

05-144-CD  
Citibank vs. Lance Hess

LANCE M. HESS

Citi Bank v. Lance Hess  
2005-144-CD

**FILED**

*M 2:36 PM, p. 85-00, c. 85-00*

JAN 31 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

: IN THE COURT OF COMMON PLEAS

Plaintiff  
v.

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO.

*05-144-CP*

LANCE M HESS  
Rr3 Box 305, Curwensville PA 16833-9734

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

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610-696-2120  
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.

LANCE M HESS  
Rr3 Box 305, Curwensville, 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 Lance M. Hess, who resides at Rr3 Box 305, Curwensville, 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 credit card with account number 4128003291807991 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 \$6,213.84.

Wherefore, plaintiff demands judgment against defendant for the sum of \$6,213.84, 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.

03/30/04

\$6063.29

\$9999.99

SITE:KC-CL

TM:CO-5000

ACID:KCB5314

PMT DUE DATE

NEW BALANCE

MIN PAY DUE

12/30/04

20:58:29:

LANCE M HESS  
RR3 BOX 305  
CURWENSVILLE  
16833-9734000

PA

CITI CARDS  
P.O. BOX 8104  
S HACKENSACK, NJ  
07606-8104

Citi® Card

citi®

4128 0032 9180 7991

1-800-866-9900

BOX 6500

SIOUX FALLS, SD

57117

\$5600

\$0

\$3500

\$0

\$6063.29

03/05/2004

\$463.29 +

\$526.99 +

\$136.75 =

\$1127.03

3/05

Standard Purch

LATE FEE - FEB PAYMENT PAST DUE

66 0000

0

70000000000 35.00

3/05

OVER CREDIT LIMIT FEE

62 0000

0

70000000000 35.00

3/05

PURCHASES\*FINANCE CHARGE\*PERIODIC RATE

84 0000

0

70000000000 47.40

3/05

Balance Transfer - Charged To Offer 4

PURCHASES\*FINANCE CHARGE\*PERIODIC RATE

84 0000

0

70000000000 11.75

3/05

Balance Transfer - Charged To Offer 5

PURCHASES\*FINANCE CHARGE\*PERIODIC RATE

84 0000

0

70000000000 72.60

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. Call Monday - Friday, 7 am - 9 pm, or Saturday, 8 am - 5 pm, Central Time.

Account Summary	Previous Balance	(+) Purchases & Advances	(-) Payments & Credits	(+) FINANCE CHARGE	(=) New Balance
PURCHASES	\$5,861.54	\$70.00	\$0.00	\$131.75	\$6,063.29
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$5,861.54	\$70.00	\$0.00	\$131.75	\$6,063.29

Days This Billing Period: 29

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$2,131.78	0.07668%(D)	27.990%	27.990%
Offer 4	\$528.46	0.07668%(D)	27.990%	27.990%
Offer 5	\$3,264.66	0.07668%(D)	27.990%	27.990%
ADVANCES				
Standard Adv	\$0.00	0.07668%(D)	27.990%	27.990%

EXHIBIT

A

**VERIFICATION**

Kathy Deweerdt 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 Deweerdt

Lance M. Hess  
4128003291807991

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.

LANCE M HESS

Defendant

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 05-144-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-2327

**FILED**

MAR 04 2005

*m/8:30/aw*

William A. Shaw  
Prothonotary

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. 2005-00144-CD**

**Lance M. Hess**

**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 4, 2005, marked:

Discontinue without prejudice

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 4th day of March A.D. 2005.

---

William A. Shaw, Prothonotary



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

Service # 1 of 1 Services

Sheriff Docket # **100190**

CITIBANK (SOUTH DAKOTA) N.A.

Case # 05-144-CD

vs.

LANCE M. HESS

## SHERIFF RETURNS

NOW March 04, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO LANCE M. HESS, DEFENDANT. RR#3 BOX 305, CURWENSVILLE, PA "EMPTY" NO FORWARDING.

SERVED BY: /

**FILED**  
3:32 PM  
MAR 04 2005 (6)

William A. Shaw  
Prothonotary/Clerk of Courts

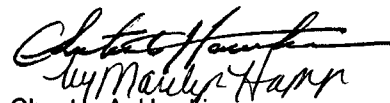
## Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	B.NEIL	6201	10.00
SHERIFF HAWKINS	B.NEIL	6200	19.23

Sworn to Before me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

JAN 31 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

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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701 East 60th Street North, Sioux Falls, SD

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

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LANCE M HESS

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Defendant

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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 \$6,213.84.

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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.

03/30/04

\$6063.29

\$9999.99

SITE:KC-CL

TM:CO-5000

ACID:KCB5314

12/30/04

20:58:29:

PMT DUE DATE

NEW BALANCE

MIN AMT DUE

LANCE M HESS  
RR3 BOX 305  
CURWENSVILLE  
16833-9734000

PA

CITI CARDS  
P.O. BOX 8104  
S HACKENSACK, NJ  
07606-8104

Citi® Card



4128 0032 9180 7991

1-800-866-9900

BOX 6500

SIOUX FALLS, SD

57117

\$5600

\$0

\$3500

\$0

\$6063.29

03/05/2004

\$463.29 +

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3/05	Standard Purch		
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3/05	OVER CREDIT LIMIT FEE		
62 0000	0	35.00	70000000000
3/05	PURCHASES*FINANCE CHARGE*PERIODIC RATE		
84 0000	0	47.40	70000000000
3/05	Balance Transfer - Charged To Offer 4		
	PURCHASES*FINANCE CHARGE*PERIODIC RATE		
84 0000	0	11.75	70000000000
3/05	Balance Transfer - Charged To Offer 5		
	PURCHASES*FINANCE CHARGE*PERIODIC RATE		
84 0000	0	72.60	70000000000

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