filed on behalf of: Plaintiff
 :
 :
 :

⁵ FILED ^{PA \$95.00 Att}
 m/11:55LM ICC Att
 DEC 12 2008 ICC Staff
 (LM)
 William A. Shaw
 Prothonotary/Clerk of Courts

Date:

12/3/08

Philip C Warholc
 David R. Galloway #87326/Philip C. Warholc #86341
 Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259
 Amy F. Doyle #87062
 Mann Bracken LLP / Counsel for Plaintiff
 The Successor by Merger to Wolpoff & Abramson, LLP
 and Eskanos & Adler, P. C.
 4660 Trindle Road, Suite 300, Camp Hill, PA 17011
 Telephone: (717) 303-6700 Fax: (717) 737-9051
 Telephone: (717) 303-6700
 Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC	:	NO.
	:	
ASSIGNEE OF BENEFICIAL	:	
8875 AERO DRIVE	:	
SAN DIEGO CA 92123	:	
Plaintiff	:	
	:	
VS.	:	CIVIL ACTION - LAW
	:	
EDWARD COWFER	:	
	:	
501 STONE ST	:	
OSCEOLA MILLS PA 16666	:	
	:	
Defendant(s)	:	

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 an 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 or any other claim or relief requested by the Plaintiff. You may lose money or property 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 HELP. 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.

PA Lawyer Referral Service
 Clearfield County Courthouse
 David S. Meholick, Court Administrator
 230 East Market Street
 Clearfield PA 16830
 814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC : NO.
 :
 ASSIGNEE OF BENEFICIAL :
 8875 AERO DRIVE :
 :
 SAN DIEGO CA 92123 :
 Plaintiff :
 :
 VS. : CIVIL ACTION - LAW
 :
 EDWARD COWFER :
 :
 501 STONE ST :
 OSCEOLA MILLS PA 16666 :
 :
 Defendant(s)

NOTICIA

Le han demandado a usted en la corte. Si usted quiere defensas de esas demandas expuestas en las paginas, siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notifiacion. Usted debe presentar una apariciencia escrita o en persona o por abogado y archivar en la corte en forma escrita sus defensas o sus objeciones a las demandas en corte de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y podria entrar una orden contra usted sin previo aviso o notificacion y por cualquier queja o alivio que es pedido en la peticion de demanda. Usted puede perder dinero o sus propiedades o 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 TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTANCIA LEGAL.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC : NO.
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 :
 VS. : CIVIL ACTION - LAW
 :
 EDWARD COWFER :
 :
 501 STONE ST :
 OSCEOLA MILLS PA 16666 :
 :
 Defendant(s) :

COMPLAINT

AND NOW, comes the Plaintiff, by and through its attorneys and the law firm of Mann Bracken LLP, and files this Complaint and in support avers as follows:

1. Plaintiff, MIDLAND FUNDING LLC

located at, ASSIGNEE OF BENEFICIAL
 8875 AERO DRIVE
 SAN DIEGO CA 92123

2. Defendants, EDWARD COWFER
 is/are adult individual(s) with last known address(es) of

501 STONE ST
 OSCEOLA MILLS PA 16666
 COUNTY OF CLEARFIELD

3. It is averred that Defendant(s) was/were issued an open end credit card account (hereinafter - Account).

4. At all relevant times material hereto, Defendant(s) has/have been a regular user(s) of said Account for the purchase of products, goods, and/or for obtaining services.

5. Defendant(s) was/were provided with monthly statements showing all debits and credits for transactions on the Account to which there was no bona fide objection by Defendant(s). A Statement of Account summarizing the Account is attached hereto as Exhibit "A".

6. Defendant(s) did not object to the above-mentioned statements submitted by Plaintiff and/or its assignors to Defendant(s).

7. As of the date of this Complaint, the remaining balance due, owing and unpaid on Defendant's credit card account as a result of the charges made by said Defendant(s) and/or any authorized users is the sum of \$ 8122.95.

8. Interest has accrued on the aforementioned balance at that rate of 6.00% per annum.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$ 2392.82.

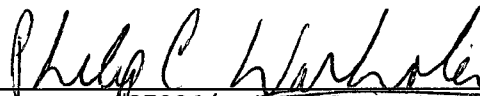
10. Despite reasonable and repeated demands for payment, Defendant(s) has/have refused and continue to refuse to pay all sums due and owing on the aforementioned account balance, all to the damage and detriment of the Plaintiff.

11. Plaintiff performed any and all conditions precedent to the bringing of the this action.

12. The amount in controversy is within the jurisdictional amount requiring compulsory arbitration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant(s) in the amount of \$ 8122.95, plus interest in the amount of \$ 2392.82, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,



David R. Galloway #87326/Philip C. Warholick #86341
 Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259
 Amy F. Doyle #87062

MANN BRACKEN LLP / Counsel for Plaintiff

The Successor by Merger to Wolpoff & Abramson, LLP

and Eskanos & Adler, P. C.

