

04-1011-CD
CITIBANK VS ROBIN M LUMADUE

Citibank vs Robin Lumadue
2004-1011-CD

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

CITIBANK (SOUTH DAKOTA) N.A.
701 EAST 60TH STREET NORTH
SIOUX FALLS, SD

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

ROBIN M LUMADUE
556 LUMBER CITY HIGHWAY
MAHAFFEY, PA

Defendant

: NO. 04-1011-C

: 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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
Court Administrator
Clearfield County Courthouse,
Clearfield, PA 16830
814-765-2641
10018.034.6733

FILED

JUL 01 2004

William A. Shaw
Prothonotary/Clerk of Courts

BURTON NEIL & ASSOCIATES, P.C.

By: Burton Neil

Identification No. 11348

1060 Andrew Drive, Suite 170

West Chester, PA 19380

610-696-2120

Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA) N.A.
701 EAST 60TH STREET NORTH
SIOUX FALLS, SOUTH DAKOTA
Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO.

ROBIN M LUMADUE
556 LUMBER CITY HIGHWAY
MAHAFFEY, PENNSYLVANIA

Defendant

: CIVIL ACTION - LAW

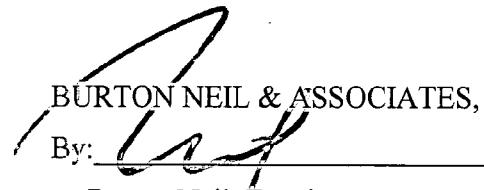
Complaint

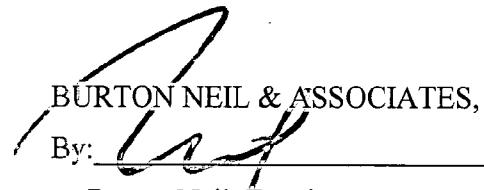
1. The plaintiff is Citibank (South Dakota) N.A., with place of business located at 701 East 60th Street North, Sioux Falls, South Dakota.
2. The defendant is ROBIN M LUMADUE, who resides at 556 LUMBER CITY HIGHWAY MAHAFFEY, CLEARFIELD County, Pennsylvania.
3. Plaintiff, a national banking association, engages in various types of banking business including consumer lending through the issuance of credit cards.
4. Plaintiff furnished consumer credit to the defendant by means of a credit card with an account number 5491130364559435 hereinafter referred to as the credit card account.
5. Plaintiff maintained an accurate and running record of all debits and credits to the credit card account in its books of account.
6. Plaintiff mailed defendant a written statement each month which accurately stated the debits and credits to the credit card account for the prior billing cycle.
7. Defendant received the monthly statements from plaintiff for the credit card account, including the statement attached as Exhibit A, without protest, dispute or objection.

8. Defendant, by not protesting, disputing, or objecting to the statements including the Exhibit A statement, thereby assented and agreed to the correctness of the balance due on the credit card account so as to constitute an account stated.

9. The amount due plaintiff on the account stated less credits, if any issued subsequent to the Exhibit A statement, is \$4833.96

Wherefore, plaintiff demands judgment against the defendant for the sum of \$4833.96 and the costs of this action.


BURTON NEIL & ASSOCIATES, P.C.

By: 

Burton Neil, Esquire

Attorney for Plaintiff

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

Your *AT&T Universal Card* Statement

September 25 - October 27, 2003

Page 1 of 3



ROBIN M LUMADUE
Account 5491 1303 6455 9435
Calling Card + PIN
No Annual Fee/Platinum Card

How To Reach Us

Account Online: www.universalcard.com
Customer Service: 1 800 423-4343 or write
Cardmember Services, PO Box 44167
Jacksonville, FL 32231-4167

Quick Reference

Minimum Payment Due..... \$4,833.96
Due Date*..... November 21, 2003

***Payment must be received by 1:00 pm local time on the payment due date.**

Amount Past Due..... \$691.71

Credit Line.....	\$11,000.00
Available Credit.....	\$0.00
Cash Advance Limit.....	\$1,500.00
Available Cash Advance Limit.....	\$0.00

Account Summary

Previous Balance	4,833.96
Payments and Adjustments	0.00
Master Card Activity	0.00
Total AT&T Services	0.00
New Balance	\$4,833.96

Help is available! Please call the toll-free number shown above to learn about our special payment options. Please give us the opportunity to assist you.

Note: Detailed activity starts on page 3.

Payment Record

Amount Paid: _____ Date Paid: _____ Check Number: _____

Please follow payment instructions outlined in the "Important Instructions for Making Payments" section of the statement.

