

08-946-CD  
Citibank vs Ryan Horchen

Burton Neil & Associates, P.C.  
By: Neil Sarker, Esquire ID. NO. 203465  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
(610) 696-2120

Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA), N.A.  
701 East 60th Street N  
Sioux Falls, SD 57117

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

RYAN M HORCHEN  
429 1st Street, Du Bois PA 15801-3011

: NO. 08-946-CD

Defendant

: CIVIL ACTION - LAW

### **Complaint - 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 (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 claim 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. 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.**

### **LAWYER REFERENCE AND INFORMATION SERVICE**

David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone No. 814-765-2641 Ext. 5982

C-13666

**FILED** Atty pd.  
MAY 21 2008 \$95.00  
MAY 21 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
1CC Sheriff

Burton Neil & Associates, P.C.  
By: Neil Sarker, Esquire ID. NO. 203465  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
(610) 696-2120

Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA), N.A. : IN THE COURT OF COMMON PLEAS  
701 East 60th Street N  
Sioux Falls, SD 57117

Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO.

RYAN M HORCHEN  
429 1st Street, Du Bois PA 15801-3011

Defendant : CIVIL ACTION - LAW

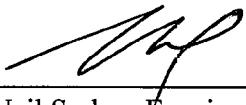
### **Complaint**

1. Plaintiff is Citibank (South Dakota), N.A., with place of business located at 701 East 60th Street North, Sioux Falls, South Dakota.
2. Defendant is Ryan M Horchen, who resides at 429 1st Street, DuBois, Clearfield County, Pennsylvania.
3. Plaintiff is a national banking association, engaged in various types of banking business including consumer lending through the issuance of credit cards.
4. Plaintiff furnished consumer credit to the defendant by means of a(n) credit card with account number 1710362241335151 hereinafter referred to as the credit card account.
5. Plaintiff kept accurate running records of all debits and credits to the account.
6. Plaintiff mailed to defendant monthly statements for the account including the billing statement attached hereto as Exhibit A. The monthly statements accurately stated the previous balance, the debits and credits to the account for the prior billing period.
7. Before plaintiff mailed Exhibit A, defendant had for many months made payments on account of the billing statement or retained the statement without payment.

8. Defendant's actions as set forth above constituted an account stated between parties for the sum of \$2,404.97 which sum reflects the Exhibit A statement balance less credits, if any, which were applied subsequent to the date of Exhibit A.

Wherefore, plaintiff demands judgment against defendant for the sum of \$2,404.97, and the costs of this action.

Burton Neil & Associates, P.C.

By: 

Neil Sarker, Esquire  
Attorney for Plaintiff

The law firm of Burton Neil & Associates, P.C. is a debt collector.

**Sears Card®**

Call us at 1-800-917-7700

Go to [www.searscard.com](http://www.searscard.com)

Write to us at PO Box 6924 The Lakes, NY 88901-6924

**RYAN M HORCHEN**  
 Account Number: 03 62241 33515 1  
 Page 1 of 1

**Minimum Payment Due Date**

12/24/07

C.13666b

**Your Account Summary**

Billing Cycle Closing Date	<b>11/26/07</b>
Amount Over Credit Limit	\$1,434.97
Amount Past Due	\$312.00
Minimum Payment Due	\$411.65
Previous Balance	\$2,330.32
Payments & Credits	\$0.00
Purchases & Debits	\$0.00
Other Charges	\$25.00
<b>Total FINANCE CHARGES</b>	<b>\$49.65</b>
Total Account Balance	\$2,404.97

**Your Credit Summary**

Total Credit Limit	\$970.00
Total Credit Available	\$0.00

Activity	Sale Date	Post Date	Description	Amount
11/22/07	11/22/07		LATE PAYMENT FEE	25.00

YOUR ACCOUNT IS SERIOUSLY PAST DUE. AMOUNT PAST DUE IS SHOWN ABOVE. ARRANGEMENTS FOR FUTURE PAYMENTS SHOULD BE MADE IMMEDIATELY.

Rates	*Rate Varies	Balance	Average Daily Balance	Corresponding ANNUAL PERCENTAGE RATE	Periodic Rate D=Day M=Month	Periodic FINANCE CHARGE
<b>SEARS</b>						
REGULAR		\$2,404.97	\$2,358.15	24.00%	.0658%(D)	\$49.65
Days in Billing Period: 32				Effective ANNUAL PERCENTAGE RATE: 24.00%	Minimum FINANCE CHARGE: \$0.00	

**Sears Card®**

Account Number: 03 62241 33515 1

Total Account Balance	Minimum Payment Due Date	Minimum Payment Due	Amount Enclosed
\$2,404.97	12/24/07	\$411.65	\$

0001891 EX 17 A 07330 1 TRS005 FWG 001 7 N

RYAN M HORCHEN  
 429 1ST ST  
 DU BOIS PA 15801-3011

Make check payable to  
 SEARS CREDIT CARDS  
 PO BOX 183081  
 COLUMBUS, OH 43218-3081

Please make address changes on reverse side.

200 5049941107170455 0240497 0041165 0000000

EXHIBIT A

## Verification

I, Tiena Reynolds am an employee of Citicorp Credit Services, Inc., (USA) which is by contract the service provider for plaintiff CITIBANK (SOUTH DAKOTA), N.A. retained to perform services on its behalf. I am authorized to make this verification as attorney-in-fact for plaintiff under powers of attorney from plaintiff to Citicorp Credit Services, Inc. (USA) and to me. The foregoing averments of fact in the within pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

✓ Tiena Reynolds  
Signature

Ryan M Horchen  
1710362241335151

**FILED**

**MAY 21 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

Leena Reynolds

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-946-CD

CITIBANK (SOUTH DAKOTA) N.A.  
vs  
RYAN M. HORCHEN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/20/2008 HEARING: PAGE: 104195

DEFENDANT: RYAN M. HORCHEN  
ADDRESS: 429 1ST ST.  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED  
0/9:30AM  
JUN 03 2008  
WMA  
William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

05-28-08 2/2 05-30-08 W/2

**SHERIFF'S RETURN**

NOW, THIS 2ND DAY OF JUNE 2008 AT 1:55 AM / PM SERVED THE WITHIN  
COMPLAINT ON RYAN M. HORCHEN, DEFENDANT

BY HANDING TO Ryan M. Horchen / Defendant

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

ADDRESS SERVED 1201 South Brady Street, Dubois PA, 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR RYAN M. HORCHEN

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO RYAN M. HORCHEN

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY: Mark A. Hawkins  
Deputy Signature

Mark A. Hawkins  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104195  
NO: 08-946-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CITIBANK (SOUTH DAKOTA) N.A.  
vs.  
DEFENDANT: RYAN M. HORCHEN

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEIL	041177	10.00
SHERIFF HAWKINS	NEIL	041177	37.19

**FILED**

03:15 cm  
SEP 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

FILED

OCT 16 2008

in 11:10/c  
William A. Shew  
Prothonotary/Clerk of Courts

NOTICE TO  
DEPT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIBANK (SOUTH DAKOTA), N.A.  
701 East 60th Street N  
Sioux Falls, SD 57117

Plaintiff(s)

v.

RYAN M HORCHEN  
429 1st Street  
Du Bois PA 15801-3011

Defendant(s)

CIVIL DIVISION, ARBITRATION  
AND STATUTORY APPEALS ONLY

CASE NO. 08-946-CD

TYPE OF PLEADING: \_\_\_\_\_

Praecipe for Default Judgment

CODE AND CLASSIFICATION: \_\_\_\_\_

FILED ON BEHALF OF: Plaintiff  
CITIBANK (SOUTH DAKOTA), N.A.

(Name of Party, indicate plaintiff or defendant)

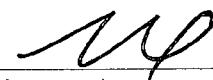
NAME, ADDRESS AND TELEPHONE OF:

X Counsel of Record  
\_\_\_\_\_ Individual, if pro se

Neil Sarker, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
Telephone: 610-696-2120  
**email: litigation@burt-law.com**

Attorney's State ID# 203465

Attorney's Firm ID# \_\_\_\_\_



(Signature)

CITIBANK (SOUTH DAKOTA), N.A.  
701 East 60th Street N, Sioux Falls, SD 57117  
Plaintiff

: IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA  
v.  
: NO. 08-946-CD

RYAN M HORCHEN  
429 1st Street  
Du Bois PA 15801-3011  
Defendant

: CIVIL ACTION - LAW

**Praeclipe for Default Judgment**

To the Prothonotary:

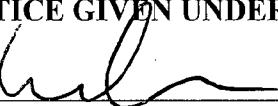
Please enter judgment by default for want of an answer in the above case in favor of the plaintiff and against the defendant, and assess damages as follows:

Principal:	\$2,404.97
TOTAL	\$2,404.97

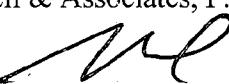
Understanding that false statements herein made are subject to penalty under 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities, I verify that:

1. The above are the precise last-known addresses of the judgment debtor and creditor.
2. The annexed notice of intention to file this praecipe was mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.
3. Pursuant to Section 201(b)(1)(A) of the Servicemembers Civil Relief Act of 2003 (SCRA), the defendant is not in the military service of the United States based on information received from the defendant and/or the Department of Defense website.

**JUDGMENT BY DEFAULT ENTERED  
AND DAMAGES ASSESSED AS ABOVE.  
NOTICE GIVEN UNDER PA.R.CIV.P. 236**

  
\_\_\_\_\_  
Pro Prothonotary

Burton Neil & Associates, P.C.

By:   
\_\_\_\_\_  
Neil Sarker, Esquire  
Attorney for Plaintiff  
I.D. NO. 203465  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380

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C-13666

CITIBANK (SOUTH DAKOTA), N.A.

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO. 08-946-CD

RYAN M HORCHEN

Defendant

: CIVIL ACTION - LAW

**Notice of Intention to File Praeclipe for Default Judgment**

TO: Ryan M Horchen  
429 1st Street  
Du Bois PA 15801-3011

**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, 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 your 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. 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.

LAWYER REFERENCE AND  
INFORMATION SERVICE  
David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone No. 814-765-2641 Ext. 5982

DATE OF NOTICE: September 29, 2008

Burton Neil &amp; Associates, P.C.

By: 

Neil Sarker, Esquire  
Attorney for Plaintiff  
Identification No. 203465  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
(610) 696-2120

In making this communication, we advise our office is a debt collector.

Burton Neil & Associates, P.C.  
By: Neil Sarker, Esquire ID. NO. 203465  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
610-696-2120

Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA), N.A.

Plaintiff

: IN THE COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

: NO. 08-946-CD

RYAN M HORCHEN

Defendant

: CIVIL ACTION - LAW

**Rule of Civil Procedure NO. 236 (Revised)**

Notice is given that a JUDGMENT in the above captioned matter has been entered  
against you on Oct. 16, 2008.

Prothonotary

By:

Deputy

If you have any questions concerning the above, please contact:

Neil Sarker, Esquire  
Attorney for Party Filing  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
Phone: 610-696-2120

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