

04-1199-CD
CITIBANK (SOUTH DAKOTA) N.A. VS MARK NICHOLSON

Citibank vs Mark Nicholson
2004-1199-CD

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.

MARK T NICHOLSON
10 East Sherman Avenue, Du Bois PA 15801-3104
Defendant

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

: NO. 04-1199-CD

: CIVIL ACTION - LAW

COMPLAINT NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

LAWYER REFERENCE AND INFORMATION SERVICE

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

C-601

4-20-04 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

5-12-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

FILED

m/2:20/8/1
AUG 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

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.

MARK T NICHOLSON
10 East Sherman Avenue, Du Bois, 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 Mark T. Nicholson, who resides at 10 East Sherman Avenue, Du Bois, 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.

Count I

4. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5398400024998495 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 in 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 \$2,834.25.

Wherefore, plaintiff demands judgment against defendant on Count I for the sum of \$2,834.25, and the costs of this action.

Count II

10. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5424181026312483 hereinafter referred to as the credit card account.

11. Plaintiff maintained an accurate and running record of all debits and credits to the credit card account in its books of account.

12. 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.

13. Defendant received the monthly statements from plaintiff for the credit card account including the statement attached hereto as Exhibit B statement without protest, dispute or objection.

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

15. The amount due plaintiff on the account stated, less credits, if any issued subsequent to the Exhibit B statement, is \$1,408.28.

Wherefore, plaintiff demands judgment against defendant on Count II for the sum of \$1,408.28, 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.

Your AT&T Universal Card Statement

January 28 - February 25, 2004

Page 1 of 3



MARK T NICHOLSON
Account 5398 4000 2499 8495
Calling Card + PIN

How To Reach Us

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

Quick Reference

Minimum Payment Due..... \$585.46
Due Date*..... March 22, 2004

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

Amount Past Due..... \$187.21
Amount Over Limit..... \$334.25

Credit Line..... \$2,500.00
Available Credit..... \$0.00
Cash Advance Limit..... \$500.00
Available Cash Advance Limit..... \$0.00

Account Summary

Previous Balance	2,834.25
Payments and Adjustments	0.00
Master Card® Activity	0.00
Total AT&T Services	0.00
New Balance	\$2,834.25

Note: Detailed activity starts on page 3.

Please pay the Minimum Amount Due shown. Your account is past due and your balance is over the credit line. Regular monthly payments will help establish a good payment history with us. If you have already sent this payment, thank you.

Payment Record

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

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



05398400024998495283425585465901

Your Account Number

5398 4000 2499 8495

Please Enter Amount of Payment Enclosed

Payment Must Be Received By

MAR 22 2004

Your Total Balance

\$2834.25

Minimum Amount Due

\$585.46

\$

537S MC 34 A 1 AR7050554

MARK T NICHOLSON
ATTN ACCOUNT-CODE=LB34
DU BOIS PA 15801-3104

AT&T UNIVERSAL CARD
P.O. BOX 8118
S HACKENSACK, NJ 07606-8118

EXHIBIT A

MARK T NICHOLSON
Account 5398 4000 2499 8495
January 28 - February 25, 2004

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.

MARK T NICHOLSON
 Account 5398 4000 2499 8495
 January 28 - February 25, 2004

Page 3 of 3



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..... \$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	28	x		\$0.00	+	\$0.00	27.990%
Purch/CashAdv										
thru 11/28/01	24.990%	.06847%(D)	x	28	x		\$0.00	+	\$0.00	24.990%
CASH ADVANCES										
Standard Adv	27.990%	.07668%(D)	x	28	x		\$55.10	+	\$0.00	27.990%
Total							FINANCE CHARGE	=	\$0.00	

AT&T Services Summary

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

04/01/04

\$1408.28

\$9999.99

SITE:KC-CL

TM:CO-6300

ACID:KCB2081

PMT DUE DATE

NEW BALANCE

MIN AMT DUE

03/26/04

18:57:23:

MARK T NICHOLSON
ATTNY ACCOUNT-CODE=LB34
DU BOIS A
15801-3104000

PA

CITI CARDS
P.O. BOX 8105
S HACKENSACK, NJ
07606-8105

Citi® Card



Account Number

5424 1810 2631 2483

Customer Service:

1-800-866-9900

BOX 6500

SIOUX FALLS, SD

57117

Total Credit Line

\$1100

Available Credit Line

\$0

Cash Advance Limit

\$310

Available Cash Limit

\$0

New Balance

\$1408.28

Statement/
Closing Date

03/08/2004

Amount Over
Credit Line

\$308.28

Past Due

\$129.17

Purch/Adv
Minimum Due

\$34.00

Minimum
Amount Due

\$1408.28

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	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28

Days This Billing Period: 31

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$0.00	0.07668%(D)	27.990%	27.990%
Purch/Adv thru 07/09/2003	\$0.00	0.07668%(D)	27.990%	27.990%
ADVANCES				
Standard Adv	\$0.00	0.07668%(D)	27.990%	27.990%

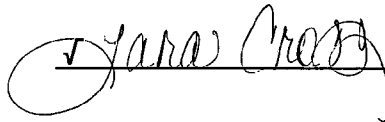
EXHIBIT

B

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



Mark T. Nicholson
5398400024998495

FILED

AUG 06 2004

**William A. Shaw
Prothonotary/Clerk of Courts**

In The Court of Common Pleas of Clearfield County, Pennsylvania

CITIBANK

VS.

NICHOLSON, MARK T.

COMPLAINT

Sheriff Docket #

16078

04-1199-CD

SHERIFF RETURNS

NOW SEPTEMBER 7, 2004 RETURN THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO MARK T. NICHOLSON, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

Return Costs


Cost	Description
71.00	SHERIFF HAWKINS PAID BY: ATTY CK# 1489
10.00	SURCHARGE PAID BY: ATTY CK# 1490

Sworn to Before Me This

7th Day Of SEPT. 2004

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

So Answers,


Chester A. Hawkins
Sheriff

FILED ^{ELK}

SEP 07 2004
3:00

William A. Shaw
Prothonotary/Clerk of Courts

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.

MARK T NICHOLSON

10 East Sherman Avenue, Du Bois PA 15801-3104

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 04-199-CB

: CIVIL ACTION - LAW

COMPLAINT NOTICE

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YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

LAWYER REFERENCE AND INFORMATION SERVICE

David S. Meholick

Court Administrator

Clearfield County Courthouse

Clearfield, PA 16830

Telephone No. 814-765-2641 Ext. 5982

C-601

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

AUG 06 2004

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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.

MARK T NICHOLSON
10 East Sherman Avenue, Du Bois, 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 Mark T. Nicholson, who resides at 10 East Sherman Avenue, Du Bois, 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.

Count I

4. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5398400024998495 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 in 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 \$2,834.25.

Wherefore, plaintiff demands judgment against defendant on Count I for the sum of \$2,834.25, and the costs of this action.

Count II

10. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5424181026312483 hereinafter referred to as the credit card account.

11. Plaintiff maintained an accurate and running record of all debits and credits to the credit card account in its books of account

12. 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.

13. Defendant received the monthly statements from plaintiff for the credit card account including the statement attached hereto as Exhibit B statement without protest, dispute or objection.

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

15. The amount due plaintiff on the account stated, less credits, if any issued subsequent to the Exhibit B statement, is \$1,408.28.

Wherefore, plaintiff demands judgment against defendant on Count II for the sum of \$1,408.28, 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.

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

Your AT&T Universal Card Statement

January 28 - February 25, 2004

Page 1 of 3



MARK T NICHOLSON
Account 5398 4000 2499 8495
Calling Card + PIN

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..... \$585.46
Due Date..... March 22, 2004

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

Amount Past Due..... \$187.21
Amount Over Limit..... \$334.25

Credit Line..... \$2,500.00
Available Credit..... \$0.00
Cash Advance Limit..... \$500.00
Available Cash Advance Limit..... \$0.00

Account Summary

Previous Balance..... 2,834.25
Payments and Adjustments..... 0.00
Master Card® Activity..... 0.00
Total AT&T Services..... 0.00
New Balance..... \$2,834.25

Note: Detailed activity starts on page 3.