Account Number	Payment Due	New Balance	Minimum Payment	Enter Amount Enclosed
5491 1303 6455 9435	11/21/03	\$4,833.96	\$4,833.96	\$

***If you provide an e-mail address, we may use it to contact you about your account. We may also use your e-mail address to send you information about products and services you might find useful.**

Make check payable to: AT&T Universal Card

304S MC 34 A 1 AR7050496

ROBIN M LUMADUE
ATTNY ACCOUNT-CODE=FN34
MAHAFFEY PA 15757-5717

AT&T UNIVERSAL CARD
PO BOX 8217
SOUTH HACKENSACK NJ 07606-8217

54911303645594350004833960004833960

EXHIBIT A

ROBIN M LUMADUE
Account 5491 1303 6455 9435
September 25 - October 27, 2003

Page 2 of 3



In the return envelope, please:

- 1 Enclose your check or money order.** Include your account number and name on the front of your check or money order. Please, no cash or foreign currency.
- 2 Enclose your payment coupon.** Do not staple or tape it to your payment. Insert the payment coupon so that the entire AT&T Universal Card address appears through the window of your remittance envelope.



AT&T Universal MasterCard Activity

Purchases.....	0.00
Cash Advances and Checks.....	0.00
Finance Charges.....	0.00
Total MasterCard Activity.....	\$0.00



Purchases

Total MasterCard Purchases..... \$0.00



Cash Advances

Cash Advance Limit..... \$1,500.00* *This represents a portion of your total credit line.

Finance Charge Information

Nominal APR	Periodic Rate	x Days in Billing Period	x	Balance Subject to Finance Charge	=	Periodic FINANCE CHARGE	+ Transaction Fee/FINANCE CHARGE	ANNUAL PERCENTAGE RATE
PURCHASES								
Standard Purch	27.990%	.07668%(D)	x	32	x	\$0.00	=	\$0.00 + \$0.00 27.990%
Offer 5	27.990%	.07668%(D)	x	32	x	\$0.00	=	\$0.00 + \$0.00 27.990%
CASH ADVANCES								
Standard Adv	27.990%	.07668%(D)	x	32	x	\$0.00	=	\$0.00 + \$0.00 27.990%
Total FINANCE CHARGE =								\$0.00

AT&T Services Summary

AT&T Universal Calling Card Calls..... \$0.00

Verification

Jennifer Sisson is an attorney management specialist for Citibank (South Dakota), N.A. and Citicorp Credit Services, Inc., wholly owned subsidiaries of Citigroup, the within Plaintiff in this action. She/he verifies that the statements of fact made in the foregoing Complaint are true and correct to the best of her 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: 10/15/04

Jennifer Simon
Name

Account number: 5491130364559435
Defendant: ROBIN M LUMADUE

FILED
MAY 14 2004
JUL 01 2004
William A. Shaw
Sheriff
Amy pd. 85.00

Fruey
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

CITIBANK
VS.
LUMADUE, ROBIN M.
COMPLAINT

Sheriff Docket # 15915
04-1011-CD

SHERIFF RETURNS

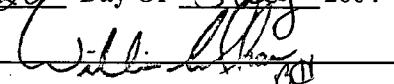
NOW JULY 21, 2004 AT 10:38 AM SERVED THE WITHIN COMPLAINT ON ROBIN M. LUMADUE, DEFENDANT AT EMPLOYMENT, LAJOSE POST OFFICE, LAJOSE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROBIN M. LUMADUE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
38.62	SHERIFF HAWKINS PAID BY: ATTY CK# 19872
10.00	SURCHARGE PAID BY: ATTY CK# 19873

Sworn to Before Me This

26th Day Of July 2004


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

So Answers,


Chester A. Hawkins
Sheriff

FILED

9/25/04 pm
JUL 26 2004
ws

William A. Shaw
Prothonotary

CITIBANK (SOUTH DAKOTA) N.A.
701 EAST 60TH STREET NORTH
SIOUX FALLS, SD 57117

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 04-1011-CD

ROBIN M LUMADUE
556 LUMBER CITY HIGHWAY
MAHAFFEY, PA 15757-5717

: CIVIL ACTION - LAW

Defendant

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:	\$4,833.96
Credit:	\$0.00
Attorney's Fees:	\$0.00
Total:	\$4,833.96

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:

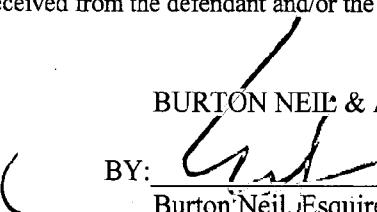
1. The above are the precise last-known addresses of the judgment debtor and creditor.
2. The annexed notice of intention to file this praecipe was mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior 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

10018.034.6733

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Burton Neil, Esquire
Attorney for Plaintiff
Attorney I.D. No. 11348
1060 Andrew Drive, Suite 170
West Chester, PA 19380

FILED
M 1.57 B6 pd 50.00
Notice of Default to attorney
OCT 04 2004

Burton Neil & Associates, P.C. is a debt collector

William A. Shaw
Prothonotary

CITIBANK (SOUTH DAKOTA) N.A. : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
VS.
ROBIN M LUMADUE : NO. 04-1011-CD
Defendant : CIVIL ACTION - LAW

Notice of Intention to File Praecipe for Default Judgment

TO: ROBIN M LUMADUE
556 LUMBER CITY HIGHWAY
MAHAFFEY, PA 15757-5717

DATE OF NOTICE: August 18, 2004

IMPORTANT NOTICE

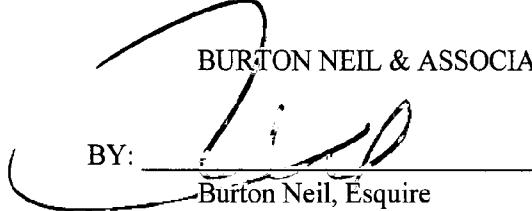
You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or obligations to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you 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 Referral Service

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

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

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

CITIBANK (SOUTH DAKOTA) N.A.

701 EAST 60TH STREET NORTH

SIOUX FALLS, SD 57117

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

Plaintiff

VS.

ROBIN M LUMADUE

556 LUMBER CITY HIGHWAY

MAHAFFEY, PA 15757-5717

: NO. 04-1011-CD

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 October 4, 2004.

Prothonotary

By: Willie L. Hall

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

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

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

Citibank (South Dakota) N.A.

Plaintiff(s)

No.: 2004-01011-CD

Real Debt: \$4,833.96

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robin M. Lumadue

Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 4, 2004

Expires: October 4, 2009

Certified from the record this 4th day of October, 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIBANK (South Dakota) N.A., CIVIL ACTION - LAW

Plaintiff,

CASE NO: 2004 CD 01011

v.

ROBIN M. LUMADUE,

SUGGESTION OF BANKRUPTCY

Defendant.

Filed on Behalf of :

DEFENDANT ROBIN LUMADUE

FILED NO CC
11/25/07
DEC 14 2007
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIBANK (South Dakota) N.A., CIVIL ACTION - LAW
Plaintiff,
CASE NO: 2004 CD 01011
v.

ROBIN M. LUMADUE,
Defendant.

SUGGESTION OF BANKRUPTCY

AND NOW, comes the Defendant Robin Lumadue, by and through her attorney, Joseph H. Ellermeyer, and respectfully represents and would show this Court:

1. The Defendant has filed a Chapter 7 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 07-71110.

2. Relief was ordered on October 5, 2007.

3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

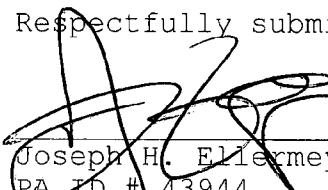
4. Attached hereto is a true and correct copy of the Order of Court approving the avoidance of the lien held by the Plaintiff against the Defendant Robin Lumadue confirming that the judicial lien entered against the Defendant is to be satisfied.

5. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant Robin Lumadue suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date 12/11/07


Joseph H. Ellermeyer, Esquire
PA ID # 43944
379 Main Street
Brookville, PA 15825
814/849-6701

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ROBIN M. LUMADUE,
Debtor

CASE NO. 07-71119 *BM*

CHAPTER 7

ROBIN M. LUMADUE,
Petitioner,

Docket No. *20*

vs.

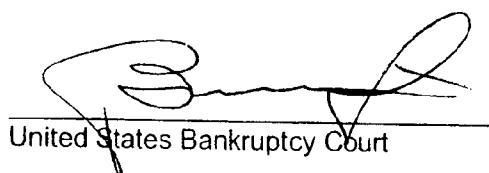
CITIBANK (South Dakota), N.A.,
Respondent.

ORDER OF COURT

At Erie, in the Western District of Pennsylvania, on the 6th day of December, 2007, upon consideration of the foregoing Motion filed by the Debtor and after notice of Hearing, it appearing that the Debtor is party to debt due to the Respondent, CITIBANK (South Dakota), N.A., for claims arising from a Judgement; that the Respondent impairs the Debtor's exemption interest in her real property; that the classification of the debt is rejected by the Trustee under Section 522(f) of the Bankruptcy Code, that it is in the best interest of the Debtor to grant the within Motion, it is, therefore:

ORDERED, JUDGED AND DECREED that the within Motion is granted. The Trustee is Ordered to accept that the debt due to CITIBANK (South Dakota), N.A., is a non-priority, unsecured debt and CITIBANK (South Dakota), N.A., is Ordered to mark *to cooperate with debtor's counsel* the judicial lien entered against the Debtor as satisfied.

BY THE COURT:



United States Bankruptcy Court

cc Joseph H. Ellermeyer

FILED

DEC 6 2007

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIBANK (South Dakota) N.A., CIVIL ACTION - LAW
Plaintiff,
CASE NO: 2004 CD 01011
V.

ROBIN M. LUMADUE,
Defendant.

CERTIFICATE OF SERVICE

I, Joseph H. Ellermeyer, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

Citibank (South Dakota) N.A.
701 East 60th Street North
Sioux Falls, SD 57117

Burton Neil, Esquire
1060 Andrew Drive, Suite 170
West Chester, PA 19380

Dated: December 11, 2007

Joseph H. Ellermeyer
Attorney at Law

Joseph H. Ellermeyer
Attorney at Law

FILED

DEC 14 2007

William A. Shaw
Prothonotary/Clerk of Courts