

05-1969-CD
Discover Bank vs Peter Spuck Sr.

Discover Bank vs Peter Spuck
2005-1969-CD

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

DISCOVER BANK

Plaintiff

No: 05-1969-CD

vs.

COMPLAINT IN CIVIL ACTION

PETER SPUCK SR

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
04833227 C A Pit WLG

FILED *CCShff*
m 13:00 P.M.
DEC 19 2005 Atty pd.
85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff
vs. Civil Action No
PETER SPUCK SR
Defendant

COMPLAINT AND 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 an 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 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.

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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 3311 MILL MEADOW DR.
HILLIARD , OH 43026 .

2. Defendant is adult individual(s) residing at the address listed
below:

PETER SPUCK SR
402 KUNTZ ST
DU BOIS, PA 15801

3. Defendant applied for and received a credit card issued by
Plaintiff bearing the account number 6011002263534653 . A copy of
Plaintiff's Statement of Account s attached hereto, marked as Exhibit
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance
due and owing to Plaintiff, as of December 08, 2005 , in the amount of
\$3179.27 .

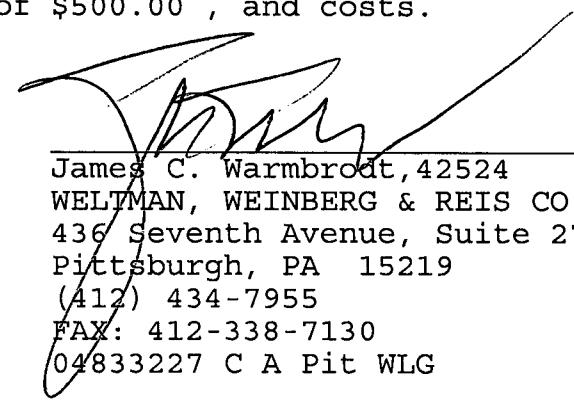
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides
that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$500.00 .

8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , PETER SPUCK SR , INDIVIDUALLY , in the amount of \$3179.27 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.



James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
04833227 C A Pit WLG

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

31 SDSN6A01 0006000
PETER SPUCK SR
402 KUNTZ ST
DU BOIS PA 15801-1845

To order Cash Access Checks, select your P.I.N., or to find cash locations call 1-800-DISCOVER (1-800-347-2683) or visit Discovercard.com.

PO BOX 15251 
WILMINGTON DE 19886-5251

*Address or telephone change? Please print change in the space above,
or go to Discovercard.com.*

Discover Platinum Card Account Summary

<i>account number</i>	6011 0022 6353 4653
<i>payment due date</i>	November 29, 2005
<i>minimum payment due</i>	\$511.00
<i>credit limit</i>	\$2,500.00
<i>credit available</i>	\$0.00
<i>cash credit limit</i>	\$1,300.00
<i>cash credit available</i>	\$0.00

Closing Date: October 31, 2005

page 1 of 1

<i>previous balance</i>	\$3,179.27
<i>payments and credits</i>	- 3,179.27
<i>purchases</i>	+ 0.00
<i>cash advances</i>	+ 0.00
<i>balance transfers</i>	+ 0.00
FINANCE CHARGES	+ 0.00
<i>new balance</i>	= \$0.00

EXHIBIT

"A"

Cashback Bonus®

Opening Cashback Bonus Balance	\$	0.00
New Cashback Bonus Earned	+	0.00
	<hr/>	
Cashback Bonus Balance	\$	0.00
Available to Redeem	\$	0.00

Cashback Bonus® Anniversary
Date: May 16

Transactions

	trans. date	post date		
Payments and Credits	Oct 31	Oct 31	INTERNAL CHARGE-OFF	\$ -3,179.27

<u>Average Daily Balances</u>	<u>Daily Periodic Rates</u>	<u>Nominal ANNUAL PERCENTAGE RATES</u>	<u>ANNUAL PERCENTAGE RATES</u>	<u>Periodic FINANCE CHARGES</u>	<u>Transaction Fee FINANCE CHARGES</u>
<i>current billing period: 15 days</i>					
Purchases	\$0	0.04518%	16.49% V	16.49%	\$0 none
Cash Advances	\$0	0.06025%	21.99% F	21.99%	\$0 \$0

Interest rates are fixed (F) or they may vary (V) as noted above.

Verification

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating
To unsworn falsifications to authorities, that he/she is Robert Adkins
Accounts Manger of Discover Bank, Plaintiff herein, that he/she is duly authorized to make
this verification, and that the facts set forth in the foregoing Complaint are true and correct to
the best of his/her knowledge, information and belief.

Robert Adkins
Signature

WWR# 0483307

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101097
NO: 05-1969-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: PETER SPUCK SR.

SHERIFF RETURN

NOW, December 30, 2005 AT 11:05 AM SERVED THE WITHIN COMPLAINT ON PETER SPUCK SR.
DEFENDANT AT 402 KUNTZ ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PETER
SPUCK, SR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
02/07/06
MAR 07 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2367662	10.00
SHERIFF HAWKINS	WELTMAN	2367662	54.86

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

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

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

DISCOVER BANK

Plaintiff No. 05-1969-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

PETER SPUCK SR

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE
PA I.D.#47437
Weltman, Weinberg & Reis Co., L.P.A.
2718 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04833227
Judgment Amount \$ 3,679.27

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

FILED Atty pd 20-00
m b 18 (60) Notice & 1cc
MAR 09 2006 to Def.
William A. Shaw Statement to
Prothonotary/Clerk of Courts Atty
(60)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1969-CD

PETER SPUCK SR

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, PETER SPUCK SR above named, in the default of an Answer, in the amount of \$3,679.27 computed as follows:

Amount claimed in Complaint	\$3,179.27
Interest from date of judgment at the legal interest rate of 6% per annum	
Attorney's fees	\$500.00
TOTAL	\$3,679.27

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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 Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#04833227

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendant is: 402 KUNTZ ST., DU BOIS, PA 15801.

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

DISCOVER BANK

Plaintiff

Case # 05-1969-CD

PETER SPUCK SR

Defendant(s)

IMPORTANT NOTICE

TO: PETER SPUCK SR
402 KUNTZ ST
DU BOIS, PA 15801

Date of Notice: 02/01/06
WWR#: 04833227

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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext. 1300-1301

BY: 
JAMES WARMBRODT, ESQUIRE
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 KOPPERES BLDG, 436 7TH AVE.
PITTSBURGH, PA 15219

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

DISCOVER BANK

Case no: 05-1969-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

PETER SPUCK SR

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, PETER SPUCK SR is not in the military service.

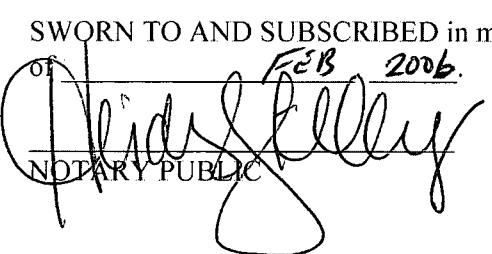
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, PETER SPUCK SR is not in the military service.

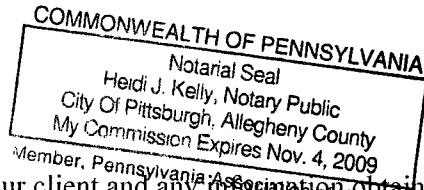
Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 16 day

of February 2006.


NOTARY PUBLIC



This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Department of Defense Manpower Data Center

FEB-14-2006 05:14:27



Military Status Report
Pursuant to the Service Members' Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SPUCK			Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Service Members Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are most strongly encouraged to contact us by phone at (703-696-6762). We will then conduct further research. Your failure to re-contact DMDC may cause provisions of the SCRA to be invoked against you.

This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **TRWOQFPEFX**

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



COPY

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1969-CD

PETER SPUCK SR

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on 319102

Assumpsit Judgment in the amount
of \$3,679.27 plus 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-Pro
 Confession
 Default
 Verdict
 Arbitration
Award

Prothonotary

By: William H. Sharpe
PROTHONOTARY (OR DEPUTY)

PETER SPUCK SR
402 KUNTZ ST
DU BOIS, PA 15801

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
1-888-434-0085

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

CCPY

Discover Bank
Plaintiff(s)

No.: 2005-01969-CD

Real Debt: \$3,679.27

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Peter Spuck Sr.
Defendant(s)

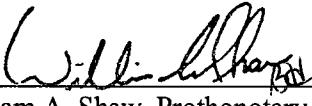
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 9, 2006

Expires: March 9, 2011

Certified from the record this 9th day of March, 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