

04-353-CD  
BANK OF AMERICA, N.A. VS. LISA WARD

Bank of America, NA (USA) vs. Lisa Ward  
2004-353-CD

BURTON NEIL & ASSOCIATES, P.C.

By: Yale D. Weinstein, Esquire

Identification No. 89678

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.

LISA WARD  
RD 1, Box 112, Du Bois PA 15801  
Defendant

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA  
: NO. 04-353-4  
: 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. Meholic

Court Administrator

Clearfield County Courthouse

Clearfield, PA 16830

Telephone No. 814-765-2641 Ext. 5982

**FILED**

MAR 15 2004

54169

**William A. Shaw  
Prothonotary**

BURTON NEIL & ASSOCIATES, P.C.

By: Yale D. Weinstein, Esquire

Identification No. 89678

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.

**LISA WARD**  
RD 1, Box 112, Du Bois PA 15801  
Defendant

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

**Complaint**

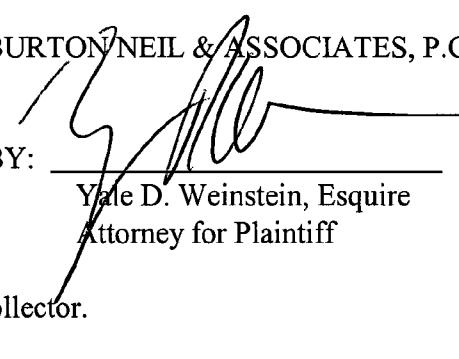
1. The plaintiff is Bank of America, N.A. (USA) with place of business located at 4161 Piedmont Parkway, Greensboro, North Carolina.
2. The defendant is Lisa Ward, who resides at RD 1, Box 112, DuBois, Clearfield County, Pennsylvania.
3. At the defendant's request, plaintiff issued the defendant a credit card bearing account number 4356023004001404 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 \$1,745.31.
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 \$1,745.31, 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 \$349.06.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$1,745.31, attorneys fees in the sum of \$349.06 and the costs of this action.

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Yale D. Weinstein, Esquire  
Attorney for Plaintiff

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



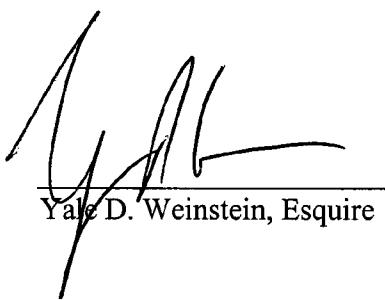


## **VERIFICATION**

Yale D. Weinstein, Esquire, being duly sworn according to law, deposes and says that he is the attorney for plaintiff, Bank of America, N.A.(USA), in the foregoing matter, that he is authorized to take this verification on its behalf; and that the facts set forth in the foregoing complaint are true and correct to the best of his knowledge, information and belief subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date:

3/10/04



A handwritten signature in black ink, appearing to read "Yale D. Weinstein, Esquire". The signature is fluid and cursive, with a long horizontal line extending to the right at the end.

Yale D. Weinstein, Esquire

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA**

Telephone: **(814) 371-5321**      **15801**

**BANK OF AMERICA, NA (USA)**  
**P.O. BOX 356**  
**% BURTON NEIL**  
**WEST CHESTER, PA 19381**

**54169**  
**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF:

**BANK OF AMERICA, NA (USA)**  
**P.O. BOX 356**  
**% BURTON NEIL**  
**WEST CHESTER, PA 19381**

NAME and ADDRESS

DEFENDANT:

**WARD, LISA**  
**RD 1 BOX 112**  
**DUBOIS, PA 15801**

VS.

NAME and ADDRESS

Docket No.: **CV-0000549-03**  
Date Filed: **12/10/03**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR DEFENDANT**

Judgment was entered for: (Name) **WARD, LTSA**

Judgment was entered against: (Name) **BANK OF AMERICA, NA (USA)**

in the amount of \$ **.00** on: (Date of Judgment) **2/26/04**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

Amount of Judgment	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>.00</b>

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
<b>Certified Judgment Total</b>	\$ <b>.00</b>

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ \_\_\_\_\_

Portion of Judgment for physical damages arising out of residential lease \$ \_\_\_\_\_

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

2/26/04 Date Patrick N. Ford - PNF, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date \_\_\_\_\_, District Justice

My commission expires first Monday of January, **2006**.

SEAL

FILED  
in 1-438 copies & other

MAR 15 2004

William A. Shaw  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD

JUDICIAL DISTRICT

46-3-01

NOTICE OF APPEAL

FROM

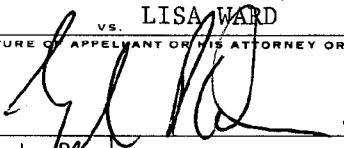
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-353-40

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
BANK OF AMERICA, NA		46- 3-01		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
		Greenville	SC	
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)	
2/26/04	BANK OF AMERICA, NA		vs. LISA WARD	
CLAIM NO.	CV 20 <u>CU-549-03</u>		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	
LT 20				
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.				
If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.				
Signature of Prothonotary or Deputy				

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
*Name of appellee(s)*

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Signature of appellant or his attorney or agent*

RULE: To \_\_\_\_\_, appellee(s)  
*Name of appellee(s)*

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: \_\_\_\_\_ 20 \_\_\_\_\_.  
*Signature of Prothonotary or Deputy*

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## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes.)*

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, 20\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 20\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 20\_\_\_\_\_

7002	3150	0002	2642	5955										
<p style="text-align: center;"><b>U.S. Postal Service<sup>TM</sup></b>  <b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>  <i>(Domestic Mail Only, No Insurance Coverage Provided)</i></p> <p>For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a></p> <p style="text-align: center;"><b>OFFICIAL USE</b></p> <table border="1"> <tr> <td>Postage</td> <td>\$</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage &amp; Fees</td> <td>\$</td> </tr> </table> <p style="text-align: center;">Postmark Here</p>					Postage	\$	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$
Postage	\$													
Certified Fee														
Return Receipt Fee (Endorsement Required)														
Restricted Delivery Fee (Endorsement Required)														
Total Postage & Fees	\$													
<p>Send To</p> <p>Street, Apt. No., or P.O. Box No. <b>RD 1 Box 112</b></p> <p>City, State, ZIP-4 <b>Dubois, PA 15801</b></p> <p>PSCom 300 June 2002</p> <p>See Reverse for Instructions</p>														

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee, or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.**

7002	3150	0002	2642	5948
<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>				
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®				
<b>OFFICIAL USE</b>				
Postage	\$			
Certified Fee				
(Endorsement Required)				
Return Receipt Fee				
(Endorsement Required)				
Restricted Delivery Fee				
(Endorsement Required)				
Total Postage & Fees	\$			
Send to <b>Patrick N. Ford, MS, Dst 1246-301</b> Street, Apt. No., or P.O. Box No. <b>309 Maple Ave, PO Box 452</b> City, State, ZIP- <b>Dubois PA 15801</b>				
See Reverse for Instructions				

PS Form 6800, June 2002

**Certified Mail Provides:**

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- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return receipt service, please complete and attach Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT:** Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

RULE OF SERVICE - NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

Case No. 04-353-CD, filed on 1/17/04, by Plaintiff, being a cause of action in the Court of Common Pleas

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearchfield ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-353-CD, upon the District Justice designated to hear on March 19, 2004  by personal service  by (certified) (registered) mail, sender's receipt attached hereto and upon the appellee, Lisa Ward, March 19, 2004, by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

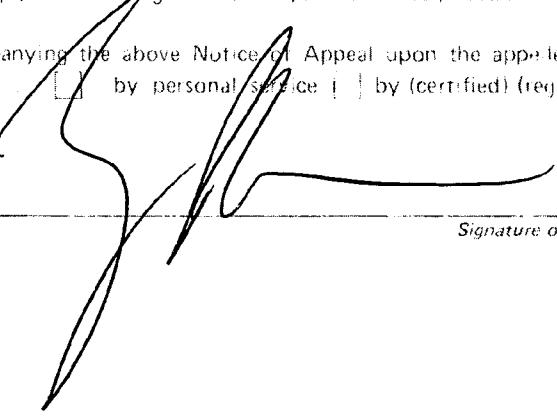
and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on March 19, 2004  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

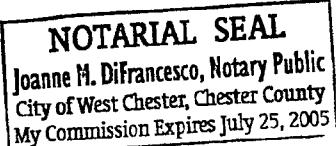
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 19<sup>th</sup> DAY OF March, 2004

Joanne M. DiFrancesco  
Signature of official before whom affidavit was made

Notary Public  
Title of official

My commission expires on July 25, 2005

  
Signature of affiant



RECEIVED  
m/17/04 NO  
MAR 22 2004 cc  
D/P  
Prothonotary, Chester County  
APPC 312

APPC 312

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

**CLEARFIELD**

JUDICIAL DISTRICT

46-3-01

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-353-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
<b>BANK OF AMERICA, NA</b>		46- 3-01		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
		Greenville	SC	
DATE OF JUDGMENT	IN THE CASE OF <i>Plaintiff</i>		(Defendant)	
2/26/04	<b>BANK OF AMERICA, NA</b>		vs. <b>LISA WARD</b>	
CLAIM NO.	CV 20	CU-549-03	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	
LT 20			<i>Lisa Ward</i>	
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.				
This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.				
Signature of Prothonotary or Deputy				

**PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE**

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

**PRAECIPE:** To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
*Name of appellee(s)*

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Signature of appellant or his attorney or agent*

**RULE:** To \_\_\_\_\_, appellee(s)  
*Name of appellee(s)*

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: \_\_\_\_\_ 20 \_\_\_\_\_. \_\_\_\_\_

*Signature of Prothonotary or Deputy*

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

MAR 15 2004

Attest.

*William C. Brown*  
Prothonotary/  
Clerk of Courts

BURTON NEIL & ASSOCIATES, P.C.  
BY: Yale D. Weinstein, Esquire  
Identification No. 89678  
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. 04-353-CD

LISA WARD

Defendant

: CIVIL ACTION - LAW

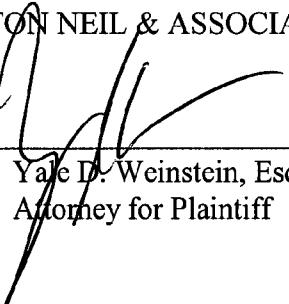
**Praeclipe to Substitute Verification**

To the Prothonotary:

Kindly substitute the attached verification for the attorney verification filed with the Complaint.

BURTON NEIL & ASSOCIATES, P.C.

BY: \_\_\_\_\_

  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff

**FILED**

**MAR 29 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

## 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: 3-15-04

Lisa L. Bridges

Name

Lisa Ward  
4356023004001404



Lisa L. Bridges

FILED NO  
124189  
MAR 29 2004  
SAC

William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321**

**15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**BANK OF AMERICA, NA (USA)**  
**P.O. BOX 356**  
**% BURTON NEIL**  
**WEST CHESTER, PA 19381**

NAME and ADDRESS

DEFENDANT:

**WARD, LISA**  
**RD 1 BOX 112**  
**DUBOIS, PA 15801**

NAME and ADDRESS

VS.

Docket No.: **CV-0000549-03**  
Date Filed: **12/10/03**



*04-353-QD*

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR DEFENDANT**

Judgment was entered for: (Name) **WARD, LISA**

Judgment was entered against: (Name) **BANK OF AMERICA, NA (USA)**

in the amount of \$ **.00** on: (Date of Judgment) **2/26/04**

Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice. \_\_\_\_\_

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ \_\_\_\_\_

Portion of Judgment for physical damages arising out of residential lease \$ \_\_\_\_\_

**FILED**  
*M 12:00*  
**MAR 29 2004**

William A. Shaffer  
Prothonotary/Clerk of Court

Amount of Judgment	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>=====</b>	
<b>Certified Judgment Total</b>	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

*2-26-04* Date *Patrick N. Ford - PNF*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date \_\_\_\_\_, District Justice

My commission expires first Monday of January, **2006**.

SEAL

**NOTICE OF APPEAL**

COMMONWEALTH OF PENNSYLVANIA COURT OF COMMON PLEAS <b>GREENVILLE</b> JUDICIAL DISTRICT 46-3-01		FROM <b>DISTRICT JUSTICE JUDGMENT</b> COMMON PLEAS No. <b>04-3533-CV</b>																																				
<b>NOTICE OF APPEAL</b> <p>Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">         NAME OF APPELLANT  <b>BANK OF AMERICA, NA</b> </td> <td style="width: 50%; padding: 5px;">         MAG. DIST. NO. OR NAME OF D.J.  <b>46-3-01</b> </td> </tr> <tr> <td style="padding: 5px;">         ADDRESS OF APPELLANT       </td> <td style="padding: 5px;">         CITY  <b>Greenville</b> </td> <td style="width: 30%; padding: 5px;">         STATE  <b>SC</b> </td> <td style="width: 20%; padding: 5px;">         ZIP CODE       </td> </tr> <tr> <td style="padding: 5px;">         DATE OF JUDGMENT  <b>2/26/04</b> </td> <td colspan="3" style="padding: 5px;">         IN THE CASE OF Plaintiff  <b>BANK OF AMERICA, NA</b> </td> </tr> <tr> <td style="padding: 5px;">         CLAIM NO.  <b>CV 20</b> </td> <td colspan="3" style="padding: 5px;">         VS  <b>LISA GARD</b> </td> </tr> <tr> <td colspan="2" style="padding: 5px;">         LT 20       </td> <td colspan="3" style="padding: 5px;">         SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT   </td> </tr> <tr> <td colspan="2" style="padding: 5px;">         This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.          This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.       </td> <td colspan="3" style="padding: 5px;">         If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.       </td> </tr> <tr> <td colspan="5" style="text-align: center; padding: 5px;"> <i>Signature of Prothonotary or Deputy</i> </td> </tr> <tr> <td colspan="5" style="text-align: center; padding: 5px;"> <b>COPY TO BE SERVED ON DISTRICT JUSTICE</b> </td> </tr> </table>					NAME OF APPELLANT <b>BANK OF AMERICA, NA</b>	MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b>	ADDRESS OF APPELLANT	CITY <b>Greenville</b>	STATE <b>SC</b>	ZIP CODE	DATE OF JUDGMENT <b>2/26/04</b>	IN THE CASE OF Plaintiff <b>BANK OF AMERICA, NA</b>			CLAIM NO. <b>CV 20</b>	VS <b>LISA GARD</b>			LT 20		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 			This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.			<i>Signature of Prothonotary or Deputy</i>					<b>COPY TO BE SERVED ON DISTRICT JUSTICE</b>				
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# CIVIL/LANDLORD TENANT WORKSHEET



Case Name: **BANK OF AMERICA, NA, (USA)** Docket No.: **CV-0000549-03**

VS **WARD, LISA**

Hearing Date: **2/26/04**

Hearing Time: **10:00 A**

Cross Complaint Filed (Date):

Cross Complaint Amount: \$

Defendant intends to defend (Date): **1/09/04**

Stayed on (Date): \_\_\_\_\_

Plaintiff so notified (Date): **1/09/04**

Stayed until further notice.

Hearing was held on (Date): \_\_\_\_\_

Defendant appeared at hearing:

Defendant did not appear.

Not represented.

Plaintiff did not appear.

Represented by:

Residential Lease?  Y  N

## DISPOSITION

*RD# 1, Box 112*

Judgment for plaintiff: \_\_\_\_\_

(Name) *~ O ~*

Judgment for defendant: \_\_\_\_\_

(Name) *~ O ~*

Judgment entered on (Date): \_\_\_\_\_ Notice of judgment given on (Date): \_\_\_\_\_

The amount of rent per month as established by the District Justice, is \$ \_\_\_\_\_

The total amount of the Security Deposit is \$ \_\_\_\_\_

Total Amount Established by DJ	Less	Security Deposit Applied	= Adjudicated Amount
Rent in Arrears	\$ _____	-\$ _____	= \$ _____
Physical Damages Leasehold Property	\$ _____	-\$ _____	= \$ _____
Damages/Unjust Detention	\$ _____	-\$ _____	= \$ _____
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127	Less Amt. Due Defendant from Cross Complaint	-\$ _____	= \$ _____
<input type="checkbox"/> Defendants are jointly and severally liable.		Interest (if provided by lease)	\$ _____
<input type="checkbox"/> Possession granted.		Amount of Judgment	\$ <i>~ O ~</i>
<input type="checkbox"/> Possession not granted.		Judgment Costs	\$ _____
<input type="checkbox"/> Grant Possession if money Judgment is not Satisfied by time of eviction.		Attorney Fees	\$ _____
<input type="checkbox"/> Order for Possession Requested		Total Judgment	\$ _____
<input type="checkbox"/> Order for Possession Issued			
<input type="checkbox"/> Order for Possession Reissued			
<input type="checkbox"/> Appeal Filed			
<input type="checkbox"/> Supersedeas Attached			
<input type="checkbox"/> Supersedeas Terminated			
<input type="checkbox"/> Dismissal without prejudice (Date): _____			
<input type="checkbox"/> Transferred to (Date): _____			
<input type="checkbox"/> Settled (Date): _____			
<input type="checkbox"/> Damages will be assessed on (Date): _____ (Time): _____			
<input type="checkbox"/> Levy is stayed for _____ days, or			
<input type="checkbox"/> Objection to Levy has been filed and a hearing will be held on (Date): _____ (Time): _____			
<input type="checkbox"/> Objection to levy denied; sale to be rescheduled			

Judgment and cost satisfied (Date): \_\_\_\_\_  
(By whom notified): \_\_\_\_\_

Continued to (Date): \_\_\_\_\_ (Time): \_\_\_\_\_

At the request of:

Plaintiff

Defendant

Notice of continuance given on (Date): \_\_\_\_\_

generally stayed.

## FINAL DISPOSITION MADE BY:

(District Justice)

## COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: Clearfield

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

Patrick N. Ford

Address: 309 Maple Avenue, PO 452  
Dubois, PA 15801  
Telephone: 814-371-5321

## CIVIL COMPLAINT

PLAINTIFF: NAME and ADDRESS  
 BANK OF AMERICA, N.A. (USA)  
 c/o Burton Neil & Associates, P.C.  
 PO Box 356 West Chester, PA 19381-0356

VS.

DEFENDANT: NAME and ADDRESS  
 LISA WARD  
 RR 219  
 Du Bois PA 15801

Docket No.: CV-549-03  
 Date Filed: 12-10-03



	AMOUNT	DATE PAID
FILING COSTS	\$ 84.50	12/10/03
POSTAGE	\$ _____	/ /
SERVING COSTS	\$ _____	/ /
CONSTABLE ED.	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$2,094.37 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

For past due balance on a credit card issued by plaintiff to defendant which balance includes purchases and/or cash advances, finance charges, late and/or, over limit charges, plus attorneys fees per terms and conditions of account.

\$1,745.31	Principal
\$0.00	Interest
\$349.06	Attorneys Fees
\$0.00	Credit
<b>\$2,094.37</b>	Balance

I, Burton Neil, Esquire, Atty for Plaintiff, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C. S. § 4904) related to unsworn falsification to authorities.

  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's  
 Attorney: Burton Neil  
 Telephone: 610-696-2120

Address: PO Box 356  
 West Chester, PA 19381-0356

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing.

If you are disabled and require reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

AOPC 308A-02

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA**

Telephone: **(814) 371-5321**      **15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**

**CIVIL ACTION  
HEARING NOTICE**

PLAINTIFF:

**BANK OF AMERICA, NA (USA)**

NAME and ADDRESS

**P.O. BOX 356**

**% BURTON NEIL**

**WEST CHESTER, PA 19381**

VS.

DEFENDANT:

**WARD, LISA**

NAME and ADDRESS

**RR 219**

**DUBOIS, PA 15801**

Docket No.: **CV-0000549-03**

Date Filed: **12/10/03**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	<b>1/19/04</b>	Place: <b>DISTRICT COURT 46-3-01</b>
Time:	<b>9:45 AM</b>	<b>309 MAPLE AVENUE</b> <b>P.O. BOX 452</b> <b>DUBOIS, PA 15801</b>

**NOTICE TO DEFENDANT**

**If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.**

**YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.**

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to PA.R.CP.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

**NOTICE TO PLAINTIFF**

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**RECEIPT OF PAYMENT**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **309 MAPLE AVENUE  
P.O. BOX 452  
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**



**REMITTER :**

**BANK OF AMERICA, NA (USA)  
P.O. BOX 356  
% BURTON NEIL  
WEST CHESTER, PA 19381**

Docket No.: **CV-0000549-03**  
Date Filed: **12/10/03**

RECEIPT NO:	096453	DATE:	12/10/03	PAGE:	1
SOURCE:	<b>PAID BY MAIL</b>		AMOUNT RECEIVED:	\$	<b>84.50</b>
METHOD:	<b>PAID BY CHECK</b>		AMOUNT APPLIED:	\$	<b>84.50</b>
CHECK#:	<b>27096</b>		COLLATERAL APPLIED:	\$	<b>.00</b>
MANUAL RECEIPT#:			CHANGE:	\$	<b>.00</b>
CITATION#:			NEXT PAYMENT AMOUNT:		
COSTS INCLUDED ON:			NEXT PAYMENT DATE:		
			NEXT PMT TYPE:		

PAYMENT DESCRIPTION	BALANCE FWD	AMT APPLIED	CURRENT BAL
JUDICIAL COMPUTER PROJECT	8.50	8.50-	.00
ACCESS TO JUSTICE	1.50	1.50-	.00
POSTAGE	10.00	10.00-	.00
COMMONWEALTH COST- HB627	25.80	25.80-	.00
FILING FEES COMM-COST	12.90	12.90-	.00
FILING FEES 17-CTY	25.80	25.80-	.00
<hr/>	<hr/>	<hr/>	<hr/>
<b>TOTAL</b>	<b>84.50</b>	<b>84.50-</b>	<b>.00</b>
CURRENT BALANCE DUE	.00		

RECV'D FROM BANK OF AMERICA, NA (USA)  
SH THANK YOU!

DATE PRINTED: **12/10/03 10:25:00 AM**

AOPC 450-99

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **309 MAPLE AVENUE  
P.O. BOX 452  
DUBOIS, PA**

Telephone: **(814) 371-5321** 15801

**PATRICK N. FORD  
309 MAPLE AVENUE  
P.O. BOX 452  
DUBOIS, PA 15801**

**NOTICE OF INTENT TO DEFEND**

PLAINTIFF:

**BANK OF AMERICA, NA (USA)**

NAME and ADDRESS

**P.O. BOX 356**

**% BURTON NEIL**

**WEST CHESTER, PA 19381**

VS.

DEFENDANT:

**WARD, LISA**

NAME and ADDRESS

**RR 219**

**DUBOIS, PA 15801**

Docket No.: **CV-0000549-03**

Date Filed: **12/10/03**



**HEARING: CIVIL ACTION HEARING**

Date: **02/26/04**

Place: **DISTRICT COURT 46-3-01**

Time: **10:00 AM**

**309 MAPLE AVENUE**

**P.O. BOX 452**

**DUBOIS, PA 15801**

**PLAINTIFF: BANK OF AMERICA, NA, (USA)**

You are hereby notified that the defendant named below has given notice of his intent to present a defense at the hearing in the above case.

**DEFENDANT: WARD, LISA**

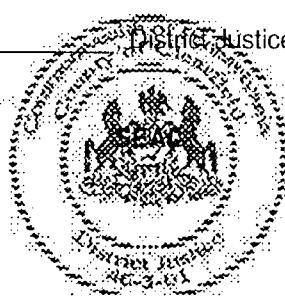
1/09/04

Date

*Patrick N. Ford*

Deputy Justice

My commission expires first Monday of January, 2006.



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA**

Telephone: **(814) 371-5321**      **15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF CONTINUANCE**

PLAINTIFF:

**BANK OF AMERICA, NA (USA)**  
**P.O. BOX 356**  
**% BURTON NEIL**  
**WEST CHESTER, PA 19381**

NAME and ADDRESS

DEFENDANT:

**WARD, LISA**  
**RR 219**  
**DUBOIS, PA 15801**

NAME and ADDRESS

VS.

Docket No.: **CV-0000549-03**  
Date Filed: **12/10/03**



Please note that the hearing in the above captioned case, which was scheduled to occur on: **1/19/04**

has been continued to:

Date:	<b>2/26/04</b>	Place: <b>DISTRICT COURT 46-3-01</b>
Time:	<b>10:00 AM</b>	<b>309 MAPLE AVENUE</b> <b>P.O. BOX 452</b> <b>DUBOIS, PA 15801</b>

If you have any questions, please contact this office immediately.

Continuance requested by: **DISTRICT JUSTICE**

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

1/09/04 Date

Patrick N. Ford

District Justice

My commission expires first Monday of January, 2006.



**U.S. Postal Service™**  
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2743	0816
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

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2003  
10 10  
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DUKE'S PA

**Sent To**  
 Street, Apt. No.;  
 or PO Box No.  
 City, State, ZIP+4  
 Lisa Ward  
 CV-549-03

See Reverse for Instructions

PS Form 3800, June 2002

<b>SENDER: COMPLETE THIS SECTION</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	
1. Article Addressed to:  Lisa Ward CV-549-03	
2. Article Number 7003 1010 0005 2743 0816	
<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Signature X Lisa Ward	
B. Received by (Printed Name)	
C. Date of Delivery 12/11/03	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type	
<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	

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

BANK OF AMERICA, N.A., (USA),      ) NO. 04-353-C.D.  
    )  
Plaintiff,                            ) Type of Case: CIVIL ACTION  
    )  
vs.                                    ) Type of Pleading: DEFENDANT'S  
LISA WARD,                            ) ANSWER TO PLAINTIFF'S COMPLAINT,  
    ) NEW MATTER & COUNTERCLAIM  
Defendant.                            )  
    ) Filed on Behalf of: DEFENDANT  
    )  
    ) Counsel of Record:  
    ) BENJAMIN S. BLAKLEY, III, ESQ.  
    ) Supreme Court no. 26331  
    )  
    ) BLAKLEY & JONES  
    ) 90 Beaver Drive, Box 6  
    ) Du Bois, Pa 15801  
    ) (814) 371-2730

FILED

APR 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

## 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 is 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint requested by 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.**

David S. Meholic,  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**DEFENDANT'S ANSWER TO PLAINTIFF'S  
COMPLAINT, NEW MATTER & COUNTERCLAIM**

AND NOW, comes Defendant, **LISA WARD**, by and through her attorneys, **BLAKLEY & JONES**, and answers the Plaintiff's Complaint in the above-captioned matter as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted; however, it is further averred that, in using the credit card, the

Defendant only agreed to pay the Plaintiff for charges legitimately made on Defendant's account and not for disputed charges or charges not authorized by the Defendant.

