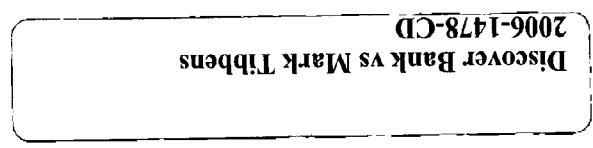


06-1478-CD
Discover Bank vs Mark D. Tibbens



Our File No. 249482
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

FILED *Atty pd. 85.00*
m74:003v2cc Shff
SEP 11 2006
William A. Shaw
Prothonotary/Clerk of Courts
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.

: TRIAL DIVISION
: CIVIL ACTION
: _____ Term _____

MARK D TIBBENS
120 NICHOLS ST
CLEARFIELD, PA 16830 0000

-----X No. *06-1478-CD*

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 SUFICIENTE 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. 249482
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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.
: :
MARK D TIBBENS :
120 NICHOLS ST :
CLEARFIELD, PA 16830 0000 :
-----X-----

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 6500 NEW ALBANY ROAD, NEW ALBANY, OH 43054.

2. The Defendant(s), MARK D TIBBENS ,
resides at 120 NICHOLS ST , CLEARFIELD, PA 16830-0000.

3. There is due from the Defendant(s) the sum of \$7,690.41 for
credit extended by Plaintiff to Defendant(s), acct. no. 6011002164945842,
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.

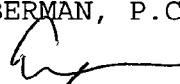
4. The Plaintiff has made demand upon the Defendant(s) for payment
of monies in the sum of \$7,690.41 advanced to Defendant(s) through
Defendant(s) use of the above-referenced credit account, but Defendant(s)
has failed and refused to pay the said sum or any part thereof.

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 \$7,690.41
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: AUGUST 17, 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: AUGUST 17, 2006

SPACEBNW-ZN

FILED

SEP 11 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101919
NO: 06-1478-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: MARK D. TIBBENS

SHERIFF RETURN

NOW, September 15, 2006 AT 8:30 AM SERVED THE WITHIN COMPLAINT ON MARK D. TIBBENS DEFENDANT AT 120 NICHOLS ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GINGER TIBBENS, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERMAN	26154	10.00
SHERIFF HAWKINS	BERMAN	26154	20.00

FILED

NOV 13 2006
C 2230 100

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

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

Our File No. 249482
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 :
c/o ERIC M. BERMAN, P.C. :
500 North Gulph Road, Suite 350 :
King of Prussia, PA 19406 :

vs. :
MARK D TIBBENS :
120 NICHOLS ST :
CLEARFIELD, PA 16830 0000

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

TRIAL DIVISION

CIVIL ACTION SEP 11 2006

Term _____
Attest. _____

William L. Bier
Prothonotary/
Clerk of Courts

-----X No. 06-1478-CD

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 comparecencia 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 SUFICIENTE 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

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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.
: :
MARK D TIBBENS
120 NICHOLS ST
CLEARFIELD, PA 16830 0000
-----X-----

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 6500 NEW ALBANY ROAD, NEW ALBANY, OH 43054.

2. The Defendant(s), MARK D TIBBENS ,
resides at 120 NICHOLS ST , CLEARFIELD, PA 16830-0000.

3. There is due from the Defendant(s) the sum of \$7,690.41 for
credit extended by Plaintiff to Defendant(s), acct. no. 6011002164945842,
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 \$7,690.41 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.

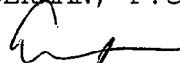
5. All applicable credits, if any, have been duly applied to
Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$7,690.41
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: AUGUST 17, 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: AUGUST 17, 2006

SPACEBNW-ZN

William A. Shaw
Prothonotary/Clerk of Courts

NOV 13 2006

FILED

Our File No. 249482
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

: TRIAL DIVISION
: CIVIL ACTION
: No. 06-1478-CD

vs.

MARK D TIBBENS

-----X

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of Plaintiff,
DISCOVER BANK,
and against Defendant, MARK D TIBBENS
for failure to answer or otherwise respond to the Complaint - Civil
Action.

The Complaint was served upon Defendant on 09/15/2006,
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 *December 1, 2006*
is attached hereto as Exhibit B.

I certify that written notice of the intention to file this Praecipe
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 Praecipe. Copies are attached. R.C.P.237.1.

Assess damages in the principal amount of \$7,690.41, 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. 249482
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 :
King of Prussia, PA 19406 : CIVIL ACTION
vs. : No. 06-1478-CD

MARK D TIBBENS

-----X

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: MARK D TIBBENS
120 NICHOLS ST
CLEARFIELD, PA 16830-0000

DATE OF NOTICE: December 1, 2006

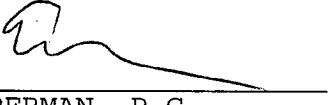
IMPORTANT NOTICE

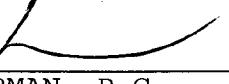
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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. 249482
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. 06-1478-CD
MARK D TIBBENS :
-----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 120 NICHOLS ST , CLEARFIELD, PA 16830 0000.

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

Our File No. 249482
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
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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 : CIVIL ACTION
King of Prussia, PA 19406 :
vs. : No. 06-1478-CD

MARK D TIBBENS

-----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
120 NICHOLS ST , CLEARFIELD, PA 16830 0000.



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

Our File No. 249482

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



COPIED

-----X-----

DISCOVER BANK	:	COURT OF COMMON PLEAS
c/o ERIC M. BERMAN, P.C.	:	COUNTY OF CLEARFIELD
500 North Gulph Road, Suite 350	:	TRIAL DIVISION
King of Prussia, PA 19406	:	CIVIL ACTION
vs.	:	No. 06-1478-CD
MARK D TIBBENS	:	

-----X-----

TO: MARK D TIBBENS
120 NICHOLS ST
CLEARFIELD, PA 16830-0000

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.

Willie Shapp 12/15/06
PROTHONOTARY

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

 COPY

Discover Bank
Plaintiff(s)

No.: 2006-01478-CD

Real Debt: \$7,690.41

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark D. Tibbens
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 15, 2006

Expires: December 15, 2011

Certified from the record this 15th day of December, 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