

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

**06-82-CD
Discover Bank vs John Mitchell al**

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

DISCOVER BANK

Plaintiff

vs.

JOHN W MITCHELL
AKA JOHN MITCHELL

Defendant

No. 06-82-CD

COMPLAINT IN CIVIL ACTION

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 1CC Shff
m/3:31:30 Atty pd 85.00
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

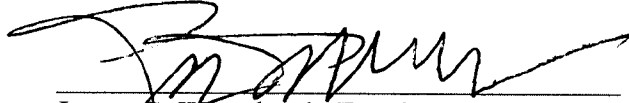
COMPLAINT

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 Accounts 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.

A handwritten signature in black ink, appearing to read 'James C. Warmbrodt', is written over a horizontal line.

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

CARD

\$970.00

enter amount enclosed below

payment due date
September 29, 2005

\$

4542195

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.

PO BOX 15251
 WILMINGTON DE 19886-5251

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

0000060110021206479790000000000000000097000

Discover Platinum Card Account Summary

Closing Date: August 31, 2005

page 1 of 1

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

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

Transactions

	trans. date	post date		
Payments and Credits	Aug 31	Aug 31	INTERNAL CHARGE-OFF	\$ -5,343.31

EXHIBIT

A

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 8 days						
Purchases	\$0	0.07121%	25.99% V	25.99%	\$0	none
Cash Advances	\$0	0.07121%	25.99% V	25.99%	\$0	\$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. 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 PA.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

vs.

JOHN W MITCHELL
AKA JOHN MITCHELL

Defendant

No.06-82-CD

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

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 *Any pd. 20.00*
m 1:54 PM
MAR 09 2006 *1000 Statement to Any*
William A. Shaw
Prothonotary/Clerk of Courts *Notice to Def.*
GP

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.

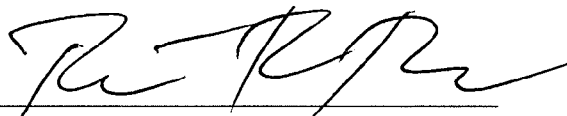
6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

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.

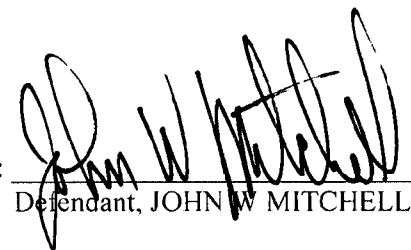
8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

9. Intending to be legally bound, the parties set their hands and seals this 6 day of MARCH, 2006.

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

(xx) 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.

(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ Confession
 ☐ Default
 ☐ Verdict
 ☐ Arbitration
 ☐ Award
 (XX) 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 _____

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 of \$5843.34 plus costs.

() Trespass Judgment in the amount
 of \$ _____ plus costs.

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suspended by the Department of Transportation, Bureau of Traffic Safety,
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(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ Confession
 ☐ Default
 ☐ Verdict
 ☐ Arbitration
 ☐ Award
 (XX) 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

CC-1

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

01/05/06
LM

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
Sheriff

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

DISCOVER BANK

Plaintiff

vs.

JOHN W MITCHELL

Defendant

No. 06-82-CD

PRAECIPE FOR SATISFACTION OF
JUDGMENT

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

po \$7.00 Atty.
FILED ICCA1 Cert of
m/1 35um Sat issued to
JAN 07 2008 Atty
(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. 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: 

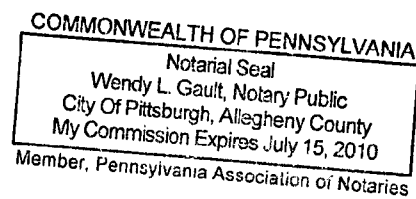
William T. Molczan, Esquire
PA. I.D.#47437

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

Discover Bank

No.: 2006-00082-CD

Vs.

Debt: \$5843.34

John W. Mitchell

Atty's Comm.:

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.

A handwritten signature in black ink, appearing to read "William L. Luthan", followed by the initials "LM". The signature is written over a horizontal line.

Prothonotary