

03-369-CD
Fifth Third Bank vs. Irvin Holes, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FIFTH THIRD BANK

Plaintiff

vs.

IRVIN HOLES, JR.

Defendant

No. 03-369-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#02698746

FILED

MAR 14 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FIFTH THIRD BANK

Plaintiff

vs.

Civil Action No.

IRVIN HOLES, JR.

Defendant

COMPLAINT IN CIVIL ACTION AND NOTICE TO DEFEND

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 in the complaint or for any other claim or relief requested 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP

LAWYER REFERRAL SERVICE
PA Bar Association
P.O. Box 186
Harrisburg, PA 17108
1-800-692-7375

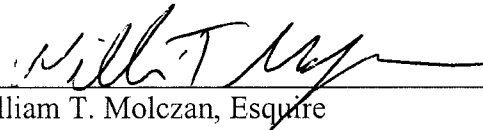
COMPLAINT

1. Plaintiff is a corporation with offices at 38 Fountain Square Plaze, Cincinnati, Ohio 45263-0781.
2. Defendant is an adult individual residing at 1597 Glendale Valley Boulevard, P.O. Box 17, Fallentimber, CLEARFIELD County, Pennsylvania 16639.
3. Defendant applied for and received a MASTERCARD credit card issued by Plaintiff's assignor bearing the account number 5858-8303-5200-3349..
4. Defendant made use of said MASTERCARD credit card and has currently a balance due and owing to Plaintiff, as of November 29, 2002, in the amount of \$2,135.09, as shown by Plaintiff's Statement of Account attached hereto, marked as Exhibit "1" and made a part hereof.
5. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is entitled to the addition of finance charges at the rate of 21% per annum on the unpaid balance.
7. Plaintiff avers that finance charges calculated at the aforesaid rate from November 29, 2002 to January 13, 2003 amount to \$55.28.
8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges, or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, Irvin Holes, Jr. individually, in the amount of \$2,190.37 with continuing finance charges thereon at the rate of 21% per annum plus costs.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.

WELTMAN, WEINBERG & REIS, CO., L.P.A.

A handwritten signature in black ink, appearing to read "William T. Molczan", is written over a horizontal line.

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#:02698746

2698746
LKH

Please print address changes below

Street	Apt.#
City	State ZIP
Home Phone	Alternate Phone
Account Number	5858 8303 5200 3349
New Balance	\$2,135.09
Minimum Amount Due	\$1,650.00
Payment Due Date	December 24, 2002



IRVIN HOLES JR
1597 GLENDALE VALLEY BLVD
PO BOX 17
FALLENTIMBER, PA 16639-0017



Card Center
P.O. Box 740789
Cincinnati, OH 45274-0789

Total enclosed

⑈0000213509⑈⑈514400002⑈1650⑈5858830352003349⑈

Please write your account number on your check made payable to Fifth Third Bank and mail portion above in return envelope.



Fifth Third Bank

ACCOUNT
5858-8303-5200-3349

for period OCT 30 - NOV 29,2002
page 1 of 1

Account Summary

Previous Balance	\$2,135.09
Finance Charges	\$.00
New Balance as of 11/29/02	\$2,135.09
Minimum Amount Due	\$1,650.00
Past Due Amount	\$1,500.00
Payment Due Date	December 24, 2002
Days in Cycle	31
Credit Line	\$1,721.00
Available Credit	\$414.00-

At Your Service

To call Customer Service:
513-579-5353 or 1-800-972-3030

To report a lost or stolen card:
513-579-5642 or 1-800-782-0279

Send payments to:
Fifth Third Bank
P.O. Box 740789
Cincinnati, OH 45274-0789

Send billing inquiries to:
Customer Service
MD1MOC2G-4050, 38 Fountain Square Plaza
Cincinnati, OH 45263

EXHIBIT

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Nominal APR	Annual Percentage Rate	FINANCE CHARGE
PURCHASES*	\$.00	.05753%	21.00%	21.00%	\$.00
CASH ADVANCES	\$.00	.05753%	21.00%	21.00%	\$.00
BALANCE TRANSFERS-PURCHASES*	\$.00	.05753%	21.00%	21.00%	\$.00
BALANCE TRANSFERS-CASH	\$.00	.05753%	21.00%	21.00%	\$.00

* Finance charges incurred using Method 1

NOTE: See reverse side for Annual Membership Fee disclosure (if detailed above).

(SET 01//BP03.FRM)

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Stacy Dooley
(Name)
Assistant Cashier of Fifth Third Bank, plaintiff herein, that
(Title) (Company)
he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Complaint are true and correct to the best of his/her knowledge, information and belief.

Stacy Dooley AC
(Signature)

S. DOOLEY, ASST. CASHIER

WWR# 02698746

5/3 Account No. 5858830352003349

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FIFTH THIRD BANK

Plaintiff

vs.

IRVIN HOLES JR, .

Defendant

No. 03-369-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#02698746

FILED

APR 07 2003

M/2.39/w
William A. Shaw
Prothonotary

COPY TO CLERK

ED
KED

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FIFTH THIRD BANK

Plaintiff

vs.

Civil Action No. 03-369-CD

IRVIN HOLES JR., .

Defendant

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Settle, Discontinue and End the above-captioned matter upon the records of the Court without prejudice to refile and mark the costs paid.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

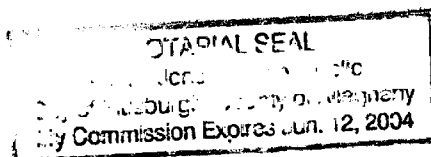
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#02698746

SWORN TO AND SUBSCRIBED

before me this 15th day

of April, 2003


NOTARY PUBLIC



In The Court of Common Pleas of Clearfield County, Pennsylvania

FIFTH THIRD BANK

Sheriff Docket #

13805

VS.

03-369-CD

HOLES, IRVIN JR.

COMPLAINT

SHERIFF RETURNS

NOW MAY 23, 2003 RETURN THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO IRVIN HOLES, JR.,
DEFENDANT. NEVER RECEIVED ADVANCE COSTS FOR CAMBRIA CO. SHFF.

FILED
APR 30 9:55 AM
MAY 28 2003

William A. Shaw
Prothonotary

Return Costs

Cost	Description
19.37	SHERIFF HAWKINS PAID BY: ATTY CK# 8085381
10.00	SURCHARGE PAID BY: ATTY CK# 8085382

Sworn to Before Me This

28 Day Of May 2003
William A. Shaw

So Answers,

Chester A. Hawkins
by Maulye Hamr
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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FIFTH THIRD BANK

Plaintiff

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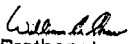
William T. Molczan, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#02698746

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 14 2003

Attest.


Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FIFTH THIRD BANK

Plaintiff

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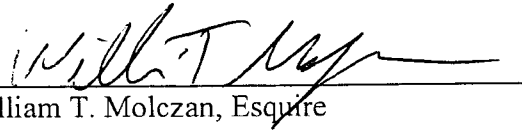
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William T. Molczan, Esquire

PA I.D. #47437

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Card Center
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Cincinnati, OH 45274-0789

Total enclosed

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(SET 2011/BPO3.FRM)

EXHIBIT

VERIFICATION

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(Name)
Assistant Cashier of Fifth Third Bank, plaintiff herein, that
(Title) (Company)
he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Complaint are true and correct to the best of his/her knowledge, information and belief.

Stacy Dooley AC
(Signature)

S. DOOLEY, ASST. CASHIER

WWR# 02698746

5/3 Account No. 5858830352003349