



2037672

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

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)

1825 E. BUCKEYE RD

PHOENIX, AZ 85034

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

vs.

DOCKET NO. : 07-1741-CD

DAGMAR X KESSLER

611 1ST ST

DU BOIS PA 15801-3015

**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

OCT 29 2007

William A. Shaw  
Prothonotary/Clerk of Courts

ice Sheriff

ice Atty

Atty pd. 85.00

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 Affidavit 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 \$7,237.62.


5. Plaintiff has made demand upon the defendant(s) for payment of the balance due of \$7,237.62 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 8/15/06.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$7,237.62 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: \_\_\_\_\_

  
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, 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"

2054

2037672

BANK OF AMERICA, N.A. (USA)

DAGMAR X KESSLER

4888920999879065

AFFIDAVIT

I, Nichole A. Cannon, being duly served  
sworn according to law, depose and say that:

1. I am the agent for the Plaintiff herein and I have custody  
and control of the files relating to this account;

2. I have personal knowledge of the facts and circumstances in  
connection with this case;

3. Plaintiff's files are maintained in the usual and ordinary  
course of business;

4. This action is based on a claim for breach of contract and  
that damages are sought as a direct result of said breach;

5. After allowing for all offsets and credits, a balance  
remains on the subject account having account number 4888920999879065  
in the amount of \$6,782.99; and

6. If called upon, affiant can testify at trial as to the facts  
pertaining to this matter.

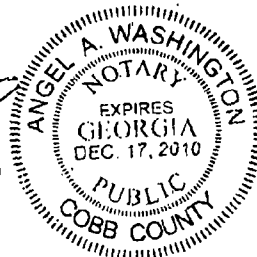
The above facts are true and correct to the best of my knowledge,  
information and belief.

Nichole A. Cannon  
(Name of Affiant)

Sworn to and Subscribed

before me this 16 day :of August, 2007

[Signature]  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103362  
NO: 07-1741-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: BANK OF AMERICA, N.A. (USA)  
vs.  
DEFENDANT: DAGMAR X. KESSLER

SHERIFF RETURN

NOW, November 01, 2007 AT 12:05 PM SERVED THE WITHIN COMPLAINT ON DAGMAR X. KESSLER  
DEFENDANT AT (RESIDENCE) 611 1ST ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING  
TO DAGMAR KESSLER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND  
MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

**FILED**


FEB 13 2008  
07:30 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GORDON	40605	10.00
SHERIFF HAWKINS	GORDON	40605	36.43

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008  
2007-

So Answers,

  
Chester A. Hawkins  
Sheriff



Prothonotary/Clerk of Courts  
William A. Shaw  
Prothonotary/Clerk of Courts

FEB 13 2008

**FILED** **FILED**

2037672

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
JOEL M. FLINK, ESQUIRE  
Identification No.: 81894  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
484/351-0500

FILED  
MAR 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Atty pd. 20.00  
ICC Notice to Def.

BANK OF AMERICA, N.A. (USA)

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Statement to Atty  
GIC

vs.

DOCKET NO. : 07-1741-CD

DAGMAR X KESSLER

PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF AN ANSWER, ASSESSMENT  
OF DAMAGES, VERIFICATION OF ADDRESS AND NON-MILITARY SERVICE

TO THE PROTHONOTARY:

Enter judgment for want of an answer for plaintiff and  
against defendant(s) above named only and assess damages  
certified to be calculable as a sum certain from the complaint,  
as follows:

Principal	\$7,237.62
Costs (Complaint & Service)	\$131.43
<b>Total:</b>	<b>\$7,369.05</b>

Understanding the false statements made herein are subject to  
penalty under 18 Pa.C.S.A. §4904, Unsworn Falsification to  
Authorities, I verify that:

1. The last known addresses of the parties are: BANK OF  
AMERICA, N.A. (USA) and that the last known address of defendant,  
DAGMAR X KESSLER, 611 1ST ST, DU BOIS PA 15801-3015.

2. The annexed notice(s) of intention to file this  
praecipe was (were) mailed to all parties, defendant and to their  
record attorneys, if any, after default occurred, and at least

ten days prior to the date of filing of this praecipe.

3. The said defendant(s) is (are) not in the military service of the United States or otherwise within the coverage of the Soldiers and Sailors Civil Relief Act and is (are) over 18 years of age.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008 Judgment is entered in favor of the plaintiff(s) and against defendant(s) by default for want of an answer and damages assessed at the sum of , \$7,369.05 as per the above certification.

\_\_\_\_\_  
Prothonotary

GORDON & WEINBERG, P.C.

BY: \_\_\_\_\_  
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

2037672

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. : 07-1741-CD

DAGMAR X KESSLER

NOTICE OF INTENTION TO TAKE DEFAULT

TO/PARA :

DAGMAR X KESSLER  
611 1ST ST  
DU BOIS PA 15801-3015

DATE OF NOTICE/FECHA DEL AVISO: February 19, 2008

IMPORTANT NOTICE

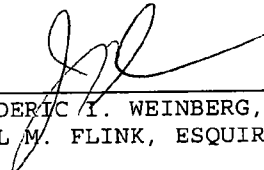
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU 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 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.

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

GORDON & WEINBERG, P.C.

BY:   
FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE

GORDON & WEINBERG, P.C.  
BY: FREDERIC I. WEINBERG, ESQUIRE  
Identification No.: 41360  
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1001 E. Hector Street, Ste 220  
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484/351-0500

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

DOCKET NO. : 07-1741-CD

**NOTICE**

<u>/X/</u>	Judgment by Default	\$7,369.05
<u>/ /</u>	Money Judgment	\$
<u>/ /</u>	Judgment on Award of Arbitrators	\$
<u>/ /</u>	Judgment on Verdict	\$

PROTHONOTARY

314108

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

Bank of America, N.A. (USA)  
Plaintiff(s)

No.: 2007-01741-CD

Real Debt: \$7,369.05

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Dagmar X. Kessler  
Defendant(s)

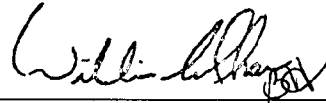
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 14, 2008

Expires: March 14, 2013

Certified from the record this 14th day of March, 2008.



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