

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN
44th District Court
JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS

CASE NO. GC

JAMES L. WITTENBERG

Court address
400 E 11 Mile, PO Box 20 Royal Oak MI 48068

Court telephone no.
248/246-3600

Plaintiff's name(s), address(es), and telephone no(s)
 Portfolio Recovery Associates, LLC
 c/o Weber & Olcese, P.L.C.
 Our File No. 21-01203 #199

Plaintiff's attorney, bar no., address, and telephone no
 WEBER & OLCESE, P.L.C.
 Michael J. Olcese P46247
 Michael J. Olcese P46247
 P.O. Box 3005
 Birmingham, MI 48012
 800/594-5576

Defendant's name(s), address(es), and telephone no(s)

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R. 74

REC'D FOR FILING
44th DISTRICT COURT
2021 MAR 22 AM 10:09

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035. MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ this court, _____ Court, where it was given case number _____ and assigned to Judge _____

The action remains is no longer pending.

Summons section completed by court clerk

SUMMONS

- NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:
1. You are being sued.
 2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
 4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 3/22/2021	Expiration date 4/12/2021	Court clerk JCP
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19) SUMMONS Defendant MCR 1 109(D), MCR 2 102(B), MCR 2 103, MCR 2 104, MCR 2 105

STATE OF MICHIGAN
IN THE 44TH DISTRICT COURT

Portfolio Recovery Associates, LLC

Plaintiff,

vs.

Case No.

Hon.

Defendant.

WEBER & OLCESE, P.L.C.
Michael J. Olcese (P46247)
Sazen Bardha (P85425)
Michael Kirschenheiter(P75722)
Attorneys for Plaintiff
P.O. Box 3008
Birmingham, Michigan 48012
800/594-5576

COMPLAINT

There is no other pending or resolved civil action arising out the same transaction or occurrence as alleged in this complaint.

NOW COMES Plaintiff, Portfolio Recovery Associates, LLC ("Plaintiff"), by and through its attorneys, Weber & Olcese, P.L.C., and for its Complaint against Defendant(s), _____ ("Defendant"), states as follows:

JURISDICTION

1. That Plaintiff's attorneys are debt collectors attempting to collect a debt and any information obtained will be used for that purpose.
2. That pursuant to MCR 2.113(C)(2), there is no other pending or resolved civil action arising out of the transactions or occurrences alleged in this Complaint.
3. That Plaintiff is doing business in the City of Norfolk VA 23502.
4. That upon information and belief, Defendant is domiciled in the City of ROYAL OAK MI 48067-2874.
5. That the amount in controversy is \$5,745.19.

COUNT I

ACCOUNT STATED

6. That Plaintiff incorporates by reference Paragraphs 1 through 5.
7. That on or about May 27, 2020, the account at issue was transferred, sold and/or assigned from CAPITAL ONE BANK (USA), N.A. to Plaintiff. (See attached bill of sale.)
8. That Plaintiff, through its assignor, and Defendant have consented to a sum as the credit balance due from one another on the account, Account Number: *****5082
9. That Defendant has received periodic billing statements from Plaintiff's assignor to which Defendant has made payment(s) towards and/or not objected to.
10. That Defendant's payments and/or failure to successfully question the state of the account within a reasonable amount of time constitutes an admission of correctness.
11. That Defendant has been given all set-offs, credits and/or allowances on the account and is indebted to Plaintiff in the amount of \$5,745.19(see attached Exhibits).
12. That a statement of the account and an affidavit verifying the account are attached to this Complaint and incorporated by reference (see attached Exhibits).

WHEREFORE, Plaintiff prays that Judgment be entered in its favor and against Defendant in the amount of \$5,745.19.

Respectfully submitted,

WEBER & OLCESE, P.L.C.

By: 

- Michael Olcese (P46247)
 - Rose Abu-Farha (P82489)
 - Sazan Bardha (P85425)
 - Michael Kirschenheiter(P75722)
 - Geoffrey Werber (P67124)
- Attorneys for Plaintiff

Dated: March 15, 2021