

STATE OF INDIANA
COUNTY OF LAKE

PLAINTIFF:
LVNV Funding LLC

SERVICE:
____ SHERIFF
____ CLERK REG. MAIL
____ PLAINTIFF REG. MAIL
____ CLERK CERT MAIL

LAKE SUPERIOR COURT
COUNTY DIVISION III
2293 NORTH MAIN STREET
CROWN POINT, IN
CAUSE NO:45D09-1111-SC-3420

VS.

Name: James D. Degraff

Address: 3313 Rustic Lane
Crown Point, IN 46307-8918

FILED IN OPEN COURT

JAN 09 2012

JUDGE LAKE COUNTY
COURT #3

THIS IS AN ATTEMPT TO COLLECT A
DEBT; ANY INFORMATION
OBTAINED WILL BE USED FOR
THAT PURPOSE. IF THIS DEBT WAS
DISCHARGED BY BANKRUPTCY
THEN YOU HAVE RECEIVED THIS
NOTICE IN ERROR.

Garn. Defendant:

SMALL CLAIMS ORDER/JUDGMENT/ENTRY

Check Appropriate Boxes. If there are multiple Defendants, multiple orders must be filled out. Defendant and a Garnishee Defendant can share the same order.

This matter is set today, 1/9/12 for:

Notice of Claim Proceedings Supplemental Motion for Bench Warrant
 Contempt Hearing Status Conference Other: _____

- Plaintiff appears by counsel, Mr. Stephen Shumlax.
- Defendant fails to appear after being duly served.
- Defendant appears in person and/or Defendant appears by counsel. Mr./Ms. _____
- Default Agreed judgment to enter in the amount \$ 318.83 + court costs and judgment interest at the statutory rate (atty fees and prejudgment interest shall be included in total judgment above).
- Garnishee Defendant having been duly served and having failed to appear or answer or appeared and answered, Final Order in Garnishment shall now issue.
- Matter continued by Plaintiff, Defendant, by Agreement to _____
- Matter stayed by Bankruptcy. Date filed: _____; Case No. _____
- Matter dismissed With Prejudice Without Prejudice. Reason: _____
- Matter set for Proceedings Supplemental (payment hearing) on date below. Plaintiff to submit Petition for Pro.Supp.
- Plaintiff requests this matter be set for Hearing due to Defendant's failure to pay as agreed and/or Contempt for Defendant's failure to appear at today's setting. **GRANTED.** Defendant ordered to appear on date below; if Defendant fails to appear at this Hearing a bench warrant may issue for the Defendant's arrest.
- Parties enter payment agreement as noted on the back of this order.
- Bench Warrant to issue for Defendant. Bond: _____ (cash only) Identifiers on back of this order.
- Bond Ordered Released to Plaintiff's Counsel: _____
- Bench warrant recalled instanter by agreement by court order. Bench warrant is now void and moot.
- Judgment Ordered Satisfied and Released.
- Other _____

Signed _____
Stephen Shumlax, #25095-02
2001 Reed Road, Suite 100, Ft Wayne, IN 46815

Signed _____
Defendant and/or Counsel Atty#:

This Matter now set on _____, 20____ at _____ am/pm.

At the address noted at the top right corner of this order.

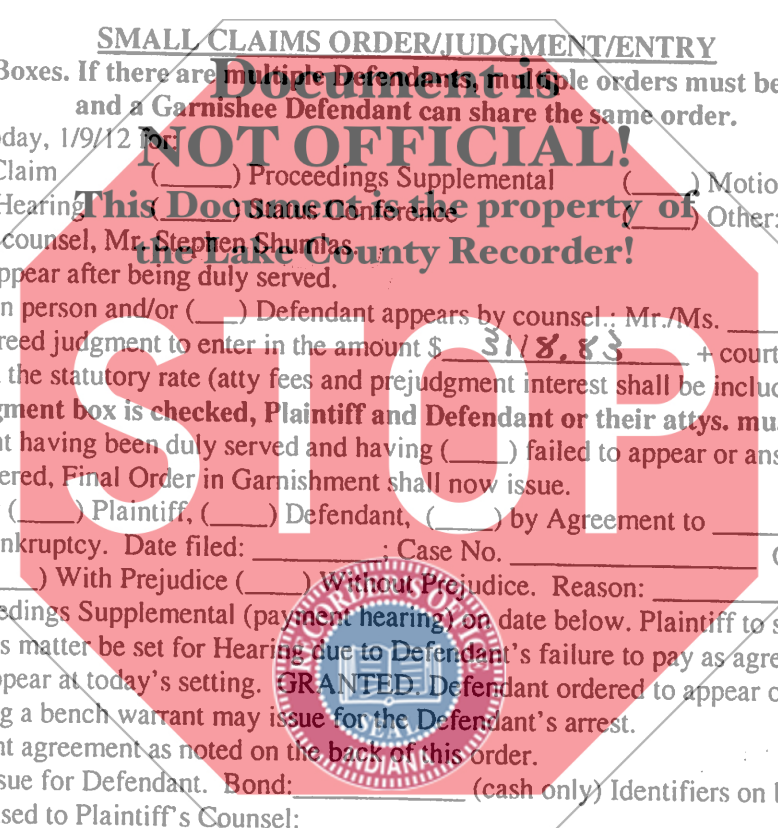
ALL AS FOUND AND RECOMMEND BY:

