

05-143-CD

Citibank vs. John Gearhart

A. GEARHART

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  
701 East 60th Street North, Sioux Falls, SD

Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
v.

: NO. 05-143-C

JOHN A GEARHART  
11251 Burnside McGhee Hy, Mahaffey PA 15757-7600

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

**FILED**  
1/27/2005 P.285-00  
JAN 31 2005

C-3163

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.  
701 East 60th Street North, Sioux Falls, SD

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO.

JOHN A GEARHART  
11251 Burnside McGhee Hy, Mahaffey, 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 John A Gearhart, who resides at 11251 Burnside McGhee Hy, Mahaffey, 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 5491130326971058 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 \$12,186.07.

Wherefore, plaintiff demands judgment against defendant for the sum of \$12,186.07, 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

May 5 - June 3, 2004



# AT&T Universal Card

Page 1 of 3

JOHN A GEARHART  
Account 5491 1303 2697 1058  
Calling Card + PIN  
No Annual Fee/Platinum Card

## How To Reach Us

Visit: [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..... \$12,186.07  
Due Date\*..... June 29, 2004

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

Amount Past Due..... \$1,755.11  
Amount Over Limit..... \$4,986.07

Credit Line..... \$7,200.00  
Available Credit..... \$0.00  
Cash Advance Limit..... \$1,000.00  
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	11,889.82
Payments and Adjustments	0.00
MasterCard® Activity	296.25
Total AT&T Services	0.00
<b>New Balance</b>	<b>\$12,186.07</b>

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.

054911303269710589999999995910

Your Account Number

5491 1303 2697 1058

Please Enter Amount of Payment Enclosed

Payment Must Be Received By  
JUN 29 2004

Your Total Balance  
\$12186.07

Minimum Amount Due  
\$12186.07

\$

1145S MC 32 A 1 AR7050633

JOHN A GEARHART  
11251 BURNSIDE MCGHEE HY  
MAHAFFEY PA 15757-7600

AT&T UNIVERSAL CARD  
P.O. BOX 8103  
S HACKENSACK, NJ 07606-8103

EXHIBIT

A

JOHN A GEARHART  
Account 5491 1303 2697 1058  
May 5 - June 3, 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.

JOHN A GEARHART  
Account 5491 1303 2697 1058  
May 5 - June 3, 2004



Page 3 of 3

### AT&T Universal MasterCard Activity

Purchases.....	0.00
Cash Advances and Checks.....	0.00
Finance Charges.....	267.25
Fees.....	29.00
<b>Total MasterCard Activity.....</b>	<b>\$296.25</b>



#### Purchases

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



#### Cash Advances

Cash Advance Limit..... \$1,000.00\* \*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
<b>PURCHASES</b>									
Standard Purch	27.990%	.07668%(D)	x	29	x	\$12,018.34	= \$267.25	+	\$0.00
<b>CASH ADVANCES</b>									
Standard Adv	27.990%	.07668%(D)	x	29	x	\$0.00	= \$0.00	+	\$0.00
Total FINANCE CHARGE								=	<b>\$267.25</b>

#### Fees

##### Standard Purch

Trans	Post	Description	Amount
	06/03	OVER CREDIT LIMIT FEE	29.00
<b>Total Fees</b>			<b>\$29.00</b>

### AT&T Services Summary

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

## VERIFICATION

Kathy Deuererdt 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: 12/1/04

Kathy Deuererdt

John A Gearhart  
5491130326971058

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100189  
NO: 05-143-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CITIBANK (SOUTH DAKOTA) N.A.  
vs.  
DEFENDANT: JOHN A. GEARHART

SHERIFF RETURN

NOW, February 07, 2005 AT 9:22 AM SERVED THE WITHIN COMPLAINT ON JOHN A. GEARHART DEFENDANT AT 11251 BURNSIDE MCGHEE HY., MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN A. GEARHART, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
03/5/05  
MAR 09 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	B.NEIL	6209	10.00
SHERIFF HAWKINS	B.NEIL	6208	71.83

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins  
by Marlyn Hahn*  
Chester A. Hawkins  
Sheriff

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

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 05-143-CD

JOHN A GEARHART  
11251 Burnside McGhee Highway  
Mahaffey PA 15757-7600

Defendant

: CIVIL ACTION - LAW

FILED *Atty pd.*  
*M12:53 20.00*  
JUN 13 2005 *Notice to*  
*Def.*

William A. Shaw  
Prothonotary/Clerk of Courts *(WD)*

**Praeclipe 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:

Principal: \$12,186.07

TOTAL \$12,186.07

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 PA.R.CIV.P. 236**

*Will A. Shaw*  
\_\_\_\_\_  
Pro Prothonotary

*BURTON NEIL & ASSOCIATES, P.C.*

BY: *[Signature]*

Burton Neil, Esquire  
Attorney for Plaintiff  
I.D. #11348  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380

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

C-3163



CITIBANK (SOUTH DAKOTA) N.A.

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

vs.

: NO. 05-143-CD

JOHN A GEARHART

Defendant

: CIVIL ACTION - LAW

**Notice of Intention to File Praecipe for Default Judgment**

TO: John A Gearhart  
11251 Burnside McGhee Hy  
Mahaffey PA 15757-7600

DATE OF NOTICE: March 16, 2005

**IMPORTANT NOTICE**

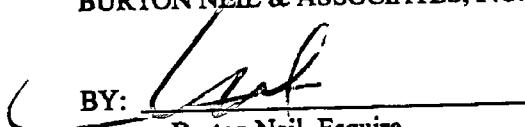
You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or obligations to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you 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 NELL & 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-3163

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.

JOHN A GEARHART  
Defendant

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA  
: NO. 05-143-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 13, 2005.

Prothonotary

By: William B. Neil  
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.

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

 COPY

Citibank (South Dakota) N.A.

Plaintiff(s)

No.: 2005-00143-CD

Real Debt: \$12,186.07

Atty's Comm: \$

Vs.

Costs: \$

John A. Gearhart

Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 13, 2005

Expires: June 13, 2010

Certified from the record this 13th day of June, 2005.

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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.

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Plaintiff/Attorney