

07-1126-CD
Bank of AM vs Scott Nishida

Bank of America vs Scott Nishida
2007-1126-CD

2035180

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

BANK OF AMERICA, N.A. (USA)
1825 E BUCKEYE RD
PHOENIX, AZ 85034

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-1126-CD

SCOTT NISHIDA

9051 SHILOH RD.

WOODLAND PA 16881

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 WITHIN 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 JUDGEMENT 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.

David S. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

FILED 100 Sheriff
m/12:42:04
JUL 19 2007
LM
Att'y pd. 85.00

Oct 13, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

William A. Shaw
Prothonotary/Clerk of Courts

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

3. The defendant(s) received and accepted goods and merchandise and/or accepted services or cash advances through the use of the credit card issued by the Plaintiff. A true and correct copy of the Statement of Account is attached hereto as Exhibit "A".

4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$8,722.22.

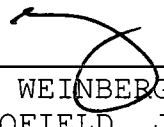
5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$8,722.22 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

6. Defendant's last payment on account was made on 5/24/06.

WHEREFORE, plaintiff claims of the defendant(s) the sum of

\$8,722.22 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

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



FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

2035180

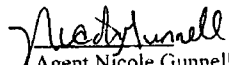
STATE OF Georgia)
COUNTY OF Cobb)
BANK OF AMERICA, N.A. (USA)

AFFIDAVIT OF ACCOUNT

v.
SCOTT NISHIDA

COMES NOW, Nicole Gunnell, and after being duly sworn before the below person authorized to administer oaths states the following:

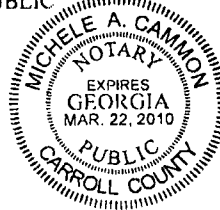
1. I am over 18 years old and sui juris.
2. I am agent for Bank of America, N.A. (USA).
3. I am familiar with the books and records of the Plaintiff.
4. These books and records are kept in the ordinary course of business.
5. The agreement attached hereto is true and correct.
6. The Defendant (s) owe (s) the principal sum of \$8,396.12.
7. The Defendant (s) owe (s) past due interest of \$326.10 through October 16, 2006.
8. I know no liability insurance, bond or other security which may be available to pay this debt.
9. The Defendant (s) account number for which he owes the debt is 4888920999700352.
10. The Defendant (s) is/are not a minor nor an incompetent person.
11. Affiant has no knowledge of whether the Defendant (s) is/are on active duty in the military.
12. The Defendant (s) is/are past due on this account and in breach of the contractual agreement to pay as agreed.


Agent Nicole Gunnell
Bank of America, N.A. (USA)

Sworn to and subscribed before me this 8th of Feb., 2007.


NOTARY PUBLIC

My Commission Expires: 3.22.10
GORDON & WEINBERG, P.C.
06148826



In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **103003**

BANK OF AMERICA, N.A.

Case # 07-1126-CD

vs.

SCOTT NISHIDA

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

FILED
DEC 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

NOW December 17, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO SCOTT NISHIDA, DEFENDANT. 9051 SHILOH RD., WOODLAND "VACANT" 4SALE SIGN.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	36538	10.00
SHERIFF HAWKINS	GORDON	36538	18.85

Sworn to Before me This

_____ Day of _____ 2007

So Answers,

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

2035180

THIS IS AN ARBITRATION MATTER. ASSESSMENT OF
DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

PAUL M. SCHOFIELD, JR., ESQUIRE

Identification No.: 81894

21 SOUTH 21ST STREET

PHILADELPHIA, PA 19103

215/988-9600

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PHOENIX, AZ 85034

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CLEARFIELD COUNTY

vs.

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SCOTT NISHIDA
9051 SHILOH RD.
WOODLAND PA 16881

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David S. Meholick, Court Admin.
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

JUL 19 2007

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

COMPLAINT IN CIVIL-ACTION

1. At all times relevant hereto, the defendant(s) was the holder of a credit card, which at the request of the defendant(s) was issued to the defendant(s) by the plaintiff under the terms of which the plaintiff agreed to extend to defendant(s) the use of plaintiff's credit facilities.

2. Defendant(s) accepted and used the aforesaid credit card so issued and by so doing agreed to perform the terms and conditions prescribed by the plaintiff for the use of said credit card.

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4. All the credits to which the defendant(s) is entitled have been applied and there remains a balance due in the amount of \$8,722.22.

5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$8,722.22 but the defendant(s) has failed and refused and still refuses to pay the same or any part thereof.

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BY: _____

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PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A

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FREDERIC I. WEINBERG, ESQUIRE

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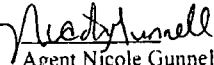
STATE OF Georgia)
COUNTY OF Cobb)
BANK OF AMERICA, N.A. (USA)

AFFIDAVIT OF ACCOUNT

v.
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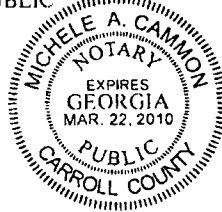
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Agent Nicole Gunnell
Bank of America, N.A. (USA)

Sworn to and subscribed before me this 8th of Feb., 2007.


NOTARY PUBLIC

My Commission Expires: 3-22-10
GORDON & WEINBERG, P.C.
06148826



2035180

GORDON & WEINBERG, P.C.

BY: FREDERIC I. WEINBERG, ESQUIRE

Identification No.: 41360

JOEL M. FLINK, ESQUIRE

Identification No.: 41200

1001 E. Hector Street, Ste 220

Conshohocken, PA 19428

484/351-0500

BANK OF AMERICA, N.A. (USA)

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-1126-CD

SCOTT NISHIDA

9051 SHILOH RD.

WOODLAND PA 16881

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Plaintiffs' Complaint in Civil Action
in the above-captioned matter for an additional thirty (30) days.

GORDON & WEINBERG, P.C.

BY: _____

FREDERIC I. WEINBERG, ESQUIRE

JOEL M. FLINK, ESQUIRE

Attorney for Plaintiff(s)

FILED *Atty pd. 7.00*
m 10:49/61
OCT 13 2008 *ICC @ Reinstated*
Compl. to Atty
William A. Shaw
Prothonotary/Clerk of Courts
ICC @ Reinstated
Compl. to Sheriff

2035180

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215/988-9600

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PHOENIX, AZ 85034

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CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-1126-CD

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David S. Meholick, Court Admin.

Clearfield County Courthouse

Clearfield, PA-16830

(814) 765-2641

FILED
JUL 19 2007
William A. Shaw
Prothonotary/Clerk of Courts

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GORDON & WEINBERG, P.C.

BY: _____

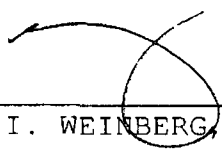
FREDERIC I. WEINBERG, ESQUIRE
PAUL M. SCHOFIELD, JR., ESQUIRE
Attorney for Plaintiff

P01A

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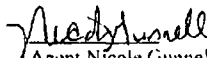
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COUNTY OF Cobb)
BANK OF AMERICA, N.A. (USA)

AFFIDAVIT OF ACCOUNT

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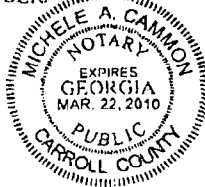
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Agent Nicole Gunnell
Bank of America, N.A. (USA)

Sworn to and subscribed before me this 2nd of Feb., 2007.


NOTARY PUBLIC

My Commission Expires: 3-22-10
GORDON & WEINBERG, P.C.
06148826



Date: 07/19/2007
Time: 01:01 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1919845
Page 1 of 1

Received of: Weinberg, Frederic I. (attorney for Bank \$ 85.00

Eighty-Five and 00/100 Dollars

Case: 2007-01126-CD	Plaintiff: Bank of America, N.A. (USA) vs	Amount
Civil Complaint		85.00
Total:		85.00

Check: 036537

Payment Method: Check
Amount Tendered:
Change Returned:
Clerk: BHUDSON

85.00
0.00

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 07-1126-CD

BANK OF AMERICA, N.A. (USA)
vs
SCOTT NISHIDA

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/12/2008 HEARING: PAGE: 104775

DEFENDANT: SCOTT NISHIDA
ADDRESS: 9051 SHILOH RD.
WOODLAND, PA 16881

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

10/17/08 10/17/08

FILED

OCT 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 22ND DAY OF OCTOBER AT 3:30 AM (PM) SERVED THE WITHIN

COMPLAINT ON SCOTT NISHIDA, DEFENDANT

BY HANDING TO SCOTT NISHIDA DEF

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

ADDRESS SERVED 1 N. 2ND ST. CLEARFIELD, PA

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR SCOTT NISHIDA

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO SCOTT NISHIDA

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Chester A. Hawkins
SHERIFF Deputy Signature

CHESTER A. HAWKINS
Print Deputy Name
SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104775
NO: 07-1126-CD
SERVICES 1
COMPLAINT

PLAINTIFF: BANK OF AMERICA, N.A. (USA)
vs.
DEFENDANT: SCOTT NISHIDA

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	063172	10.00
SHERIFF HAWKINS	GORDON	063172	16.85

^S FILED
01/30/09
JAN 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

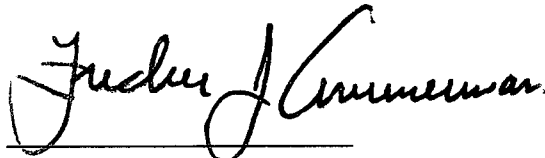
BANK OF AMERICA, N.A. (USA)
Plaintiff
vs.
SCOTT NISHIDA
Defendant

* NO. 2007-1126-CD
*
*
*
*
*

ORDER

NOW, this 21st day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 1cc atty weinberg
8:42am 1cc att
JUN 25 2013

William A. Shaw
Prothonotary/Clerk of Courts

6K

FILED

JUN 25 2013

William A. Shaw
Prothonotary/Clerk of Courts

def
9051 Shiloh Rd
Woodland 16881