

2007-865-CD
Discover Bank vs Raymond Smeal

Discover Bank vs Raymond Smeal
2007-865-CD

FILED

JUN 04 2007

ml 2:15/wn

William A. Shaw
Prothonotary/Clerk of Courts

1 CERS to Hrry

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

DISCOVER BANK

Plaintiff

vs.

RAYMOND L SMEAL

Defendant

No: 2007-865-CD

COMPLAINT IN CIVIL ACTION

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
05877264 C A Pit WLG

Nov 17, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

GK

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

RAYMOND L SMEAL

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:

RAYMOND L SMEAL
1249 COOPER AVE
GRASSFLAT, PA 16839

3. Defendant applied for and received a credit card issued by
Plaintiff bearing the account number 6011002105458434 . 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 May 18, 2007 , in the amount of
\$3994.04 .

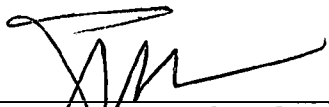
5. Defendant is in default by failing to make payments when due.

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 \$500.00 .

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 , RAYMOND L SMEAL , INDIVIDUALLY , in the amount of \$3994.04 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.



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05877264 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
\$3,994.04

Minimum Payment Due
\$3,994.04

Account Number **6011 0021 0545 8434**
Enter Amount Enclosed Below

Payment Due Date
March 14, 2007

\$

Please make check payable to Discover Platinum Card. Minimum payment due includes a past due amount of \$871.00.

15 SDSN6A01 0006005

RAYMOND SMEAL
1249 COOPER AVE
GRASSFLAT PA 16839-9619

Save time and a stamp this month by paying your bill online. To find out about our free and flexible online payment features, visit Discovercard.com/payments

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.

000006011002105458434039940400000000399404

Discover Platinum Card Account Summary

Closing Date: February 15, 2007

page 1 of 1

Account Number 6011 0021 0545 8434
Payment Due Date March 14, 2007
Minimum Payment Due \$3,994.04
Credit Limit \$3,000.00
Credit Available \$0.00
Cash Credit Limit \$0.00
Cash Credit Available \$0.00

Previous Balance	\$3,994.04
Payments And Credits	- 0.00
Purchases	+ 0.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 0.00
New Balance	= \$3,994.04

EXHIBIT

Cashback Bonus

Gas & Auto

Cashback Bonus Anniversary
Date: December 15

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
Cashback Bonus Balance Available to Redeem	\$ 0.00

How Can We Help You?

Please have your Discover Card available.

Manage your account online at Discovercard.com

Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:

Discover Platinum Card, PO Box 30943
Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):

For assistance, see reverse side.

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Information For You

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. 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.

Finance Charge Summary

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 31 days						
Purchases	\$0	0.07942%	28.99% V	28.99%	\$0	none
Cash Advances	\$0	0.07942%	28.99% V	28.99%	\$0	\$0

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.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 # 5877264
RAYMOND L SMEAL
6011002105458434

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # 102867

DISCOVER BANK

Case # 07-865-CD

vs.

RAYMOND L. SMEAL

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW October 29, 2007 RETURNED THE WITHIN COMPLAINT AS TO RAYMOND L. SMEAL, DEFENDANT,
SERVED BY: 1 *AS DEF. DOES NOT RESIDE AT EITHER ADDRESS PROVIDED BY THE PLAINTIFF.* *NOT SERVED.*

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8470386	10.00
SHERIFF HAWKINS	WELTMAN	8470396	44.34

FILED

0/11:30am
OCT 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

Answered 12-26-07

BY *CSH*

Sworn to Before me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
My Maulya Hawk
Chester A. Hawkins
Sheriff

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 04 2007

Attest.