4660 Trindle Road, Suite 300, Camp Hill, PA 17011 / (717) 303-6700

VERIFICATION

The undersigned hereby states that he/she is the attorney for the Plaintiff who is located outside of this jurisdiction and in order to file the within document in an expedient and timely manner, he/she is authorized to take this verification on behalf of said Plaintiff in the within action and verifies that the statements made in the foregoing Complaint are true and correct to the best of his/her knowledge, information, and belief, based upon information provided by the Plaintiff.

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



David R. Galloway #87326/Philip C. Warholick #86341
 Sarah E. Ehasz #86469/Robert N. Polas, Jr. #201259
 Amy F. Doyle #87062
 Mann Bracken LLP / Counsel for Plaintiff
 The Successor by Merger to Wolpoff & Abramson, LLP
 and Eskanos & Adler, P. C.
 4660 Trindle Road, Suite 300, Camp Hill, PA 17011
 Telephone: (717) 303-6700 Fax: (717) 737-9051

EXHIBIT "A"

File Number 182694619 Media Number 08288001161 Account Number *****3517
PROVIDER MIDLAND FUNDING LLC, ASSIGNEE OF BENEFICI

PAGE 1

ACCOUNT# *****3517 CLIENT# 001846 ACCT BALANCE \$8,122.95
LPYMT DT CLIENT NAME MIDLAND C/O DT 12/31/03
LPYMT ISSUE DT 01/31/06 ORIG-CREDITOR BENEFICIAL
*CC-REC-TYPE*CC-FILENO *CC-FORM-FILE *CC-MASCO-FILE *CC-FORM-ID
01 8527635012 *****3517 CA20.RGS1
*CC-FIRM-ID*CC1-DATE-FORM*CC1-LIST-FORM*CC1-COMM*CC1-SUIT-FEE*CC1-ORIG-AMT-OUT
MD16.LAW 10/12/08 27.0 \$.00 \$8,122.95
*CC1-INT-AMT-OUT*CC1-ORIG-INT-DATE*CC1-CRED-NAME
\$.00 12/31/03 Midland Funding LLC
*CC1-CRED-NAME2 *CC1-CRED-ADDR *CC1-CRED-CITY-ST
Midland Funding LLC
*CC1-CRED-ZIP*CC1-BAL-AMT-OUT*CC1-TYPE*CC1-LPAY-DATE*CC1-LPAY-AMT-OUT
0000000812295 CL01 \$.00
*CC1-OPEN-DATE*CC1-CO-DATE*CC1-CO-BAL-OUT*CC1-PORT-ID
01/15/99 12/31/03 8122.95 761
*CC1-ORIG-CREDITOR *CC1-ORIG-CREDITOR2
BENEFICIAL
LPYMT ISSUE DT 01/31/06 LPYMT ISSUE AMT .00
*CC2-DEBT-NAME *CC2-DEBT-SALUT*CC2-DEBT-ALIAS
COMFER/EDWARD
*CC2-DEBT-ADDR *CC2-DEBT-CITY-ST *CC2-DEBT-ZIP*CC2-DEBT-PHONE
501 STONE ST OSCEOLA MILLS, PA 16666 8143397357
*CC2-DEBT-FAX*CC2-DEBT-SSN *CC2-RFILE-NR*CC2-DEBT-DOB*CC2-DEBT-DRIVERS-LIC
XXX-XX-1513
*CC2-HEARING-DATE*CC2-LIEN-DATE*CC2-GARN-DATE*CC2-SERV-TYPE*CC2-CELL-NO
*CC2-SCORE-FICO*CC2-SCORE-COLLECT*CC2-SCORE-OTHER
0 5 0

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2385-CD

MIDLAND FUNDING LLC
vs
EDWARD COWFER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/11/2009 HEARING: PAGE: 105052

DEFENDANT: EDWARD COWFER
ADDRESS: 501 STONE ST.
OSCEOLA MILLS, PA 16666

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, This 16th day Dec 2008 AT 2:30 AM / PM **SERVED** THE WITHIN

COMPLAINT ON EDWARD COWFER, DEFENDANT

BY HANDING TO KAREN RICE GIRLFRIEND

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

ADDRESS SERVED 501 STONE ST OSCEOLA MILLS

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

COMPLAINT FOR EDWARD COWFER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO EDWARD COWFER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Print Deputy Name

S
FILED
03:43 PM
DEC 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Midland Funding LLC
(Plaintiff)

CIVIL ACTION

(Street Address)

No. 2008-2385 CD

Type of Case: Civil

(City, State ZIP)

Type of Pleading: Answer

VS.

Edward Cowfer
(Defendant)

Filed on Behalf of:

Edward Cowfer
(Plaintiff/Defendant)

(Street Address)

(City, State ZIP)

^S **FILED** No CC
0/3:20Lm
JAN 02 2008
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

Edward Cowfer
(Filed by)

501 Stone St Oscoda Mills PA
(Address) 16664

8143397309
(Phone)

Robert Rice for Edward Cowfer
(Signature)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MIDLAND FUNDING LLC

NO.

2008-2385-CD

ASSIGNEE OF BENEFICIAL
8875 AERO DRIVE

SAN DIEGO CA 92123
Plaintiff

VS.

CIVIL ACTION - LAW

EDWARD COWFER

501 STONE ST
OSCEOLA MILLS PA 16666

Defendant(s)

NOTICIA

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PA Lawyer Referral Service
Clearfield County Courthouse
David S. Meholick, Court Administrator
230 East Market Street
Clearfield PA 16830
814-765-2641

Dec 20, 08

Written Objections to Civil Complaint

1. Midland Funding, LLC, Plaintiff, not original creditor with any contract or agreement to credit card account or credit card with account number
2. Agreed to be Edward Cowfer, Defendant
3. Not agree that an open end credit card account was issued to me. Never had credit card account with balance \$8122.95 with Midland Funding, LLC or other.
No evidence of this.

4. Not agree to using credit card - did not purchase goods or services.
5. Plaintiff did not provide monthly statements with credit card account number. Exhibit A does not include original invoices or any signed agreement or contract or credit card account number.
6. Do object - was never informed of any statements
7. Remaining balance is unbeknownst to me
8. Did not sign any agreement to 6% interest charges and was never informed
9. Accrued interest invalid - did not have credit card
10. Have not received any demands for payment from Plaintiff
11. Did not have credit card
12. Amount in question is not within jurisdictional amount
13. All said - had no agreement with Plaintiff for any credit card account, paid or unpaid that would accrue interest. No invoices, contracts, statements or signed agreements have been submitted to the Court to uphold this complaint. Interest has been accrued unbeknownst to me. There is no evidence of credit card with account number in Exhibit and Defendant ask no judgement be entered against me.

FILED

JAN 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

I state that above is true and correct
to best of my knowledge, information, and belief
Respectfully Submitted

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105052
NO: 08-2385-CD
SERVICES 1
COMPLAINT

PLAINTIFF: MIDLAND FUNDING LLC
vs.
DEFENDANT: EDWARD COWFER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MANN	00102589	10.00
SHERIFF HAWKINS	MANN	00102589	41.82

S FILED
9/3:35 am
MAR 25 2009

William A. Shaver
Prothonotary/Clerk of Courts



Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Midland Funding, LLC
Assignee of Beneficial

Plaintiff

NO. 2008-2385 CD

vs.

CIVIL ACTION - LAW

Edward Cowfer

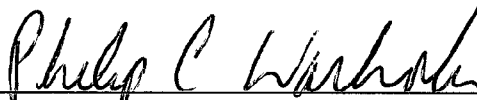
Defendant

PRAECIPE TO DISCONTINUE

To the Prothonotary:

Please mark the above-entitled case as discontinued without prejudice.

Respectfully Submitted,



Amy F. Doyle #87062

Philip C. Warholick #86341

David R. Galloway #87326

Sarah E. Ehasz #86469

Robert N. Polas, Jr. #201259

MANN BRACKEN LLP

The Successor by Merger to Wolpoff & Abramson, LLP
and Eskanos & Adler, PC

Attorneys in the Practice of Debt Collection

4660 Trindle Rd., Suite 300

Camp Hill, PA 17011

(866) 253-0128


FILED
JUL 16 2009
12:15/10
William A. Shaw
Prothonotary/Clerk of Courts
Cmt to Am

182694619

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Midland Funding, LLC
Assignee of Beneficial

Plaintiff

NO. 2008-2385 CD

vs.

CIVIL ACTION – LAW

Edward Cowfer

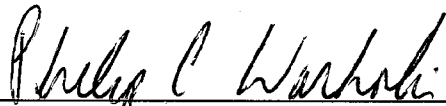
Defendant

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the Praecipe
to Discontinue was served upon the individual(s) listed below by Regular Mail,

Postage Pre-Paid on this 13 day of July, 2009.

Edward Cowfer
501 Stone St
Osceloa Mills, PA 16666



Amy F. Doyle #87062

Philip C. Warholik #86341

David R. Galloway #87326

Sarah E. Ehasz #86469

Robert N. Polas, Jr. #201259

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Abramson, LLP and Eskanos & Adler, PC
Attorneys in the Practice of Debt Collection
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FILED

JUL 16 2009

William A. Shaw
Prothonotary/Clerk of Courts