

05-1364-CD  
Chase Bank vs B. Waltenbaugh

Chase Manhattan vs Brian Waltenbaugh  
2005-1364-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

vs.

BRIAN WALLENBAUGH,

Respondent.

No. 05-1364-CJ

**PETITION TO CONFIRM ARBITRATION  
AWARD AND ENTER JUDGMENT  
THEREON**

FILED ON BEHALF OF:  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR #04411987

FILED Atty pd. 85.00  
010-00061  
SEP 02 2005 ICC Shiff  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

No.

Petitioner,

vs.

BRIAN WALTENBAUGH,

Respondent.

**PETITION TO CONFIRM ARBITRATION AWARD  
AND ENTER JUDGMENT THEREON**

AND NOW, comes Petitioner, Chase Manhattan Bank, U.S.A., N.A., s/i/i/t Bank One Delaware, N.A., by and through its counsel, William T. Molczan, Esquire and Weltman, Weinberg & Reis, CO., L.P.A., and files the within Petition to Confirm Arbitration Award and Enter Judgment thereon pursuant to the Pennsylvania Uniform Arbitration Act 42 Pa. C.S.A. § 7317. In support thereof, Petitioner avers the following:

1. Petitioner, Chase Manhattan Bank, U.S.A., N.A., s/i/i/t Bank One Delaware, N.A., is a corporation located in Wilmington, Delaware.

2. Respondent is an adult individual with a last known address of 1617 Treasure Lake, DuBois, PA 15801.

3. On or before August 3, 2001, Petitioner and Respondent entered into a Cardmember Agreement for a credit card bearing the account number 1523003473049815. Said Agreement contains a provision to settle by arbitration any claim, dispute or controversy arising from or relating in any way to the Agreement. A true and correct copy of the pertinent part of the Agreement is attached as Exhibit "A" and made a part of this petition.

4. On or around October 14, 2004, Petitioner submitted its dispute with Respondent to arbitration as provided in the arbitration clause of the Agreement.

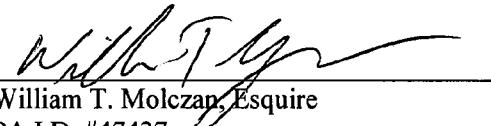
5. After notice was properly given to all the parties to the arbitration, the matter proceeded in accord with the applicable National Arbitration Forum Code of Procedure before Mark A. Welge, Esquire, as arbitrator. A true and correct copy of the proof of service to Respondent is attached as Exhibit "B" and made a part of this petition.

6. On or about April 27, 2005, in the state of Pennsylvania, the arbitrator made his award determining all issues submitted to him, and awarded Petitioner the sum of \$1,463.68. A signed copy of the award, duly acknowledged, was served on the parties on or about April 27, 2005. A true and correct copy of the award is attached and made a part of this Petition.

7. More than thirty days have passed since entry of the arbitrator's award, and Respondent has taken no action to contest its validity.

WHEREFORE, Petitioner, respectfully requests that this Court enter an Order confirming the arbitration award, and that judgment be entered against Respondent for the full amount of the award, plus interest at the statutory rate of 6% per annum from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

By:   
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

---

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## **IMPORTANT NOTICE FOR BANK ONE CREDIT CARD CUSTOMERS ABOUT CHANGES TO YOUR BANK ONE CARDMEMBER AGREEMENT**

This Notice informs you of changes to your Bank One Cardmember Agreement.

### **SUMMARY OF CHANGE.**

A provision providing that any disputes between you and Bank One are to be resolved by arbitration is being added to your Bank One Cardmember Agreement.

### **EFFECTIVE DATE/NON-ACCEPTANCE INSTRUCTIONS.**

The changes in terms summarized above will become effective March 1, 1998. The new terms will apply to current and future balances in both active accounts and accounts that no longer have charge privileges. If you do not wish to accept the new terms, you must notify us in writing of your decision by February 28, 1998. Please include your name, address and account number on the correspondence and mail it to: Bank One, P.O. Box 8650, Wilmington, Delaware 19899-8650. Giving us this notice will constitute your election to cancel your charge privileges (if not previously canceled), but you may pay off any outstanding unpaid balance of your Account under your prior terms.

