

06-280-CD
Excalibur II vs Angela Pietro

Excalibur et al vs Angela Pietro
2006-280-CD

2009369

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

Excalibur II, LLC as successor
in interest to CHASE MANHATTAN
BANK
65 FLAGSHIP DRIVE
North Andover MA 01845

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : *06-280-cd*

ANGELA E PIETRO
967 PARK AVENUE EXT--APT# 6-G
CLEARFIELD PA 16830

FILED
1/2/2006 Atty pd. 8500
FEB 21 2006
WAS CCSff
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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 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 JUDGEMENT 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.

David S. Meholic, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

3. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$2,062.38.

5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$2,062.38 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$2,062.38 at the rate of 0% from the date of April 2, 2002,

together with costs and attorney fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01E

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.


FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

2009369

Excalibur II, LLC as successor in
interest to CHASE MANHATTAN BANK

ANGELA E PIETRO
5260317669012249

AFFIDAVIT

Karen Darisso

I, _____, being duly served
sworn according to law, depose and say that:

1. I am the agent for the Plaintiff herein and I have custody
and control of the files relating to this account;

2. I have personal knowledge of the facts and circumstances in
connection with this case;

3. Plaintiff's files are maintained in the usual and ordinary
course of business;

4. This action is based on a claim for breach of contract and
that damages are sought as a direct result of said breach;

5. After allowing for all offsets and credits, a balance
remains on the subject account having account number
5260317669012249 in the amount of \$2,062.38; and

6. If called upon, affiant can testify at trial as to the facts
pertaining to this matter.

The above facts are true and correct to the best of my knowledge,
information and belief.

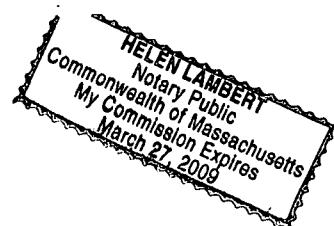
Karen Darisso
(Name of Affiant)

Sworn to and Subscribed

before me this 14 day

of March 2005

Helen Lambert
Notary Public



Excalibur II, LLC as successor
In interest to CHASE MANHATTAN
BANK
65 FLAGSHIP DRIVE
North Andover MA 01845

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Vs.

DOCKET NO. : 06-280-CD

ANGELA E. PIETRO
967 PARK AVENUE EXT--APT# 6-G
CLEARFIELD PA 16830

FILED
0 2:30 PM 6K
MAR 28 2006

William A. Shaw
Prothonotary/Clerk of Courts 6K

2 CC TO DEF

ANSWER

1. Response to number one is correct. Accept Plaintiff has not shown that Excalibur is the proper legal entity to be seeking settlement and that other entities are claiming they are the correct parties to represent the claim. Proof must be provided that Excalibur is the sole legal actor in this case.

2. Defendant used card , however card was not with plaintiff it was with CHASE MANHATTAN BANK.

3. Exhibit A , the true and correct copy of the Statement of Account was not provided by Plaintiff and is required to be provided. Without copy I have insufficient information. Plaintiff failed to meet obligation to provide Statement of Account to Defendant.

4. Any claim must be accompanied by the verifiable proof of amount plaintiff is claiming is due and the absolute final amount to close this debt.

5. Furthermore as established thru past contacts by the defendant, defendant lacks means to conclude this claim as presented and has so stated in the past.

WHEREFORE, defendant is requesting this claim be dismissed.

NEW MATTER

Statue of Limitations for these claims in the Commonwealth of Pennsylvania has expired. This matter falls under the Pennsylvania Statues because card was issued to defendant who was residing in Pennsylvania and all card activities were conducted in Pennsylvania, and defendant is resident of Pennsylvania.

WHEREFORE, this claim should be dismissed as the Statue of Limitations has expired.

VERIFICATION

ANGELA E. PIETRO, hereby states the she is the Defendant in this action and verifies that the statements made in the new matter are true and correct to the best of her knowledge, information and belief.

The undersigned understands that the statements here in are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



ANGELA E. PIETRO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101276
NO: 06-280-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: EXCALIBUR II, LLC
vs.
DEFENDANT: ANGELA E. PIETRO

SHERIFF RETURN

NOW, March 06, 2006 AT 10:08 AM SERVED THE WITHIN COMPLAINT ON ANGELA E. PIETRO DEFENDANT AT 967 PARK AVE. EXT. APT 6-G, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ANGELA E. PIETRO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
03.09.06
APR 10 2006
WAS
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	15871	10.00
SHERIFF HAWKINS	GORDON	15871	20.00

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marilyn Hamps
Chester A. Hawkins
Sheriff

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

EXCALIBUR, II, LLC and CHASE MANHATTAN BANK
Plaintiffs

vs.

ANGELA E. PIETRO
Defendant

* NO. 2006-280-CD

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*

FILED

01/15/2013

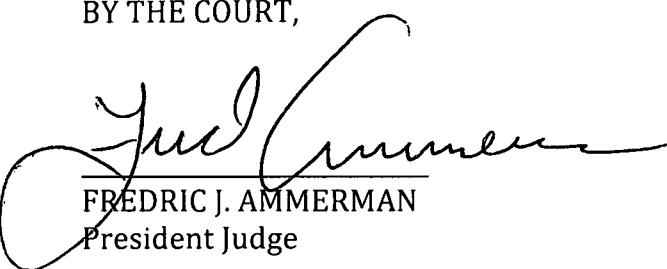
4 MAR 21 2013

ORDER

William A. Shaw
Prothonotary/Clerk of Courts KK

NOW, this 15th day of March, 2013, upon the Court's review of the docket and noting that the Defendant filed an Answer and New Matter on March 28, 2006 and that the Plaintiff did not file a response to the New Matter and that there has been no activity in the case since 2006, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge