

05-197-CD

Discover Bank vs. Mark Nicholson

ON

2005-197-CD

Discover Bank v. Mark Nicholson

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

DISCOVER BANK  
c/o ERIC M. BERMAN, P.C.  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406

TRIAL DIVISION  
CIVIL ACTION

vs.

Term 05-197-4D

MARK T NICHOLSON  
10 E SHERMAN AVE  
DU BOIS, PA 15801 3104

No.

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 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 this complaint or for any other claim or relief required 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 SERVICE  
COUNTY OF CLEARFIELD BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

FILED  
M 12:02 PM 85  
200 to 85  
FEB 11 2005

William A. Shaw  
Prothonotary

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

-----X-----  
DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
198 Allendale Road, Suite 306 : CIVIL ACTION  
King of Prussia, PA 19406 : \_\_\_\_\_ Term \_\_\_\_\_  
vs. : No.  
: :  
MARK T NICHOLSON :  
10 E SHERMAN AVE :  
DU BOIS, PA 15801 3104 :  
-----X-----

COMPLAINT

1. Plaintiff, DISCOVER BANK ,  
is a DELAWARE STATE BANK  
authorized to do business in the Commonwealth of Pennsylvania with  
its place of business at 3311 MILL MEADOW DRIVE, HILLIARD, OH 43026.

2. The Defendant(s), MARK T NICHOLSON ,  
resides at 10 E SHERMAN AVE , DU BOIS, PA 15801-3104.

3. There is due from the Defendant(s) the sum of \$3,251.40 for  
credit extended by Plaintiff to Defendant(s), acct. no. 6011002604504241,  
and which such credit was drawn and used by the Defendant(s).  
Defendant(s) is in default for failure to make payments for such use.

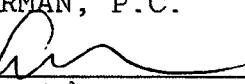
4. The Plaintiff has made demand upon the Defendant(s) for payment  
of monies in the sum of \$3,251.40 advanced to Defendant(s) through  
Defendant(s) use of the above-referenced credit account, but Defendant(s)  
has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to  
Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$3,251.40  
plus interest, attorneys fees and costs which are justly due and  
owing from the Defendant(s) to the Plaintiff.

ERIC M. BERMAN, P.C.

Dated: JANUARY 21, 2005

BY:   
ERIC M. BERMAN, ESQUIRE

BY:   
ROBERT M. KLINE ESQUIRE

SPACEBNW-ZN

Attorneys for Plaintiff

VERIFICATION

Eric M. Berman, Esquire, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and/or Robert M. Kline, Esquire, being duly sworn according to law, deposes and says that he is an associate attorney with said firm, and as said attorney, is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.

  
ERIC M. BERMAN, ESQUIRE

  
ROBERT M. KLINE, ESQUIRE

Dated: JANUARY 21, 2005

SPACEBNW-ZN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100219  
NO: 05-197-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: MARK T. NICHOLSON

SHERIFF RETURN

NOW, February 23, 2005 AT 5:01 PM SERVED THE WITHIN COMPLAINT ON MARK T. NICHOLSON DEFENDANT AT 10 E. SHERMAN AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARK T. NICHOLSON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED  
02/23/2005  
MAR 14 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERMAN	21985	10.00
SHERIFF HAWKINS	BERMAN	21984	48.78

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins  
by Mailey Ann*

Chester A. Hawkins  
Sheriff

ATTORNEYS FOR PLAINTIFF

ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83698

BY: Robert M. Kline, Esquire, I.D. 56479

198 Allendale Road, Suite 306

King of Prussia, PA 19406

(610) 265-7720

**COPY**

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.

198 Allendale Road, Suite 306

King of Prussia, PA 19406

TRIAL DIVISION

CIVIL ACTION.

Term 05-197-C

vs.

MARK T NICHOLSON

10 E SHERMAN AVE

DU BOIS, PA 15801 3104

-----X

No.

NOTICE TO DEFEND

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LAWYER REFERENCE SERVICE

COUNTY OF CLEARFIELD BAR ASSOCIATION

P.O. BOX 186

HARRISBURG, PA 17108

800-692-7375

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

FEB 11 2005

Attest.

*William L. Berman*  
Prothonotary/  
Clerk of Courts

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

-----X  
DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
198 Allendale Road, Suite 306 : CIVIL ACTION  
King of Prussia, PA 19406 : Term \_\_\_\_\_  
vs. : No.  
: \_\_\_\_\_

MARK T NICHOLSON  
10 E SHERMAN AVE  
DU BOIS, PA 15801 3104

-----X

COMPLAINT

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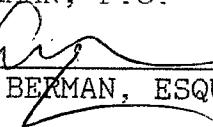
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plus interest, attorneys fees and costs which are justly due and  
owing from the Defendant(s) to the Plaintiff.

Dated: JANUARY 21, 2005

ERIC M. BERMAN, P.C.

BY:   
ERIC M. BERMAN, ESQUIRE

BY:   
ROBERT M. KLINE ESQUIRE

SPACEBNW-ZN

Attorneys for Plaintiff

VERIFICATION

Eric M. Berman, Esquire, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and/or Robert M. Kline, Esquire, being duly sworn according to law, deposes and says that he is an associate attorney with said firm, and as said attorney, is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.



