

08-1233-CD

Bank of America vs Patricia L. Kyler

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.  
1825 E BUCKEYE RD  
PHOENIX, AZ 85034

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1233-CD

PATRICIA L KYLER  
409 JUNIATA AVENUE  
Houtzdale PA 16651

COMPLAINT IN ASSUMPSIT  
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. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

**FILED**  
in 11:26 a.m. CK  
JUL 07 2008  
W.A. Shaw  
Prothonotary/Clerk of Courts  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428  
Atty PAID 95.00

*3 Am-31, 2008*  
Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*W.A. Shaw*  
Deputy Prothonotary

1. The defendant, for valuable consideration received, executed and delivered to plaintiff a promissory note under the terms of which the defendant promised to pay to the plaintiff consecutive monthly payments under the terms and conditions set forth in the promissory note. A true and correct copy of the aforesaid promissory note, if available, is attached hereto, made a part of this complaint and marked Exhibit "A".

2. Contrary to the terms of the aforesaid promissory note, the defendant failed to make the required payments when due as a result of which the unpaid balance of \$4,838.77 became due and payable.

3. As a result of defendant's default, defendant is indebted to plaintiff in the amount of \$4,838.77 plus interest thereon and attorney's fees as provided for in the promissory note.

4. Plaintiff has made demand upon the defendant for payment of the amount due but the defendant has failed and refused and still refuses to pay the said sum or any part thereof.

5. Defendant's last payment on account was made on 1/3/07. WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,833.77 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

P01C

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

2039222

BANK OF AMERICA, N.A. (USA)

PATRICIA L KYLER

4888937990458616

AFFIDAVIT

I, Rhonda Odom, 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 4888937990458616 in the amount of \$4,838.77; 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.

Rhonda Odom

(Name of Affiant)

Sworn to and Subscribed

before me this 29 day

of November, 2007

Angel A. Washington  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1233-CD

BANK OF AMERICA, N.A.  
vs  
PATRICIA L. KYLER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/06/2008 HEARING: PAGE: 104380

DEFENDANT: PATRICIA L. KYLER  
ADDRESS: 409 JUNIATA AVE.  
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED  
08:30 AM  
JUL 23 2008  
GM

William A. Shaw  
Prothonotary/Clerk of Courts

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT ON PATRICIA L. KYLER, 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

COMPLAINT FOR PATRICIA L. KYLER

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

NOW 7-22-08 AT 9:41 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO PATRICIA L. KYLER

REASON UNABLE TO LOCATE House Empty - Moved

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A HAWKINS SHERIFF

BY:

James E. Davis  
Deputy Signature

James E. Davis  
Print Deputy Name

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

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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2008-1233-CD

PATRICIA L KYLER  
409 JUNIATA AVENUE  
Houtzdale PA 16651

COMPLAINT IN ASSUMPSIT  
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David S. Meholic, 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 07 2008

Attest.

*William L. Lohman*  
Prothonotary/  
Clerk of Courts

1. The defendant, for valuable consideration received, executed and delivered to plaintiff a promissory note under the terms of which the defendant promised to pay to the plaintiff consecutive monthly payments under the terms and conditions set forth in the promissory note. A true and correct copy of the aforesaid promissory note, if available, is attached hereto, made a part of this complaint and marked Exhibit "A".

2. Contrary to the terms of the aforesaid promissory note, the defendant failed to make the required payments when due as a result of which the unpaid balance of \$4,838.77 became due and payable.

3. As a result of defendant's default, defendant is indebted to plaintiff in the amount of \$4,838.77 plus interest thereon and attorney's fees as provided for in the promissory note.

4. Plaintiff has made demand upon the defendant for payment of the amount due but the defendant has failed and refused and still refuses to pay the said sum or any part thereof.

5. Defendant's last payment on account was made on 1/3/07.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$4,838.77 plus applicable costs, interest and attorney's fees.

GORDON & WEINBERG, P.C.

BY: 

FREDERIC I. WEINBERG, ESQUIRE  
JOEL M. FLINK, ESQUIRE  
Attorney for Plaintiff

P01C

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

2039222

BANK OF AMERICA, N.A. (USA)

PATRICIA L KYLER

4888937990458616

AFFIDAVIT

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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 4888937990458616 in the amount of \$4,838.77; 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.

Rhonda Odom

(Name of Affiant)

Sworn to and Subscribed

before me this 29 day

of November, 2007

Angel A. Washington  
Notary Public





ORDER FOR SERVICE

DATED: 22 de abril de 2008  
TO: SHERIFF OF CLEARFIELD COUNTY  
FROM: FREDERIC I. WEINBERG, ESQUIRE  
I.D.#: 41360  
GORDON & WEINBERG, P.C.  
1001 E. Hector Street, Ste 220  
Conshohocken, PA 19428

PHONE: 484/351-0500  
Attorneys for Plaintiff

WRIT and/or COMPLAINT   
CIVIL ACTION   
CONTRACT   
ASSUMPSIT

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

PLAINTIFF(S)

VS.

**PATRICIA L KYLER  
409 JUNIATA AVENUE  
Houtzdale PA 16651  
and**

DEFENDANT(S)

SERVE DEFENDANT(s), AT:

**PATRICIA L KYLER  
409 JUNIATA AVENUE  
Houtzdale PA 16651**

*SPECIAL INSTRUCTIONS:*

*PROOF/RETURN OF SERVICE TO BE MAILED TO ATTORNEY FOR PLAINTIFF AT ABOVE ADDRESS.*

SERVICE WAS NOT MADE BECAUSE:

P001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104380  
NO: 08-1233-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: BANK OF AMERICA, N.A.

vs.

DEFENDANT: PATRICIA L. KYLER

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	055586	10.00
SHERIFF HAWKINS	GORDON	055586	35.06

*S*  
**FILED**  
*0/3:40pm*  
**OCT 13 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

2039222

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.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

FILED  
JAN 31 2011  
M 1/31/2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
Clerk of Courts  
to Att  
1 Prothonotary  
to SHAW

vs.

DOCKET NO. : 2008-1233-CD

PATRICIA L KYLER  
211 MILL STREET  
OSCEOLA MILLS PA 16666

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)

To Deputy 2/1/2011

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 2008-1233CD

BANK OF AMERICA, N.A.

vs

PATRICIA L. KYLER

SERVICE # 1 OF 1

PRAEICE/COMPLAINT

SERVE BY: 03/02/2011

HEARING:

PAGE: 108138

FILED  
01/04/2011  
FEB 04 2011

DEFENDANT: PATRICIA L. KYLER

ADDRESS: 211 MILL STREET

OSCEOLA MILLS, PA 16666

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS 2-2-11 at 2:46 Pm - Def no longer lives at above address

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **SERVED** THE WITHIN

PRAEICE/COMPLAINT ON PATRICIA L. KYLER, 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

PRAEICE/COMPLAINT FOR PATRICIA L. KYLER

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

NOW 2-4-11 AT 12:47 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO PATRICIA L. KYLER

REASON UNABLE TO LOCATE Defendant does not live at above address

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Neff  
Deputy Signature

Jerome M. Neff  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 108138  
NO: 2008-1233-CD  
SERVICES 1  
PRAECLP/COMPLAINT

PLAINTIFF: BANK OF AMERICA, N.A.  
vs.  
DEFENDANT: PATRICIA L. KYLER

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GORDON	135426	10.00
SHERIFF HAWKINS	GORDON	135426	25.40

**FILED**

0/142ch  
JUN 09 2011

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2011



Chester A. Hawkins  
Sheriff

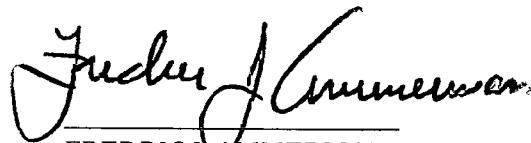
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BANK OF AMERICA, NA \* NO. 2008-1233-CD  
Plaintiff \*  
vs. \*  
PATRICIA L. KYLER \*  
Defendant \*

**ORDER**

NOW, this 25<sup>th</sup> day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over two 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

0/9/13cm  
2 7/12/2013  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K