

02-253-CD
DISCOVER BANK " vs. RANDY L. GILLEN Et al

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
198 Allendale Road, Suite 306
King of Prussia, PA 19406
(610) 265-7720

FILED

FEB 21 2002

10am 11/15/01 atty Berman pd \$80.00

cc: William A. Shaw *cc: Shaw*
Prothonotary MON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.
198 Allendale Road, Suite 306
King of Prussia, PA 19406

TRIAL DIVISION

CIVIL ACTION

vs.

Term

RANDY L GILLEN
KATHY J GILLEN

No. *02-253-CJ*

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 this complaint or for any other claim or relief required 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 OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. A demas la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATEMENTE. SI NO TIENE ABOGA O SO NO TIENE EL DINERO SUFFICIENTE 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 ASISTENCIA LEGAL.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION

Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-73

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57505
198 ALLENDALE ROAD, SUITE 306
KING OF PRUSSIA, PA 19406
(610) 265-7720

-----X COURT OF COMMON PLEAS
DISCOVER BANK : COUNTY OF CLEARFIELD
c/o ERIC M. BERMAN, P.C. : CIVIL ACTION
198 Allendale Road, Suite 306 : _____ Term _____
King of Prussia, PA 19406 :
vs. : No.

RANDY L GILLEN
KATHY J GILLEN

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

CIVIL ACTION

Term _____

No.

COMPLAINT

1. Plaintiff, DISCOVER BANK ,
is a DELAWARE BUSINESS TRUST
licensed to do business in the Commonwealth of Pennsylvania with its
place of business at P.O. BOX 8003, HILLIARD, OH 43026.

2. The Defendant(s), RANDY L GILLEN KATHY J GILLEN , resides at 725 HILL ST , CURWENSVILLE, PA 16833-1511.

3. There is due from the Defendant(s) the sum of \$2,398.26 for credit extended by Plaintiff to Defendant(s), acct. no. 6011002230215121, and which such credit was drawn and used by the Defendant(s). Defendant(s) is in default for failure to make payments for such use.

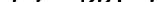
4. The Plaintiff has made demand upon the Defendant(s) for payment of monies in the sum of \$2,398.26 advanced to Defendant(s) through Defendant(s) use of the above-referenced credit account, but Defendant(s) has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$2,398.26 plus interest, attorneys fees and costs which are justly due and owing from the Defendant(s) to the Plaintiff.

ERIC M. BERMAN, P.C.

Dated: JANUARY 04, 2002

BY: 
ERIC M. BERMAN, ESQUIRE

SPACE-AQ

BY: RON Z. OPHER, Esquire

Attorneys for Plaintiff

VERIFICATION

RON Z. OPHER, ESQUIRE, being duly sworn according to law, deposes and says that he is of Counsel to the Law Firm of Eric M. Berman, P.C., and/or ERIC M. BERMAN, ESQUIRE, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and as said attorney, he is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.

Eric M. Berman
ERIC M. BERMAN, ESQUIRE

Ron Z. Opher
RON Z. OPHER, ESQUIRE

Dated: JANUARY 04, 2002

SPACE-AQ

ATTORNEY: **BERMAN**
ACCOUNT NUMBER: 6011002230215121
BALANCE: \$2398.26
CARDMEMBER (S): RANDY L GILLEN
KATHY J GILLEN

STATE OF OHIO
COUNTY OF FRANKLIN

G. Rogers, personally appeared before me, this day and after being duly sworn, according to law, upon his/her oath and says:

THIS person is a Legal Placement Account Manager for **DISCOVER FINANCIAL SERVICES INC.**, the servicing agent of DISCOVER BANK, an FDIC insured Delaware State Bank.

THAT, in their capacity as Legal Placement Account Manager, Affiant has control over and access to records regarding the account of this debtor; further, that the Affiant has personally inspected said account and statements regarding the balance due on said account. These Records are kept in the normal course of business.

THAT the undersigned Affiant being duly sworn deposes and says that the policies and procedures of DISCOVER BANK and it's servicing agent, DISCOVER FINANCIAL SERVICES, INC. are in accordance with applicable federal and state consumer and credit laws.

THAT the annexed statement of account, in favor of DISCOVER BANK, is a true and correct statement and there is now due and owing to DISCOVER BANK, exhibit A is a copy of the terms of the account which we forwarded with the charge card to the Card member(s).

