

Citi Bank v. Lance Hess
2005-144-CD

05-144-CD
Citibank vs. Lance Hess

NCF M. HESS

FILED

PL 85-00
M 2:36 PM, ACTS Staff

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 : CLEARFIELD COUNTY, PENNSYLVANIA
v.

: NO. 05-144-CD

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.

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**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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Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO.
LANCE M HESS : CIVIL ACTION - LAW
Rr3 Box 305, Curwensville, 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 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 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 \$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
 PAY-DUE DATE NEW BALANCE MIN. AMT. PER 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	\$5600	\$0	\$3500	\$0	\$6063.29
BOX 6500					
SIOUX FALLS, SD					
57117	03/05/2004	\$463.29 +	\$526.99 +	\$136.75 =	\$1127.03

3/05	Standard Purch LATE FEE - FEB PAYMENT PAST DUE 66 0000 0	35.00
3/05	OVER CREDIT LIMIT FEE 62 0000 0	35.00
3/05	PURCHASES*FINANCE CHARGE*PERIODIC RATE 84 0000 0	47.40
3/05	Balance Transfer - Charged To Offer 4 PURCHASES*FINANCE CHARGE*PERIODIC RATE 84 0000 0	11.75
3/05	Balance Transfer - Charged To Offer 5 PURCHASES*FINANCE CHARGE*PERIODIC RATE 84 0000 0	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



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.

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

: NO. 05-144-CD

LANCE M HESS

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

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

C-2327

MAR 04 2005

m/s:30/cu

William A. Shaw
Prothonotary

CENT OF DISC

to Atty &

CIA

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
9/3:32 AM
MAR 04 2005 (66)

William A. Shaw
Prothonotary/Clerk of Courts

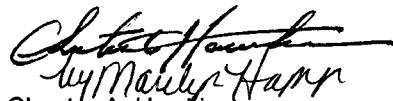
Return Costs

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

Sworn to Before me This

So Answers,

____ Day of _____ 2005


Chester A. Hawkins
Sheriff

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By: Burton Neil, Esquire
Identification No. 11348
1060 Andrew Drive, Suite 170
West Chester, PA 19380
(610) 696-2120
Attorney for Plaintiff

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

JAN 31 2005

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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By: 

Burton Neil, Esquire
Attorney for Plaintiff

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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

LANCE M HESS
 RR3 BOX 305
 CURWENSVILLE
 16833-9734000

PA

CITI CARDS
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 S HACKENSACK, NJ
 07606-8104

Citi® Card



4128 0032 9180 7991

1-800-866-9900 \$5600 \$0 \$3500 \$0 \$6063.29
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