

07-35-CD  
Nat'l City Bank vs Phyllis Hertlein

National City Bank vs Phyllis Hertlein  
2007-35-CD

FILED *2007-01-08 10:15 AM*  
JAN - 8 2007 10:15 AM  
100-85.00  
Attn:  
JAN-8 2007 ICC Shff

William A. Shaw  
Prothonotary/Clerk of Courts

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

NATIONAL CITY BANK

Plaintiff

No. 07-35-CD

vs.

COMPLAINT IN CIVIL ACTION

PHYLLIS J HERTLEIN

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

WWR#05305575

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

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No.

PHYLLIS J HERTLEIN

Defendant

**COMPLAINT IN CIVIL ACTION 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

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 in KALAMAZOO, MI 49009-0000.
2. Defendant is an adult individual residing at 345 WRIGLEY ST CLEARFIELD,PA 16830
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number 5409400580002648.
4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of DECEMBER 15, 2006, in the amount of \$5545.36. A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
5. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is entitled to the addition of finance charges at the rate of 6.00% per annum on the unpaid balance.
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, PHYLLIS J HERTLEIN individually, in the amount of \$5545.36 with continuing finance charges thereon at the rate of 6.00% per annum from DECEMBER 15, 2006 plus costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
SHALL BE USED FOR THAT PURPOSE.**

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

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#:05305575

# National City

National City

Call Center Workstation:

[Customer Profile](#)

[Change Password](#)

## Customer Profile: Statement

> [Access Customer Profile](#) > [Account Information](#) > [Online Profile](#)

HERTLEIN,PHYLLIS J Last Updated: 6/5/2006 8:01:00 PM

User

[Logout](#)

Billing Address:

24 CAPICORN DR  
PO BOX 2  
CLEARFIELDPA168300002

User Name: kdahl111  
Group Name: Collections - Representative

Session Start: 7:06:49 PM  
Session Time: 00:55:00

### Statement Summary

|                             |            |                            |            |
|-----------------------------|------------|----------------------------|------------|
| Past Due:                   | \$1,030.00 | Minimum Payment Due:       | \$1,226.00 |
| Payment Due Date:           | 06/13/2006 | Previous Balance:          | \$5,217.11 |
| New Balance:                | \$5,360.36 | Purchases/Debits:          | \$0.00     |
| Credit Limit:               | \$6,000.00 | Cash Advances:             | \$0.00     |
| Available Credit:           | \$0.00     | Payments/Credits:          | \$0.00     |
| Available for Cash Advance: | \$0.00     | Finance Charges:           | \$104.25   |
| Statement Closing Date:     | 05/17/2006 | Other Charges:             | \$39.00    |
|                             |            | Days in the Billing Cycle: | 29         |

**EX: 31**

This statement is not intended to replace and does not contain all information presented on your mailed statement.

### Transactions

[SEARCH TO CATEGORY VIEW](#)

| Transaction Date | Post Date | Merchant or Purchase Description | Amount   |
|------------------|-----------|----------------------------------|----------|
| 05/17/2006       | 5/17/2006 | *LATE FEE*                       | \$39.00  |
| 05/17/2006       | 5/17/2006 | *FINANCE CHARGE*                 | \$104.25 |

\* Denotes Transaction Memo is attached.

# National City<sup>®</sup>

**National City Card Services**  
 P.O. Box 500  
 Portage, MI 49081

## Finance Charges Summary

| Transaction Type         | Corresponding Annual Percentage Rate (APR) | Daily Periodic Rate (may vary) | Days in Billing Cycle | Average Daily Balance*      | Finance Charge for this Period |
|--------------------------|--|--------------------------------|-----------------------|-----------------------------|--------------------------------|
| Previous Cycle Purchases | 24.90%                                     | .06821%                        | x 29                  | x \$0.00                    | = \$0.00                       |
| Current Cycle Purchases  | 24.90%                                     | .06821%                        | x 29                  | x \$4,567.93                | = \$90.36                      |
| Cash Advances            | 24.90%                                     | .06821%                        | x 29                  | x \$701.99                  | = \$13.89                      |
|                          |  |                                |                       | <b>Total Finance Charge</b> | <b>= \$104.25</b>              |

\* Subject to finance charge.