### **AMENDMENTS TO CARDMEMBER AGREEMENTS:**

In order to implement the above-described change in terms, the following changes, as applicable, will be made to your Cardmember Agreement:

- A. Immediately after the paragraph entitled "Special Rule for Credit Card Purchases," the following paragraph will be added:

**ARBITRATION:** Any claim, dispute or controversy ("Claim") by either you or us against the other, or against the employees, agents or assigns of the other, arising from or relating in any way to this Agreement or your Account, including Claims regarding the applicability of this arbitration clause or the validity of the entire Agreement, shall be resolved by binding arbitration by the National Arbitration Forum, under the Code of Procedure in effect at the time the Claim is filed. Rules and forms of the National Arbitration Forum may be obtained and Claims may be filed at any National Arbitration Forum office, [www.arb-forum.com](http://www.arb-forum.com), or P.O. Box 50191, Minneapolis, Minnesota 55405, telephone 1-800-474-2371. Any arbitration hearing at which you appear will take place at a location within the federal judicial district that includes your billing address at the time the Claim is filed. This arbitration agreement is made pursuant to a transaction involving interstate commerce, and shall be governed by the Federal Arbitration Act, 9 U.S.C. §§ 1-16. Judgment upon any arbitration award may be entered in any court having jurisdiction.

ADV239 12/97

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**EXHIBIT**

*A*

This arbitration agreement applies to all Claims now in existence or that may arise in the future except for: (i) Claims that you or we have individually filed in a court before the effective date of the amendment of the Agreement adding this arbitration agreement; (ii) Claims advanced in any judicial class actions that have been finally certified as class actions and where notice of class membership has been given as directed by the court before the effective date of the amendment of the Agreement adding this arbitration agreement; and (iii) Claims by or against any unaffiliated third party to whom ownership of your Account may be assigned after default (unless that party elects to arbitrate). Nothing in this agreement shall be construed to prevent any party's use of (or advancement of any Claims, defenses, or offsets in) bankruptcy or repossession, replevin, judicial foreclosure or any other prejudgment or provisional remedy relating to any collateral, security or property interests for contractual debts now or hereafter owned by either party to the other under this agreement.

IN THE ABSENCE OF THIS ARBITRATION AGREEMENT, YOU AND WE MAY OTHERWISE HAVE HAD A RIGHT OR OPPORTUNITY TO LITIGATE CLAIMS THROUGH A COURT, AND/OR TO PARTICIPATE OR BE REPRESENTED IN LITIGATION FILED IN COURT BY OTHERS, BUT EXCEPT AS OTHERWISE PROVIDED ABOVE, ALL CLAIMS MUST NOW BE RESOLVED THROUGH ARBITRATION.

THE FEDERAL EQUAL CREDIT OPPORTUNITY ACT PROHIBITS CREDITORS FROM DISCRIMINATING AGAINST CREDIT APPLICANTS ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, MARITAL STATUS, AGE (PROVIDING THE APPLICANT HAS THE CAPACITY TO ENTER INTO A BINDING CONTRACT); BECAUSE ALL OR PART OF THE APPLICANT'S INCOME DERIVES FROM ANY PUBLIC ASSISTANCE PROGRAM; OR BECAUSE THE APPLICANT HAS IN GOOD FAITH EXERCISED ANY RIGHT UNDER THE CONSUMER CREDIT PROTECTION ACT. THE FEDERAL AGENCY THAT ADMINISTERS COMPLIANCE WITH THIS LAW CONCERNING THIS CREDITOR IS: THE COMPTROLLER OF THE CURRENCY, CENTRAL DISTRICT OFFICE, ONE FINANCIAL PLACE, 440 SOUTH LASALLE, SUITE 2700, CHICAGO, IL 60605.

*This notice informs you of pricing changes to your First USA Cardmember Agreement. Please keep it with your original First USA Cardmember Agreement.*

**BANK<sup>ONE</sup>**

ADV239 12/97



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

1/8/2005

Dear Customer:

Here is the proof of delivery for the shipment with tracking number 790866848043. Our records reflect the following information.

