

2004-1189-CD
CitiBank vs John Toney

JOHN J. TONEY

2004-1189-CD
CITIBANK (SOUTH DAKOTA)

VS

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
Plaintiff

v.

JOHN J TONEY
25 Cardinal Drive, Du Bois PA 15801-8718
Defendant

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

: NO. 04-1189-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 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

C-1436

FILED
M/3/2004
AUG 05 2004
Atty pd
William A. Shaw
Prothonotary/Clerk of Courts
85.00

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
Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO.

JOHN J TONEY
25 Cardinal Drive, DuBois, PA
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 John J Toney, who resides at 25 Cardinal Drive, DuBois, 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 account number 5424180346705079 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 period.
7. Defendant received the monthly statements from plaintiff for the credit card account including the statement attached hereto as Exhibit A statement without protest, dispute or objection.
8. Defendant is 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 \$17,108.01.

Wherefore, plaintiff demands judgment against defendant for the sum of \$17,108.01, and the costs of this action.

BURTON NEIL & ASSOCIATES, P.C.

By: 

Burton Neil, Esquire
Attorney for Plaintiff

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

05/10/04 \$17108.01 \$9999.99 SITE:KC-CL TM:CO-5000 ACID:KCB7150
 PAY DUE DATE NEW BALANCE MIN AMT DUE 05/05/04 18:00:48:

JOHN J TONEY
 ATTNY ACCOUNT-CODE=LB34
 DU BOIS PA
 15801-8718000

CITI CARDS
 P.O. BOX 8110
 S HACKENSACK, NJ
 07606-8110

Citi® Platinum Select® Card



Account Number
 5424 1803 4670 5079

Customer Service:

1-800-950-5114	Total Credit Line \$15000	Available Credit Line \$0	Cash Advance Limit \$3300	Available Cash Limit \$0	New Balance \$17108.01
BOX 6500 SIOUX FALLS, SD 57117	Statement/ Closing Date 04/14/2004	Amount Over Credit Line \$2108.01	Past Due \$2390.68	Purch/Adv Minimum Due \$356.00	Minimum Amount Due \$17108.01
Sale Date Post Date Reference Number		Activity Since Last Statement		Amount	

Help is available! Please call the toll-free number shown above to learn about our special payment options. Call Monday - Friday, 7 am to 9 pm, or Saturday, 8 am to 5 pm, Central Time. Please give us the opportunity to assist you.

Account Summary	Previous Balance	(+) Purchases & Advances	(-) Payments & Credits	(+) FINANCE CHARGE	(-) New Balance
PURCHASES	\$15,584.54	\$0.00	\$0.00	\$0.00	\$15,584.54
ADVANCES	\$1,523.47	\$0.00	\$0.00	\$0.00	\$1,523.47
TOTAL	\$17,108.01	\$0.00	\$0.00	\$0.00	\$17,108.01

Days This Billing Period: 30

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES Standard Purch	\$0.00	0.06573%(D)	23.9%	23.990%
ADVANCES Standard Adv	\$1,538.08	0.06573%(D)	23.990%	23.990%

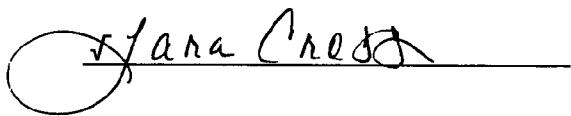
EXHIBIT

A

VERIFICATION

Tara Cross is Attorney Management Specialist for Citibank (South Dakota) 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: 7/1/04

A handwritten signature of "Tara Cross" is written over a horizontal line. The signature is in cursive and appears to be "Tara" above "Cross". A small circle is drawn around the "T" in "Tara".

John J. Toney
5424180346705079

FILED

AUG 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

CITIBANK
VS.
TONEY, JOHN J.
COMPLAINT

Sheriff Docket # 16072
04-1189-CD

SHERIFF RETURNS

NOW AUGUST 11, 2004 AT 11:15 AM SERVED THE WITHIN COMPLAINT ON JOHN J. TONEY, DEFENDANT AT RESIDENCE, 25 CARDINAL DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO VALARIE TONEY, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: McCLEARY/COUDRIET

Return Costs

Cost	Description
32.62	SHERIFF HAWKINS PAID BY: ATTY CK# 1449
10.00	SURCHARGE PAID BY: ATTY CK# 1450

Sworn to Before Me This

17th Day of Aug 10, 2004

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

So Answers,

Chester Hawkins
by Marley Harris
Chester A. Hawkins
Sheriff

FILED

02:46pm 85

AUG 17 2004

EBS

William A. Shaw
Prothonotary

CITIBANK (SOUTH DAKOTA) N.A.
701 East 60th Street N, Sioux Falls, SD 57117
Plaintiff

VS.

JOHN J TONEY
25 Cardinal Drive
Du Bois PA 15801-8718

Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 04-1189-CD

FILED
M 2004 BA Notice to Def
Smt to Atty

SEP 27 2004

: CIVIL ACTION - LAW

Praeclipe for Default Judgment

William A. Shaw
Prothonotary

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:	\$17,108.01
TOTAL	\$17,108.01

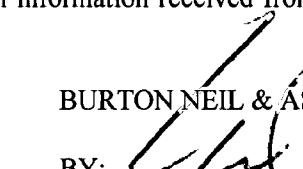
Understanding that false statements herein made are subject to penalty under 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment debtor and creditor.
2. The annexed notice of intention to file this praecipe was mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.
3. Pursuant to Section 201(b)(1)(A) of the Servicemembers Civil Relief Act of 2003 (SCRA), the defendant is not in the military service of the United States based on information received from the defendant and/or the Department of Defense website.

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

Pro Prothonotary

BURTON NEIL & ASSOCIATES, P.C.

BY: 

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

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

C-1436

CITIBANK (SOUTH DAKOTA) N.A.
Plaintiff

VS.

JOHN J TONEY

Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 04-1189-CD
: CIVIL ACTION - LAW

Notice of Intention to File Praecept for Default Judgment

TO: John J Toney
25 Cardinal Drive
Du Bois PA 15801-8718

DATE OF NOTICE: September 2, 2004

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or obligations to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help. This office can provide you with information about hiring a lawyer.

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

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

BURTON NEIL & ASSOCIATES, P.C.

BY: 

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

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

C-1436

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. : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
VS. : NO. 04-1189-CD
JOHN J TONEY : CIVIL ACTION - LAW
Defendant

RULE OF CIVIL PROCEDURE NO. 236 (REVISED)

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

Prothonotary

By: _____
Deputy

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

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

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

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

Citibank (South Dakota) N.A.

Plaintiff(s)

No.: 2004-01189-CD

Real Debt: \$17,108.01

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

John J. Toney

Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 27, 2004

Expires: September 27, 2009

Certified from the record this 27th day of September, 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