

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

ASSET ACCEPTANCE, LLC  
As Assignee of GE CAPITAL-WAL-MART,

Plaintiff,

v.

MARGARET MADDEN,

Defendant.

CIVIL ACTION

No. 2912 of 2008 G.D

FILED  
2009 MAR 19 PM 2:37  
CLERK OF COURT

**ORDER**

AND NOW, this 18<sup>th</sup> day of March 2009, upon consideration of the Preliminary Objections of the Defendant, Margaret Madden, it is hereby ORDERED and DECREED that the Preliminary Objections are hereby GRANTED.

Pursuant to Pa. R.C.P. 1019(i), the pleader is required to attach a copy of the original agreement, signed and dated, to the Complaint for any claim based upon a written agreement. The attached copy of the agreement should include both original and amended terms and conditions applicable to the credit card agreement. *Atlantic Credit & Finance, Inc. v. Giuliana*, 829 A.2d 340 (Pa. Super. 2003).

As stated in Defendant's Preliminary Objections Count I, Failure to Attach Documentation Supporting Amount Claimed, Plaintiff has failed to attach any monthly statements, records or receipts on which the claim for the credit card account is based. Furthermore, in Defendant's Count 2, Preliminary Objection for

Failure to Attach Account Application and Agreement, Plaintiff has also failed to attach a copy of the written agreement, terms and conditions of the credit card account to the Complaint.

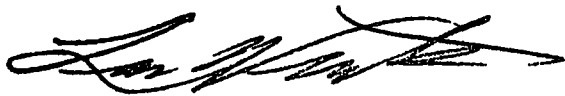
Plaintiff has also failed to explain the absence of the needed documentation. Therefore, pursuant to Pa. R.C.P. 1019 (i), the Plaintiff's claim is incomplete.

Plaintiff is granted leave to file and serve an Amended Complaint within thirty (30) days of this Order.

BY THE COURT:

  
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STEVE P. LESKINEN, JUDGE

ATTEST:



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TRUE AND ATTESTED COPY

  
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