

06-935-CD  
Discover Bank vs Joseph Buynak

Discover Bank vs Joseph Buynak

2006-935-CD

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-----X

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

DISCOVER BANK  
c/o ERIC M. BERMAN, P.C.  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406

vs.

JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881 8435

: TRIAL DIVISION  
: CIVIL ACTION  
: Term

**FILED**

JUN 12 2007

11:40 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

-----X No. 2006-935-C0

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 judgment may be entered against you by the court without further notice for any money claimed in this complaint or for any other claim or relief required 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 OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. A demas la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATEMENTE. SI NO TIENE ABOGA O SO NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION  
Add.: P.O. BOX 186, HARRISBURG, PA 17108 Tel.: 800-692-7375

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
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BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-----X  
DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 : \_\_\_\_\_ Term \_\_\_\_\_  
VS : No.  
-----

JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881 8435

**COMPLAINT**

1. Plaintiff, DISCOVER BANK ,  
is a DELAWARE STATE BANK  
authorized to do business in the Commonwealth of Pennsylvania with  
its place of business at 3311 MILL MEADOW DRIVE, HILLIARD, OH 43026.

2. The Defendant(s), JOSEPH M BUYNAK ,  
resides at 350 DALE RD . WOODLAND. PA 16881-8435.

3. There is due from the Defendant(s) the sum of \$9,116.51 for credit extended by Plaintiff to Defendant(s), acct. no. 6011002820313716, and which such credit was drawn and used by the Defendant(s). Defendant(s) is in default for failure to make payments for such use.

4. The Plaintiff has made demand upon the Defendant(s) for payment of monies in the sum of \$9,116.51 advanced to Defendant(s) through Defendant(s) use of the above-referenced credit account, but Defendant(s) has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$9,116.51 plus interest, attorneys fees and costs which are justly due and owing from the Defendant(s) to the Plaintiff.

ERIC M. BERMAN, P.C.

Dated: MAY 10, 2006

BY: ERIC M. BERMAN, ESQUIRE

BY: ROBERT M. KLINE ESQUIRE

SPACEBNW - ZN

Attorneys for Plaintiff

VERIFICATION

Eric M. Berman, Esquire, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and/or Robert M. Kline, Esquire, being duly sworn according to law, deposes and says that he is an associate attorney with said firm, and as said attorney, is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.

  
ERIC M. BERMAN, ESQUIRE

  
ROBERT M. KLINE, ESQUIRE

Dated: MAY 10, 2006

SPACEBNW-ZN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101634  
NO: 06-935-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: JOSEPH M. BUYNAK

SHERIFF RETURN

NOW, June 21, 2006 AT 1:18 PM SERVED THE WITHIN COMPLAINT ON JOSEPH M. BUYNAK DEFENDANT AT 350 DALE RD, WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH M. BUYNAK, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED  
07/13/2006  
JUL 13 2006  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERMAN	25606	10.00
SHERIFF HAWKINS	BERMAN	25606	26.90

Sworn to Before Me This  
\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

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

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

**COPY**

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

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

JUN 12 2006

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

DISCOVER BANK :  
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 :  
King of Prussia, PA 19406 : CIVIL ACTION

vs. :  
Term \_\_\_\_\_

JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881 8435

-----X No. 2006-935-CV

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DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 : \_\_\_\_\_ Term \_\_\_\_\_  
vs. : No.

JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881 8435

- x

**COMPLAINT**

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authorized to do business in the Commonwealth of Pennsylvania with  
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2. The Defendant(s), JOSEPH M BUYNAK , resides at 350 DALE RD , WOODLAND, PA 16881-8435.

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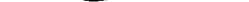
4. The Plaintiff has made demand upon the Defendant(s) for payment of monies in the sum of \$9,116.51 advanced to Defendant(s) through Defendant(s) use of the above-referenced credit account, but Defendant(s) has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$9,116.51 plus interest, attorneys fees and costs which are justly due and owing from the Defendant(s) to the Plaintiff.

ERIC M. BERMAN, P.C.

Dated: MAY 10, 2006

BY: 

BY: ROBERT M. KLINE ESQUIRE

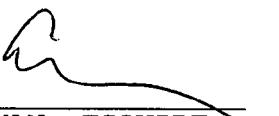
SPACEBNW - ZN

Attorneys for Plaintiff

VERIFICATION

Eric M. Berman, Esquire, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and/or Robert M. Kline, Esquire, being duly sworn according to law, deposes and says that he is an associate attorney with said firm, and as said attorney, is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.

  
ERIC M. BERMAN, ESQUIRE

  
ROBERT M. KLINE, ESQUIRE

Dated: MAY 10, 2006

SPACEBNW-ZN

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.

By: Eric M. Berman, Esquire, I.D. 83698  
By: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-----X  
DISCOVER BANK : COURT OF COMMON PLEAS  
: COUNTY OF CLEARFIELD  
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 :  
: vs. : No. 2006-935-CD  
: :  
JOSEPH M BUYNAK :  
-----X

TO: JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881-8435

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceeding and that enclosed herewith is a copy of all the (record) documents filed in support of the said JUDGMENT.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:  
ERIC M. BERMAN, P.C., Attorneys at Law.  
Attention: Eric M. Berman, Esquire, or Robert M. Kline, Esquire,  
at this telephone number. 1-610-265-7720.

*William A. Shaw*  
PROTHONOTARY

FILED *pd \$20.00 Atty*  
*M 11:45 am 1cc + notice to deft*  
*AUG 30 2006*  
*1cc + statement*  
*to Atty Berman*  
William A. Shaw  
Prothonotary/Clerk of Courts

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire. I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-X      COURT OF COMMON PLEAS  
     :      COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 : No. 2006-935-CD  
vs. :  
:

JOSEPH M BUYNAK

1

**FILED**

PRAECLipe TO ENTER DEFaULT JUDGMENT

AUG 30 2006

TO THE PROTHONOTARY:

William A. Shaw  
Prothonotary/Clerk of Courts

Please enter a default judgment in favor of Plaintiff, Prothonotary/Clerk of Courts  
DISCOVER BANK,  
and against Defendant, JOSEPH M BUYNAK ,  
for failure to answer or otherwise respond to the Complaint -- Civil  
Action.

The Complaint was served upon Defendant on 06/21/2006, by the Sheriff's Office of COUNTY OF CLEARFIELD County.

A copy of the Notice of Intention to Take Default served upon the Defendant by regular mail on August 15, 2006 is attached hereto as Exhibit B.

I certify that written notice of the intention to file this Praeclipe was mailed or delivered to the party against whom judgment is to be entered after the default occurred and at least ten days prior to the date of the filing of this Praeclipe. Copies are attached. R.C.P.237.1.

Assess damages in the principal amount of \$9,116.51, being the amount demanded in the Complaint, together with attorneys fees and court costs.

ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

SPACEJUB - ZH

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
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COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

DISCOVER BANK

c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 :  
King of Prussia, PA 19406 : CIVIL ACTION  
vs. :  
: No. 2006-935-CD

JOSEPH M BUYNAK

-----X

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: JOSEPH M BUYNAK  
350 DALE RD  
WOODLAND, PA 16881-8435

DATE OF NOTICE: August 15, 2006

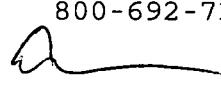
IMPORTANT NOTICE

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

COUNTY OF CLEARFIELD BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

SPACEJUD-ZH

Our File No. 246740  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
By: Eric M. Berman, Esquire, I.D. 8369  
By: Robert M. Kline, Esquire, I.D. 5647  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-----X----- : COURT OF COMMON PLEAS  
DISCOVER BANK : COUNTY OF CLEARFIELD  
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 :  
: vs. : No. 2006-935-CD  
JOSEPH M BUYNAK :  
-----X-----

CERTIFICATION OF NON-MILITARY SERVICE

I am one of Plaintiff's attorneys and am authorized to make this certification on Plaintiff's behalf.

The above named Defendant(s) is (are) over 18 years of age and reside at 350 DALE RD , WOODLAND, PA 16881 8435.

The occupation of the Defendant(s) is (are) unknown.

The Defendant(s) is (are) not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

I verify that the statements made in the foregoing certification are true and correct to the best of my knowledge, information and belief, and I understand that the statements in said certification are made subject to the penalties of Pa.C.S. 4904 relating to unsworn falsification to authorities.

ERIC M. BERMAN, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
SPACEJUB-ZK

ROBERT M. KLINE, ESQUIRE  
ATTORNEY FOR PLAINTIFF

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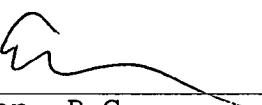
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DISCOVER BANK  
c/o ERIC M. BERMAN, P.C. : TRIAL DIVISION  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 :  
vs. : No. 2006-935-CD  
JOSEPH M BUYNAK :  
-----X

CERTIFICATION OF ADDRESSES

TO THE PROTHONOTARY:

The address of the Plaintiff, Judgment Creditor, is c/o  
Eric M. Berman, P.C., 500 North Gulph Road, Suite 350, King of  
Prussia, PA 19406.

The last known address of the Defendant, Judgment Debtor, is  
350 DALE RD , WOODLAND, PA 16881 8435.

  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire  
SPACEJUB-ZH

  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

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

Discover Bank  
Plaintiff(s)

No.: 2006-00935-CD

Real Debt: \$9,116.51

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Joseph M. Buynak  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 30, 2006

Expires: August 30, 2011

Certified from the record this August 30, 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