

06-1791-CD

Discover Bank vs Todd W. Twist

2006-1791-CD

Discover Bank vs Todd Twist

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

DISCOVER BANK

Plaintiff

No: 06-1791-CD

vs.

COMPLAINT IN CIVIL ACTION

TODD W TWIST

Defendant

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  
05492871 C A Pit WLG

**FILED** Atty pd 85.00  
m 11:24 AM  
NOV 01 2006 cc shff  
WM

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  
TODD W TWIST  
Defendant

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. Defendant is adult individual(s) residing at the address listed  
below:

TODD W TWIST  
613 KIRK ST  
HOUTZDALE, PA 16651

3. Defendant applied for and received a credit card issued by  
Plaintiff bearing the account number 6011002850608480 . A copy of  
Plaintiff's Statement of Account s attached hereto, marked as Exhibit  
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance  
due and owing to Plaintiff, as of October 23, 2006 , in the amount of  
\$8941.92 .

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 \$1000.00

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

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , TODD W TWIST , INDIVIDUALLY , in the amount of \$8941.92 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1000.00 , and costs.

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  
05492871 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.



new balance  
\$8,941.92

minimum payment due  
\$8,941.92

payment due date  
September 21, 2006

account number 6011 0028 5060 8480  
enter amount enclosed below

\$ 5492871

Please make check payable to Discover Platinum Card. Minimum payment due includes a past due amount of \$1,762.00.

22 SDSN6A01 0003552  
TODD TWIST  
PO BOX 244  
HOUTZDALE PA 16651-0244

Consolidate bills quickly and securely  
with a Balance Transfer to your Discover  
Card - Call 1-877-353-0989 or visit  
Discovercard.com/balance transfer TODAY!

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.

000006011002850608480089419200000000894192

#### Discover Platinum Card Account Summary

account number	6011 0028 5060 8480
payment due date	September 21, 2006
minimum payment due	\$8,941.92
credit limit	\$11,500.00
credit available	\$0.00
cash credit limit	\$0.00
cash credit available	\$0.00

Closing Date: August 22, 2006

page 1 of 1

previous balance	\$8,941.92
payments and credits	- 0.00
purchases	+ 0.00
cash advances	+ 0.00
balance transfers	+ 0.00
FINANCE CHARGES	+ 0.00
new balance	= \$8,941.92

## EXHIBIT

11A11

### Cashback Bonus®

Cashback Bonus® Anniversary  
Date: October 22

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

#### Transactions

Save time and a stamp this month by paying your bill online at Discovercard.com. Make a one-time payment or schedule payments in advance up to your due date, whenever it's most convenient for you. To find out about our free and flexible online payment features, visit Discovercard.com/payments

Discover Financial Services is once again proud to support the Juvenile Diabetes Research Foundation's Walk to Cure Diabetes. Help us raise even more money to fund research for a cure by participating in the Walk or donating your Cashback Bonus(R) to JDRF. A cure is within reach. To learn more, visit Discovercard.com or www.jdrf.org

current billing period: 31 days

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
Purchases	\$0	0.06847%	24.99% F	24.99%	\$0	none
Cash Advances	\$0	0.06847%	24.99% F	24.99%	\$0	\$0

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,  
(Name)  
Accounts Manager of Discover Financial Services, LLC., plaintiff herein, that  
(Title) (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 # 5492871  
TODD W TWIST  
6011002850608480

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102087  
NO: 06-1791-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: TODD W. TWIST

SHERIFF RETURN

---

NOW, November 08, 2006 AT 7:30 AM SERVED THE WITHIN COMPLAINT ON TODD W. TWIST DEFENDANT AT 613 KIRK ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CARLA TWIST, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8365852	10.00
SHERIFF HAWKINS	WELTMAN	8365852	66.06

FILED  
92:20 AM  
FEB 06 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*  
*by Marly A. Harr*  
Chester A. Hawkins  
Sheriff

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

DISCOVER BANK

Plaintiff No. : 06-1791-CD  
vs. PRAECIPE FOR DEFAULT JUDGMENT  
W TWIST  
Defendant

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#05492871  
Judgment Amount \$ 9941.92

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

FILED Atty pd.  
MAR 15 2007 20.00  
Notice of ICC  
to Def.

William A. Shaw  
Prothonotary/Clerk of Courts

Prothonotary/Clerk of Courts Statement to Atty (68)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 06-1791-CD

TODD W TWIST

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

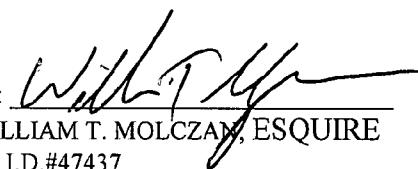
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, TODD W TWIST above named, in the default of an Answer, in the amount of \$9941.92 computed as follows:

Amount claimed in Complaint	\$8941.92
Interest from date of judgment at the legal interest rate of 6% per annum	
Attorney's fees	\$1000.00
<b>TOTAL</b>	<b>\$9941.92</b>

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#05492871

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 Defendant is: 613 KIRK ST HOUTZDALE,PA 16651

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

DISCOVER BANK

Plaintiff

Case # 00-1791-CD

TODD W TWIST

Defendant(s)

IMPORTANT NOTICE

TO: TODD W TWIST  
613 KIRK ST  
HOUTZDALE, PA 16651

Date of Notice: 2/19/07  
WWR#: 05492871

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 COMMON PLEAS COURT OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DISCOVER BANK

Case no: 06-1791-CD

Plaintiff  
vs.  
TODD W TWIST

**NON-MILITARY AFFIDAVIT**

Defendant

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.

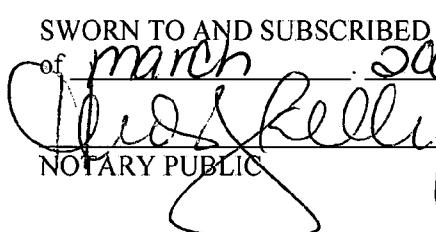
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, TODD W TWIST is not in the military service.

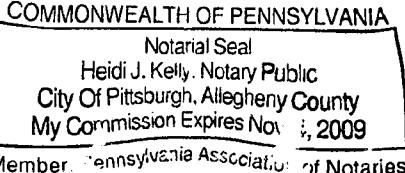
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, TODD W TWIST is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 12th day  
of March, 2007

  
NOTARY PUBLIC



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

MAR-08-2007 07:06:44



Military Status Report  
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
TWIST			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: BYVBOIWVNCG*

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

COPY

DISCOVER BANK

Plaintiff

vs.

Civil Action No. : 06-1791-CD

TODD W TWIST

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 31.5107

Assumpsit Judgment in the amount  
of \$9941.92 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-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By: W. J. O'Hearn  
PROTHONOTARY (OR DEPUTY)

TODD W TWIST  
613 KIRK ST  
HOUTZDALE, PA 16651

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 OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Discover Bank  
Plaintiff(s)

No.: 2006-01791-CD

Real Debt: \$9,941.92

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Todd W. Twist  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 15, 2007

Expires: March 15, 2012

Certified from the record this 15th day of March, 2007.



\_\_\_\_\_  
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  
CIVIL DIVISION

DISCOVER BANK

Plaintiff No. 06-1791-CD

vs. PRAECIPE FOR SATISFACTION OF  
JUDGMENT

TODD W TWIST

Defendant 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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5492871

S, **FILED** pd \$7.00 Atty  
1/2/10 am 1cc + 1 Cert of  
JAN 02 2009 sat issued to  
Atty warmbrodt  
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. 06-1791-CD

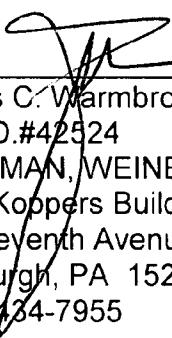
TODD W TWIST

Defendant

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

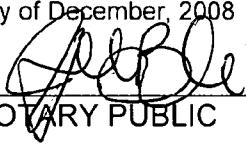
At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned Judgment.

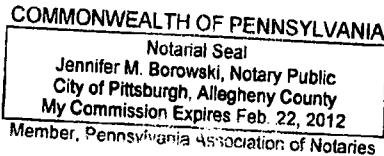
WELTMAN, WEINBERG & REIS CO., L.P.A.

By:   
James C. Warmbrodt, Esquire  
PA. I.D.#42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #5492871

Sworn to and subscribed  
before me this 23  
day of December, 2008

  
NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Q  
Q

1L.

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2006-01791-CD

Discover Bank

Debt: \$9941.92

Vs.

Atty's Comm.:

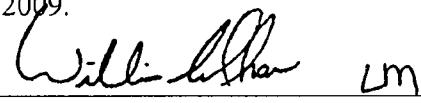
Todd W. Twist

Interest From:

Cost: \$7.00

NOW, Friday, January 02, 2009 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 2nd day of January, A.D. 2009.

  
\_\_\_\_\_  
Prothonotary