

FILED

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

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.

MICHAEL A SEGALLA : NO. 2008- 1411- CD
52 Ponderosa Drive, Penfield PA 15849-9774
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. Meholick
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

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
Total **FINANCE CHARGES** \$28.30
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.

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
SEARS						
REGULAR		\$1,311.31	\$1,264.00	28.15%*	.0772%(D)*	\$28.30
EXTERNAL						
REGULAR		\$0.00	\$0.00	28.15%*	.0772%(D)*	\$0.00
CASH ACCESS						
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

\$1,311.31

Payment
Due Date

04/04/08

Total
Minimum Due

\$339.85

Amount Enclosed

\$

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

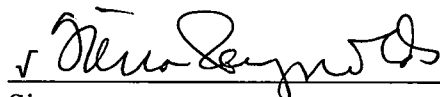
Please make address changes on reverse side.

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

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

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. Nevins
Deputy Signature

Jerome M. Nevins
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: _____

Praeceptum 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)

4 **FILED** *Att'y pd. 20.00*
m/10:58/61
NOV 17 2008 *Notice to Def.*
Statement to
Att'y
William A. Shaw
Prothonotary/Clerk of Courts

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. 2008-1411-CD

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

: CIVIL ACTION - LAW

Praeipce for Default Judgment

To the Prothonotary:

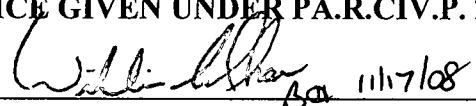
Please enter judgment by default for want of an answer in the above case in favor of the plaintiff and against the defendant, and assess damages as follows:

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 praeipce 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 praeipce.
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: 

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.

: NO. 2008-1411-CD

MICHAEL A SEGALLA

Defendant

: CIVIL ACTION - LAW

Notice of Intention to File Praecipe 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.

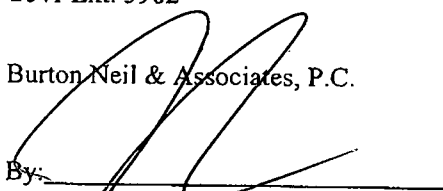
If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

**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 & 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: William L. Lister

Deputy BSH

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)

Vs.

Michael A. Segalla
Defendant(s)

No.: 2008-01411-CD

Real Debt: \$1,311.31

Atty's Comm: \$

Costs: \$

Int. From: \$

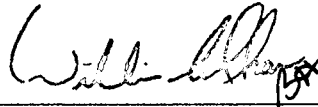
Entry: \$20.00

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
019.05.01
DEC 31 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff