

08-1411-CD  
Citibank vs Michael A. Segalla

**FILED**

Burton Neil & Associates, P.C.  
By: Yale D. Weinstein, Esquire ID. NO. 89678  
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

v.

MICHAEL A SEGALLA  
52 Ponderosa Drive, Penfield PA 15849-9774  
Defendant

: NO. 2008-1411-C

: CIVIL ACTION - LAW

JUL 31 2008  
11:55 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO SHAW

**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

Burton Neil & Associates, P.C.  
By: Yale D. Weinstein, Esquire ID. NO. 89678  
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.

MICHAEL A SEGALLA  
52 Ponderosa Drive, Penfield PA 15849-9774

Defendant : CIVIL ACTION - LAW

### **Complaint**

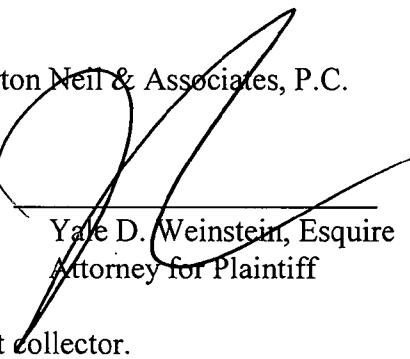
1. Plaintiff is CITIBANK (SOUTH DAKOTA), N.A., with place of business located at 701 East 60th Street North, Sioux Falls, South Dakota.
2. Defendant is Michael A Segalla, who resides at 52 Ponderosa Drive, Penfield, Clearfield County, Pennsylvania.
3. Plaintiff is a national banking association, engaged 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) Sears credit card with account number ending in 3438 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 \$1,311.31 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 \$1,311.31, and the costs of this action.

Burton Neil & Associates, P.C.

By:

  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff

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

# Sears Premier 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, NV 88901-6924

MICHAEL A SEGALLA

Account Number: [REDACTED]

Page 1 of 1

Payment Due Date

04/04/08

## Your Account Summary

Billing Cycle Closing Date	03/07/08
Amount Over Credit Line	\$731.31
Amount Past Due	\$262.55
Total Minimum Due	\$339.85
Previous Balance	\$1,248.01
Payments & Credits	\$0.00
Purchases & Debits	\$0.00
Other Charges	\$35.00
<b>Total FINANCE CHARGES</b>	<b>\$28.30</b>
Account Balance	\$1,311.31

Did you know? There may be a quick (and simple) way to bring your account up to date.

**Call 1-866-518-9050 today.**

2-16063

You may be able to bring your account current by using your 2007 tax refund. And that's just one possibility.

Even if you don't have a refund coming, we have payment options that may meet your personal needs. We would be happy to work with you to find a solution.

You may also make an immediate payment by calling our toll-free number above.

## Your Credit Summary

Total Credit Line	\$580.00
Total Credit Available	\$0.00

Activity	Sale Date	Post Date	Description	Amount
	03/06/08	03/06/08	LATE PAYMENT FEE	35.00

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		\$1,311.31	\$1,264.00	28.15%*	.0772%(D)*	\$28.30
<b>EXTERNAL</b>						
REGULAR		\$0.00	\$0.00	28.15%*	.0772%(D)*	\$0.00
<b>CASH ACCESS</b>						
REGULAR		\$0.00	\$0.00	28.15%*	.0772%(D)*	\$0.00
Days in Billing Period: 29				Effective ANNUAL PERCENTAGE RATE: 28.15%	Minimum FINANCE CHARGE: \$0.00	

## Sears Premier Card®

Account Number: [REDACTED]

Account Balance	Payment Due Date	Total Minimum Due	Amount Enclosed
\$1,311.31	04/04/08	\$339.85	\$ [REDACTED]

0069948 EX 05 0

08067 1 TRS006 FXG 001 7 N

MICHAEL A SEGALLA  
52 PONDEROSA DR  
PENFIELD PA 15849-9774

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

Please make address changes on reverse side.

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.

✓   
Signature

**C-16063**

Michael A Segalla  
Account number ending in 3438  
1031

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1411-CD

CITIBANK (SOUTH DAKOTA) N.A.  
vs  
MICHAEL A. SEGALLA

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/30/2008 HEARING: PAGE: 104487

FILED

*08/30/08  
AUG 05 2008*

DEFENDANT: MICHAEL A. SEGALLA  
ADDRESS: 52 PONDEROSA DRIVE  
PENFIELD, PA 15849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 8/4/08 AT 1:50 AM / PM SERVED THE WITHIN

COMPLAINT ON MICHAEL A. SEGALLA, DEFENDANT

BY HANDING TO Sandy Segalla wife

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

ADDRESS SERVED 52 Ponderosa Drive Penfield Pa 15849

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

COMPLAINT FOR MICHAEL A. SEGALLA

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL A. SEGALLA

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Jerome M. Nevin*  
Deputy Signature

*Jerome M. Nevin*  
Print Deputy Name

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.

MICHAEL A SEGALLA  
52 Ponderosa Drive  
Penfield PA 15849-9774

Defendant(s)

CIVIL DIVISION, ARBITRATION  
AND STATUTORY APPEALS ONLY

CASE NO. 2008-1411-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

Yale D. Weinstein, 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# 89678

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

(Signature)

FILED Atty ad 20.00  
m/10/58/08 NOV 17 2008 Notice to Def.  
Statement to Atty  
BWA William A. Shaw  
Prothonotary/Clerk of Courts Atty

CITIBANK (SOUTH DAKOTA), N.A. : IN THE COURT OF COMMON PLEAS  
701 East 60th Street N, Sioux Falls, SD 57117 : CLEARFIELD COUNTY, PENNSYLVANIA  
Plaintiff  
v.  
MICHAEL A SEGALLA : NO. 2008-1411-CD  
52 Ponderosa Drive  
Penfield PA 15849-9774  
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:	\$1,311.31
TOTAL	\$1,311.31

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**

William A. Shaw 11/17/08  
Pro Prothonotary

Burton Neil & Associates, P.C.  
By: \_\_\_\_\_  
Yale D. Weinstein, Esquire  
Attorney for Plaintiff  
I.D. NO. 89678  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380

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

C-16063

**FILED**

NOV 17 2008

William A. Shaw  
Prothonotary/Clerk of Courts

CITIBANK (SOUTH DAKOTA), N.A.

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

MICHAEL A SEGALLA

: NO. 2008-1411-CD

Defendant

: CIVIL ACTION - LAW

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

TO: Michael A Segalla  
52 Ponderosa Drive  
Penfield PA 15849-9774

**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: November 3, 2008

Burton Neil &amp; Associates, P.C.

By:

Yale D. Weinstein, Esquire  
Attorney for Plaintiff  
Identification No. 89678  
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: Yale D. Weinstein, Esquire ID. NO. 89678  
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. 2008-1411-CD

MICHAEL A SEGALLA

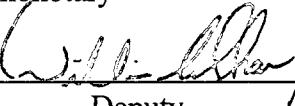
Defendant

: 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 November 17, 2008.

Prothonotary

By: 

Deputy 

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

Yale D. Weinstein, Esquire  
Attorney for Party Filing  
1060 Andrew Drive, Suite 170  
West Chester, PA 19380  
Phone: 610-696-2120

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

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

Citibank (South Dakota), N.A.  
Plaintiff(s)

No.: 2008-01411-CD

Real Debt: \$1,311.31

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Michael A. Segalla  
Defendant(s)

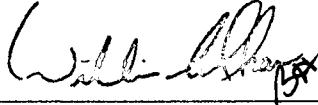
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 17, 2008

Expires: November 17, 2013

Certified from the record this 17th day of November, 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104487  
NO: 08-1411-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CITIBANK (SOUTH DAKOTA) N.A.  
VS.  
DEFENDANT: MICHAEL A. SEGALLA

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEIL	044116	10.00
SHERIFF HAWKINS	NEIL	044116	36.72

3  
**FILED**  
09-05-01  
DEC 31 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff