

06-1586-CD  
Discover Bank vs Gay Lee Spencer et al

2006-1586-CD  
Discover Bank vs Gay Lee Spencer et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK

Plaintiff

No: 2006-1586-C

vs.

COMPLAINT IN CIVIL ACTION

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05430166 C A Pit WLG

FILED *pr \$85.00 Atty*  
*1/12/15 LM NoCC*  
*SEP 29 2006 ICC Shft*  
*WAS*

William A. Shaw  
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff  
vs. Civil Action No

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

COMPLAINT 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.

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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 6500 NEW ALBANY ROAD  
NEW ALBANY , OH 43054 .

2. Defendants are adult individual(s) residing at the address listed  
below:

GAY LEE SPENCER  
320 LYTLE RD  
GLEN RICHEY, PA 16837

VIRGIL SPENCER  
320 LYTLE RD  
GLEN RICHEY, PA 16837

3. Defendants applied for and received a credit card issued by  
Plaintiff bearing the account number 6011002020091419 . A copy of  
Plaintiff's Statement of Account is attached hereto, marked as Exhibit  
"A" and made a part hereof.

4. Defendants made use of said credit card and currently has a  
balance due and owing to Plaintiff, as of September 21, 2006 , in the  
amount of \$18562.60 .

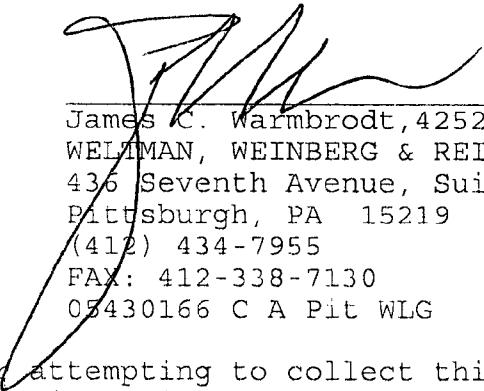
5. Defendants are in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides  
that Defendants will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$1500.00

8. Although repeatedly requested to do so by Plaintiff, Defendants have willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendants , GAY LEE SPENCER AND VIRGIL SPENCER ,JOINTLY AND SEVERALLY , in the amount of \$18562.60 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1500.00 , and costs.

  
James C. Warmbrodt, 42524  
WEILMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05430166 C A Pit WLG

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

05430166 C A Pit WLG

COVER  
CARD

new balance  
\$18,562.60

minimum payment due  
\$2,790.00

payment due date  
August 4, 2006

account number 6011 0020 2009 1419  
enter amount enclosed below

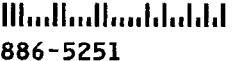
\$

Please make check payable to Discover Platinum Card. Minimum payment due includes a past due amount of \$2,351.00.

5430106  
05 SDSN6A01 0005412  
GAY SPENCER  
VIRGIL SPENCER  
RR 1 BOX 680  
GLEN RICHEY PA 16837-9406

Avoid fees by signing up for timely e-mail reminders. Get alerts when your payment due date is coming up and more. Go to Discovercard.com/reminders

PL 17

PO BOX 15251   
WILMINGTON DE 19886-5251



Address, e-mail or telephone change? Print change in space above, or go to Discovercard.com. Print your e-mail address to receive important Account information and special offers.

000006011002020091419185626000000000279000

#### Discover Platinum Card Account Summary

account number 6011 0020 2009 1419  
payment due date August 4, 2006  
minimum payment due \$2,790.00  
credit limit \$15,900.00  
credit available \$0.00  
cash credit limit \$12,000.00  
cash credit available \$0.00

Closing Date: July 5, 2006

page 1 of 2

previous balance	\$18,060.69
payments and credits	- 0.00
purchases	+ 78.00
cash advances	+ 0.00
balance transfers	+ 0.00
FINANCE CHARGES	+ 423.91
new balance	= \$18,562.60

You may be able to avoid Periodic Finance Charges, see the reverse side for details.

EXHIBIT

A

#### Cashback Bonus®

Cashback Bonus® Anniversary  
Date: November 5

Opening Cashback Bonus Balance	\$ 0.16
New Cashback Bonus Earned	+ 0.00
<b>Cashback Bonus Balance Available to Redeem</b>	<b>\$ 0.16</b>
	\$ 0.00

#### Transactions

	trans. date	post date		
Other/Miscellaneous	Jul 5	Jul 5	OVERLIMIT FEE	\$ 39.00
	Jul 5	Jul 5	LATE FEE	\$ 39.00

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

\*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\*  
Your account is seriously past due. Payment of the amount due and arrangements for future payments should be made immediately.

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 is Robert Adkins,  
Accounts Manager (Name)  
(Title) of Discover Financial Services, LLC., plaintiff herein, that (Company)

he is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

  
(Signature)

WWR # 5430166  
GAY LEE SPENCER  
6011002020091419

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101972  
NO: 06-1586-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
VS.  
DEFENDANT: GAY LEE SPENCER and VIRGIL SPENCER

**SHERIFF RETURN**

---

NOW, October 04, 2006 AT 8:43 AM SERVED THE WITHIN COMPLAINT ON GAY LEE SPENCER DEFENDANT AT 320 LYCLE RD, GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VIRGIL SPENCER, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

**FILED**  
018:50 BCL  
JAN 11 2007  


William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101972  
NO: 06-1586-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
VS.  
DEFENDANT: GAY LEE SPENCER and VIRGIL SPENCER

**SHERIFF RETURN**

---

NOW, October 04, 2006 AT 8:43 AM SERVED THE WITHIN COMPLAINT ON VIRGIL SPENCER DEFENDANT AT 320 LYITTLE RD, GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VIRGIL SPENCER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101972  
NO: 06-1586-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: GAY LEE SPENCER and VIRGIL SPENCER

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8363499	20.00
SHERIFF HAWKINS	WELTMAN	8363499	36.46

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2007

  
Chester A. Hawkins  
Sheriff

FILED

JUN 08 2007 *SO*

*ml 12-2007*  
William A. Shaw  
Prothonotary/Clerk of Courts  
Client to Debit  
*l  
Merry*

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

DISCOVER BANK

Plaintiff No. 2006-1586-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

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

WWR#05430166  
Judgment Amount \$ 20062.60

THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2006-1586-CD

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendants, GAY LEE SPENCER  
VIRGIL SPENCER above named, in the default of an Answer, in the amount of \$20062.60 computed as follows:

Amount claimed in Complaint	\$18562.60
Interest from date of judgment at the legal interest rate of 6% per annum	
Attorney's fees	\$1500.00
TOTAL	\$20062.60

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

WWR#05430166

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendants is: 320 LYTLE RD GLEN RICHEY,PA 16837

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2006-1586-CD

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 6-8-07

Assumpsit Judgment in the amount  
of \$20062.60 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

Prothonotary

By:

  
PROTHONOTARY (OR DEPUTY)

GAY LEE SPENCER  
VIRGIL SPENCER  
320 LYTLE RD  
GLEN RICHEY, PA 16837

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

DISCOVER BANK

Plaintiff

Case # 2006-1586-cd

VIRGIL SPENCER

Defendant(s)

IMPORTANT NOTICE

TO: VIRGIL SPENCER  
320 LYITLE RD  
GLEN RICHEY, PA 16837

Date of Notice: 5-16-07  
WWR#: 05430166

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

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 1300-1301

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 KOPPERES BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

DISCOVER BANK

Plaintiff

Case # 2006-1586-CD

GAY LEE SPENCER

Defendant(s)

IMPORTANT NOTICE

TO: GAY LEE SPENCER  
320 LYTLE RD  
GLEN RICHEY, PA 16837

Date of Notice: 5-16-07  
WWR#: 05430166

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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 1300-1301

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 KOPPERES BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

DISCOVER BANK

Case no: 2006-1586-CD

Plaintiff  
vs.  
NON-MILITARY AFFIDAVIT

GAY LEE SPENCER  
VIRGIL SPENCER

Defendants

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

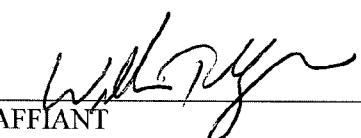
That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

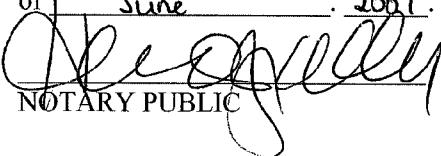
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, GAY LEE SPENCER  
VIRGIL SPENCER is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, GAY LEE SPENCER  
VIRGIL SPENCER is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 4 day  
of June, 2007.

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA	
Notary Seal	
Notary Public	My Commission Expires
City Of Pitts	State of Pennsylvania
My Commission Expires	4/2009
Member, Pennsylvania Notary Publics Association	

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Department of Defense Manpower Data Center

MAY-31-2007 04:31:56



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SPENCER	VIRGIL		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167;#167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID: BFCJTMEZCHX*

Department of Defense Manpower Data Center

MAY-31-2007 04:30:46



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SPENCER	GAY		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

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This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID:BFUCNCMRHPP*