

07-489-CD
Discover Bank vs K. Peters

2007-489-CD
Discover Bank vs Kimberly Peters

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Discover Bank
(Plaintiff)
c/o David Apotheker

CIVIL ACTION

No. 07-489-CD

(Street) Apotheker & Associates, P.C.
2417 Welsh Road
Suite 21 #520

(City, State, ZIP) Philadelphia, PA 19114

Type of Case: Civil

Type of Pleading: Complaint

VS.

Kimberly Peters
(Defendant)

Filed on Behalf of:

Discover Bank
(Plaintiff/Defendant)

414 Maple Ave.
(Street Address)

Du Bois, PA 15801
(City, State ZIP)

DAVID J. APOTHAKER, Esq.
(Filed by)

Apotheker & Associates, P.C.
2417 Welsh Road
Suite 21 #520
(Address) Philadelphia, PA 19114

215-634-8920
(Phone)

(Signature)

FILED Atty pd.
M/2/4/2007 85.00
MAR 28 2007

William A. Shaw
Prothonotary/Clerk of Courts



ICC Sheriff

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

DISCOVER BANK
c/o David J Apotheker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

VS.

KIMBERLY PETERS
414 MAPLE AVE
DU BOIS, PA 15801-2310
Defendant.

)) COURT OF COMMON PLEAS
)) CLEARFIELD COUNTY
))
)) NO.:
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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 with 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 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 ONE. 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.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, 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 INMEDIATAMENTE. SI NO TIENE ABOGADO O SI 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.

CLEARFIELD COUNTY BAR ASSOCIATION
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APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

DISCOVER BANK) COURT OF COMMON PLEAS
c/o David J Apothaker, Esquire) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
KIMBERLY PETERS)
414 MAPLE AVE)
DU BOIS, PA 15801-2310)
Defendant.)
)

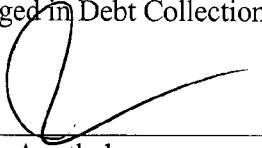
**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff, DISCOVER BANK, is a company with its principal place of business located at c/o David J Apothaker, Esq. 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is KIMBERLY PETERS, an adult individual residing at 414 MAPLE AVE DU BOIS, PA 15801-2310.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$8,904.33 from July 05, 2006.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$8,904.33 plus costs, and reasonable attorney's fees.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

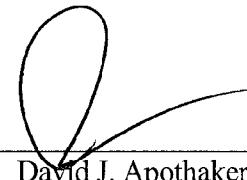
BY: 
David J. Apothaker

Dated: 3/19/2007

Our File No.: 91399

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



David J. Apothaker, Esq.
Attorney for Plaintiff

DATE: 3/19/2007

DISCOVER BANK
c/o David J Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

KIMBERLY PETERS
414 MAPLE AVE
DU BOIS, PA 15801-2310

STATEMENT OF ACCOUNT

Debtor's Name: KIMBERLY PETERS

Account Number: 6011002850753344

Date of Debt: July 05, 2006

Balance Due: \$8,904.33

Our File No.: 91399

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102623
NO: 07-489-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: KIMBERLY PETERS

FILED

012:59 AM
AUG 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, April 17, 2007 AT 10:36 AM SERVED THE WITHIN COMPLAINT ON KIMBERLY PETERS DEFENDANT AT 414 MAPLE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KIMBERLY PETERS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	44260G	10.00
SHERIFF HAWKINS	APOTHAKER	44260G	36.43

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

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

Our File No.: 91399
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
David J. Apothaker, Esquire
Attorney ID #38423

DISCOVER BANK	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
)	
Plaintiff,)	
vs.)	
)	
KIMBERLY PETERS	)	NO.: 07-489-CD
)	
Defendant.	)	Civil Action
)	

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, DISCOVER BANK and against Defendant, KIMBERLY PETERS, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on April 17, 2007 by the CLEARFIELD Sheriff's Department. Copies of the proofs of service are attached hereto as Exhibit "A".

I certify, a copy of the Notice of Intention To Take Default was mailed on August 28, 2007, and also attached hereto.

FILED
m/2/07
OCT 01 2007
Atty pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts
Statement to
Atty
GK

Assess damages in the amount of:

(a) Balance:	\$8,904.33
(b) Interest from March 19, 2007	\$259.08
TOTAL	\$9,163.41

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:

David J. Apothaker

Dated: 9/12/2007

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh-Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

DISCOVER BANK	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	
	)	NO.: 07-489-CD
KIMBERLY PETERS)	
	)	Civil Action
Defendant.)	
)	

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
: SS.

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 414 MAPLE AVE DU BOIS, PA 15801-2310.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

David J. Apothaker
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Department of Defense Manpower Data Center

SEP-12-2007 13:34:02



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
PETERS	KIMBERLY		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. §§ 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

Our File No.: 91399
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

DISCOVER BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
)	
Plaintiff,)	
)	
vs.)	
)	
)	
	)	NO. 07-489-CD
KIMBERLY PETERS)	
414 MAPLE AVE)	
DU BOIS, PA 15801-2310)	
Defendant.)	
)	

**NOTICE OF INTENTION
TO TAKE DEFAULT**

TO: KIMBERLY PETERS

DATE OF NOTICE: August 28, 2007

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 (10) days from the date of this notice as set forth above, 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 a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

11
8

DAVID J. APOTHAKER, ESQUIRE
A Law Firm Engaged in Debt Collection
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102623
NO. 07-489-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: KIMBERLY PETERS

COPY

SHERIFF RETURN

NOW, April 17, 2007 AT 10:36 AM SERVED THE WITHIN COMPLAINT ON KIMBERLY PETERS DEFENDANT AT 414 MAPLE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KIMBERLY PETERS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	44260G	10.00
SHERIFF HAWKINS	APOTHAKER	44260G	36.43

Sworn to Before Me This

Day of 2007

So Answers:

Charles Hause

**Chester A. Hawkins
Sheriff**

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS**

OPY

TO: KIMBERLY PETERS
414 MAPLE AVE
DU BOIS, PA 15801-2310

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

JUDGMENT IN REPLEVIN

JUDGMENT BY CONFESSION

JUDGMENT FOR POSSESSION

JUDGMENT ON AWARD OF ARBITRATORS

JUDGMENT ON VERDICT

JUDGMENT ON COURT FINDINGS

JUDGMENT ON WRIT OF REVIVAL.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

Willie Shae
10/11/07

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

Discover Bank
Plaintiff(s)

No.: 2007-00489-CD

COPY

Real Debt: \$9,163.41

Atty's Comm: \$

Vs.

Costs: \$

Kimberly Peters
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 1, 2007

Expires: October 1, 2012

Certified from the record this 1st day of October, 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