

**Discover Bank vs John Mitchell  
2006-82-CD**

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

DISCOVER BANK

Plaintiff

No. 06-82-C

vs.

COMPLAINT IN CIVIL ACTION

JOHN W MITCHELL  
AKA JOHN MITCHELL

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, Esquire  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#04542195

FILED ICC Shff  
M 13 31 2006 Atty pd \$5.00  
JAN 17 2006  
LM

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No.

JOHN W MITCHELL  
AKA JOHN MITCHELL

Defendant

**COMPLAINT IN CIVIL ACTION 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

LAUREL LEGAL SERVICES, INC.  
CAMBRIA COUNTY OFFICE  
225-227 FRANKLIN STREET  
JOHNSTOWN, PA 15901-2524  
(814) 536-8917  
1-888-244-7252  
(814) 536-3377 FAX

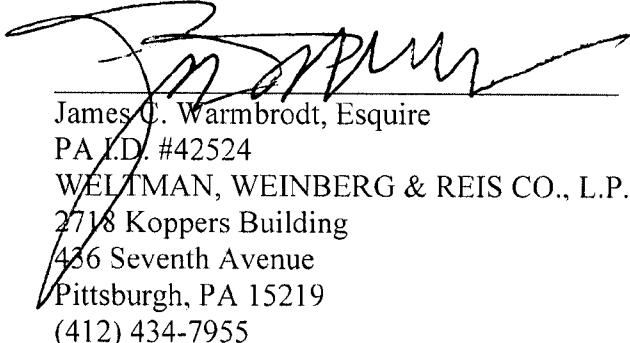
COMPLAINT

1. Plaintiff is a corporation with offices in 3311 Mill Meadow Dr., Hilliard, OH 43026.
2. Defendant is an adult individual residing at 47 Edgewood Dr., GreenVille, PA 16125.
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number 6011002120647979. A copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "A" and made a part hereof.
4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of October 24, 2005, in the amount of \$5343.31.
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 principal balance, finance charges, attorneys' fees or any part thereof to Plaintiff.

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendant, JOHN W MITCHELL individually, in the amount of \$5343.34 with continuing finance charges thereon at the rate of 6.0% per annum from date of judgment plus attorneys' fees of \$500.00 and costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
SHALL BE USED FOR THAT PURPOSE.**

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



James C. Warmbrodt, Esquire  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#:04542195

*payment due date*  
**September 29, 2005**

\$

31 SDSN6A01 0009217  
JOHN MITCHELL  
47 EDGEWOOD DR  
GREENVILLE PA 16125-7209

SAVE TODAY! Call 1-877-353-0989 to transfer your higher-rate balances to your Discover® Card or visit [Discovercard.com](http://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

account number	6011 0021 2064 7979
payment due date	September 29, 2005
minimum payment due	\$970.00
credit limit	\$6,200
credit available	\$0
cash credit limit	\$3,100.00
cash credit available	\$0.00

**Closing Date:** August 31, 2005

page 1 of 1

<i>previous balance</i>		\$5,343.31
<i>payments and credits</i>	-	5,343.31
<i>purchases</i>	+	0.00
<i>cash advances</i>	+	0.00
<i>balance transfers</i>	+	0.00
<b>FINANCE CHARGES</b>	+	0.00
<i>new balance</i>	=	\$0.00

## Cashback Bonus®

Cashback Bonus® Anniversary Date: December 23

Previous Cashback Bonus Award Balance	\$ 0.00
Purchase Award This Period	+ 0.00
Cashback Bonus Award Total	0.00
Redemptions This Period	- 0.00

**Cashback Bonus Award Balance** **0.00**  
**Award Available to Redeem** **\$ 0.00**

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## Transactions

trans. post  
date date

**Payments and Credits** Aug 31 Aug 31 INTERNAL CHARGE-OFF \$ -5,343.31

**EXHIBIT**

14

	<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: 8 days</i>						
Purchases	\$0	0.07121%	25.99%	V	25.99%	\$0
Cash Advances	\$0	0.07121%	25.99%	V	25.99%	\$0

The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

**Questions? Call 1-800-DISCOVER (1-800-347-2683) or log on to [Discovercard.com](http://Discovercard.com).** For TDD (Telecommunication Device for the Deaf) assistance, see reverse side. Send billing error notice to: Discover Platinum, P.O. Box 15192, Wilmington, DE 19850-5192.

**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.

  
Signature

WWR# 04542195

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

DISCOVER BANK

Plaintiff No.06-82-CD

vs.