Please pay the Minimum Amount Due shown. Your account is past due and your balance is over the credit line. Regular monthly payments will help establish a good payment history with us. If you have already sent this payment, thank you.

Payment Record

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

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



05398400024998495283425585465901

Your Account Number

5398 4000 2499 8495

Please Enter Amount of Payment Enclosed

Payment Must Be Received By

MAR 22 2004

Your Total Balance

\$2834.25

Minimum Amount Due

\$585.46

\$

537S MC 34 A 1 AR7050554

MARK T NICHOLSON
ATTNY ACCOUNT-CODE=LB34
DU BOIS PA 15801-3104

AT&T UNIVERSAL CARD

P.O. BOX 8118
S HACKENSACK, NJ 07606-8118

EXHIBIT A

MARK T NICHOLSON
Account 5398 4000 2499 8495
January 28 - February 25, 2004

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..... \$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	+ Fee/ FINANCE CHARGE	ANNUAL PERCENTAGE RATE	
PURCHASES											
Standard Purch	27.990%	.07668%(D)	x	28	x	\$0.00	=	\$0.00	+	\$0.00	27.990%
Purch/CashAdv thru 11/28/01	24.990%	.06847%(D)	x	28	x	\$0.00	=	\$0.00	+	\$0.00	24.990%
CASH ADVANCES											
Standard Adv	27.990%	.07668%(D)	x	28	x	\$55.10	=	\$0.00	+	\$0.00	27.990%
							Total	FINANCE CHARGE	=	\$0.00	

AT&T Services Summary

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

04/01/04 \$1408.28 \$9999.99

SITE:KC-CL

TM:CO-6300

ACID:KCB2081

PMI DUE DATE

NEW BALANCE

MIN AMT DUE

03/26/04

18:57:23:

MARK T NICHOLSON
ATTNY ACCOUNT-CODE=LB34
DU BOIS A
15801-3104000

PA

CITI CARDS
P.O. BOX 8105
S HACKENSACK, NJ
07606-8105

Citi® Card

Account Number

5424 1810 2631 2483

Customer Service:

1-800-866-9900

BOX 6500

SIOUX FALLS, SD

57117

Total Credit Line

\$1100

Available Credit Line

\$0

Cash Advance Limit

\$310

Available Cash Limit

\$0

New Balance

\$1408.28

Statement/
Closing Date

03/08/2004

Amount Over
Credit Line

\$308.28

Past Due

\$129.17

Purch/Adv
Minimum Due

\$34.00

Minimum
Amount Due

\$1408.28

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	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28

Days This Billing Period: 31

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$0.00	0.07668%(D)	27.990%	27.990%
Purch/Adv thru 07/09/2003	\$0.00	0.07668%(D)	27.990%	27.990%
ADVANCES				
Standard Adv	\$0.00	0.07668%(D)	27.990%	27.990%

EXHIBIT

B

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

Tara Cross

Mark T. Nicholson
5398400024998495

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.

Plaintiff

VS.

MARK T NICHOLSON

10 East Sherman Avenue, Du Bois PA 15801-3104

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 04-1199-CD

: CIVIL ACTION - LAW

Praeceptum to Reinstate

To the Prothonotary:

Please reinstate the Complaint.

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Burton Neil, Esquire
Attorney for Plaintiff

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

C-601

FILED
*m 2.0544 / reinserted
Compl to Shff.*
SEP 20 2004

William A. Shaw
Prothonotary

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.

Plaintiff

VS.

MARK T NICHOLSON

10 East Sherman Avenue, Du Bois PA 15801-3104

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 04-1199-CD

: CIVIL ACTION - LAW

Praecipe to Reinstate

To the Prothonotary:

Please reinstate the Complaint.

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Burton Neil, Esquire
Attorney for Plaintiff

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

FILED

MAY 12 2005

William A. Shaw
Prothonotary/Clerk of Courts

No CC
m/2:37/6/11
Att. pd. 7.00
1 Compl. reinstated
to Shaw

C-601



FILED

MAY 12 2005

William A. She
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

CITIBANK

VS.

NICHOLSON, MARK T.

COMPLAINT

Sheriff Docket #

16078

04-1199-CD

SHERIFF RETURNS

NOW OCTOBER 29, 2004 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE
WITHIN COMPLAINT "NOT FOUND" AS TO MARK T. NICHOLSON, DEFENDANT.
SEVERAL ATTEMPTS, NOT HOME.

Return Costs

Cost	Description
90.50	SHERIFF HAWKINS PAID BY: <i>Atty</i>
10.00	SURCHARGE PAID BY: ATTY CK# 2745

Sworn to Before Me This

____ Day Of _____ 2004

So Answers,

Chester A. Hawkins
by Marilyn Harper
Chester A. Hawkins
Sheriff

CP FILED
MAY 19 2005
6/2:55
William A. Shaw
Prothonotary/Clerk of Courts

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

9-20-04 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
Deputy Prothonotary

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. 04-1199-CD

MARK T NICHOLSON
10 East Sherman Avenue, Du Bois PA 15801-3104
Defendant

: CIVIL ACTION - LAW

COMPLAINT NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

COPY

C-601

C-604

FILED
AUG 06 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

C-601

CITIBANK (SOUTH DAKOTA) N.A. : IN THE COURT OF COMMON PLEAS
701 East 60th Street North, Sioux Falls, SD
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO.
MARK T NICHOLSON
10 East Sherman Avenue, Du Bois, 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 Mark T. Nicholson, who resides at 10 East Sherman Avenue, Du Bois, 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.

Count I

4. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5398400024998495 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 in 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 \$2,834.25.

Wherefore, plaintiff demands judgment against defendant on Count I for the sum of \$2,834.25, and the costs of this action.

Count II

10. Plaintiff furnished consumer credit to the defendant by means of a credit card with account number 5424181026312483 hereinafter referred to as the credit card account.

11. Plaintiff maintained an accurate and running record of all debits and credits to the credit card account in its books of account.

12. 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.

13. Defendant received the monthly statements from plaintiff for the credit card account including the statement attached hereto as Exhibit B statement without protest, dispute or objection.

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

15. The amount due plaintiff on the account stated, less credits, if any issued subsequent to the Exhibit B statement, is \$1,408.28.

Wherefore, plaintiff demands judgment against defendant on Count II for the sum of \$1,408.28, 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.

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

Your AT&T Universal Card Statement

January 28 - February 25, 2004

Page 1 of 3



MARK T NICHOLSON
Account 5398 4000 2499 8495
Calling Card + PIN

How To Reach Us

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

Quick Reference

Minimum Payment Due..... \$585.46
Due Date*..... March 22, 2004

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

Amount Past Due..... \$187.21
Amount Over Limit..... \$334.25

Credit Line..... \$2,500.00
Available Credit..... \$0.00
Cash Advance Limit..... \$500.00
Available Cash Advance Limit..... \$0.00

Account Summary

Previous Balance	2,834.25
Payments and Adjustments	0.00
Master Card® Activity	0.00
Total AT&T Services	0.00
New Balance	\$2,834.25

Note: Detailed activity starts on page 3.

Please pay the Minimum Amount Due shown. Your account is past due and your balance is over the credit line. Regular monthly payments will help establish a good payment history with us. If you have already sent this payment, thank you.

Payment Record

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

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



05398400024998495283425585465901

Your Account Number

5398 4000 2499 8495

Please Enter Amount of Payment Enclosed

Payment Must Be Received By

MAR 22 2004

Your Total Balance

\$2834.25

Minimum Amount Due

\$585.46

\$

537S MC 34 A 1 AR7050554

|||||
MARK T NICHOLSON
ATTNY ACCOUNT-CODE=LB34
DU BOIS PA 15801-3104

|||||
AT&T UNIVERSAL CARD
P.O. BOX 8118
S HACKENSACK, NJ 07606-8118
|||||

EXHIBIT A

MARK T NICHOLSON
Account 5398 4000 2499 8495
January 28 - February 25, 2004

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.

MARK T NICHOLSON
 Account 5398 4000 2499 8495
 January 28 - February 25, 2004

Page 3 of 3



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..... \$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	28	x	\$0.00	=	\$0.00	+	\$0.00	27.990%
Purch/CashAdv											
thru 11/28/01	24.990%	.06847%(D)	x	28	x	\$0.00	=	\$0.00	+	\$0.00	24.990%
CASH ADVANCES											
Standard Adv	27.990%	.07668%(D)	x	28	x	\$55.10	=	\$0.00	+	\$0.00	27.990%
Total FINANCE CHARGE										=	\$0.00

AT&T Services Summary

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

04/01/04

\$1408.28

\$9999.99

SITE:KC-CL

TM:CO-6300

ACID:KCB2081

PMT DUE DATE

NEW BALANCE

MIN AMT DUE

03/26/04

18:57:23:

MARK T NICHOLSON
ATTNY ACCOUNT-CODE=LB34
DU BOIS A
15801-3104000

PA

CITI CARDS
P.O. BOX 8105
S HACKENSACK, NJ
07606-8105

Citi® Card



Account Number

5424 1810 2631 2483

Customer Service:

1-800-866-9900

BOX 6500

SIOUX FALLS, SD

57117

Total Credit Line

\$1100

Available Credit Line

\$0

Cash Advance Limit

\$310

Available Cash Limit

\$0

New Balance

\$1408.28

Statement/
Closing Date

03/08/2004

Amount Over
Credit Line

\$308.28

Past Due

\$129.17

Purch/Adv
Minimum Due

\$34.00

Minimum
Amount Due

\$1408.28

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	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$1,408.28	\$0.00	\$0.00	\$0.00	\$1,408.28

Days This Billing Period: 31

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$0.00	0.07668%(D)	27.990%	27.990%
Purch/Adv				
thru 07/09/2003	\$0.00	0.07668%(D)	27.990%	27.990%
ADVANCES				
Standard Adv	\$0.00	0.07668%(D)	27.990%	27.990%

EXHIBIT

B

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

Tara Cross

Mark T. Nicholson
5398400024998495

FILED

MAY 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100493
NO: 04-1199-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CITIBANK
vs.
DEFENDANT: MARK T. NICHOLSON

SHERIFF RETURN

NOW, May 23, 2005 AT 2:45 PM SERVED THE WITHIN COMPLAINT ON MARK T. NICHOLSON DEFENDANT AT 10 E. SHERMAN AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARK T. NICHOLSON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

CP FILED
da: 29/30
MAY 25 2005

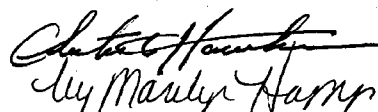
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NEIL	8471	10.00
SHERIFF HAWKINS	NEIL	8470	24.76

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

FILED

MAY 25 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

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

VS.

: NO. 04-1199-CD

MARK T NICHOLSON
10 East Sherman Avenue
Du Bois PA 15801-3104

Defendant

: CIVIL ACTION - LAW

FILED

JUL 01 2005 (E)

Praeipce 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:

m/1.20/11
William A. Shaw
Prothonotary


NOTICE TO DEF
STATEMENT TO ATT

Count I:	\$2,834.25
Count II:	\$1,408.28
TOTAL	\$4,242.53

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 P.A.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-601



CITIBANK (SOUTH DAKOTA) N.A.

Plaintiff
vs.

MARK T NICHOLSON
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 04-1199-CD
: CIVIL ACTION - LAW

Notice of Intention to File Praecipe for Default Judgment

TO: Mark T. Nicholson
10 East Sherman Avenue
Du Bois PA 15801-3104

Tower Legal Network LLC
812 Morrison Drive
Boscobel, WI 53805

DATE OF NOTICE: June 14, 2005

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-601



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.
Plaintiff

VS.

MARK T NICHOLSON

Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 04-1199-CD
: 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

June 1, 2005 4242.23

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.

FILED

JUL 01 2005

William A. Shaw
Prothonotary

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

Citibank (South Dakota) N.A.
Plaintiff(s)

No.: 2004-01199-CD

Real Debt: \$4,242.53

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark T. Nicholson
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: July 1, 2005

Expires: July 1, 2010

Certified from the record this July 1, 2005

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