William A. Blum
Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

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000006011002105458434039940400000000399404

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Closing Date: February 15, 2007 page 1 of 1

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Payment Due Date	March 14, 2007	Payments And Credits	- 0.00
Minimum Payment Due	\$3,994.04	Purchases	+ 0.00
Credit Limit	\$3,000.00	Cash Advances	+ 0.00
Credit Available	\$0.00	Balance Transfers	+ 0.00
Cash Credit Limit	\$0.00	Finance Charges	+ 0.00
Cash Credit Available	\$0.00	New Balance	= \$3,994.04

EXHIBIT

Cashback Bonus

Gas & Auto

Cashback Bonus® Anniversary
Date: December 15

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
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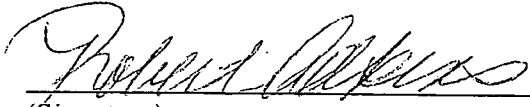
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(Name)

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

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in Civil Action are true and correct to the best of his/her knowledge, information and belief.


(Signature)

WWR # 5877264
RAYMOND L SMEAL
6011002105458434

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

DISCOVER BANK

Plaintiff

vs.

RAYMOND L SMEAL

Defendant

No. 2007-865-CD

PRAECIPE TO REINSTATE COMPLAINT

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#5877264

FILED Any pd.
m 10:35 AM 7.00
NOV 17 2008 ICC 01
Compl. Reinstat
William A. Shaw to Sheriff
Prothonotary/Clerk of Courts
GID

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2007-865-CD

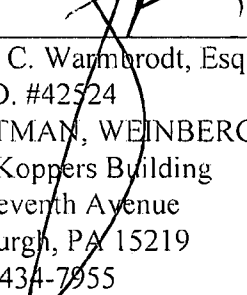
RAYMOND L SMEAL

Defendant

PRAECIPE TO REINSTATE COMPLAINT

Kindly reinstate the Complaint in the above captioned matter.

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

By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
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436 Seventh Avenue
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CIVIL DIVISION

DISCOVER BANK

Plaintiff

No:

vs.

COMPLAINT IN CIVIL ACTION

RAYMOND L SMEAL

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
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DISCOVER BANK

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CLEARFIELD COUNTY COURTHOUSE
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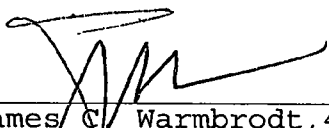
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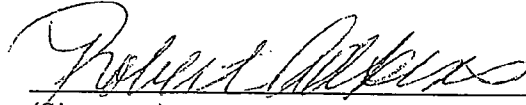
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(Signature)

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RAYMOND L SMEAL
6011002105458434

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 07-865-CD

DISCOVER BANK
vs
RAYMOND L. SMEAL

SERVICE # 1 OF 1

PRAECIPE & COMPLAINT

FILED
DEC 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

SERVE BY: 12/17/2008 HEARING: PAGE: 104940

DEFENDANT: RAYMOND L. SMEAL
ADDRESS: 1249 COOPER AVE.
GRASSFLAT, PA 16839
ALTERNATE ADDRESS

*New: 1918 Dorey St
Apt 1
Clearfield PA*

W.C.I.

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 12/2/08 does not live @ above address Possibly Harrisburg

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

PRAECIPE & COMPLAINT ON RAYMOND L. SMEAL, DEFENDANT

BY HANDING TO _____ / _____

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

PRAECIPE & COMPLAINT FOR RAYMOND L. SMEAL

AT (ADDRESS) _____

NOW 12-22-08 AT 830 (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO RAYMOND L. SMEAL

REASON UNABLE TO LOCATE NOT FOUND

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answered: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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DISCOVER BANK

Plaintiff

vs.

RAYMOND L SMEAL

Defendant

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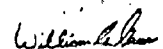
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WWR#5877264

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statement filed in this case.

NOV 17 2008

Attest.


Prothonotary/
Clerk of Courts

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CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2007-865-CD

RAYMOND L SMEAL

Defendant

PRAECIPE TO REINSTATE COMPLAINT

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

James C. Warmbrodt, Esquire

PA I.D. #42524

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11/17/08 Document
Reinstated/~~Reissued~~ to Sheriff/~~Attorney~~
for service. *Will [Signature]*
Deputy Prothonotary

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"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 May 18, 2007 , in the amount of
\$3994.04 .