**STIPULATION OF THE PARTIES FOR  
PAYMENT AND FOR THE ENTRY OF  
JUDGMENT BY CONSENT**

JOHN W MITCHELL  
AKA JOHN MITCHELL

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

WWR#04542195

**FILED** *Att'y pd. 20.00*  
*MAR 11 2006* *ccs Statement*  
*to Att'y*

*William A. Shaw*  
Prothonotary/Clerk of Courts  
*Notice to*  
*Def.*

*68*

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-82-CD

JOHN W MITCHELL  
AKA JOHN MITCHELL

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT  
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, JOHN W MITCHELL, above-named, in the amount of \$5843.34 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

1. Defendant admits indebtedness to Plaintiff in the amount of \$5343.34 with continuing interest thereon at a rate of 6.0% per annum from date of judgment, plus attorneys' fees in the amount of \$500.00 and costs.

2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, JOHN W MITCHELL, in the amount of \$5343.34 plus continuing interest thereon at the rate of 6.0% per annum from date of judgment, plus attorneys' fees in the amount of \$500.00 and costs.

3. Plaintiff agrees not to Execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:

(a) \$300.00 due by 2/28/06;

(b) no less than \$300.00 per month due on the LAST day of each consecutive month thereafter until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of "DISCOVER BANK"  
5. All payments due under this agreement are to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219.

6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.

8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

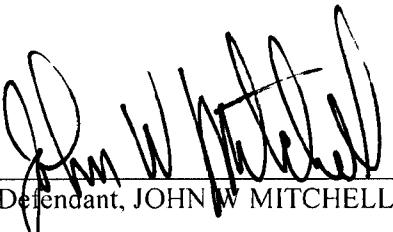
9. Intending to be legally bound, the parties set their hands and seals this 6 day of March  
20 06.

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

By:

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

WWR#04542195

By:   
Defendant, JOHN W MITCHELL

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-82-CD

JOHN W MITCHELL  
AKA JOHN MITCHELL

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 3/9/06

Assumpsit Judgment in the amount  
of \$5843.34 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  
 By Consent

Prothonotary

John W Mitchell -  
1114 Treasure Lake  
Dubois, Pa 15801

By: \_\_\_\_\_  
PROTHONOTARY (OR DEPUTY)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-82-CD

JOHN W MITCHELL  
AKA JOHN MITCHELL

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 \_\_\_\_\_

Assumpsit Judgment in the amount  
of \$5843.34 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-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award  
 By Consent

Prothonotary

John W Mitchell -  
1114 Treasure Lake  
Dubois, Pa 15801

By:

PROTHONOTARY (OR DEPUTY)



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

Discover Bank  
Plaintiff(s)

No.: 2006-00082-CD

Real Debt: \$5,843.34

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

John W. Mitchell  
Defendant(s)

Entry: \$20.00

Instrument: Stipulation for 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101181  
NO: 06-82-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: JOHN W. MITCHELL aka JOHN MITCHELL

**SHERIFF RETURN**

NOW, February 03, 2006 AT 11:40 AM SERVED THE WITHIN COMPLAINT ON JOHN W. MITCHELL aka JOHN MITCHELL DEFENDANT AT 1114 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN MITCHELL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

Q1-05-301  
CM

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8251306	10.00
SHERIFF HAWKINS	WELTMAN	8251306	15.00
SHERIFF HAWKINS	WELTMAN	8266815	37.21

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

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

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

DISCOVER BANK

Plaintiff No. 06-82-CD

vs. PRAECIPE FOR SATISFACTION OF  
JUDGMENT

JOHN W MITCHELL

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

WWR#04542195

pd \$7.00 Atty.  
FILED 1cc + 1 Cert of  
m/135um Sat issued to  
JAN 07 2008 Atty  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-82-CD

JOHN W MITCHELL

Defendant

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned  
Judgment.

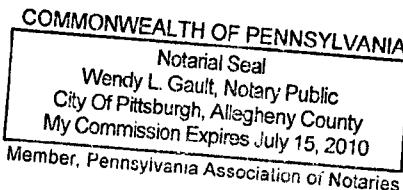
WELTMAN, WEINBERG & REIS CO., L.P.A.

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

WWR #04542195

Sworn to and subscribed  
before me this 17  
day of December, 07

NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**CERTIFICATE OF SATISFACTION OF JUDGMENT**

No.: 2006-00082-CD

Discover Bank

Debt: \$5843.34

Vs.

Atty's Comm.:

John W. Mitchell

Interest From:

Cost: \$7.00

NOW, Monday, January 07, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 7th day of January, A.D. 2008.

  
\_\_\_\_\_  
Prothonotary