

08-1614-CD  
Citbank vs Melvin L. Fleck Jr

FILED

IN 2:07 P.M. GK NO CC  
AUG 27 2008 [Compl. to Shff.

William A. Shaw  
Prothonotary/Clerk of Courts  
Atty ford 95.00

Burton Neil & Associates, P.C.  
By: Brit J. Suttell, Esquire ID. NO. 204140  
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.

MELVIN L FLECK JR  
200 Logan Street, Osceola Mills PA 16666-1126

: NO. 2008-1614-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. Meholick

Court Administrator

Clearfield County Courthouse

Clearfield, PA 16830

Telephone No. 814-765-2641 Ext. 5982

C-14880

Burton Neil & Associates, P.C.  
By: Brit J. Suttell, Esquire ID. NO. 204140  
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.

MELVIN L FLECK JR  
200 Logan Street, Osceola Mills PA 16666-1126

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 Melvin L Fleck Jr, who resides at 200 Logan Street, Osceola Mills, 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 3716 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 \$4,328.94 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 \$4,328.94, and the costs of this action.

Burton Neil & Associates, P.C.

By:   
Brit J. Suttell, Esquire  
Attorney for Plaintiff

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

**Sears Gold MasterCard®**

Call us at 1-800-669-8488

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

Write to us at PO Box 6922 The Lakes, NV 88901-6922

MELVIN L FLECK JR  
Account Number: 3716  
Page 1 of 2

## Payment Due Date

02/19/08

**Your Account Summary**

Billing Cycle Closing Date	01/22/08
Amount Over Credit Line	\$0.00
Amount Past Due	\$1,043.92
Current Minimum Due	\$202.62
Total Minimum Due	\$1,246.54
Previous Balance	\$4,170.32
Payments & Credits	\$0.00
Purchases & Debits	\$0.00
Other Charges	\$39.00
<b>FINANCE CHARGES</b>	<b>\$119.62</b>
Account Balance	\$4,328.94

C-144880

**Your Credit Summary**

Total Credit Line	\$5,980.00
Available Credit Line	\$0.00
Cash Access Line	\$1,196.00
Available Cash	\$0.00

Activity	Sale Date	Post Date	Description	Amount
01/17/08	01/17/08		LATE PAYMENT FEE	39.00

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

Promotional Balances	Previous Balances	Payments & Credits	Purchases & Debits	Billed FINANCE CHARGES	Promo. Balance	Accrued FINANCE CHARGES	Exp. Date
BALANCE TRANSFER	\$2,611.85	\$0.00	\$0.00	\$74.80	\$2,686.65	\$0.00	Until PD

**Sears Gold MasterCard®**

Account Number: 3716

Account Balance	Payment Due Date	Total Minimum Due	Amount Enclosed
\$4,328.94	02/19/08	\$1,246.54	\$

0233716 ED 14 A 08022 1 TXS503 FVG 001 7 N



Make check payable to  
SEARS CREDIT CARDS  
PO BOX 183082  
COLUMBUS, OH 43218-3082

MELVIN L FLECK JR  
200 LOGAN ST  
OSCEOLA MILLS PA 16666-1126

Please make address corrections above.

EXHIBIT A

**Verification**

**Tiena Reynolds**

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

**C-14880**

Melvin L Fleck Jr  
Account number ending in 3716  
1032

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1614-CD

CITYBANK (SOUTH DAKOTA) N.A.

vs

MELVIN L. FLECK JR.

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/26/2008

HEARING:

PAGE: 104582

FILED

09/11/08 LM  
SEP 17 2008

DEFENDANT: MELVIN L. FLECK JR.  
ADDRESS: 200 LOGAN ST.  
OSCEOLA MILLS, PA 16666

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

ATTEMPTS

9-11-08 N/16

9/12/08 N/4

OCCUPIED

SHERIFF'S RETURN

NOW, 09-17-2008 AT 10:45 AM / PM SERVED THE WITHIN

COMPLAINT ON MELVIN L. FLECK JR., DEFENDANT

BY HANDING TO MELVIN L. FLECK

DEFENDANT

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

ADDRESS SERVED SHERIFF'S OFFICE

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

COMPLAINT FOR MELVIN L. FLECK JR.

