

05-1717-CD
Chase Manhattan vs Beryl Dixon

Chase Manhattan Bank al vs Beryl Dixon
05-1717-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100972
NO: 05-1717-CD
SERVICE # 1 OF 1
PETITION TO CONFIRM ARBITRATION

AWARD&ENTER JUDGT.

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

vs.

DEFENDANT: BERYL M. DIXON

SHERIFF RETURN

NOW, November 09, 2005 AT 9:43 AM SERVED THE WITHIN PETITION TO CONFIRM ARBITRATION AWARD&ENTER JUDGT. ON BERYL M. DIXON DEFENDANT AT 11 ASKEY ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BERYL M. DIXON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO CONFIRM ARBITRATION AWARD&ENTER JUDGT. AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED

01/04/06
DEC 15 2005

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8262384	10.00
SHERIFF HAWKINS	WELTMAN	8262384	33.52

Sworn to Before Me This

So Answers,

____ Day of _____ 2005

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

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

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

Petitioner,

vs.

BERYL M. DIXON,

Respondent.

No. 05-1717-CD

**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 #04515872

FILED 1CC Shff
m/15/05 301
NOV 02 2005 Atty pd .85.00
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.

BERYL M. DIXON,

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 11 Askey Road, Frenchville, PA 16836.

3. On or before October 12, 1997, Petitioner and Respondent entered into a Cardmember Agreement for a credit card bearing the account number 4266880086362262. 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 May 10, 2005, Petitioner submitted its dispute with Respondent to arbitration as provided in the arbitration clause of the Agreement.

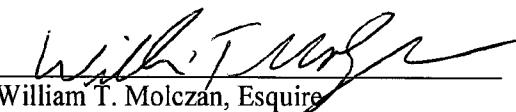
5. After notice was properly given to all the parties to the arbitration, the matter proceeded in accord with the applicable National Arbitration Forum Code of Procedure before Mark A. Welge, Esquire, as arbitrator. A true and correct copy of the proof of service to Respondent is attached as Exhibit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

6. On or about June 21, 2005, in the state of Pennsylvania, the arbitrator made his award determining all issues submitted to him , and awarded Petitioner the sum of \$25,448.91. A signed copy of the award, duly acknowledged, was served on the parties on or about June 21, 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

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, 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.

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 action 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[≡]ONE.

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

5/13/2005

Dear Customer:

Here is the proof of delivery for the shipment with tracking number 791066835380.
Our records reflect the following information.

Delivery Information:

Signed For By: B.DIXON



Delivery Location: 11 ASKEY RD

Delivery Date: 5/12/2005

Delivery Time: 16:25

Shipping Information:

Tracking No: 791066835380

Ship Date: 5/10/2005

Recipient:

BERYL DIXON
5327500
11 ASKEY RD
FRENCHVILLE, PA 16836
US

Shipper:

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

Shipment Reference Information: 5327500

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.: R2005051300211400980

EXHIBIT

B


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 Beryl M Dixon
File Number: FA0505000474245
Claimant File Number: 4266880086362262**

Beryl M Dixon
11 Askey Rd
Frenchville, PA 16836

RESPONDENT(s).

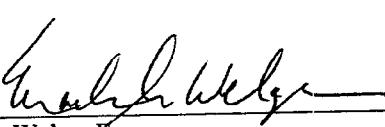
The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 05/10/2005 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 **\$25,448.91**.

Entered in the State of Pennsylvania



Mark A. Welge, Esq.
Arbitrator

Date: 06/21/2005

EXHIBIT



**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.

Beryl M. Dixon
11 Askey Road
Frenchville, PA 16836

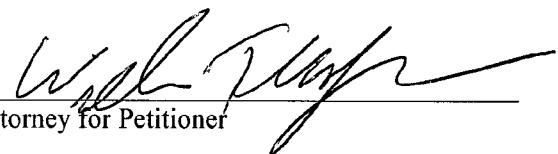
WELTMAN, WEINBERG & REIS CO., L.P.A.

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

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.

BERYL M. DIXON,

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 \$25,448.91, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being June 21, 2005, plus costs.

BY THE COURT:

J.

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. 05-1717-CD

vs.

PRAECIPE FOR DETERMINATION

BERYL M. DIXON,

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#04515872

FILED ^{ice}
JAN 05 2006 ^{Atty Molczan}
©

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. 05-1717-CD

BERYL M. DIXON,

Respondent.

PRAECIPE FOR DETERMINATION

Kindly forward the Petition to Confirm Arbitration Award, which was filed on November 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 #04515872

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. 05-1717-C

Petitioner,

vs.

BERYL M. DIXON,

Respondent.

RULE

AND NOW, this 10th day of JANUARY, 2006, upon consideration of the foregoing petition, it is hereby ordered that

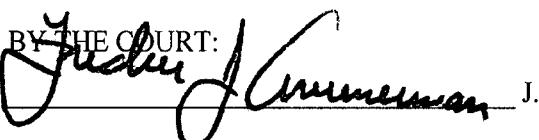
(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

(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;

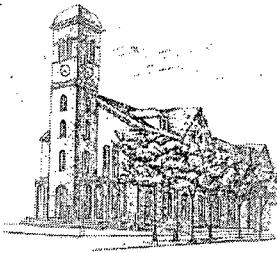
(4) discovery shall be completed within forty five (45) days of the service upon Petitioner of the Answer to the Petition;

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

BY THE COURT:
 J.

FILED 4CC
01/07/06 Atty Molczan
JAN 11 2006

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: 11/10/06

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. 05-1717-CD

vs.

BERYL M. DIXON,

**AFFIDAVIT OF SERVICE
FOR RULE RETURNABLE**

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#04515872

FILED
m 12:45 PM
MAR 03 2008
NO CC
W
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. 05-1717-CD

vs.

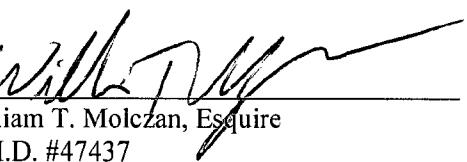
BERYL M. DIXON,

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, Beryl M. Dixon, on January 19, 2006, at her last known address of 11 Askey Road, Frenchville, PA 16836. The Rule Return Date is February 9, 2006. A true and correct copy of the cover letter which was sent to Respondent, Beryl M. Dixon, 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 January 19, 2006, the date of mailing.

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

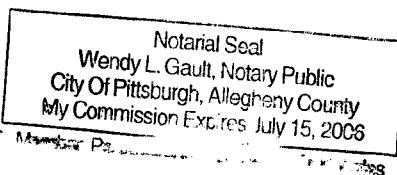
Pittsburgh, PA 15219

(412) 434-7955

Sworn to and subscribed
before me this 24th

day of February, 2006.

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

January 19, 2006

Beryl M Dixon
11 Askey Rd
Frenchville, Pa 16836

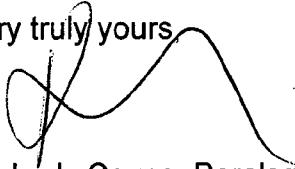
**Re: Chase Manhattan Bank vs. Beryl Dixon
Case No. 05-1717-CD
Our file No. 04515872**

Dear Ms. Dixon:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$25,448.91 entered on June 21, 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 **February 9, 2006**.

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,

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.,

No. 05-1717-CD

Petitioner,

vs.

BERYL M. DIXON,

Respondent.

RULE

AND NOW, this 10 day of JANUARY, 2006, upon consideration of the foregoing petition, it is hereby ordered that

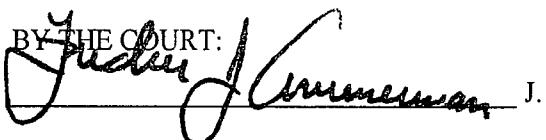
(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;

(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.

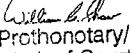
BY THE COURT:


J.

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

JAN 11 2006

Attest.


William L. Shaw
Prothonotary/
Clerk of Courts

JAN 25 2006

MS

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

PHOENIX ACCOUNTS RECEIVABLE
III, LLC,

No. 05-5352 Civil

Petitioner,

vs.

SHAW D. BURKE,

Respondent.

ORDER OF COURT

AND NOW, to-wit, this 2nd day of February, 2006, 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 \$4,010.89, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 18, 2005, plus costs.

BY THE COURT:

J. M. J. Eberle, Jr.

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. 05-1717 CD

Petitioner,

vs.

BERYL M. DIXON,

Respondent.

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
Pa. I.D. No. 42524
Weltman, Weinberg & Reis, Co, LLC
2718 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219
WWR #04515872

FILED NO CC
MHS:5601
JUL 13 2006
©

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. 05-1717 CD

Petitioner,

vs.

BERYL M. DIXON,

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 November 2, 2005, Plaintiff filed a Petition to Confirm Arbitration Award and Enter Judgment Thereon in the amount of \$25,448.91 plus statutory interest at the rate of 6.0% from the date of the award, being June 21, 2005, plus costs.
2. On or about January 10, 2006, 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 January 19, 2006, 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: _____

James C. Warmbrodt, Esquire
Pa. I.D. No. 42524
Weltman, Weinberg & Reis, Co, LLC
2718 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219
WWR #04515872

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. 05-1717-CD

vs.

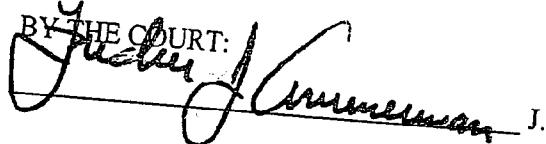
BERYL M. DIXON,

Respondent.

RULE

AND NOW, this 10th day of JANUARY, 2006, upon consideration of the foregoing petition, it is hereby ordered that

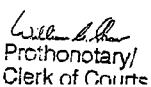
- (1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award should not be confirmed and judgment entered;
- (2) the Respondent shall file an Answer to the Petition within 20 days of service upon the Respondent;
- (3) the petition shall be decided 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:

Justice J. C. Zimmerman J.

