

04-321-CD
BANK OF AMERICA N.A. vs. DAVID J. AIELLO

Bank of America N.A. vs David J. Aiello
2004-321-CD

BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil, Esquire

Identification No. 11348

26 South Church Street

West Chester, PA 19380

(610) 696-2120

Attorney for Plaintiff

BANK OF AMERICA, N.A., (USA)
4161 Piedmont Parkway, Greensboro, NC 27410

Plaintiff

v.

DAVID J AIELLO

1115 Treasure Lake, Du Bois PA 15801-9027

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 04-321-CD

: CIVIL ACTION - LAW

**COMPLAINT
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 (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 claim 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERENCE AND
INFORMATION SERVICE**

David S. Meholick

Court Administrator

Clearfield County Courthouse

Clearfield, PA 16830

Telephone No. 814-765-2641 Ext. 5982

FILED

MAR 05 2004

53691

**William A. Shaw
Prothonotary**

BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil, Esquire

Identification No. 11348

26 South Church Street

West Chester, PA 19382

610-696-2120

Attorney for Plaintiff

BANK OF AMERICA, N.A., (USA)
4161 Piedmont Parkway, Greensboro, NC 27410
Plaintiff

v.

DAVID J AIELLO
1115 Treasure Lake, Du Bois PA 15801-9027
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO.
: CIVIL ACTION - LAW

Complaint

1. The plaintiff is Bank of America, N.A. (USA) with place of business located at 4161 Piedmont Parkway, Greensboro, North Carolina.
2. The defendant is David J Aiello, who resides at 1115 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. At the defendant's request, plaintiff issued the defendant a credit card bearing account number 4427100015088763 for the defendant's use in making credit purchases and securing cash advances subject to the terms and conditions governing the use of the credit card. A true and correct copy of the terms and conditions of the account is attached hereto and marked Exhibit A
4. The defendant accepted the credit card and the terms and conditions governing its use for the purchase of goods, merchandise and services and/or for cash advances from vendors who accepted plaintiff's credit cards. In using the credit card, the defendant agreed to comply with the terms and conditions governing its use which included the obligation to pay plaintiff for all charges made in full upon receipt of the statement or in installments subject to monthly finance charges.
5. The defendant utilized the credit cards by making/obtaining purchases of goods, merchandise and services and/or cash advances from vendors who accepted the credit card. Monthly statements were sent to the defendant which detailed the charges made to the account including late and/or finance charges. The balance due for the charges made by the defendant including any late or finance charges is \$10,719.22.

6. Defendant did not pay the balance due upon receipt of the billing statements and is in default of the terms and conditions governing the use of the credit card.

7. Although demand has been made by plaintiff upon defendant to pay the sum of \$10,719.22, the defendant failed and refused to pay all or any part thereof.

8. Plaintiff alleges it is entitled to recovery of its attorneys fees from defendant pursuant to the terms and conditions governing the account. Plaintiff seeks recovery of attorneys fees in the sum of \$2,143.80.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$10,719.22, attorneys fees in the sum of \$2,143.80 and the costs of this action.

BURTON NEIL & ASSOCIATES, P.C.

BY: _____

Burton Neil, Esquire
Attorney for Plaintiff

The law firm of Burton Neil & Associates is a debt collector.

THE SIGNATURE ABOVE CERTIFIES THAT THIS IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILE IN THIS CAUSE.

Verification

Constance Curtis is Agent
(Name of authorized representative) (Title or Position)

for, Bank of America, N.A., the within Plaintiff in this action, and that the statements of fact made in the foregoing Complaint are true and correct to the best of the undersigned verifier's knowledge and belief. The undersigned understands that the statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 2-19-04

Constance Curtis
Name

David J Aiello
4427100015088763

In The Court of Common Pleas of Clearfield County, Pennsylvania

BANK OF AMERICA, N.A.

VS.

AIELLO, DAVID J.

COMPLAINT

Sheriff Docket # 15281

04-321-CD

SHERIFF RETURNS

NOW APRIL 2, 2004 AT 11:11 AM SERVED THE WITHIN COMPLAINT ON DAVID J. AIELLO, DEFENDANT AT MEETING PLACE, SHEETZ, MAPLE & LONG AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID J. AIELLO A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: NEVLING.

Return Costs

Cost	Description
103.50	SHERIFF HAWKINS PAID BY: atty
10.00	SURCHARGE PAID BY: ATTY CK# 25322

Sworn to Before Me This

20th Day Of Sept. 2004
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
My Name is Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED
10/2/04
SEP 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

BANK OF AMERICA, N.A. (USA)
3 Commercial Pl, 9th Fl., Norfolk, VA 02350-1227

Plaintiff

: IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

VS.

DAVID J AIELLO
1115 Treasure Lake
Du Bois PA 15801-9027

Defendant

: NO. 04-321-CD

: CIVIL ACTION - LAW

Praeclipe for Default Judgment

To the Prothonotary:

Please enter judgment by default for want of an answer in the above case in favor of the plaintiff and against the defendant, and assess damages as follows:

Principal:	\$10,719.22
Attorneys Fees:	\$2,143.80
	\$.00
TOTAL	\$12,863.02

Understanding that false statements herein made are subject to penalty under 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment debtor and creditor.

2. The annexed notice of intention to file this praecipe was mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.

3. Pursuant to Section 201(b)(1)(A) of the Servicemembers Civil Relief Act of 2003 (SCRA), the defendant is not in the military service of the United States based on information received from the defendant and/or the Department of Defense website.

**JUDGMENT BY DEFAULT ENTERED
AND DAMAGES ASSESSED AS ABOVE.
NOTICE GIVEN UNDER PA.R.CIV.P. 236**

Pro Prothonotary

BURTON NEIL & ASSOCIATES, P.C.

BY: BN

Burton Neil, Esquire
Attorney for Plaintiff
I.D. #11348
1060 Andrew Drive, Suite 170
W. Chester, PA 19380

The law firm of Burton Neil & Associates is a debt collector.

6/14 FILED Atty pd. 20.00
M/3/0301 Notice to Def. 53691
DEC 20 2004 Statement to Atty

William A. Shaw
Prothonotary/Clerk of Courts

53691

BANK OF AMERICA, N.A. (USA) : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
VS. : NO. 04-321-CD
DAVID J AIELLO : CIVIL ACTION - LAW
Defendant

Notice of Intention to File Praeclipe for Default Judgment

TO: David J Aiello
1115 Treasure Lake
Du Bois PA 15801-9027

Gary Simone, Esquire
101 E. Diamond Street
Butler, PA 16001

DATE OF NOTICE: July 15, 2004

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or obligations to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, 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 following office to find out where you can get legal help. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

LAWYER REFERENCE AND
INFORMATION SERVICE
David S. Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
Telephone No. 814-765-2641 Ext. 5982

BURTON NEIL & ASSOCIATES, P.C.

BY: _____
Burton Neil, Esquire
Attorney for Plaintiff
Identification No. 11348
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120

The firm of Burton Neil & Associates, P.C. is attempting to collect a debt.

53691

BURTON NEIL & ASSOCIATES, P.C.
BY: Burton Neil, Esquire
Identification No. 11348
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120
ATTORNEY FOR: Plaintiff



BANK OF AMERICA, N.A. (USA)

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 04-321-CD

DAVID J AIELLO

Defendant

: CIVIL ACTION - LAW

RULE OF CIVIL PROCEDURE NO. 236 (REVISED)

Notice is given that a JUDGMENT in the above captioned matter has been entered against you on

December 20, 2004.

Prothonotary

By: _____

Deputy

If you have any questions concerning the above, please contact:

Burton Neil, Esquire
Attorney for Party Filing
1060 Andrew Drive, Suite 170
West Chester, PA 19380
Phone: 610-696-2120

The law firm of Burton Neil & Associates is a debt collector.

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

Bank of America, N.A.
Plaintiff(s)

No.: 2004-00321-CD

Real Debt: \$12,863.02

Atty's Comm: \$

Vs.

Costs: \$

David J. Aiello
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 20, 2004

Expires: December 20, 2009

Certified from the record this 20th day of December, 2004.



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