THAT to the best of the Affiant's knowledge and belief the defendant is employed in civilian life and by reason thereof is not engaged in the military service of the United States and is a resident of the State and of the County in which this action has been filed.

THAT this affidavit is made on the basis of the Affiant's personal knowledge and in support of Plaintiff's suit on account against said Debtor.



Affiant

Sworn and Subscribed before me,
This day of Friday, September 07, 2001.



NOTARY

KAREN RENEE LIVENGOOD
Notary Public
In and for the State of Ohio
My Commission Expires
Apr. 05, 2006

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12127

DISCOVER BANK

02-253-CD

VS.

GILLEN, RANDY L. & KATHY J.

COMPLAINT

SHERIFF RETURNS

**NOW MARCH 4, 2002 AT 11:00 AM EST SERVED THE WITHIN COMPLAINT
ON RANDY L. GILLEN, DEFENDANT AT RESIDENCE, 725 HILL ST., CURWENSVILLE
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RANDY L. GILLEN A
TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
TO HIM THE CONTENTS THEREOF.**

SERVED BY: DAVIS/MORGILLO

**NOW MARCH 4, 2002 AT 11:00 AM EST SERVED THE WITHIN COMPLAINT
ON KATHY J. GILLEN, DEFENDANT AT RESIDENCE, 725 HILL ST., CURWENSVILLE
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RANDY GILLEN, HUSBAND
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
TO HIM THE CONTENTS THEREOF.**

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost Description

31.80 SHFF. HAWKINS PAID BY: ATTY.

20.00 SURCHARGE PAID BY: ATTY.

FILED
02/55 X81
APR 30 2002
cc
APR 30 2002

Shaw
William A. Shaw
Prothonotary

Sworn to Before Me This

30th Day Of April 2002
William A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

-----X : COURT OF COMMON PLEAS
: COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
vs.
:

RANDY L GILLEN
KATHY J GILLEN

FILED

MAY 31 2002

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

William A. Shaw
Prothonotary

Please enter a default judgment in favor of Plaintiff,
DISCOVER BANK ,
and against Defendant, RANDY L GILLEN KATHY J GILLEN ,
for failure to answer or otherwise respond to the Complaint - Civil
Action.

The Complaint was served upon Defendant on 03/04/2002,
by the Sheriff's Office of COUNTY OF CLEARFIELD County. A copy of the
proof of service is attached hereto as Exhibit A.

A copy of the Notice of Intention to Take Default served upon
the Defendant by regular mail on 5/17/02
is attached hereto as Exhibit B.

I certify that written notice of the intention to file this praecipe
was mailed or delivered to the party against whom judgment is to be
entered after the default occurred and at least ten days prior to
the date of the filing of this praecipe. Copies are attached. R.C.P.237.1.

Assess damages in the principal amount of \$2,398.26, being
the amount demanded in the Complaint, together with attorneys fees
and court costs.



ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire



ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher

SPACEJUD-ZF

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
By: Eric M. Berman, Esquire, I.D. 83698
By: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

-----X
DISCOVER BANK : COURT OF COMMON PLEAS
: COUNTY OF CLEARFIELD
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION
985 Old Eagle School Road, Suite 505 : CIVIL ACTION
Wayne, PA 19087 : No. 02-253-CD
vs. :
RANDY L GILLEN :
KATHY J GILLEN :
-----X

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.

Judgment by Default
 Money Judgment
 Judgment for Possession
 Judgment on Award of Arbitration
 Judgment on Verdict
 Judgment on Court Findings

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEYS, ERIC M. BERMAN, P. C., att: Eric M. Berman, Esquire, at this telephone number. 1-610-902-0530.

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Paul M. Schofield, Esquire
IDENTIFICATION NO.: 81894
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

-----X-----
COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK :
c/o ERIC M. BERMAN, P.C. :
985 Old Eagle School Road, Suite 505 :
Wayne, PA 19087 :

TRIAL DIVISION
CIVIL ACTION

vs. :

RANDY L GILLEN
KATHY J GILLEN

-----X-----
No. 02-253-CD

NOTICE

TO: RANDY L GILLEN KATHY J GILLEN
725 HILL ST
CURWENSVILLE, PA 16833-1511

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceedings and that enclosed herewith is a copy of all the (record) documents filed in support of the said judgment.

IF YOU ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:
ERIC M. BERMAN, P.C., Attorneys at Law, Attention Eric M. Berman,
Esquire, at this telephone number: 610-902-0530.

PROTHONOTARY

SPACENOT-ZG

Our File No. 153501
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
985 Old Eagle School Road, Suite 505
Wayne, PA 19087

TRIAL DIVISION
CIVIL ACTION

vs.

RANDY L GILLEN
KATHY J GILLEN

No. 02-253-CD

X

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: RANDY L GILLEN KATHY J GILLEN
725 HILL ST
CURWENSVILLE, PA 16833-1511

DATE OF NOTICE: 5/17/02

IMPORTANT NOTICE

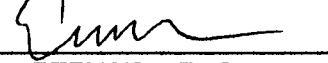
You are in default because you have failed to take action required of you in this case. Unless you act within ten (10) days of the date of this Notice, as set forth above, a Judgment may be entered against you without a Hearing, and you may lose your property or other important rights.

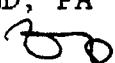
YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD COUNTY BAR ASSOCIATION
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATEMENTE. SI NO TIENE ABOGA O SO 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 ASISTENCIA LEGAL.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-73
SPACEJUD-ZF


ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire


ERIC M. BERMAN, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher, Esquire

Our File No. 153501
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-----X

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

DISCOVER BANK :
c/o ERIC M. BERMAN, P.C. :
985 Old Eagle School Road, Suite 505 :
Wayne, PA 19087 :

TRIAL DIVISION
CIVIL ACTION

vs. :

RANDY L GILLEN
KATHY J GILLEN

No. 02-253-CD

-----X

CERTIFICATION OF ADDRESSES

TO THE PROTHONOTARY:

The address of the Plaintiff, Judgment Creditor, is c/o
Eric M. Berman, P.C., 985 Old Eagle School Road, Suite 505,
Wayne, PA 19087.

The last known address of the Defendant, Judgment Debtor, is
725 HILL ST, , CURWENSVILLE, PA 16833 1511.


Eric M. Berman, P.C.
Attorneys for Plaintiff
By: Eric M. Berman, Esquire
SPACEJUD


Eric M. Berman, P.C.
Attorneys for Plaintiff
By: Ron Z. Opher

File No. 153501

AFFIDAVIT OF NON-MILITARY SERVICE

State of Pennsylvania:

ss.

County of **Clearfield**

Eric M. Berman, Esq. being duly sworn according to law, deposes and says that he/she (is) (represents) the Plaintiff(s) in the above entitled case; that he/she is authorized to make this affidavit on behalf of the Plaintiff(s); and that the above named Defendant(s) is (are) above 18 years of age; the address of Defendant(s) is

745 Hill St., Curwensville, PA 16833

Occupation of Defendant(s) is unknown; and Defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and the Sailors' Civil Relief Act of 1940 and the amendments thereto.

Commonwealth of Pennsylvania

County of **Clearfield**

I, Eric M. Berman, Esq.
depose and say that the facts set forth
in this complaint are true and correct
and acknowledge that I am subject to the
penalties of 18 P.S. 4904 relating to
Unsworn Falsification to Authorities



Eric M. Berman, Esq.
Attorney for the Plaintiff

I hereby acknowledge receipt of the
following affidavit forms which I understand
must be properly completed, notarized and
presented to the Court at the hearing:

Medical Affidavit
 Repair Affidavit
 Bookkeeper Affidavit

Signature

So sworn before me this 13th day of

May, 2002


ELLEN M. CALABRESE
Notary Public, State of New York
No. 02CA6024830...
Qualified in Suffolk County
Term Expires May 17, 2003.

FILED

MAY 31 2002

Q/11.06 Letty Benman
William A. Shaw
Prothonotary pd \$20.00

not. to D/S
Stat. to Letty Benman
WES

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Discover Bank
Plaintiff(s)

No.: 2002-00253-CD

Real Debt: \$2,398.26

Atty's Comm:

Vs.

Costs: \$

Int. From:

Randy L. Gillen

Entry: \$20.00

Kathy J. Gillen

Defendant(s)

Instrument: Default Judgment

Date of Entry: May 31, 2002

Expires: May 31, 2007

Certified from the record this May 31, 2002



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney