

05-10-CD
Citibank vs. Tina M. Baker

M. BAKER

Citibank N.A. v. Tina Baker
2005-010-CD

FILED
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JCC & SLP
JAN 03 2005

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

William A. Shaw
Prothonotary

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

v.

TINA M BAKER
36 Strong's Road, Irvona PA 16656-9039
Defendant

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

: NO. 05-10-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

BURTON NEIL & ASSOCIATES, P.C.
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Identification No. 11348
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Attorney for Plaintiff

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.
TINA M BAKER : CIVIL ACTION - LAW
36 Strong Road, Irvona, PA
Defendant

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 Tina M Baker, who resides at 36 Strong Road, Irvona, Clearfield County, Pennsylvania.

COUNT I: BALANCE ON CREDIT CARD NUMBER: 5424180307379757

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 5424180307379757 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 \$1,751.93.

Wherefore, plaintiff demands judgment against defendant for the sum of \$1,751.93, and the costs of this action.

COUNT II: BALANCE ON CREDIT CARD NUMBER: 5491130013571047

10. Plaintiff, a national banking association, engages in various types of banking business including consumer lending through the issuance of credit cards.

11. Plaintiff furnished consumer credit to the defendant by means of a(n) AT&T Universal credit card with account number 5491130013571047 hereinafter referred to as the credit card account.

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

13. 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.

14. 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.

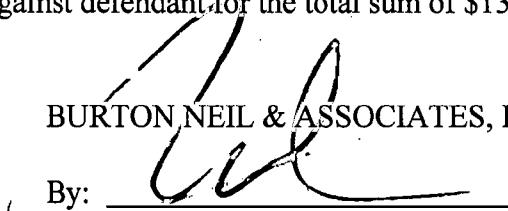
15. Defendant is not protesting, disputing or objecting to the statements including the Exhibit B statement thereby assented and agreed to the correctness of the balance due on the credit card account so as to constitute an account stated.

16. The amount due plaintiff on the account stated, less credits, if any issued subsequent to the Exhibit B statement, is \$11,516.19.

Wherefore, plaintiff demands judgment against defendant for the sum of \$11,516.19, and the costs of this action.

Wherefore, plaintiff demands judgment against defendant for the total sum of \$13,268.12, 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.

08/20/04 \$1751.93 \$648.62 SITE:KC-CL TM:CO-5000 ACID:KCB7150
 PMT DUE DATE NEW BALANCE MM/DD/YEAR 11/12/04 18:21:29:

TINA M BAKER
 36 STRONGS RD
 IRVONA
 16656-9039000

PA

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

Citi® Platinum Select® Card



Account Number
 5424 1803 0737 9757

Customer Service:

1-800-950-5114	Total Credit Line	Available Credit Line	Cash Advance Limit	Available Cash Limit	New Balance
BOX 6500 SIOUX FALLS, SD 57117	\$1250	\$0	\$1250	\$0	\$1751.93
	Statement/ Closing Date	Amount Over Credit Line	Past Due	Purch/Adv Minimum Due	Minimum Amount Due
	07/27/2004	\$501.93 +	\$105.43 +	\$41.26	\$648.62

Sale Date	Post Date	Reference Number	Activity Since Last Statement	Amount
7/27			Standard Purch LATE FEE - JUN PAYMENT PAST DUE 66 0000	35.00 0000000000
7/27			OVER CREDIT LIMIT FEE 62 0000	29.00 0000000000
7/27			PURCHASES*FINANCE CHARGE*PERIODIC RATE 84 0000	41.26 0000000000

Your account is now 3 MONTHS PAST DUE and
 currently closed. 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 see the enclosed privacy notice for important
 information.

