

08-1306-CD

Citibank vs Peggy Miller

FILED  
m 11:46 a.m. OK  
JUL 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Atty PAID 95.00  
NO CC  
1 Comp. to SHFF

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

CITIBANK (SOUTH DAKOTA) NA

Plaintiff

No: 2008-1306-CD

vs.

COMPLAINT IN CIVIL ACTION

PEGGY MILLER

Defendant

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 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06230279 C J Pit SJS

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

CITIBANK (SOUTH DAKOTA) NA

Plaintiff

vs.

Civil Action No

PEGGY MILLER

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 CITIBANK (SOUTH DAKOTA) NA with place of business located at 701 East 60th Street North, Sioux Falls, South Dakota, 57117.

2. Defendant is adult individual(s) residing at the address listed below:

PEGGY MILLER  
445 OPPOSSUM AL  
BRISBIN, PA 16620

3. Plaintiff is a national banking association, engaged in consumer lending through the issuance of credit cards.


4. Pursuant to Defendant's request, Plaintiff furnished to the Defendant a credit card account (hereinafter account) bearing account number XXXXXXXXXXXXXXXX2213 .

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. Defendant's actions as set forth above constituted an account stated between parties for the sum of \$9437.34 , which sum reflects the Exhibit A statement balance less credits, if any, which were applied subsequent to the date of Exhibit A.

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant , PEGGY MILLER , INDIVIDUALLY , in the amount of \$9437.34 with continuing interest thereon at the rate of 6.000% per annum from date of judgment plus costs.



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James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06230279 C J Pit SJS

09/21/07 \$9437.34 \$9437.34  
 PMT. DUE DATE NEW BALANCE MIN. AMT. DUE

SITE:KC-CL TM:CO-5000 ACID:KCB3104  
 09/05/07 23:36:32:

06230279

PEGGY MILLER  
 ATTN: ACCOUNT-CODE=LE14  
 PO BOX 99  
 BRISBIN  
 16620-0099000

PA

CITI CARDS  
 PO BOX 183069  
 COLUMBUS, OH  
 43218-3069

## Citi Simplicity™ Rewards Card



Account Number  
 5424 1808 5312 2213

### Customer Service:

1-866-696-5673	Total Credit Line \$7400	Available Credit Line \$0	Cash Advance Limit \$500	Available Cash Limit \$0	New Balance \$9437.34
BOX 6500	Statement/ Closing Date	Amount Over Credit Line	Past Due	Purch/Adv Minimum Due	Minimum Amount Due
SIOUX FALLS, SD	08/29/2007	\$2037.34	\$2710.61	\$141.00	\$9437.34
57117					

Sale Date	Post Date	Category	Activity Since Last Statement	Amount
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Help is available! Please call the toll-free number shown above to learn about our special payment options. Call Monday - Friday, 7 am to 9 pm, or Saturday, 8 am to 5 pm, Central Time. Please give us the opportunity to assist you.

EXHIBIT

A

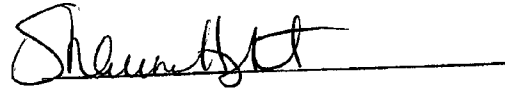
Account Summary	Previous Balance	(+) Purchases & Advances	(-) Payments & Credits	(+) FINANCE CHARGE	(=) New Balance
PURCHASES	\$9,437.34	\$0.00	\$0.00	\$0.00	\$9,437.34
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$9,437.34	\$0.00	\$0.00	\$0.00	\$9,437.34

Days This Billing Period: 30

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$0.00	0.08833%(D)	32.240%	32.240%
ADVANCES				
Standard Adv	\$0.00	0.08833%(D)	32.240%	32.240%

**Verification**

I, Shauna Houghton, 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 including but not primarily limited to collecting delinquent debt. 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.



Shauna Houghton

PEGGY MILLER  
5424180853122213  
WWR#06230279

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1306-CD

3

CITIBANK (SOUTH DAKOTA) NA  
vs  
PEGGY MILLER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/15/2008 HEARING: PAGE: 104420

DEFENDANT: PEGGY MILLER  
ADDRESS: 445 OPOSSUM AL  
BRISBIN, PA 16620  
ALTERNATE ADDRESS

FILED  
9/8:30 am  
JUL 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 7-22-08 AT 9:30 AM/PM SERVED THE WITHIN

COMPLAINT ON PEGGY MILLER, DEFENDANT

BY HANDING TO George Miller, Husband

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

ADDRESS SERVED 445 Opossum Al.  
BRISBIN, PA 16620

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

COMPLAINT FOR PEGGY MILLER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO PEGGY MILLER

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

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



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

FILED <sup>RE</sup>

AUG 01 2008

012:30/2

William A. Shaw

Notary Public/Clerk of Courts

W C/C

CITI BANK

(Plaintiff)

CIVIL ACTION

701 EAST 60<sup>TH</sup> ST NORTH

(Street Address)

No. 2008-1306-CD

SIoux FALLS South Dakota

(City, State ZIP) 57117

Type of Case: Civil

Type of Pleading: ANSWER

VS.

PEGGY J MILLER

(Defendant)

Filed on Behalf of:

PEGGY J MILLER

(Plaintiff/Defendant)

445 Opossum Alley PO Box 99

(Street Address)

BRISBIN PA 16620

(City, State ZIP)

PEGGY J MILLER

(Filed by)

445 Opossum Alley PO Box

BRISBIN PA 16620

(Address)

814-378-5541

(Phone)

Peggy J Miller

(Signature)

State of ( Pennsylvania ), ( Clearfield )County

Cause/Case No. ( 2008-1306-CD )

Plaintiff, CITIBANK (South Dakota) NA

Vs.