5. It is denied that Defendant utilized her credit card issued by the Plaintiff so as to cause a balance due for charges, including late or finance charges, in the amount of \$1,745.31. On the contrary, it is averred that the Plaintiff charged the Defendant's account for

amounts which the Defendant has at all times denied incurring and which has been fully known to the Plaintiff, many of which have since been determined to have been illegitimate charges; however, the Plaintiff has continued to charge Defendant finance charges and late fees on the disputed amounts, all of which is contrary to the terms and conditions under which the Defendant accepted the Plaintiff's credit card.

6. It is admitted that the Defendant did not pay the balance due upon receipt of the billing statements; however, it is denied that she is in default of the terms and conditions governing the use of the credit care, and on the contrary, it is averred that the balance due as represented by the billing statements referred to in Paragraph 6 of Plaintiff's Complaint contain charges which, at all times, have been disputed by the Defendant and which the Defendant denies having made. It is further averred that the said billing statements contain late fees and finance charges for the disputed amounts, all of which is contrary to the terms and conditions governing the use of the credit card.

7. It is admitted that demand has been made upon Defendant by Plaintiff to pay the sum of \$1,745.31; however, it is denied that the Defendant failed and refused to pay all or any part thereof, and on the contrary, it is averred that, at all times, the Defendant has offered to pay the sum of \$936.90, representing a charge for "Fun Jet" upon the condition that the Plaintiff remove all unauthorized charges, late fees and finance charges upon said unauthorized charges, but the Plaintiff has failed and refused to accept the Defendant's offer of payment and has failed to respond to more than twenty (20) attempted contacts to resolve this matter made by the Defendant to the Plaintiff from the period of May 17, 2001, to January 22, 2004.

8. It is denied that the Plaintiff is entitled to recover attorney's fees from the Defendant in any amount, as the Plaintiff has improperly charged the account of the Defendant as set forth above. With regard to the Plaintiff's allegation as to the sum of Plaintiff's attorney's fee, the Defendant does not have sufficient information to determine the truth or falsity of said allegation as to attorney's fees after reasonable investigation, and therefore demands strict proof thereof at trial.

WHEREFORE, Defendant respectfully requests this Honorable Court enter judgment in Defendant's favor and dismiss Plaintiff's Complaint.

**NEW MATTER**

9. Defendant incorporates her answers to Paragraphs 1 through 8 of Plaintiff's Complaint as if the same were fully set forth herein.

10. During the period of time that the Defendant utilized her credit card, No. 4356023004001404, issued by the Plaintiff, the Defendant incurred questionable charges and other disputed charges for which the Defendant immediately contacted the Plaintiff to indicate a protest.

11. During the period of protest, the Plaintiff continued to charge finance charges and late fees to Defendant's account on the disputed charges.

12. Subsequent to the Defendant's protest of the disputed charges, it was determined that said charges were, in fact, improper, and were removed from the Defendant's account; however, the Plaintiff failed to purge the finance charges and late fees which

accumulated on the disputed amounts and continued thereafter to charge the Plaintiff's account with finance charges and interest on the accumulated finance charges and interest which had been incurred by the Defendant as a result of the disputed charges.

13. The Defendant subsequently charged against her account with the Plaintiff the amount of \$936.90, representing a charge for "Fun Jet," which was undisputed by the Defendant.

14. The Plaintiff then demanded payment for all charges charged against the Defendant's account, including the accumulated interest and late fees on the admittedly improper charges placed upon the Defendant's account, which had been removed by the Plaintiff upon the Defendant's protest.

15. After the payment upon the Defendant's account was demanded by the Plaintiff, the Defendant did agree to pay the \$936.90 charge to "Fun Jet," upon the receipt of a corrected statement from the Plaintiff showing the elimination of the improperly charged finance charges and late fees on the disputed charges which had been removed by the Plaintiff.

16. Plaintiff has failed and refused to present to the Defendant a corrected statement showing the removal of the improperly assessed interest and late fees.

17. On or about February 25, 2004, the day prior to the hearing on Plaintiff's Magistrate Complaint against the Defendant, the Defendant was contacted by a Bonnie Black, who identified herself as a representative of Plaintiff's attorneys, Burton, Neil & Associates, P.C., who advised the Defendant that a judgment had already been entered against her, when, in

fact, the hearing on Plaintiff's suit against the Defendant did not take place until on or about the aforesaid date before Magistrate Patrick J. Ford of DuBois, and then, at which time judgment was entered against the Plaintiff and for the Defendant as a result of Plaintiff's failure to appear at said Magistrate's hearing.

**COUNTERCLAIM**

18. Defendant incorporates her answers to Paragraphs 1 through 8 of Plaintiff's Complaint and Paragraph 9 through 17 of Defendant's New Matter as if the same were fully set forth herein.

19. As a result of the improper charges of interest and late fees against the Defendant's account arising as a result of disputed charges which were subsequently removed from the Defendant's account, the Plaintiff has reported to various credit reporting agencies that the Defendant is in default of her obligation under her credit card agreement with the Plaintiff, thereby causing the Defendant's credit to be damaged.

20. During the month of January, 2003, the Defendant attempted to obtain a credit account with Lowe's located at The Commons, DuBois, Clearfield County, Pennsylvania, and was denied credit and a 10% discount on her purchases due to the improper reporting of a credit default by the Plaintiff, for which the Defendant incurred losses of \$410.00. Further, the Defendant was unable to avail herself of a 0% interest rate for six (6) month offer as a result of Defendant's actions, thereby causing Defendant to pay interest in the amount of \$147.83 on purchases made by the Defendant with Hewlett-Packard.

21. The actions of the Plaintiff in assessing interest and late charges against the Defendant for disputed charges which were subsequently found to be legitimately disputed in unfair and unconscionable and, therefore, is an unfair and/or deceptive debt collection practice prohibited under the Fair Credit Extension Uniformity Act, 73 P.S. § 2270.1, *et. seq.*

22. The actions of the Plaintiff in falsely informing the Defendant that a judgment had been entered against her when the Plaintiff knew, in fact, that the judgment had not been entered constitutes a false representation or a deceptive means to collect or to attempt to collect a debt against the Defendant and, therefore, is in violation of the Fair Credit Extension Uniformity Act, 73 P.S. § 2270.1, *et. seq.*

23. Defendant has employed the services of **BLAKLEY & JONES** as her attorneys for the defense of this action and the bringing of this counterclaim and has agreed to pay as attorney's fees the sum of \$1,000.00.

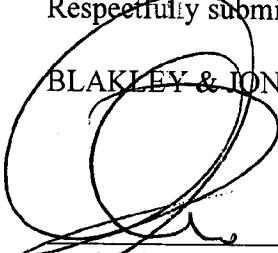
24. The Court may, in its discretion, may award up to three (3) times the actual damages sustained by the Defendant should a violation of Fair Credit Extension Uniformity Act, 73 P.S. § 2270.1, *et. seq.*, be determined.

25. As a result of the actions of the Plaintiff, the Defendant has sustained damages in the amount of \$1,558.59, representing a loss of Lowe's discount (\$410.76), payment of interest charges incurred as a result of false credit reporting (\$147.83) and attorney's fees (\$1,000.00).

WHEREFORE, Defendant respectfully requests this Honorable Court award damages in favor of Defendant and against Plaintiff in the amount of \$4,675.77, representing three (3) times the damages and attorney's fees incurred by the Defendant, as permitted under 75 P.S. § 201-9.2(b), plus interest and costs of suit.

Respectfully submitted,

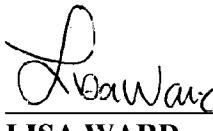
BLAKLEY & JONES

  
Benjamin S. Blakley, III  
Attorney for Defendant

**VERIFICATION**

I verify that the statements made in the foregoing Defendant's Answer to Plaintiff's Complaint, New Matter & Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 4-15-04

  
LISA WARD

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

BANK OF AMERICA, N.A. (USA),

Plaintiff,

v.

LISA WARD,

Defendant.

DEFENDANT'S ANSWER TO  
PLAINTIFF'S COMPLAINT, NEW  
MATTER & COUNTERCLAIM

No. 04-3531-C.P. D. 100C  
M 10:56 AM APR 16 2004  
APR 16 2004  
W.W. William W. St. E.,  
Prothonotary Clerk of Courts

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

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

BANK OF AMERICA, N.A., (USA),      ) NO. 04-353-C.D.  
    )  
Plaintiff,                            ) Type of Case: CIVIL ACTION  
    )  
vs.                                    ) Type of Pleading:  
LISA WARD,                            ) CERTIFICATE OF SERVICE  
    )  
Defendant.                            ) Filed on Behalf of: DEFENDANT  
    )  
    ) Counsel of Record:  
    ) BENJAMIN S. BLAKLEY, III, ESQ.  
    ) Supreme Court no. 26331  
    )  
    ) BLAKLEY & JONES  
    ) 90 Beaver Drive, Box 6  
    ) Du Bois, Pa 15801  
    ) (814) 371-2730

FILED

APR 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**CERTIFICATE OF SERVICE**

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of Defendant's Answer to Plaintiff's Complaint, New Matter & Counterclaim upon counsel for the Plaintiff on this 15<sup>th</sup> day of April, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Yale D. Weinstein, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester PA 19381-0356

Respectfully submitted,

BLAKLEY & JONES

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

BANK OF AMERICA, N.A. (USA),  
Plaintiff,  
v.

LISA WARD,

Defendant.

CERTIFICATE OF SERVICE

No. 04-353-C.D.

RECORDED  
12:56 PM  
APR 16 2004  
Attn: Blakley  
Sawyer  
Sawyer, Blakley & Jones, P.C.  
100 Beaver Drive, Box 6  
DUBOIS, PA 15801

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

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

BANK OF AMERICA, N.A., (USA),

) NO. 04-353-C.D.

Plaintiff,

) Type of Case: CIVIL ACTION

vs.

) Type of Pleading:

LISA WARD,

) CERTIFICATE OF SERVICE

Defendant.

) Filed on Behalf of: DEFENDANT

) Counsel of Record:

) BENJAMIN S. BLAKLEY, III, ESQ.

) Supreme Court no. 26331

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) Du Bois, Pa 15801

) (814) 371-2730

FILED *16*  
*7/11/2004* *cc*  
JUL 27 2004  
*EAS*

William A. Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of Defendant's ten-day Notice upon counsel for the Plaintiff on this 26<sup>th</sup> day of July, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

**Yale D. Weinstein, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester PA 19381-0356**

Gretchen Bloomer

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

BANK OF AMERICA, N.A., (USA),

Plaintiff,

v.

LISA WARD,

Defendant.

CERTIFICATE OF SERVICE

No. 04-353-C.D.

JUL 27 2004

W. LESTER SWAN  
Prothonotary, Clerk of Court

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15601

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. ) Type of Case: CIVIL ACTION  
LISA WARD, )  
Defendant. ) Type of Pleading:  
 ) NOTICE  
 ) Filed on Behalf of: DEFENDANT  
 ) Counsel of Record:  
 ) BENJAMIN S. BLAKLEY, III, ESQ.  
 ) Supreme Court no. 26331  
 )  
 ) BLAKLEY & JONES  
 ) 90 Beaver Drive, Box 6  
 ) Du Bois, Pa 15801  
 ) (814) 371-2730

FILED NO  
M 11:29 AM CC  
JUL 27 2004  
EBS

William A. Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**NOTICE**

**DATE OF NOTICE:** August 2, 2004

**TO: BANK OF AMERICA, N.A., (USA)**

c/o Yale D. Weinstein, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester PA 19381-0356

## **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 OBJECTIONS 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 A 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:

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
1 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
(814) 765-2641

~~BLAKLEY & JONES~~

Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

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

BANK OF AMERICA, N.A. (USA),  
Plaintiff,

v.

LISA WARD,

Defendant.

NOTICE

No. 04-353-C.D.

RECEIVED  
Clerk of Courts

JUL 27 2004

William A. Clegg  
Prostatory/Clerk of Courts

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

BURTON NEIL & ASSOCIATES, P.C.  
By: Yale D. Weinstein, Esquire  
Identification No. 89678  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
610-696-2120

Attorney for: Plaintiff

BANK OF AMERICA, N.A. (USA)

Plaintiff

v.

LISA WARD

Yale D. Weinstein, Esquire, Atty. for Plaintiff  
: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

Defendant : NO. 04-353-C.D.

Defendant : CIVIL ACTION - LAW

FILED (Erg)  
m/12/2004  
AUG 12 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

**Reply to New Matter and Counterclaim with New Matter**

**Reply to New Matter**

9 (1). No facts are stated in this incorporated by reference paragraph of defendant's answer; no pleading response is required.

9 (2). No facts are stated in this incorporated by reference paragraph of defendant's answer; no pleading response is required.

9 (3). No facts are stated in this incorporated by reference paragraph of defendant's answer; no pleading response is required.

9 (4). Denied as after reasonable investigation, plaintiff is without knowledge or information sufficient to form a belief as to the truth of these allegations and the same are deemed denied.

9 (5). Denied. Defendant's account was credited the appropriate amount of her dispute. The interest and fees on the account are computed on the correct balance. Defendant's failure to pay on the account after the dispute was resolved caused her to accrue additional fees pursuant to the terms and conditions of the account.

9 (6). Denied. Defendant's account was credited the appropriate amount of her dispute. The interest and fees on the account are computed on the correct balance. Defendant's failure to pay on the account after the dispute was resolved caused her to accrue additional fees pursuant to the terms and conditions of the account.

9 (7). Denied. To the contrary, Defendant agreed to pay \$900 with a representative of Plaintiff's counsel on this account and requested this matter be reported to the credit bureaus as paid in full. The Defendant indicated that the remaining balance was fees and interest. The terms and conditions of the account provide for those fees and interest. Defendant failed to make payment on the balance once the disputed amount was removed.

9 (8). Denied as a conclusion of law to which no further response is required. By way of further response, Plaintiff assessed interest and fees on the account pursuant to the terms and conditions.

10. Admitted in part and denied in part. It is admitted that Defendant utilized the card card bearing account number 4356023004001404. To the contrary, there were not questionable charges or disputed charges remaining on her account. Plaintiff reviewed the matter and credited the Defendant's account the appropriate amount.

11. Denied. To the contrary, Plaintiff only assessed fees and interest on the undisputed portion of the account.

12. Denied. To the contrary, Plaintiff charged the Defendant the proper charges pursuant to the terms and conditions of the account. The charges were based on the undisputed portion of Defendant's account. Defendant failed to make timely payments on the undisputed portion.

13. Admitted.

14. Denied. To the contrary, Plaintiff charged the Defendant the proper charges pursuant to the terms and conditions of the account. The charges were based on the undisputed portion of Defendant's account. Defendant failed to make timely payments on the undisputed portion.

15. Denied. Defendant spoke with Plaintiff's counsel's office and agreed to pay \$900. Defendant indicated that all the other charges were late and interest charges.

16. Denied. There was no correction to be made on the account pertaining to interest and fees that was not already done, therefore, there was not a corrected statement to send to Defendant.

17. Admitted in part, denied in part. It is admitted that Plaintiff did not appear for the Magistrate's hearing and as a result a judgment was entered for the Defendant. Plaintiff's representative Bonnie Block did speak with the Defendant on February 25, 2004. To the contrary, Bonnie Block did not tell the Defendant a judgment had been entered. Bonnie Block attempted to

resolve the account with the Defendant but the Defendant would not agree and said she will be defending this matter.

Wherefore, plaintiff prays judgment be entered on its behalf and against the defendant as set forth in the complaint.

**Reply to Counterclaim**

18. Plaintiff incorporates by reference the responses to the averments of paragraphs 1 through 17 of defendant's answer to the complaint and new matter.

19. Denied. Defendant was in default for failing to make payments on the account. By way of further response to Defendant's credit being damaged, and after reasonable investigation, plaintiff is without knowledge or information sufficient to form a belief as to the truth of these allegations and the same are deemed denied.

20. After reasonable investigation, plaintiff is without knowledge or information sufficient to form a belief as to the truth of these allegations and the same are deemed denied.

21. Denied as a conclusion of law to which no further response is required. By way of further response, Plaintiff assessed interest and fees on the account pursuant to the terms and conditions.

22. Denied as a conclusion of law to which no further response is required. By way of further response, Plaintiff's counsel representative did not advise the Defendant that a judgment had been entered. To the contrary, Plaintiff's counsel representative attempted to resolve the account with the Defendant but the Defendant would not agree and said she will be defending this matter.

23. Admitted in part, denied in part. It is admitted that Blakley & Jones was retained by their actions of filing this Answer, New Matter and Counterclaim. As pertaining to the fee arrangement Defendant entered into with her attorney, and after reasonable investigation, plaintiff is without knowledge or information sufficient to form a belief as to the truth of these allegations and the same are deemed denied.

24. No facts are stated in this paragraph of defendant's Counterclaim; no pleading response is required.

25. After reasonable investigation, plaintiff is without knowledge or information sufficient to form a belief as to the truth of these allegations and the same are deemed denied.

Wherefore, plaintiff demands judgment against defendant on the counterclaim in no amount.

**Plaintiff's New Matter to Defendants' Counterclaim**

26. Defendant's counterclaim fails to state a claim against Plaintiff upon which relief can be granted.

WHEREFORE Plaintiff moves the Court to enter judgment against Defendant and in favor of Plaintiff in no amount on the Counterclaim against Plaintiff and for judgment in Plaintiff's favor and against Defendant as per their Complaint.

BURTON NEIL & ASSOCIATES, P.C.

BY:  
Yale D. Weinstein, Esquire  
Attorneys for Plaintiff

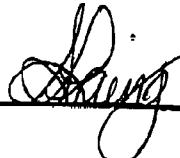
In making this communication, we advise that our firm is a debt collector.

**VERIFICATION**

Shelly Laing is Sr. Operations Analyst  
(Name of authorized representative) (Title or Position)  
for Bank of America N.A., the within Plaintiff, and makes this  
(Name of Company)

statement on its behalf as to the truthfulness of the facts set forth in the foregoing Plaintiff's Reply  
to New Matter and Counterclaim with New Matter to Counterclaim subject to the penalties of 18  
Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date:

8-10-04

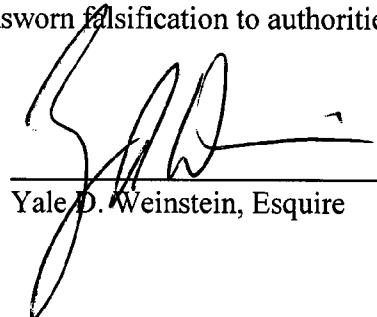
Name

## **VERIFICATION**

Yale D. Weinstein, Esquire, being duly sworn according to law, deposes and says that he is the attorney for plaintiff, Bank of America, N.A. (USA), in the foregoing matter, that he is authorized to take this verification on its behalf; and that the facts set forth in the foregoing complaint are true and correct to the best of his knowledge, information and belief subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date:

8/11/04

  
Yale D. Weinstein, Esquire

BURTON NEIL & ASSOCIATES, P.C.  
By: Yale D. Weinstein, Esquire  
Identification No. 89678  
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. 04-353-CD  
LISA WARD : CIVIL ACTION - LAW  
Defendant

**Certificate of Service**

I, Yale D. Weinstein, Esquire do hereby certify that I served a true and correct copy of the within Plaintiff's Reply to New Matter and Counterclaim with New Matter on defendant's counsel, Benjamin S. Blakley III, Esq. at his address of record via first class mail, postage prepaid on the date set forth below.

Date: August 11, 2004

BURTON NEIL & ASSOCIATES, P.C.  
BY: \_\_\_\_\_  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff

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

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. ) Type of Case: CIVIL ACTION  
LISA WARD, )  
Defendant. ) Type of Pleading: DEFENDANT'S REPLY  
 ) TO PLAINTIFF'S NEW MATTER  
 ) Filed on Behalf of: DEFENDANT  
 ) Counsel of Record:  
 ) BENJAMIN S. BLAKLEY, III, ESQ.  
 ) Supreme Court no. 26331  
 )  
 ) BLAKLEY & JONES  
 ) 90 Beaver Drive, Box 6  
 ) Du Bois, Pa 15801  
 ) (814) 371-2730

FILED NO  
M 11:48 AM  
AUG 19 2004  
5/83  
William A. Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**DEFENDANT'S REPLY TO PLAINTIFF'S NEW MATTER**

AND NOW, comes Defendant, **LISA WARD**, by and through her attorneys, **BLAKLEY & JONES**, and answers the Plaintiff's New Matter in the above-captioned matter as follows:

26. Denied, as a conclusion of law to which no further response is required.

WHEREFORE, Counterplaintiff respectfully requests this Honorable Court enter judgment against the Counterdefendant in accordance with the Counterplaintiff's prayer in her Counterclaim.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III  
Attorney for Defendant/Counterplaintiff

**VERIFICATION**

I verify that the statements made in the foregoing Defendant's Answer to Plaintiff's New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATE: 8-18-04

Lisa Ward  
**LISA WARD**

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

BANK OF AMERICA, N.A., (USA),

Plaintiff,

v.

LISA WARD,

Defendant.

DEFENDANT'S REPLY TO  
PLAINTIFF'S NEW MATTER

No. 04-353-C.D.

FILED

AUG 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
vs. )  
Plaintiff, ) Type of Case. CIVIL ACTION  
vs. )  
LISA WARD, ) Type of Pleading:  
Defendant. ) CERTIFICATE OF SERVICE  
 ) Filed on Behalf of: DEFENDANT  
 ) Counsel of Record:  
 ) BENJAMIN S. BLAKLEY, III, ESQ.  
 ) Supreme Court no. 26331  
 )  
 ) BLAKLEY & JONES  
 ) 90 Beaver Drive, Box 6  
 ) Du Bois, Pa 15801  
 ) (814) 371-2730

FILED NO  
11-4881 CC  
AUG 19 2004  
EAS  
William A Shaw  
Prothonotary/Clerk of Courts

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

BANK OF AMERICA, N.A., (USA), ) NO. 04-353-C.D.  
Plaintiff, )  
vs. )  
LISA WARD, )  
Defendant. )

**CERTIFICATE OF SERVICE**

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of Defendant's Answer to Plaintiff's New Matter upon counsel for the Plaintiff on this 18<sup>th</sup> day of August, 2004, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Yale D. Weinstein, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester PA 19381-0356

Respectfully submitted,

~~BLAKLEY & JONES~~

Benjamin S. Blakley, III

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

BANK OF AMERICA, N.A., (USA),

Plaintiff,

v.

LISA WARD,

Defendant.

CERTIFICATE OF SERVICE

No. 04-353-C.D.

FILED

AUG 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES  
**BLAKLEY & JONES**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

BURTON NEIL & ASSOCIATES, P.C.  
BY: Yale D. Weinstein, Esquire  
Identification No. 89678  
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.

LISA WARD

Defendant

: CIVIL ACTION - LAW

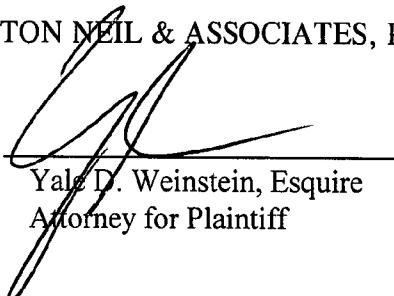
**Praecipe to Substitute Verification**

To the Prothonotary:

Kindly substitute the attached verification for the attorney verification filed with the Complaint.

BURTON NEIL & ASSOCIATES, P.C.

BY:

  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff

In making this communication, we advise our firm is a debt collector.

FILED *NO*  
*MJ149804*  
AUG 19 2004  
*EIAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

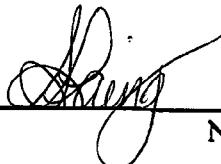
**VERIFICATION**

Shelly Laing is Sr. Operations Analyst  
(Name of authorized representative) (Title or Position)

for Bank of America, N.A., the within Plaintiff, and makes this  
(Name of Company)

statement on its behalf as to the truthfulness of the facts set forth in the foregoing Plaintiff's Reply  
to New Matter and Counterclaim with New Matter to Counterclaim subject to the penalties of 18  
Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 8-10-04

  
\_\_\_\_\_  
Name

## **Notice of Proposed Termination of Court Case**

November 5, 2007

RE: 2004-00353-CD

Bank of America, NA (USA)

Vs.

Lisa Ward

**FILED**

NOV 05 2007

  
William A. Shaw  
Prothonotary/Clerk of Courts

Dear Yale D. Weinstein, Esquire:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,

  
Daniel J. Nelson  
Court Administrator

## **Notice of Proposed Termination of Court Case**

November 5, 2007

RE: 2004-00353-CD

Bank of America, NA (USA)

Vs.

Lisa Ward

Dear Benjamin S. Blakley, III, Esquire:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,



Daniel J. Nelson  
Court Administrator

Burton Neil & Associates, P.C.  
By: Yale D. Weinstein, Esquire ID. NO. 89678  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
610-696-2120  
Attorney for Plaintiff

BANK OF AMERICA, N.A. (USA)  
Plaintiff

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA

v.

LISA WARD  
Defendant

: NO. 04-353-CD  
: CIVIL ACTION - LAW

**Statement of Intention to Proceed**

To the Court:

Plaintiff, BANK OF AMERICA, N.A. (USA) , intends to proceed with the above captioned matter.

Date:

Burton Neil & Associates, P.C.  
By: \_\_\_\_\_  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff

In making this communication, we advise our firm is a debt collector.

FILED NO CC  
m19:10:61  
NOV 26 2007  
ijs  
William A. Shaw  
Prothonotary/Clerk of Courts

**CLEARFIELD County, Pennsylvania**  
**Department of Court Records**  
**Civil Division**

5 **FILED** ICC Atty  
M 12:04pm Weinstein  
MAR 19 2012

William A. Shaw  
Prothonotary/Clerk of Courts

**COVER SHEET**

**Plaintiff(s)**

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

**Case Number:**

04-353-CD

**Type of Pleading:**

Praeclipe to Discontinue

**Code and Classification:**

**Filed on Behalf of:**

Plaintiff

BANK OF AMERICA, N.A. (USA)

Vs.

(Name of the filing party)

**Defendant(s)**

LISA WARD  
RD 1, Box 112  
Du Bois PA 15801

Counsel of Record  
 Individual, if pro se

**Name, Address and Telephone Number:**

Yale D. Weinstein, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
Telephone: 610-696-2120  
email: litigation@burt-law.com

**Attorney's State ID:**

89678

**Attorney's Firm ID:**

(Signature)

Burton Neil & Associates, P.C.  
By: Yale D. Weinstein, Esquire ID. NO. 89678  
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  
v. : NO. 04-353-CD  
LISA WARD  
Defendant : CIVIL ACTION - LAW

**Praecipe to Discontinue**

To the Prothonotary:

Kindly discontinue defendant's Counterclaim with prejudice for failure to prosecute.

Burton Neil & Associates, P.C.

By:

Yale D. Weinstein, Esquire  
Attorney for Plaintiff

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