

05-130-CD

JINE MOTORS, INC.

National City vs. Top of the Line

Nat'l City Bank v. Top of the Line Motors  
2005-130-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff No. 05-130-5

vs. COMPLAINT IN CIVIL ACTION

TOP OF THE LINE MOTORS, INC.

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#03756607

**FILED**  
M 23200 100684  
JAN 27 2005

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No.

TOP OF THE LINE MOTORS, INC.

Defendant

**COMPLAINT IN CIVIL ACTION AND NOTICE TO DEFEND**

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 twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims 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

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 REFERRAL SERVICE  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street, Suite 228  
Clearfield, PA 16830  
(814) 765-2641, ext. 1300-1301

COMPLAINT

1. Plaintiff is a corporation having offices in 6750 Miller Road, Brecksville, OH 44141.
2. Defendant, Top of the Line Motors, Inc., is a Pennsylvania corporation with a last known address of 640 S. Brady Street, Dubois, PA 15801.
3. On or about April 1, 2004, Defendant issued to Plaintiff Defendant's check number 12540 in the amount of \$23,760.00
4. On or about April 26, 2004, Defendant's bank returned check number 12540 to Plaintiff unpaid and stamped NSF, a true and correct copy of check number 12540 is attached hereto, marked as Exhibit "1" and made a part hereof.
6. Plaintiff avers that a balance of \$19,479.84 is due from Defendant as of January 3, 2005.
7. Plaintiff avers that Plaintiff is entitled to interest at the legal rate of 5.69% per annum.
8. Plaintiff avers that interest at the aforesaid rate from June 16, 2004 to January 3, 2005 amounts to \$597.88.
9. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, interest, or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant, Top of the Line Motors, Inc., individually, in the amount of \$19,479.84 with continuing interest thereon at the legal rate of 5.69% per annum from January 3, 2005 and costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.**

WELTMAN, WEINBERG & REIS, CO., L.P.A.

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#:03756607

TOP OF THE LINE MOTORS, INC.  
640 S. BRADY ST. PH. 914-37-4003  
DU BOIS, PA 15801

640 S. BRADY ST. PH. 314-374003  
DU BCIS, PA 15222 *RECD*

CURWENSVILLE, PENNSYLVANIA 16828  
RETURNED ON 1/17/1978

PRESENTED  
TWICE.

12540

50-1676/313

14  
SER OF NATIONAL CITY BANK

— . . . . .

DATE 4-1-07

4/29/04 CLSD

14 2165710

23760.00

Exhibit "1"

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Edward A. Crockett II  
(NAME)

Vice President of National City Bank, plaintiff herein, that  
(TITLE) (COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

  
(SIGNATURE)

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

Service # 1 of 1 Services

Sheriff Docket #

**100178**

NATIONAL CITY BANK

Case # 05-130-CD

vs.

TOP OF THE LINE MOTORS, INC.

**SHERIFF RETURNS**

NOW March 05, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO TOP OF THE LINE MOTORS, INC., DEFENDANT. OUT OF BUSINESS.

SERVED BY: /

**FILED**  
010:55 AM  
MAR 07 2005  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8195768	10.00
SHERIFF HAWKINS	WELTMAN	8195767	29.39

Sworn to Before me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2005  
\_\_\_\_\_  
\_\_\_\_\_

*Chester A. Hawkins  
by Marilyn Hawkins*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff

No. 05-130-CD

vs.

COMPLAINT IN CIVIL ACTION

TOP OF THE LINE MOTORS, INC.

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#03756607

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

JAN 27 2005

Attest.

*William B. Brown*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No.

TOP OF THE LINE MOTORS, INC.

Defendant

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LAWYER REFERRAL SERVICE  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street, Suite 228  
Clearfield, PA 16830  
(814) 765-2641, ext. 1300-1301

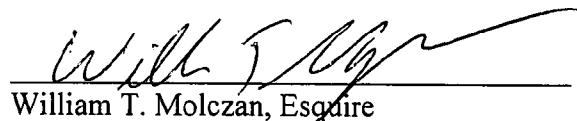
COMPLAINT

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SHALL BE USED FOR THAT PURPOSE.**

WELTMAN, WEINBERG & REIS, CO., L.P.A.

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#:03756607

OP OF THE LINE MOTORS, INC.  
640 S. BRADY ST. PH. 914-374003  
DU BCIS, PA 15202

103 BANK  
CURWENSVILLE, PENN 15321-1679  
RETURNED UNPAID 4-1-07

PRESENTED  
TWICE.