---

**Delivery Information:**

---

Signed For By: M.WALTENBAUGH



Delivery Location: 1617 TREASURE LK  
Delivery Date: 12/28/2004  
Delivery Time: 12:31

---

**Shipping Information:**

---

Tracking No: 790866848043

Ship Date: 12/22/2004

Recipient:

BRIAN WALTENBAUGH  
40022930  
1617 TREASURE LK  
DUBOIS, PA 15801  
US

Shipper:

JAMES D. BRANTON, ESQ.  
MANN BRACKEN, LLC  
ONE PACES WEST, SUITE 1400  
ATLANTA, GA 30339  
US

Shipment Reference Information: 40022930

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service  
1-800-Go-FedEx®  
Reference No.: R2005010800172533943

**EXHIBIT**

6

  
NATIONAL  
ARBITRATION  
FORUM®

Chase Manhattan Bank USA, N.A. as successor in interest to Bank One Delaware NA  
c/o Mann Bracken, LLC  
2727 Paces Ferry Road  
One Paces West, 14th Floor  
Atlanta, GA 30339

**CLAIMANT(s),**

**AWARD**

**RE: Chase Manhattan Bank USA, N.A. as successor in interest to Bank  
One Delaware NA v Brian Waltenbaugh**  
**File Number: FA0410000341435**  
**Claimant File Number: 1523003473049815**

Brian Waltenbaugh  
1617 Treasure Lk  
Du Bois, PA 58019

**RESPONDENT(s).**

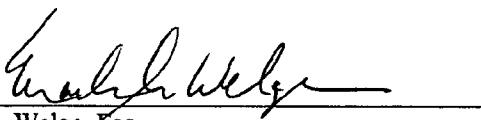
The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 10/14/2004 the Parties entered into an agreement providing that this matter shall be resolved through binding arbitration in accordance with the Forum Code of Procedure.
3. That the Claimant has filed a Claim with the Forum and served it on the Respondent in accordance with Rule 6.
4. That the matter has proceeded in accord with the applicable Forum Code of Procedure.
5. The Parties have had the opportunity to present all evidence and information to the Arbitrator.
6. That the Arbitrator has reviewed all evidence and information submitted in this case.
7. That the information and evidence submitted supports the issuance of an Award as stated.

**Therefore, the Arbitrator ISSUES:**

An Award in favor of the Claimant, for a total amount of **\$1,463.68**.

Entered in the State of Pennsylvania

  
\_\_\_\_\_  
Mark A. Welge, Esq.  
Arbitrator

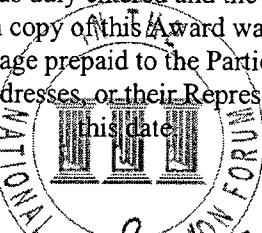
Date: 04/27/2005

**EXHIBIT**

C

**ACKNOWLEDGEMENT AND CERTIFICATE  
OF SERVICE**

This Award was duly entered and the Forum hereby certifies that a copy of this Award was sent by first class mail postage prepaid to the Parties at the above referenced addresses, or their Representatives, on

  
\_\_\_\_\_  
Honorable Harold Kalina, Ret.  
Director

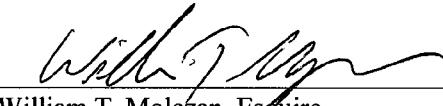
## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Clearfield county Sheriff is currently attempting service of the within Petition to Confirm Arbitration Award and Enter Judgment Thereon at the below address.

Brian Waltenbaugh  
1617 Treasure Lake  
DuBois, PA 15801

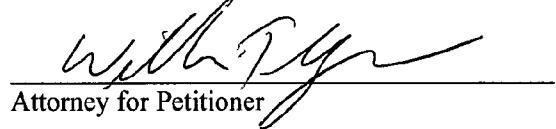
WELTMAN, WEINBERG & REIS CO., L.P.A.

By:

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

## VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, he is an attorney for the Petitioner herein; makes this Verification based upon the facts as supplied to him by the Petitioner and/or its agents and because the Petitioner is outside the jurisdiction of the court and the Petitioner's Verification cannot be obtained within the time allowed for filing of this petition, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Attorney for Petitioner

**FILED**

**CED 02 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**ORDER OF COURT**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, upon consideration of Petitioner's Petition to Confirm Arbitration Award and Enter Judgment thereon, any response thereto and good cause appearing therefore, it is hereby ORDERED, ADJUDGED and DECREED that the award entered by the arbitrator in the above captioned matter is hereby confirmed in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$1,463.68, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 27, 2005, plus costs.

BY THE COURT:

\_\_\_\_\_  
J.

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

DOCKET # 100787  
NO: 05-1364-CD  
SERVICE # 1 OF 1  
PETITION TO CONFIRM ARBITRATION AWARD

PLAINTIFF: CHASE MANHATTAN BANK U.S.A., N.A. s/i/i/t BANK ONE DELAWARE, N.A.  
vs.  
DEFENDANT: BRIAN WALTENBAUGH

**SHERIFF RETURN**

NOW, September 30, 2005 AT 12:30 PM SERVED THE WITHIN PETITION TO CONFIRM ARBITRATION AWARD ON BRIAN WALTENBAUGH DEFENDANT AT MEETING PLACE: RT 255, GETTY GAS STATION, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRIAN WALTENBAUGH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO CONFIRM ARBITRATION AWARD AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

**FILED**

OCT 21 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8220262	10.00
SHERIFF HAWKINS	WELTMAN	8220262	51.82

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

**FILED**

**OCT 21 2005**

*William A. Shaw*  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

**PRAECLPICE FOR DETERMINATION**

BRIAN WALLENBAUGH,

Respondent.

FILED ON BEHALF OF  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#04411987

6<sup>th</sup> FILED NO CC  
mbo:44/61  
OCT 31 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

vs.

Civil Action No. 05-1364-CD

BRIAN WALTENBAUGH,

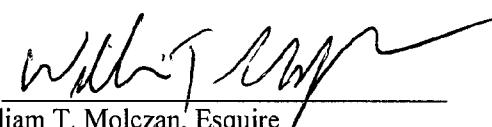
Respondent.

**PRAECIPE FOR DETERMINATION**

Kindly forward the Petition to Confirm Arbitration Award, which was filed on September 2, 2005, to a Judge for decision.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:

  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #04411987

10

**FILED**

OCT 31 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A, N.A.  
s/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**RULE**

AND NOW, this 4<sup>th</sup> day of November 2005, upon consideration of the foregoing petition, it is hereby ordered that

(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

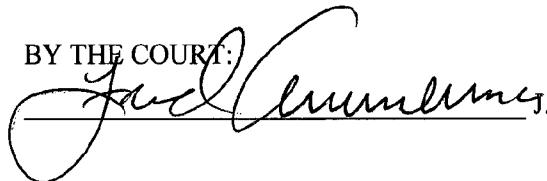
(2) the Respondent shall file an Answer to the Petition within 20 days of service upon the Respondent;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;

(5) notice of the entry of this order shall be provided to all parties by the Petitioner.

BY THE COURT:



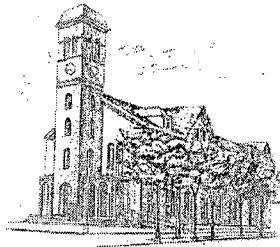
FILED 2cc  
01/10/2005 Atty Moleza  
NOV 07 2005 

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**NOV 07 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

FILED ON BEHALF OF  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#04411987

FILED

NOV 22 2005  
12:30 PM 60  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner, No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**AFFIDAVIT OF SERVICE FOR RULE RETURNABLE**

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared William T. Molczan, Esquire, known to me, who being duly sworn according to law, deposes and says that he served a copy of the Rule on the Respondent, Brian Waltenbaugh, on November 11, 2005, at his last known address of 1617 Treasure Lake, DuBois, PA 15801. The Rule Return Date is December 1, 2005. A true and correct copy of the cover letter which was sent to Respondent, Brian Waltenbaugh, enclosing a copy of the Rule Returnable is attached hereto, marked as Exhibit "1" and made a part hereof. Service of the Rule is deemed to be perfected as of November 11, 2005, the date of mailing.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: WILLIAM T. MOLCZAN

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

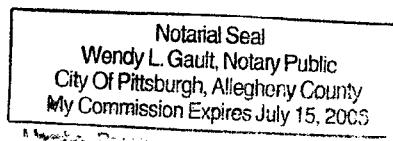
Pittsburgh, PA 15219

(412) 434-7955

Sworn to and subscribed  
before me this 11

day of NOV 17 2005

NOTARY PUBLIC



BROOKLYN HTS, OH  
216.739.5100  
BURLINGTON, NJ  
609.914.0437  
CHICAGO, IL  
312.782.9676  
CINCINNATI, OH  
513.723.2200  
CLEVELAND, OH  
216.685.1000

**WELTMAN, WEINBERG & REIS CO., L.P.A.**

ATTORNEYS AT LAW



COLUMBUS, OH  
614.228.7272  
DEERFIELD, IL  
847.940.9812  
DETROIT, MI  
248.362.6100  
GROVE CITY, OH  
614.801.2600  
PHILADELPHIA, PA  
215.599.1500

November 11, 2005

Brian Waltenbaugh  
1617 Treasure Lk  
Du Bois, Pa 15801

**Re: Chase Manhattan vs. Brian Waltenbaugh  
Case No. 05-1364-CD  
Our file No. 04411987**

Dear Mr. Waltenbaugh:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$1,463.68 entered on April 27, 2005, should not be confirmed and judgment entered for the full amount of the award. Please note that the Rule is returnable on or before **December 1, 2005**.

If you would like to propose a settlement offer or set up a monthly payment arrangement, please contact this office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K' and 'Coyne'.

Kimberly Coyne, Paralegal

Enclosure

**THIS FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A. N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**RULE**

AND NOW, this 4<sup>th</sup> day of November 2005, upon consideration of the foregoing petition, it is hereby ordered that

(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

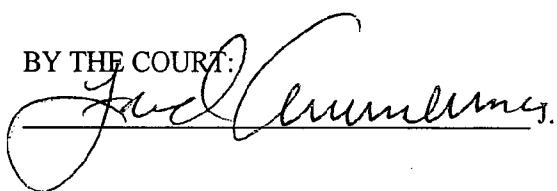
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(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;

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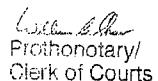
BY THE COURT:



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

NOV 07 2005

Attest:



Prothonotary/  
Clerk of Courts

FILED  
NOV 22 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

No. 05-1364-CD

Petitioner,

vs.

BRIAN WALTENBAUGH,

Respondent.

FILED ON BEHALF OF:  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

Benjamin R. Bibler, Esquire  
PA I.D. #93598  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR #04411987

FILED NO  
m10:40 AM  
cc  
DEC 23 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

No. 05-1364-CD

Petitioner,

vs.

BRIAN WALTENBAUGH,

Respondent.

**MOTION TO MAKE RULE ABSOLUTE**

AND NOW, comes Petitioner, Chase Manhattan Bank, by and through its counsel, Weltman, Weinberg & Reis, CO., L.P.A., and files the within Motion To Make Rule Absolute. In support thereof, Petitioner avers the following:

1. On or about September 2, 2005, Plaintiff filed a Petition to Confirm Arbitration Award and Enter Judgment Thereon in the amount of \$1,463.68 plus statutory interest at the rate of 6.0% from the date of the award, being April 27, 2005, plus costs.
2. On or about November 4, 2005, this Honorable Court issued a Rule to Show Cause why the arbitration award should not be confirmed and judgment entered thereon. A copy of the Rule is attached hereto as Exhibit "1" and made a part hereof.
3. On or about November 11, 2005, Petitioner served upon Respondent a copy of the Rule to Show Cause drawing special attention to the Rule Returnable Date. A copy of Petitioner's Affidavit of Service is attached as Exhibit "2" and made a part hereof.
4. No Response to the Rule Returnable has been received from the Respondent and, as such, all of the averments in the Petition to Confirm Arbitration Award are deemed admitted.

WHEREFORE, Petitioner respectfully requests that this Court enter an Order Making the Rule issued by this Court Absolute, thereby confirming the arbitration award; and that judgment be entered against Respondent for the amount of the award, plus interest at the statutory rate of 6% from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

By: 

Benjamin R. Bibler, Esquire

PA I.D. #93598

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

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(412) 434-7955

WWR #04411987

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

AFFIDAVIT OF SERVICE  
FOR RULE RETURNABLE

FILED ON BEHALF OF  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#04411987

EXHIBIT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**AFFIDAVIT OF SERVICE FOR RULE RETURNABLE**

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared William T. Molczan, Esquire, known to me, who being duly sworn according to law, deposes and says that he served a copy of the Rule on the Respondent, Brian Waltenbaugh, on November 11, 2005, at his last known address of 1617 Treasure Lake, DuBois, PA 15801. The Rule Return Date is December 1, 2005. A true and correct copy of the cover letter which was sent to Respondent, Brian Waltenbaugh, enclosing a copy of the Rule Returnable is attached hereto, marked as Exhibit "1" and made a part hereof. Service of the Rule is deemed to be perfected as of November 11, 2005, the date of mailing.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: William T. Molczan

William T. Molczan, Esquire

PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.

2718 Koppers Building

436 Seventh Avenue

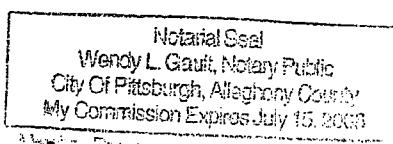
Pittsburgh, PA 15219

(412) 434-7955

Sworn to and subscribed  
before me this 11

day of NOV 17 2005

NOTARY PUBLIC



**EXHIBIT**

2

BROOKLYN HTS, OH  
216.739.5100  
BURLINGTON, NJ  
609.914.0437  
CHICAGO, IL  
312.782.9676  
CINCINNATI, OH  
513.723.2200  
CLEVELAND, OH  
216.685.1000

**WELTMAN, WEINBERG & REIS CO., L.P.A.**  
ATTORNEYS AT LAW



COLUMBUS, OH  
614.228.7272  
DEERFIELD, IL  
847.940.9812  
DETROIT, MI  
248.362.6100  
GROVE CITY, OH  
614.801.2600  
PHILADELPHIA, PA  
215.599.1500

November 11, 2005

Brian Waltenbaugh  
1617 Treasure Lk  
Du Bois, Pa 15801

**Re: Chase Manhattan vs. Brian Waltenbaugh  
Case No. 05-1364-CD  
Our file No. 04411987**

Dear Mr. Waltenbaugh:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$1,463.68 entered on April 27, 2005, should not be confirmed and judgment entered for the full amount of the award. Please note that the Rule is returnable on or before December 1, 2005.

If you would like to propose a settlement offer or set up a monthly payment arrangement, please contact this office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K' and 'Coyne'.

Kimberly Coyne, Paralegal

Enclosure

**THIS FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**EXHIBIT**

3

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL  
DIVISION

CHASE MANHATTAN BANK, U.S.A, N.A.  
s/i/t BANK ONE DELAWARE, N.A.,

Petitioner,

No. 05-1364-CD

vs.

BRIAN WALTENBAUGH,

Respondent.

**RULE**

AND NOW, this 4<sup>th</sup> day of November 2005, upon consideration of the foregoing petition, it is hereby ordered that

(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

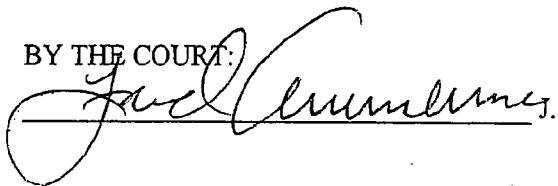
(2) the Respondent shall file an Answer to the Petition within 20 days of service upon the Respondent;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;

(5) notice of the entry of this order shall be provided to all parties by the Petitioner.

BY THE COURT:



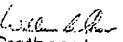
I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 07 2005

**EXHIBIT**

4

Attest:

  
William S. Ober  
Prothonotary/  
Clerk of Courts

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the within Motion for Rule Absolute was served on Respondent this 21 day of Dec, 20005, by first class, U.S. Mail, postage-prepaid, addressed as follows:

Brian Waltenbaugh  
1617 Treasure Lk  
Du Bois, Pa 15801



Attorney for Petitioner

**FILED**

DEC 23 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

No. 05-1364-CD

Petitioner,

vs.

BRIAN WALTENBAUGH,

Respondent.

**ORDER OF COURT**

AND NOW, to-wit, this 28 day of December, 2005, upon consideration of Petitioner's Motion for Rule Absolute, it is hereby ORDERED, ADJUDGED and DECREED that this Honorable Court's Rule be made absolute, thereby confirming the award entered by the arbitrator in the above captioned matter in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$1,463.68, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 27, 2005, plus costs.

BY THE COURT:

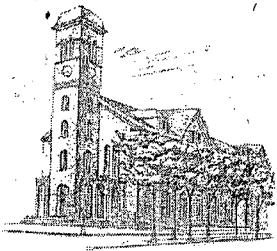


FILED 2cc  
09/4/2005 Atty  
DEC 30 2005 Bibler  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

DEC 30 2005

William A. Shaw  
Prothonotary/Clerk of Courts



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 12/30/05

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

Please file Praeclipe to Enter Judgment along with the filing fee of \$20.00, Notice of Judgment, and a posted envelope to the Respondent or his counsel. Thank you.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.

Petitioner,

No. 05-1364-CD

vs.

**PRAECLPICE FOR JUDGMENT  
PER ORDER OF COURT**

BRIAN WALTENBAUGH

Respondent.

FILED ON BEHALF OF  
Petitioner

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
PA I.D. #42524

William T. Molczan  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

**FILED** *Atty pd. 20.00*  
*m/3/24/06* *1CC & Notice*  
**FEB 10 2006** *to Def.*  
*to Atty*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*1CC & Statement*  
*(60)*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.

Petitioner

vs.

Civil Action No. 05-1364-CD

BRIAN WALTENBAUGH

Respondent

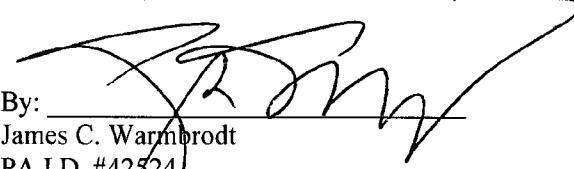
PRAECIPE FOR JUDGMENT PER ORDER OF COURT

TO THE PROTHONOTARY:

Pursuant to Pa.R.C.P. 237, I certify that a copy of this Praeclipe has been mailed to each other party who has appeared in the action or to his/her Attorney of Record.

In that regard, pursuant to the Order of Court, dated December 28, 2006, kindly enter judgment in favor of Petitioner, Chase Manhattan Bank, and against the Respondent, Brian Waltenbaugh, individually, in the amount of \$1,463.68 with continuing interest thereon at the statutory interest rate of 6% per annum from April 27, 2005 and costs. A copy of the aforesaid December 28, 2006 Order of Court is attached hereto.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:   
James C. Warmbrodt  
PA I.D. #42524

William T. Molczan  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

Petitioner's address is: c/o Weltman, Weinberg & Reis 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
The last known address of the Respondent is: 1617 Treasure Lk, Du Bois, Pa 15801.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.,

No. 05-1364-CD

Petitioner,

vs.

BRIAN WALTENBAUGH,

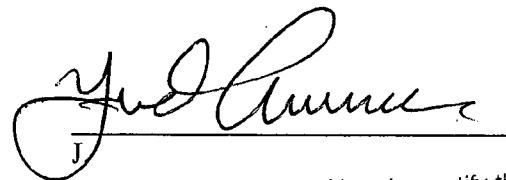
Respondent.

**ORDER OF COURT**

AND NOW, to-wit, this 28 day of December, 2005, upon consideration of Petitioner's Motion for Rule Absolute, it is hereby ORDERED, ADJUDGED and DECREED that this Honorable Court's Rule be made absolute, thereby confirming the award entered by the arbitrator in the above captioned matter in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$1,463.68, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 27, 2005, plus costs.

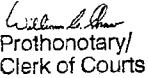
BY THE COURT:



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

DEC 30 2005

Attest.



William L. Brown  
Prothonotary/  
Clerk of Courts

**FILED**

**FEB 10 2006**

**William A. Shaw**  
**Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CC: BY

CHASE MANHATTAN BANK, USA, N.A.  
s/i/i/t BANK ONE DELAWARE, N.A.

Petitioner

vs.

Civil Action No. 05-1364-CD

BRIAN WALTENBAUGH

Respondent

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff/Petitioner  
 Defendant/Respondent  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 21st 2006

Judgment in the amount of \$1,463.68 with continuing interest thereon at  
the statutory interest rate of 6% per annum from April 27, 2005 and  
costs.

Trespass Judgment in the amount  
of \$ \_\_\_\_\_ plus costs.

If not satisfied within sixty (60) days, your motor vehicle operator's  
license and/or registration will be suspended by the Department of  
Transportation, Bureau of Traffic Safety, Harrisburg, PA.

Entry of Judgment of  
 Court Order  
 Non-Pros  
 Confession  
 Default  
 Admission  
 Verdict  
 Arbitration  
Award

Prothonotary

By:

Brian Waltenbaugh  
PROTHONOTARY (OR DEPUTY)

Brian Waltenbaugh  
1617 Treasure Lk  
Du Bois, Pa 15801

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

Chase Manhattan Bank, USA, NA  
Bank One Delaware N.A.  
Plaintiff(s)

No.: 2005-01364-CD

Real Debt: \$1,463.68

Atty's Comm: \$

Vs.

Costs: \$

Brian Waltenbaugh  
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: February 10, 2006

Expires: February 10, 2011

Certified from the record this 10th day of February, 2006.



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