

FILED ^{PA \$85.00}
M 12:15 pm
JAN - 8 2007 ICC Staff
William A. Shaw
Prothonotary/Clerk of Courts

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

NATIONAL CITY BANK

Plaintiff

vs.

PHYLLIS J HERTLEIN

Defendant

No. 07-35-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molezan, 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.

A handwritten signature in black ink, appearing to read 'William T. Molczan', is written over a horizontal line.

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 Card Services
P.O. Box 500
Portage, MI 49081

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

Kimery Dahl

User Name: kdahl1111

Group Name: Collections - Representative

Session Start: 7:06:49 PM

Session Time: 00:55:00

Billing Address:

24 CAPICORN DR

PO BOX 2

CLEARFIELDPA168300002


Customer Profile

HERTLEIN, PHYLLIS J

54094005800002648

Member: PA General

Exp. 08/2006

 Previous Statements**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

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

Transactions

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.

EX-317



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

6/5/2006

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
Total Finance Charge =					\$104.25

* 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

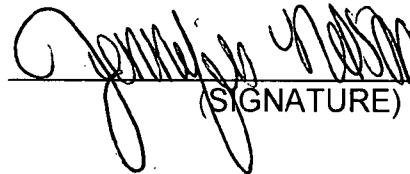
of **National City**

(TITLE)

(COMPANY)

, plaintiff herein, that

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
by Marilyn Hamer
Chester A. Hawkins
Sheriff

100-22-115

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

(xx) 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.

(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ 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 7th Avenue, Pittsburgh, PA 15219
1-888-434-0085

FILED

JUN 22 2007

W/11:30/W
William A. Shaw
Prothonotary/Clerk of Courts

1 CEN 4/NOTICE

to DEFY

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:

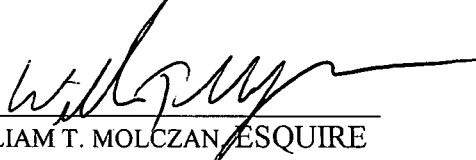
Amount claimed in Complaint \$5545.36

Interest from DECEMBER 15, 2006 to MARCH 12, 2007
at the legal interest rate of 6.0% per annum \$79.31

TOTAL \$5624.67

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 7th 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.

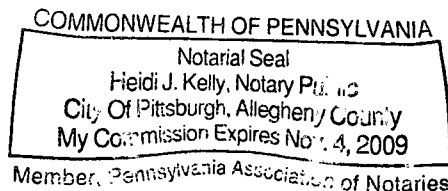

AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 14 day

of March

2008


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 Courts

FILED

MAR 20 2007

William A. Shaw
Prothonotary/Clerk of Courts