Account Summary	Previous Balance	(+) Purchases & Advances	(-) Payments & Credits	(+) FINANCE CHARGE	(-) New Balance
PURCHASES	\$1,646.67	\$64.00	\$0.00	\$41.26	\$1,751.93
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$1,646.67	\$64.00	\$0.00	\$41.26	\$1,751.93

Days This Billing Period: 32

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES Standard Purch	\$1,666.57	0.07737%(D)	28.240%	28.240%
ADVANCES Standard Adv	\$0.00	0.07737%(D)	28.240%	28.240%

EXHIBIT A

Your AT&T Universal Card Statement

June 22 - July 22, 2004



AT&T Universal Card

Page 1 of 3

TINA M BAKER
Account 5491 1300 1357 1047
Calling Card 9411070782 + 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..... \$2,489.64
Due Date*..... August 17, 2004

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

Amount Past Due..... \$978.25
Amount Over Limit..... \$1,246.19

Credit Line..... \$10,270.00
Available Credit..... \$0.00
Cash Advance Limit..... \$500.00
Available Cash Advance Limit..... \$0.00

Your account is seriously past due and your credit privileges have been suspended. Please call the toll-free number shown above to learn about our special payment options.

Important Information

Please see enclosed privacy notice.

Account Summary

Previous Balance	11,185.99
Payments and Adjustments	0.00
MasterCard® Activity	330.20
Total AT&T Services	0.00
New Balance	\$11,516.19

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.

054911300135710479999999995911

Your Account Number

5491 1300 1357 1047

Please Enter Amount of Payment Enclosed

Payment Must Be Received By
AUG 17 2004

Your Total Balance
\$11516.19

Minimum Amount Due
\$2489.64

\$

241S MC 20 R 1 AR7050779

TINA M BAKER
RD BOX 44
IRVONA PA 16656

AT&T UNIVERSAL CARD
P.O. BOX 8115
S HACKENSACK, NJ 07606-8115

EXHIBIT

B

TINA M BAKER
Account 5491 1300 1357 1047
June 22 - July 22, 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.

TINA M BAKER
Account 5491 1300 1357 1047
June 22 - July 22, 2004



Page 3 of 3

AT&T Universal MasterCard Activity

Purchases.....	0.00
Cash Advances and Checks.....	0.00
Finance Charges.....	260.20
Fees.....	70.00
Total MasterCard Activity.....	\$330.20



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 30 x	\$531.82	= \$12.23 +	\$0.00 27.990%
Purch/CashAdv thru 09/23/03	27.990%	.07668%(D)	x 30 x	\$10,779.44	= \$247.97 +	\$0.00 27.990%
CASH ADVANCES						
Standard Adv	27.990%	.07668%(D)	x 30 x	\$0.00	= \$0.00 +	\$0.00 27.990%
Total FINANCE CHARGE						= \$260.20

Fees

Standard Purch

Trans	Post	Description	Amount
	07/22	LATE FEE - JUN PAYMENT PAST DUE	35.00
	07/22	OVER CREDIT LIMIT FEE	35.00
Total Fees			\$70.00

AT&T Services Summary

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

VERIFICATION

Tina Baker 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: 12-15-04

A handwritten signature in black ink, appearing to read "Tina Baker". It is written in a cursive, flowing style with a prominent 'T' at the beginning.

Tina M Baker
5491130013571047
5424180307379757

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100110
NO: 05-10-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CITIBANK
vs.
DEFENDANT: TINA M. BAKER

SHERIFF RETURN

NOW, January 14, 2005 AT 1:38 PM SERVED THE WITHIN COMPLAINT ON TINA M. BAKER DEFENDANT AT 36 STRONGS ROAD, IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TINA M. BAKER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BURTON NEIL	5626	10.00
SHERIFF HAWKINS	BUROTN NEIL	5625	62.11

FILED
6K

FEB 09 2005
6/3/001

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2005

Chester A. Hawkins
by Marilyn Hagan
Chester A. Hawkins
Sheriff

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.

TINA M BAKER
Defendant

: NO. 05-10 CD
: 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

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

C-4316

FILED

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MAR 01 2005

12:10 PM

William A. Shaw

Prothonotary/Clerk of Courts

COPY to ATTY

+ CERT OF DISC.

to ATTY &

C/A

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Citibank (South Dakota) N.A.

Vs. **No. 2005-00010-CD**
Tina M. Baker

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 March 1, 2005, marked:

Discontinued without prejudice

Record costs in the sum of \$157.11 have been paid in full by Atty. Burton Neil & Associates, P.C..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of March A.D. 2005.

William A. Shaw, Prothonotary