MAGISTRATE MICHAEL N PAGANO DATE 1/9/12

2011006321

\$25100

Cash #3



2017 085255

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2012 JAN 9 PM 4:00
MAGISTRATE MICHAEL N PAGANO

NOTICE OF CLAIM

Important information is on the back of this Notice of Claims. PLEASE READ.

PLAINTIFF

Name LVNV Funding LLC As Assignee of CitiBank
Address 2001 Reed Road, Suite 100
City Fort Wayne,
State IN Zip Code 46815
Telephone (260) 423-6655
Attorney Wright & Lerch

Plaintiff

Lake Superior Court
Clerks Office
Small Claims Division

2293 North Main Street
Crown Point, IN 46307
Phone: (219) 755-3448, 755-3454

45D091111SCO 3 4 20
Case No. 45D09-

DEFENDANT #1

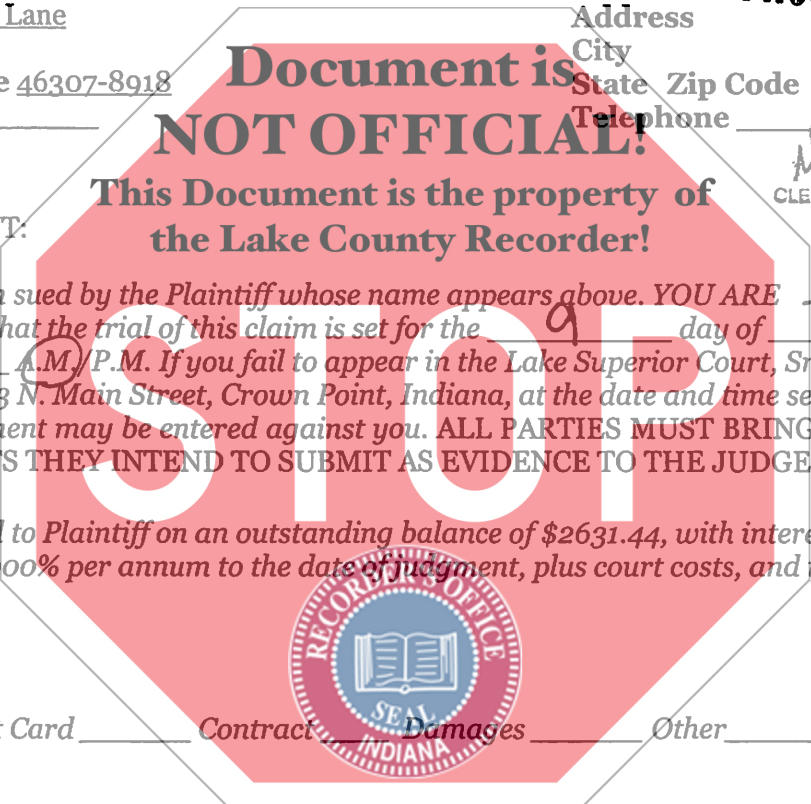
Name James D. Degraff
Address 3313 Rustic Lane
City Crown Point,
State IN Zip Code 46307-8918
Telephone _____

DEFENDANT #2
Name _____
Address _____
City _____
State _____ Zip Code _____
Telephone _____

Filed in Clerk's Office

NOV 21 2011

Michael A. Brown
CLERK LAKE SUPERIOR COURT



TO THE DEFENDANT:

You have been sued by the Plaintiff whose name appears above. YOU ARE HEREBY NOTIFIED that the trial of this claim is set for the 9 day of Jan 20 12, at 11:15 A.M./P.M. If you fail to appear in the Lake Superior Court, Small Claims Division, 2293 N. Main Street, Crown Point, Indiana, at the date and time set for trial, a default judgment may be entered against you. ALL PARTIES MUST BRING TO COURT 3 COPIES OF ALL DOCUMENTS THEY INTEND TO SUBMIT AS EVIDENCE TO THE JUDGE.

Defendant is indebted to Plaintiff on an outstanding balance of \$2631.44, with interest thereon at the statutory rate of 8.0000% per annum to the date of judgment, plus court costs, and if applicable, sheriff's fee.

Account Credit Card _____ Contract _____ Damages _____ Other _____

The undersigned, as attorney for plaintiff, affirms under the penalties for perjury, that:

- 1. The defendant(s) is not in the active military service of the United States.
- 2. The defendant(s) is not incompetent.
- 3. The above representations are true.

2011006321

Stephen Shumlas
Stephen Shumlas, #25095-02

SERVICE INFORMATION

_____ CERTIFIED MAIL _____ DATE
 SHERIFF

CLERK *Michael A. Brown*

BY DEPUTY W 12-7-11 174567

STATE OF INDIANA

IN THE LAKE SUPERIOR COURT

SS:

COUNTY OF LAKE

CAUSE NO.

LVNV Funding LLC
Plaintiff,

vs.

AFFIDAVIT OF NON MILITARY SERVICE

James D. Degraff
Defendant(s).

Comes now Stephen J. Shumlas who having been duly sworn, states that he, as attorney for plaintiff, has caused diligent search to be made regarding the defendant being in the military service of the United States and no such records can be found.

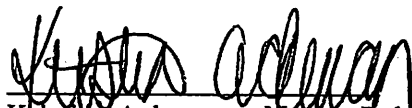
I affirm, under the penalties of perjury, that the foregoing representations are true.

Respectfully submitted
Wright & Lerch

By:
Stephen J. Shumlas, 25095-02
2001 Reed Road, Ste 100
Fort Wayne, IN 46815
260-423-6655
Attorney for Plaintiff

STATE OF INDIANA)
) SS:
)
COUNTY OF ALLEN)

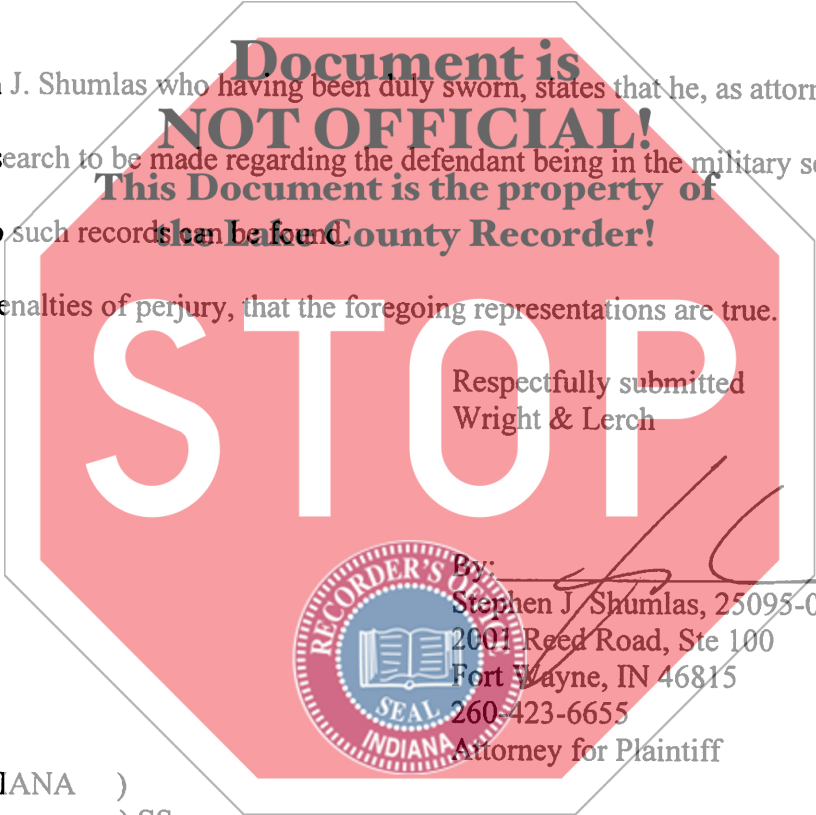
Subscribed and sworn to before me, a Notary public in and for said County and State this 9th day of September 2011


Kristine Ackerman, Notary Public

My Commission Expires:

August 21, 2013
2011006321

Resident of Indiana County of Allen



Department of Defense Manpower Data Center

Sep-10-2011 05:22:43



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DEGRAFF	JAMES	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

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 Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Document is

NOT OFFICIAL!