12540

50-1676/313

PRESENTED 4-6-987- 53866979

DATE 4-1-07

RE OF NATIONAL CITY BANK

ENDORSEMENT

CC-1

JUL 08 1907

\$ 23,760.00

Twenty Thousand Six Hundred and — DOLLARS 

GSB

THE BANK

103 BANK

FOR PAY OR F DEC 1998-5198

1 2 0 1 1 2 1 1 1 1 1

C 1 1 1 1 1

10002376000P

4/29/04 CLSD

11-2165700

23760.00

Exhibit "1"

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The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Edward A. Crockett II  
(NAME)

Vice President of National City Bank, plaintiff herein, that  
(TITLE) (COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

  
(SIGNATURE)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff

No. 2005-00130-CD

vs.

TOP OF THE LINE MOTORS, INC.

Defendant

FILED  
M 3:03 PM  
SEP 01 2005  
no cc  
US

William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE PREREQUISITE TO SERVICE  
OF A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22,  
Plaintiff certifies that:

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date 08/30/05



Benjamin R. Bibler, Esquire      Attorney for Plaintiff  
Pa. I.D. # 93598  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR #03756607

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

## NATIONAL CITY BANK

Plaintiff No. 2005-00130-CD

ys.

## TOP OF THE LINE MOTORS, INC.

**Defendant**

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Plaintiff intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is received, the subpoena may be served.

Date 08/01/05

P-R-Ze

Benjamin R. Bibler, Esquire

Pa. I.D. # 93598  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR #03756607

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

National City Bank

\*

Plaintiff(s)

Vs.

\*

No. 2005-00130-CD

Top of the Line Motors, Inc.

\*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: CBS Bank, Custodian of Records

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

a copy of Top of the Line Motors, Inc. (add: 640 S Brady St, DuBois, PA 15801)  
bank records from 1/2005 through 5/2005.

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Benjamin R. Bibler, Esq

ADDRESS 2718 Koppers Bldg, 436 7th Ave

Pittsburgh, PA 15219

TELEPHONE (412)434-7955

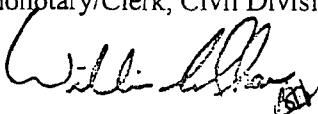
SUPREME COURT ID # 93598

ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

DATE: Friday, July 01, 2005

Seal of the Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK,

Plaintiff,

Case No. 2005-00130-CD

vs.

TOP OF THE LINE MOTORS, INC.,

Defendant.

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA  
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Plaintiff certifies that:

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date: 11/11/05

  
\_\_\_\_\_  
Benjamin R Bibler, Esquire

Pa. I.D. #93598

Attorney for Plaintiff

Weltman, Weinberg & Reis Co., L.P.A.

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR# 03756607

FILED

NOV 15 2005

W 15/2  
William A. Shaw  
Prothonotary/Clerk of Courts

W 15/2  
C/C

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

National City Bank

\*

Plaintiff(s)

\*

Vs.

\*

No. 2005-00130-CD

Top of the Line Motors, Inc.

\*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: CSB Bank, c/o Michael Matten

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

Bank records / account statements for all accounts held by "Top of the Line Motors, Inc." (address: 640 S Brady St, DuBois, PA 15801) from January 1, 2004 through May 1, 2004.

(Address)

Deliver to: Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Bldg, 436 7th Ave. Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Benjamin R Bibler, Esq

ADDRESS: 2718 Koppers Bldg, 436 7th Ave.

Pittsburgh, PA 15219

TELEPHONE: 412-338-7112

SUPREME COURT ID # 93598

ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, September 26, 2005

Seal of the Court

Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff No. 05-130-~~1C1~~

vs. PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

TOP OF THE LINE MOTORS, INC.

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Lyndsay E. Rowland, Esquire  
PA I.D #205520  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#3756607

FILED, cc: Atty  
M/ 2:30pm Rowland  
JUN - 1 2010  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No. 05-130-2

TOP OF THE LINE MOTORS, INC.

Defendant

PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Settle, Discontinue and End the above-captioned matter upon the records of the Court without  
prejudice to refile and mark the costs paid.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: Wendy L. Gault  
Attorney for Plaintiff  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#3756607

SWORN TO AND SUBSCRIBED

before me this 20<sup>th</sup> day

of MAY, 2010

NOTARY PUBLIC