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MELVIN L. FLECK JR.

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

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

RE Snyder

Deputy Signature

RE Snyder

Print Deputy Name

DAY OF 2008

RECEIVED

PROTHONOTARY

MONDAY, SEPTEMBER

**FILED**

**SEP 17 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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.

MELVIN L FLECK JR  
200 Logan Street  
Osceola Mills PA 16666-1126

Defendant(s)

CIVIL DIVISION, ARBITRATION  
AND STATUTORY APPEALS ONLY

CASE NO. 2008-1614-CD

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

Praecep for Default Judgment

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

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

(Name of Party, indicate plaintiff or defendant)

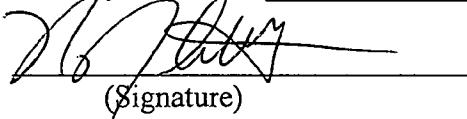
NAME, ADDRESS AND TELEPHONE OF:

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

Brit J. Suttell, 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# 204140

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

  
(Signature)

S **FILED** pd \$20.00 Atty  
m 1:33 pm NOV 07 2008  
ICC & notice to  
deft  
Statement to Atty

William A. Shaw  
Prothonotary/Clerk of Courts

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. : NO. 2008-1614-CD  
MELVIN L FLECK JR :  
200 Logan Street :  
Osceola Mills PA 16666-1126 :  
Defendant : CIVIL ACTION - LAW

**Praecipe 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:	\$4,328.94
TOTAL	\$4,328.94

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.

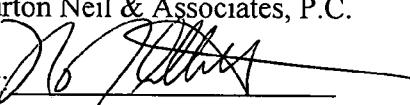
**JUDGMENT BY DEFAULT ENTERED  
AND DAMAGES ASSESSED AS ABOVE.  
NOTICE GIVEN UNDER PA.R.CIV.P. 236**

---

Pro Prothonotary

Burton Neil & Associates, P.C.

By:



Bmt J. Suttell, Esquire

Attorney for Plaintiff

I.D. NO. 204140

1060 Andrew Drive, Suite 170  
West Chester, PA 19380

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

C-14880

CITIBANK (SOUTH DAKOTA), N.A.

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CLEARFIELD COUNTY, PENNSYLVANIA

v.

MELVIN L FLECK JR

: NO. 2008-1614-CD

Defendant

: CIVIL ACTION - LAW

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

TO: Melvin L Fleck Jr  
200 Logan Street  
Osceola Mills PA 16666-1126

**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: October 22, 2008

Burton Neil &amp; Associates, P.C.

By:



\_\_\_\_\_  
Brit J. Suttell, Esquire  
Attorney for Plaintiff  
Identification No. 204140  
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: Brit J. Suttell, Esquire ID. NO. 204140  
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. 2008-1614-CD

MELVIN L FLECK JR

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 \_\_\_\_\_.

Prothonotary

By: \_\_\_\_\_  
Deputy

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

Brit J. Suttell, 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.: 2008-01614-CD

©COPY

Real Debt: \$4,328.94

Atty's Comm: \$

Vs.

Costs: \$

Melvin L. Fleck Jr.  
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 7, 2008

Expires: November 7, 2013

Certified from the record this November 7, 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 # 104582  
NO: 08-1614-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CITYBANK (SOUTH DAKOTA) N.A.

vs.

DEFENDANT: MELVIN L. FLECK JR.

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEIL	045377	10.00
SHERIFF HAWKINS	NEIL	045377	65.80

S  
**FILED**  
9/3:45 AM  
JAN 08 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009



Chester A. Hawkins  
Sheriff