**This Document is the property of
the Lake County Recorder!**

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 DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as 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 status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional 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 **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

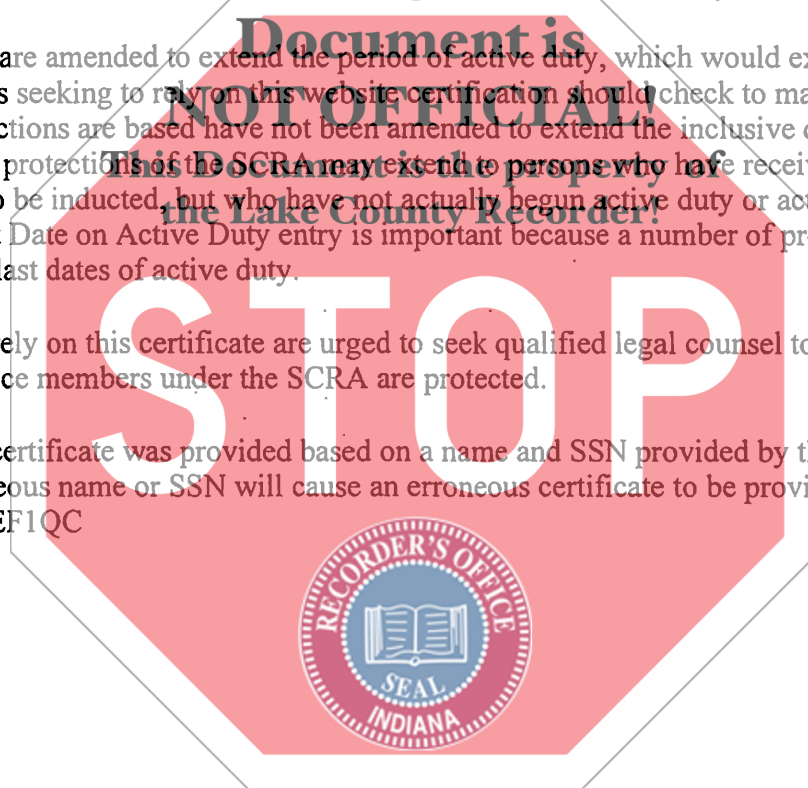
Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

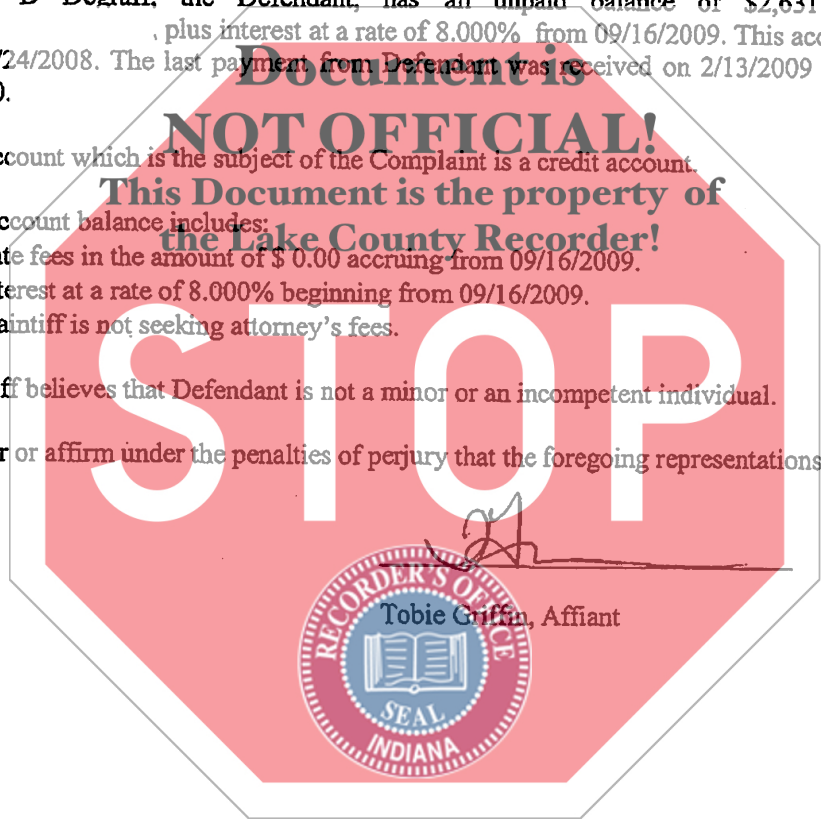
WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:PQ73KEF1QC



AFFIDAVIT OF DEBT

Comes now affiant, and states:

