

04-1776-CD  
CITIBANK (SOUTH DAKOTA) vs. GERALD M. MCMAHON

2004-1776-CD  
CitiBank vs Gerald McMahon

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.

GERALD M MCMAHON  
474 16 Road, Ramey PA 166710233  
Defendant

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA  
: NO. 04-1776-4  
: 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. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone No. 814-765-2641 Ext. 5982

FILED  
IN 2004 OCT 10 2004  
NOV 03 2004

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By: Burton Neil, Esquire  
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West Chester, PA 19380  
610-696-2120  
Attorney for Plaintiff

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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.  
GERALD M MCMAHON  
474 16 Road, Ramey, 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 Gerald M McMahon, who resides at 474 16 Road, Ramey, 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(n) AT&T Universal credit card with account number 5491130349254763 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 \$6,018.14.

Wherefore, plaintiff demands judgment against defendant for the sum of \$6,018.14, 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

\*June 4 - July 7, 2004

Page 1 of 3



GERALD M MCMAHON  
PAM A MCMAHON  
Account 5491 1303 4925 4763  
Calling Card + PIN  
No Annual Fee/Platinum Card

## How To Reach Us

Account Online: [www.universalcard.com](http://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..... \$6,018.14  
Due Date\*..... August 2, 2004

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

Amount Past Due..... \$526.39

Credit Line..... \$10,000.00  
Available Credit..... \$0.00  
Cash Advance Limit..... \$1,100.00  
Available Cash Advance Limit..... \$0.00

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.

## Account Summary

Previous Balance	5,828.47
Payments and Adjustments	0.00
MasterCard® Activity	189.67
Total AT&T Services	0.00
New Balance	\$6,018.14

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.



Your Account Number

5491 1303 4925 4763

Please Enter Amount of Payment Enclosed

\$

0549113034925476360181499995411

Payment Must Be Received By  
AUG 02 2004

Your Total Balance  
\$6018.14

Minimum Amount Due  
\$6018.14

138S MC 32 A 1 AR7050680

GERALD M MCMAHON  
PAM A MCMAHON  
474 16 ROAD PO BOX 233  
RAMEY PA 16671-0233

AT&T UNIVERSAL CARD  
P.O. BOX 8104  
S HACKENSACK, NJ 07606-8104

EXHIBIT *A*

GERALD M MCMAHON  
PAM A MCMAHON  
Account 5491 1303 4925 4763  
June 4 - July 7, 2004



**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.

• GERALD M MCMAHON  
PAM A MCMAHON  
Account 5491 1303 4925 4763  
June 4 - July 7, 2004

Page 3 of 3



### AT&T Universal MasterCard Activity

Purchases.....	0.00
Cash Advances and Checks.....	0.00
Finance Charges.....	150.67
Fees.....	39.00
<b>Total MasterCard Activity.....</b>	<b>\$189.67</b>



#### Purchases

**Total MasterCard Purchases..... \$0.00**



#### Cash Advances

Cash Advance Limit..... \$1,100.00\* \*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
<b>PURCHASES</b>								
Standard Purch	28.240%	.07737%(D)	x	33	x	\$5,470.52	= \$139.67 + \$0.00	28.240%
<b>CASH ADVANCES</b>								
Standard Adv	28.240%	.07737%(D)	x	33	x	\$430.68	= \$11.00 + \$0.00	28.240%
Total FINANCE CHARGE = \$150.67								

#### Fees

##### Standard Purch

Trans	Post	Description	Amount
	07/07	LATE FEE - JUN PAYMENT PAST DUE	39.00
<b>Total Fees</b>			<b>\$39.00</b>

### AT&T Services Summary

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

## VERIFICATION

Kathy Devereux 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: 11/2/04



Gerald M McMahon  
5491130349254763

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

**CITIBANK**  
VS.  
**MCMAHON, GERALD M.**  
**COMPLAINT**

**Sheriff Docket #** 16592  
**04-1776-CD**

**SHERIFF RETURNS**

NOW NOVEMBER 22, 2004 AT 9:35 AM SERVED THE WITHIN COMPLAINT ON GERALD M. McMAHON, DEFENDANT AT RESIDENCE, 474 16 ROAD, RAMEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GERALD M. McMAHON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF. SERVED BY: DAVIS/MORGILLO

**Return Costs**

<b>Cost</b>	<b>Description</b>
<b>65.62</b>	<b>SHERIFF HAWKINS PAID BY: ATTY Ck# 3843</b>
<b>10.00</b>	<b>SURCHARGE PAID BY: ATTY CK# 3844</b>

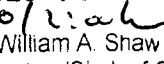
Sworn to Before Me This

16 Day Of Dec 2004  


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

So Answers,

  
by Marilyn Hamps  
Chester A. Hawkins  
Sheriff

**FILED**  
EGK  
DEC 16 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

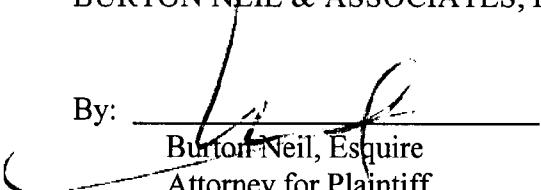
CITIBANK (SOUTH DAKOTA) N.A. : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
VS. : NO. 04-1776-CD  
GERALD M MCMAHON  
Defendant : CIVIL ACTION - LAW

**PRAECIPE TO SETTLE, END & DISCONTINUE**

TO THE PROTHONOTARY:

Mark the above matter Settled, Ended and Discontinued.

BURTON NEIL & ASSOCIATES, P.C.

By: 

Burton Neil, Esquire  
Attorney for Plaintiff

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

C-3027

612 m 13:40/01  
FILED 10/00  
DEC 20 2004 Cert. of Disc  
to Atty  
William A. Shaw  
Prothonotary/Clerk of Court  
Copy to CIA

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Citibank (South Dakota) N.A.**

Vs.  
**Gerald M. McMahon**

**No. 2004-01776-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 20, 2004, marked:

Settled, Ended and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Burton Neil, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of December A.D. 2004.

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William A. Shaw, Prothonotary