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

JAN 11 2006

Attest.


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. 05-1717-CD

vs.

**AFFIDAVIT OF SERVICE
FOR RULE RETURNABLE**

BERYL M. DIXON,

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#04515872



William A. Shaw
Prothonotary/Clerk of Courts

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,

vs.

BERYL M. DIXON,

Respondent.

No. 05-1717-CD

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, Beryl M. Dixon, on January 19, 2006, at her last known address of 11 Askey Road, Frenchville, PA 16836. The Rule Return Date is February 9, 2006. A true and correct copy of the cover letter which was sent to Respondent, Beryl M. Dixon, 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 January 19, 2006, 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

orn to and subscribed
before me this 24th

of February, 2006.

ARY 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

January 19, 2006

Beryl M Dixon
11 Askey Rd
Frenchville, Pa 16836

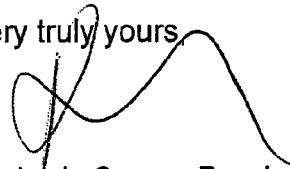
**Re: Chase Manhattan Bank vs. Beryl Dixon
Case No. 05-1717-CD
Our file No. 04515872**

Dear Ms. Dixon:

Enclosed please a Rule issued upon you, the Respondent, to show cause why the arbitration award in the amount of \$25,448.91 entered on June 21, 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 **February 9, 2006**.

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,

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.**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the within Motion for Rule Absolute was served on Respondent this 11 day of Sept, 2006, by first class, U.S. Mail, postage-prepaid, addressed as follows:

Beryl M Dixon
11 Askey Rd
Frenchville,Pa 16836

Attorney for Petitioner

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. 05-1717 CD

Petitioner,

vs.

BERYL M. DIXON,

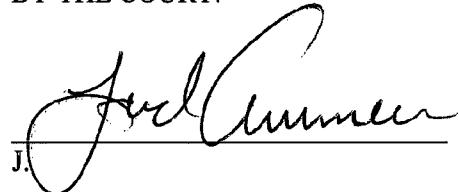
Respondent.

ORDER OF COURT

AND NOW, to-wit, this 14th day of July, 2006, 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 \$25,448.91, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being June 21, 2005, plus costs.

BY THE COURT:



J. Fred Gummer

FILED *cc*
07/17/2006 *Atty Warmbrodt*
JUL 17 2006
ER

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 17 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/17/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

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. 05-1717 CD

vs.

**PRAECIPE FOR JUDGMENT
PER ORDER OF COURT**

BERYL M. DIXON

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

FILED Atty pd. 20.00
M/3/16/07 1CC9 Notice
AUG 17 2006 to Def.

William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty

WWR #04515872

(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. 05-1717 CD

BERYL M. DIXON

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 July 14, 2006, kindly enter judgment in favor of Petitioner, Chase Manhattan Bank, and against the Respondent, Beryl M. Dixon, individually, in the amount of \$25,448.91 with continuing interest thereon at the statutory interest rate of 6% per annum from June 21, 2005 and costs. A copy of the aforesaid July 14, 2006 Order of Court is attached hereto.

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

Petitioner's address is: c/o Weltman, Weinberg & Reis 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
The last known address of the Respondent is: 11 Askey Rd, Frenchville, Pa 16836.

U

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

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

No. 05-1717 CD

Petitioner,

vs.

BERYL M. DIXON,

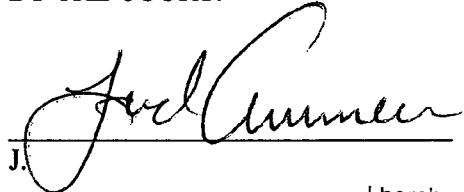
Respondent.

ORDER OF COURT

AND NOW, to-wit, this 14th day of July, 2006, 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 \$25,448.91, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being June 21, 2005, plus costs.

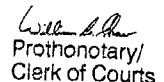
BY THE COURT:



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

JUL 17 2006

Attest.


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

vs.

Civil Action No. 05-1717 CD

BERYL M. DIXON

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 _____

Judgment in the amount of \$25,448.91 with continuing interest thereon at
the statutory interest rate of 6% per annum from June 21, 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.

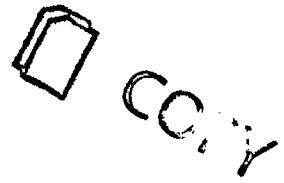
Entry of Judgment of
 Court Order
 Non-Pros
 Confession
 Default
 Admission
 Verdict
 Arbitration
Award
Prothonotary

Beryl M. Dixon
11 Askey Rd
Frenchville, Pa 16836

By: _____
PROTHONOTARY (OR DEPUTY)

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

Chase Manhattan Bank, U.S.A., N.A.
Bank One Delaware, N.A.
Plaintiff(s)



No.: 2005-01717-CD

Real Debt: \$25,448.91

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Beryl M. Dixon Entry: \$20.00
Defendant(s)

Instrument: Court-Ordered Judgment

Date of Entry: August 17, 2006

Expires: August 17, 2011

Certified from the record this 17th day of August, 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