Defendant(s) Peggy J. Miller

Peggy J. Miller ("Defendant"), hereby answers the complaint of  
CITI Bank ("Plaintiff") for it's self alone as follows and generally  
denies the allegations due to the complaint based on lack of information and belief.

#### **First Affirmative Defense**

"(Agreement to Arbitrate)

The credit card agreement may state that disputes may be resolved by binding arbitration.  
Defendant elects to have all disputes related to the credit card agreement resolved by binding arbitration."

#### **Second Affirmative Defense**

"(Amount in Dispute)

The account balance claimed by plaintiff is not accurate and the total amount that is owed, if any,  
is in dispute."

**Third Affirmative Defense**

“(Financial Hardship)”

Due to a serious financial crisis, defendant does not have sufficient funds to pay the full amount of the undisputed debt, if any.

Over extended with credit cards.

My Husband isn't working I've only been back to work a few months now.

I've got alot in medical bills.

I drive 66 miles a day and gas money is killing me.

I can't pay extra so bills keep putting my futher in debt.

I have to many bills.

Wrecked my car got a new one and then got laid off.

-----  
I am seeking assistance of a Debt Settlement Co. with Solve Debts contact at

Solve Debts

PO Box 2640

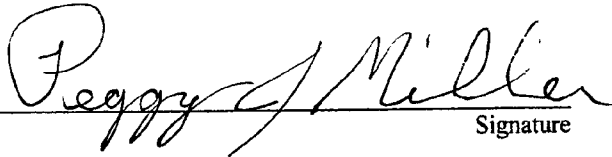
New Port Beach, CA 92658

1-800-498-7510

WHEREFORE, Defendant requests that:

1. Plaintiff takes nothing by way of his complaint; and
2. For Defendant's costs of suit. \$0.00

Dated: 8-1-2008

  
Signature

Peggy J. Miller  
Printed Name

Defendant in Pro Per

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104420  
NO: 08-1306-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CITIBANK (SOUTH DAKOTA) NA  
vs.  
DEFENDANT: PEGGY MILLER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3449879	10.00
SHERIFF HAWKINS	WELTMAN	3449879	37.89

5  
**FILED**  
03:16 PM  
OCT 15 2008  
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

CITIBANK (SOUTH DAKOTA) NA

Plaintiff

vs.

PEGGY MILLER

Defendant

Civil Action No. 2008-1306-CD

*FILED* *ICC* *AA4*  
*m/11:55 am* *Weinstein*  
*MAR 23 2009*

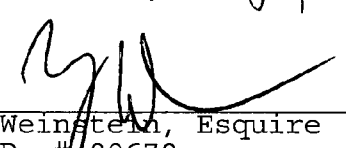
William A. Shaw  
Prothonotary/Clerk of Courts

PRAECIPE FOR APPEARANCE

Kindly enter our appearance on behalf of the Plaintiff in the above captioned matter.

BURTON NEIL,

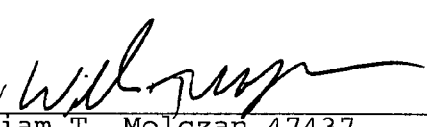
*Assoc LC*

By:   
Yale Weinstein, Esquire  
PA I.D. # 89678  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
(610) 692-2120

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

Kindly withdraw our appearance on behalf of the Plaintiff in the above captioned matter.

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

By:   
William T. Molczan, 47437  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955

511

**CLEARFIELD County, Pennsylvania**  
**Department of Court Records**  
**Civil Division**

**FILED**

7/11/2010  
JUL 19 2010

William A. Shaw  
Prothonotary/Clerk of Courts

**COVER SHEET**

**Plaintiff(s)**

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

**Case Number:**

2008-1306-CD

**Type of Pleading:**

Praecipe

**Code and Classification:**

**Filed on Behalf of:**

Plaintiff

CITIBANK (SOUTH DAKOTA), N.A.

Vs.

**Defendant(s)**

PEGGY MILLER  
445 Oppossum Alley, PO Box 99  
Brisbin PA 16620

(Name of the filing party)

  X    
\_\_\_\_\_

Counsel of Record

Individual, if pro se

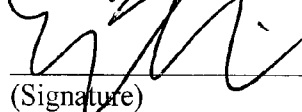
**Name, Address and Telephone Number:**

Edward J. O'Brien, Esquire  
Burton Neil & Associates, P.C.  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
Telephone: 610-696-2120  
email: [litigation@burt-law.com](mailto:litigation@burt-law.com)

**Attorney's State ID:**

32985

**Attorney's Firm ID:**

  
\_\_\_\_\_  
(Signature)

24  
Burton Neil & Associates, P.C.  
By: Edward J. O'Brien, Esquire ID. NO. 32985  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
610-696-2120

Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA), N.A.

Plaintiff

v.

PEGGY MILLER

Defendant

: IN THE COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PENNSYLVANIA

: NO. 2008-1306-CD

: CIVIL ACTION - LAW

**Praeceptum to Settle, End, & Discontinue**

To the Prothonotary:

Mark the above matter Settled, Ended and Discontinued.

Burton Neil & Associates, P.C.

By: 

\_\_\_\_\_  
Edward J. O'Brien, Esquire  
Attorney for Plaintiff

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

W-22623