

05-838-CD

Citibank vs. David C. O'donnell

Citibank v. David O'Donnell  
2005-838-CD

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  
Plaintiff  
v.

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA

DAVID C ODONNELL  
125 Haupt Street, Irvona PA 16656  
Defendant

: NO. 05-838-CD  
: 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** Atty pd. 85.00  
m/123/01  
B6 JUN 13 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
(cc shff

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

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO.

DAVID C ODONNELL

125 Haupt Street, Irvona PA 16656

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 David C Odonnell, who resides at 125 Haupt Street, Irvona, 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 5424180388467547 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 \$10,104.11.

Wherefore, plaintiff demands judgment against defendant for the sum of \$10,104.11, 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.

# Citi® Diamond Preferred™ Rewards Card

November 19 - December 21, 2004  
DAVID C ODONNELL  
Account 5424 1803 8846 7547

Page 1 of 2

Statement/Closing Date: 12/21/04

## Quick Reference

**Minimum Payment** 921.14  
**Payment Due Date\*** January 14, 2005

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

**Amount Past Due** 617.39  
**Amount Over Limit** 44.11

**Amount Over Limit**  
Total Credit Line 10,060.00  
Available Credit Line 0.00  
Cash Advance Limit 1,500.00  
Available Cash Advance Limit 0.00

## Account Summary

Previous Balance	9,810.47
Payments and Adjustments	0.00
Purchases	0.00
Cash Advances	0.00
Fees & Finance Charges	254.64
<b>New Balance</b>	<b>\$10,104.11</b>

## Purchase Categories

<b>Total Purchases</b>	<b>\$0.00</b>
------------------------	---------------

## ThankYou Redemptions Network

Total ThankYou Points.....	8,617
----------------------------	-------

Log on to our website at  
www.thankyouredemptions.com where rewarding  
yourself has never been easier. You can review  
your ThankYou Points balance, browse our  
redemption collection, and even redeem online!

**How to Reach Us**  
www.citicards.com  
Citibank Customer Service Ctr  
BOX 6500  
SIOUX FALLS, SD 57117  
1-800-866-9900

## Cardmember News

Your late fee was based on your account balance  
as of the payment due date (12/14/04), which was  
\$9,810.47.

Your account is seriously past due and your credit  
privileges have been suspended. Please call the  
toll-free number to learn about our special  
payment options. Call Monday - Friday, 7 am - 9  
pm, or Saturday, 8 am - 5 pm, Central Time.

**Get the rewards you want faster, without  
spending**  
more. Now through 1/31/05, get an additional  
ThankYou Point(R) for every dollar spent at  
Sears, Shell, The Home Depot(R) or The  
Hilton(R) Family of hotels, and watch your  
points add up!

date paid      amount paid      check #

Please follow payment instructions outlined in the "Important Instructions for Making Payments" section of the statement.

0542418038846754799999921145918

Your Account Number

5424 1803 8846 7547

Please Enter Amount of Payment Enclosed

Payment Must Be Received By  
01/14/05

Your Total Balance  
\$10,104.11

Minimum Amount Due  
\$921.14

\$

40S MC 00 A 1 AR7320829

|||||.....|||||.....|||||.....|||||.....|||||.....

|||||.....|||||.....|||||.....|||||.....|||||.....

DAVID C ODONNELL  
PO BOX 78  
IRVONA PA 16656-0078

CITI CARDS  
PO BOX 6345  
THE LAKES NV 88901-6345

EXHIBIT 

November 19 - December 21, 2004  
DAVID C ODONNELL  
Account 5424 1803 8846 7547  
Statement/Closing Date: 12/21/04

Page 2 of 2

### Payments and Adjustments

Sale Date	Post Date	Activity	Amount
<b>Total Payments and Adjustments</b>			<b>\$0.00</b>

### Purchases

Sale Date	Post Date	Activity	Amount
<b>Total Purchases</b>			<b>\$0.00</b>

### Cash Advances

Sale Date	Post Date	Activity	Amount
<b>Total Cash Advances</b>			<b>\$0.00</b>

### Fees & Finance Charges

Standard Purch	Post Date	Activity	Amount
	12/21	LATE FEE - NOV PAYMENT PAST DUE	\$39.00

### Finance Charge Information

	Nominal APR	Periodic Rate	x	Days in Billing Period	x	Balance Subject to Finance Charge	=	Periodic FINANCE CHARGE	+ Transaction Fee/ FINANCE CHARGE	ANNUAL PERCENTAGE RATE	
<b>PURCHASES</b>											
Standard Purch	29.240%	.08011%(D)	x	32	x	\$916.51	=	\$23.49	+	\$0.00	29.240%
Purch/Adv thru 06/21/04	29.240%	.08011%(D)	x	32	x	\$9,016.76	=	\$231.15	+	\$0.00	29.240%
<b>CASH ADVANCES</b>											
Standard Adv	29.240%	.08011%(D)	x	32	x	\$0.00	=	\$0.00	+	\$0.00	29.240%
<b>Total FINANCE CHARGE = \$254.64</b>											

### Rewards

#### \*\*\*\*ThankYou Points Summary\*\*\*\*

Previous Statement Point Total.....	8,617
Base Points Earned.....	0
Total Points Earned This Period.....	0
Total ThankYou Points Available.....	8,617
Lifetime ThankYou Points Earned.....	8,617

Bonus Points may take one to two billing cycles to appear on your statement. Please refer to the specific terms and conditions pertaining to the promotion for further details.

Name-brand merchandise, retail and dining gift cards, statement credits... These are all options in the ThankYou Redemptions collection! For more information, call 1-877-7-REDEEM or visit our website, [www.thankyouredemptions.com](http://www.thankyouredemptions.com).

## Verification

I, Jaime Payne am an employee of Citicorp Credit Services, Inc., (USA) which is by contract the service provider for plaintiff CITIBANK SOUTH DAKOTA N.A. retained to perform services including but not primarily limited to collecting delinquent debt. I am authorized to make this verification as attorney-in-fact for plaintiff under powers of attorney from plaintiff to Citicorp Credit Services, Inc. (USA) and to me. The foregoing averments of fact in the within pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

Date: 5/26/05

✓ Jaime Payne  
Signature      Jaime Payne

David C Odonnell  
5424180388467547  
C-5782

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

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA

VS.

DAVID C ODONNELL  
Defendant

: NO. 05-838-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

FILED <sup>6/20/05</sup> No cc  
m 12:04 PM Cert. of Disc  
JUL 21 2005 to Atty  
William A. Shaw copy to CIA  
Prothonotary/Clerk of Courts

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

C-5782



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

**Citibank South Dakota, N.A.**

Vs. No. 2005-00838-CD  
**David C. Odonnell**

**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 July 21, 2005, marked:

Discontinued without Prejudice

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of July A.D. 2005.

---

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100554  
NO: 05-838-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CITIBANK SOUTH DAKOTA, N.A.

vs.

DEFENDANT: DAVID C. ODONNELL

SHERIFF RETURN

NOW, June 29, 2005 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON DAVID C. ODONNELL DEFENDANT AT 13 RUTLES DRIVE, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CINDY O'DONNELL, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
03-07-01  
AUG 17 2005  
m  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NEIL	10144	10.00
SHERIFF HAWKINS	NEIL	10143	84.79

Sworn to Before Me This

So Answers,

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

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