**ANNUAL PERCENTAGE RATE:**

24.90%

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Jennifer Nelson  
(NAME)

**Agency Auditor Analyst**

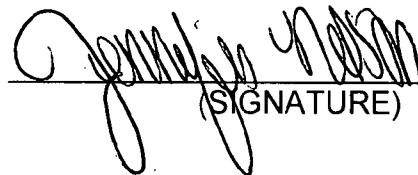
of **National City**

(TITLE)

, plaintiff herein, that

(COMPANY)

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

  
(SIGNATURE)

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.

WWR#05305575

**FILED**

**JAN - 8 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102322  
NO: 07-35-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: NATIONAL CITY BANK  
vs.  
DEFENDANT: PHYLLIS J. HERTLEIN

SHERIFF RETURN

NOW, January 26, 2007 AT 12:16 PM SERVED THE WITHIN COMPLAINT ON PHYLLIS J. HERTLEIN DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DARYL HERTLEIN, SON/POWER OF ATTORNEY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO /

| PURPOSE         | VENDOR  | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | WELTMAN | 8370928 | 10.00  |
| SHERIFF HAWKINS | WELTMAN | 8370928 | 29.00  |

FILED  
0/9:00 LM  
APR 25 2007  
LM

Sworn to Before Me This

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

So Answers,

William A. Shaw  
Prothonotary/Clerk of Courts

*Chester A. Hawkins*  
Chester A. Hawkins  
Sheriff

083 03 1987

FILED

APR 25 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No. 07-35-CD

PHYLLIS J HERTLEIN

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 JUNE 22, 2007

Assumpsit Judgment in the amount  
of \$5624.67 plus costs.

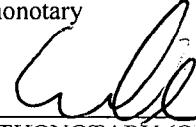
Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

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)

PHYLLIS J HERTLEIN  
345 WRIGLEY ST  
CLEARFIELD, PA 16830

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

**FILED**

1 JUN 22 2007

W / 11.30 / W

William A. Shaw

Prothonotary/Clerk of Courts

1 CEN 4 / NOTLL

→ DEF

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

NATIONAL CITY BANK

Plaintiff No. 07-35-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

PHYLLIS J HERTLEIN

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#05305575  
Judgment Amount \$ 5624.67

**FILED**

MAR 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

NATIONAL CITY BANK

Plaintiff

vs.

Civil Action No. 07-35-CD

PHYLLIS J HERTLEIN

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, PHYLLIS J HERTLEIN above named, in the default of an Answer, in the amount of \$5624.67 computed as follows:

|   |                  |
|---|------------------|
| Amount claimed in Complaint   | \$5545.36        |
| Interest from DECEMBER 15, 2006 to MARCH 12, 2007<br>at the legal interest rate of 6.0% per annum | \$79.31          |
| <b>TOTAL</b>  | <b>\$5624.67</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#05305575

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: 345 WRIGLEY ST CLEARFIELD,PA 16830

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

NATIONAL CITY BANK

Plaintiff

Case # 07-35-CD

PHYLLIS J HERTLEIN

Defendant(s)

IMPORTANT NOTICE

TO: PHYLLIS J HERTLEIN  
345 WRIGLEY ST  
CLEARFIELD, PA 16830

Date of Notice: 2/27/07  
WWR#: 05305575

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

NATIONAL CITY BANK

Case no: 07-35-CD

Plaintiff  
vs.  
NON-MILITARY AFFIDAVIT

PHYLLIS J HERTLEIN

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, PHYLLIS J HERTLEIN is not in the military service.

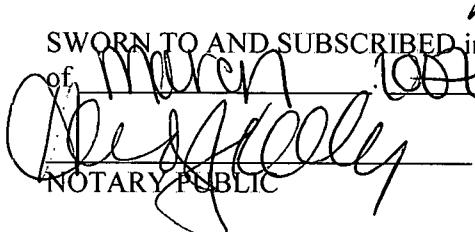
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, PHYLLIS J HERTLEIN is not in the military service.

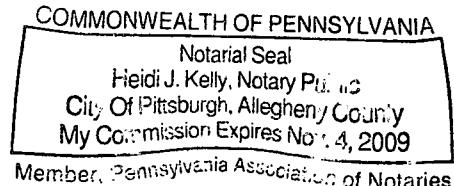
Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 14 day

of March 2001

  
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-12-2007 10:54:54



Military Status Report  
 Pursuant to the Servicemembers Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status   | Service/Agency |
|-----------|--------------|------------|--|----------------|
| HERTLEIN  | PHYLLIS J    |            | 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: BZQJBUMGNIX*

FILED

JUN 22 2007

William A. Shaw  
Prothonotary/Clerk of Court

FILED

MAR 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts