

04-2001-CD
CITIBANK (SOUTH DAKOTA) N.A. vs. REGINA M. MODZEL

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

FILED *Atty pd 85.00*

m/3:25pm
DEC 20 2004 *ICC shff*

William A. Shaw
Prothonotary/Clerk of Courts

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. *04-2001-CD*

REGINA M MODZEL

164 Oak Drive, Morrisdale PA 16858-9762

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

BURTON NEIL & ASSOCIATES, P.C.
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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.

REGINA M MODZEL
164 Oak Drive, Morrisdale, 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 Regina M Modzel, who resides at 164 Oak Drive, Morrisdale, 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 5491130336822366 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 \$3,402.40.

Wherefore, plaintiff demands judgment against defendant for the sum of \$3,402.40, 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

August 10 - September 9, 2004



AT&T Universal Card

Page 1 of 3

REGINA M MODZEL

Account 5491 1303 3682 2366

Calling Card 9620692097 + PIN

No Annual Fee/Platinum Card

How To Reach Us

Visit: 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..... \$406.95
Due Date..... October 5, 2004

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

Amount Past Due..... \$221.74
Amount Over Limit..... \$102.40

Credit Line..... \$3,300.00
Available Credit..... \$0.00
Cash Advance Limit..... \$800.00
Available Cash Advance Limit..... \$0.00

Account Summary

Previous Balance..... 3,285.59
Payments and Adjustments..... 0.00
MasterCard® Activity..... 116.81
Total AT&T Services..... 0.00
New Balance..... \$3,402.40

Note: Detailed activity starts on page 3.

IMPORTANT INFORMATION ABOUT CREDIT REPORTING

WE MAY REPORT INFORMATION ABOUT
YOUR ACCOUNT TO CREDIT BUREAUS.
LATE PAYMENTS, MISSED PAYMENTS, OR
OTHER DEFAULTS ON YOUR ACCOUNT
MAY BE REFLECTED IN YOUR CREDIT
REPORT.

Important Information About Your Account

Please see the enclosed Notice of Change in
Terms to Your Card Agreement for
important information regarding changes
to your Card Agreement.

Payment Record

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

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

05491130336822366340240406955913

Your Account Number

5491 1303 3682 2366

Please Enter Amount of Payment Enclosed

Payment Must Be Received By

OCT 05 2004

Your Total Balance

\$3402.40

Minimum Amount Due

\$406.95

\$

972S MC 00 A 1 AR7050791



REGINA M MODZEL

164 OAK DR

MORRISDALE PA 16858-9762



AT&T UNIVERSAL CARD

P.O. BOX 8106

S HACKENSACK, NJ 07606-8106



EXHIBIT A

REGINA.M MODZEL
Account 5491 1303 3682 2366
August 10 - September 9, 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..... 77.81
Fees..... 39.00
Total MasterCard Activity..... \$116.81



Purchases

Total MasterCard Purchases..... \$0.00



Cash Advances

Cash Advance Limit..... \$800.00* *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	28.490%	.07805%(D)	x	30	x	\$117.19	=	\$2.74	+	\$0.00	28.490%
Purch/CashAdv											
thru 04/08/04	28.490%	.07805%(D)	x	30	x	\$2,352.18	=	\$55.08	+	\$0.00	28.490%
CASH ADVANCES											
Standard Adv	28.490%	.07805%(D)	x	30	x	\$853.67	=	\$19.99	+	\$0.00	28.490%
Total FINANCE CHARGE										=	\$77.81

Fees

Standard Purch

Trans	Post	Description	Amount
	09/09	LATE FEE - AUG PAYMENT PAST DUE	39.00
Total Fees			\$39.00

AT&T Services Summary

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

VERIFICATION

Alicia Metcalf 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: 12-10-04

Alicia Metcalf

Regina M Modzel
5491130336822366

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

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 04-2001-CD

REGINA M MODZEL

Defendant

: CIVIL ACTION - LAW

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly discontinue the above-captioned action without prejudice.

BURTON NEIL & ASSOCIATES, P.C.

BY: 

Burton Neil, Esquire
Attorney for Plaintiff

FILED

JAN 18 2005

m/2:15/a

William A. Shaw
Prothonotary

1 cent w/cent - to

ATTN

copy to C/AR

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

C-4667

FILED

JAN 18 2005

William A. Shaw
Prothonotary

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

CIVIL DIVISION

Citibank (South Dakota) N.A.

Vs.

No. 2004-02001-CD

Regina M. Modzel

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 January 18, 2005, marked:

Discontinue with prejudice

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 18th day of January A.D. 2005.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100079
NO: 04-2001-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CITIBANK (SOUTH DAKOTA) N.A.
VS.
DEFENDANT: REGINA M. MODZEL

SHERIFF RETURN

NOW, January 03, 2005 AT 11:03 AM SERVED THE WITHIN COMPLAINT ON REGINA M. MODZEL
DEFENDANT AT 164 OAK DRIVE, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO
REGINA M. MODZEL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE
KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED

019:138d
FEB 04 2005

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BURTON NEIL	4940	10.00
SHERIFF HAWKINS	BURTON NEIL	4939	28.90

Sworn to Before Me This

____ Day of _____ 2005

So Answers,

Chester A. Hawkins
by Mauley

Chester A. Hawkins
Sheriff