1. I, Tobie Griffin, am an employee of Resurgent Capital Services, LP, servicing agent for Plaintiff, and I am authorized to make this affidavit.
 2. I am of adult age and am fully authorized by Plaintiff to make the following representations which are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge. I am familiar with the recordkeeping practices of Plaintiff.
 3. Plaintiff has obtained this debt from Citibank and the original owner of this debt was Citibank.
 4. James D Degraff, the Defendant, has an unpaid balance of \$2,631.44 on account plus interest at a rate of 8.000% from 09/16/2009. This account was opened on 12/24/2008. The last payment from Defendant was received on 2/13/2009 in the amount of \$30.00.
 5. The account which is the subject of the Complaint is a credit account.
 6. This account balance includes:
 - a. Late fees in the amount of \$ 0.00 accruing from 09/16/2009.
 - b. Interest at a rate of 8.000% beginning from 09/16/2009.
 - c. Plaintiff is not seeking attorney's fees.
 7. Plaintiff believes that Defendant is not a minor or an incompetent individual.
- I swear or affirm under the penalties of perjury that the foregoing representations are true.



Tobie Griffin, Affiant

CCS ENTRY FORM
LAKE SUPERIOR COURT - SMALL CLAIMS DIVISION

DATE: November 15, 2011

Filed in Clerk's Office

CASE NUMBER: 450091111SC0 3 4 20

NOV 21 2011

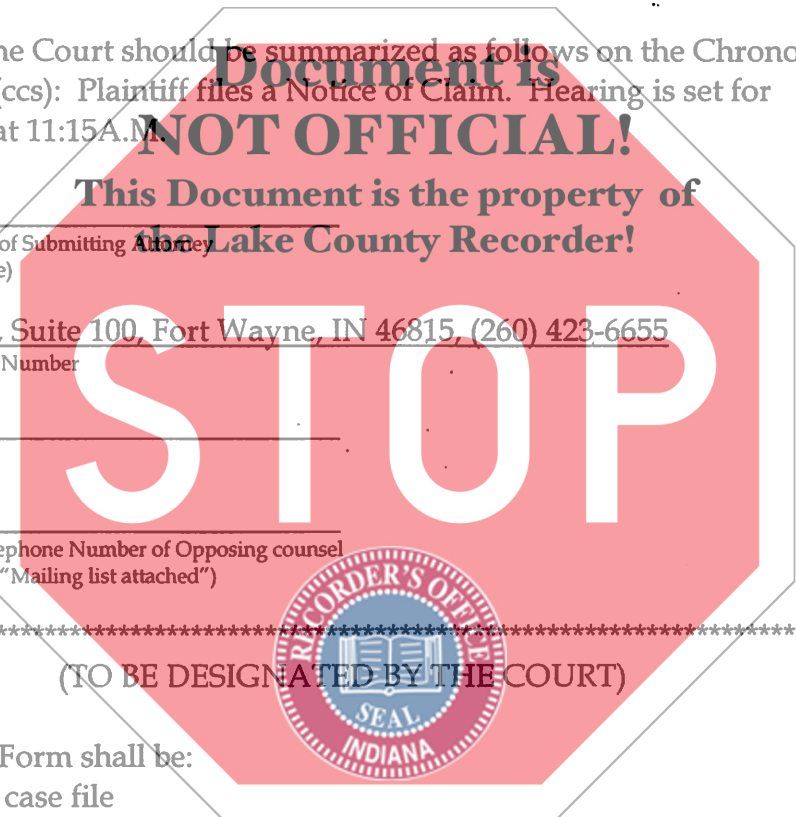
CAPTION: LVNV Funding LLC

Vs.

James D. Degraff

Michael P. Brown
CLERK LAKE SUPERIOR COURT

The activity of the Court should be summarized as follows on the Chronological Case Summary (ccs): Plaintiff files a Notice of Claim. Hearing is set for January 9, 2012 at 11:15A.M.



Wright & Lerch

Name and I.D. Number of Submitting Attorney
(Firm name, if applicable)

2001 Reed Road, Suite 100, Fort Wayne, IN 46815, (260) 423-6655
Address and Telephone Number

Plaintiff

Party Represented

Name, Address and Telephone Number of Opposing counsel
(Or, when appropriate: "Mailing list attached")

(TO BE DESIGNATED BY THE COURT)

This CCS Entry Form shall be:

- Placed in case file
- Discarded after entry on the CCS
- Mailed to all counsel by: ___ Counsel ___ Clerk ___ Court
- There is no attached order; or
The attached order shall be placed in the RJO: Yes [] No []

DATE: _____

APPROVED: _____

Judge