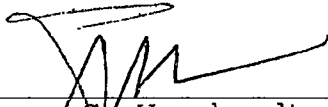
5. Defendant is in default by failing to make payments when due.

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 \$500.00 .

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 , RAYMOND L SMEAL , INDIVIDUALLY , in the amount of \$3994.04 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , 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
05877264 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
\$3,994.04

Minimum Payment Due
\$3,994.04

Account Number 6011 0021 0545 8434
Enter Amount Enclosed Below

Payment Due Date
March 14, 2007

\$

Please make check payable to Discover Platinum Card. Minimum payment due includes a past due amount of \$871.00.

15 SDSN6A01 0006005
RAYMOND SMEAL
1249 COOPER AVE
GRASSFLAT PA 16839-9619

Save time and a stamp this month by paying your bill online. To find out about our free and flexible online payment features, visit Discovercard.com/payments

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.

000006011002105458434039940400000000399404

Discover Platinum Card Account Summary

Closing Date: February 15, 2007

page 1 of 1

Account Number 6011 0021 0545 8434
Payment Due Date March 14, 2007
Minimum Payment Due \$3,994.04
Credit Limit \$3,000.00
Credit Available \$0.00
Cash Credit Limit \$0.00
Cash Credit Available \$0.00

Previous Balance	\$3,994.04
Payments And Credits	- 0.00
Purchases	+ 0.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 0.00
New Balance	= \$3,994.04

EXHIBIT

Cashback Bonus

Gas & Auto

Cashback Bonus Anniversary
Date: December 15

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
Cashback Bonus Balance Available to Redeem	\$ 0.00

How Can We Help You?

Please have your Discover Card available.
Manage your account online at Discovercard.com
Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:
Discover Platinum Card, PO Box 30943
Salt Lake City, UT 84130
TDD (Telecommunications Device for the Deaf):
For assistance, see reverse side.

Transactions \$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Information For You

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. 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.

Finance Charge Summary

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 31 days						
Purchases	\$0	0.07942%	28.99% V	28.99%	\$0	none
Cash Advances	\$0	0.07942%	28.99% V	28.99%	\$0	\$0

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.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 # 5877264
RAYMOND L SMEAL
6011002105458434

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104940
NO: 07-865-CD
SERVICES 1
PRAECIPE & COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: RAYMOND L. SMEAL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8795919	10.00
SHERIFF HAWKINS	WELTMAN	8795919	30.74

5
FILED
01/31/30/09
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

FILED

APR 05 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

RAYMOND L SMEAL

Defendant(s)

No. 2007-865-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

Lyndsay E Rowland, Esquire
PA I.D. #205520
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#5877264 DIS

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2007-865-CD

RAYMOND L SMEAL

Defendant(s)

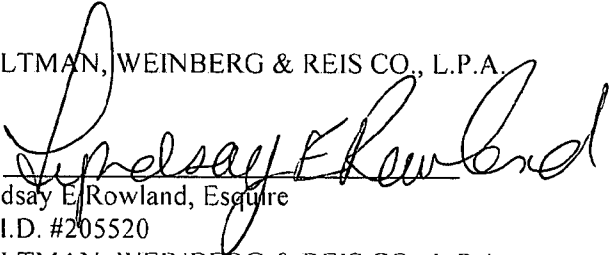
PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF Clearfield COUNTY:

SIR:

Kindly settle, discontinue and end without prejudice to refile the above-captioned matter upon the records
of the Court and mark the costs paid.

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

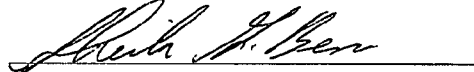
By: 
Lyndsay E. Rowland, Esquire
PA I.D. #205520

WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

SWORN TO AND SUBSCRIBED

before me this 11 day

of March, 2010



NOTARY PUBLIC