ERIC M. BERMAN, ESQUIRE



ROBERT M. KLINE, ESQUIRE

Dated: JANUARY 21, 2005

SPACEBNW-ZN

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

-----X----- : COURT OF COMMON PLEAS  
: COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
vs.

TRIAL DIVISION  
CIVIL ACTION  
No. 05-197

MARK T NICHOLSON

-----X-----

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of Plaintiff,  
DISCOVER BANK,  
and against Defendant, MARK T NICHOLSON  
for failure to answer or otherwise respond to the Complaint - Civil  
Action.

The Complaint was served upon Defendant on 02/23/2005,  
by the Sheriff's Office of COUNTY OF CLEARFIELD County.

A copy of the Notice of Intention to Take Default served upon  
the Defendant by regular mail on *April 13, 2005*  
is attached hereto as Exhibit B.

I certify that written notice of the intention to file this Praecipe  
was mailed or delivered to the party against whom judgment is to be  
entered after the default occurred and at least ten days prior to  
the date of the filing of this Praecipe. Copies are attached. R.C.P.237.1.

Assess damages in the principal amount of \$3,251.40, being  
the amount demanded in the Complaint, together with attorneys fees  
and court costs.

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

SPACEJUB-ZH

**FILED**

APR 29 2005  
m/4:00h

William A. Shaw  
Prothonotary

Attest.  
Date &  
Atty w/ stamp

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

APR 29 2005

  
William A. Shaw  
Prothonotary  
Clerk of Courts

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.  
198 Allendale Road, Suite 212  
King of Prussia, PA 19406

TRIAL DIVISION  
CIVIL ACTION

vs.

No. 05-197

MARK T NICHOLSON

X

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: MARK T NICHOLSON  
10 E SHERMAN AVE  
DU BOIS, PA 15801-3104

DATE OF NOTICE: April 13, 2005

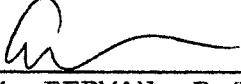
IMPORTANT NOTICE

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 OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

COUNTY OF CLEARFIELD BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

SPACEJUD-2H

m/4:00 h

14ENT TO PAGE +  
ATT' W/ STATION

Our File No. 201978  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
By: Eric M. Berman, Esquire, I.D. 8369  
By: Robert M. Kline, Esquire, I.D. 5647  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
198 Allendale Road, Suite 306 : TRIAL DIVISION  
King of Prussia, PA 19406 : CIVIL ACTION  
vs. : No. 05-197  
MARK T NICHOLSON :  
-----X-----

CERTIFICATION OF NON-MILITARY SERVICE

I am one of Plaintiff's attorneys and am authorized to make this certification on Plaintiff's behalf.

The above named Defendant(s) is (are) over 18 years of age and reside at 10 E SHERMAN AVE , DU BOIS, PA 15801 3104.

The occupation of the Defendant(s) is (are) unknown.

The Defendant(s) is (are) not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

I verify that the statements made in the foregoing certification are true and correct to the best of my knowledge, information and belief, and I understand that the statements in said certification are made subject to the penalties of Pa.C.S. 4904 relating to unsworn falsification to authorities.

ERIC M. BERMAN, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
SPACEJUB-ZK

ROBERT M. KLINE, ESQUIRE  
ATTORNEY FOR PLAINTIFF

Our File No. 201978  
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King of Prussia, PA 19406  
(610) 265-7720

-----X

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406

vs.

MARK T NICHOLSON

-----X  
COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

TRIAL DIVISION  
CIVIL ACTION

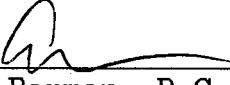
No. 05-197

CERTIFICATION OF ADDRESSES

TO THE PROTHONOTARY:

The address of the Plaintiff, Judgment Creditor, is c/o  
Eric M. Berman, P.C., 198 Allendale Road, Suite 306, King of  
Prussia, PA 19406.

The last known address of the Defendant, Judgment Debtor, is  
10 E SHERMAN AVE , DU BOIS, PA 15801 3104.

  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire  
SPACEJUB-ZH

  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

Our File No. 201978  
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-----X : COURT OF COMMON PLEAS  
DISCOVER BANK : COUNTY OF CLEARFIELD  
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
198 Allendale Road, Suite 306 : CIVIL ACTION  
King of Prussia, PA 19406 :  
vs. : No. 05-197  
MARK T NICHOLSON :  
-----X

TO: MARK T NICHOLSON  
10 E SHERMAN AVE  
DU BOIS, PA 15801-3104

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceeding and that enclosed herewith is a copy of all the (record) documents filed in support of the said JUDGMENT.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:  
ERIC M. BERMAN, P.C., Attorneys at Law.  
Attention: Eric M. Berman, Esquire, or Robert M. Kline, Esquire,  
at this telephone number. 1-610-265-7720.

PROTHONOTARY



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

Discover Bank  
Plaintiff(s)

No.: 2005-00197-CD

Real Debt: \$3,251.40

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark T. Nicholson  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 29, 2005

Expires: April 29, 2010

Certified from the record this April 29, 2005

---

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.

---

Plaintiff/Attorney