

08-1620-CD
Discover Bank vs Marjorie Nebgen

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

DISCOVER BANK

(Plaintiff)

c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
(Street Address)
Philadelphia, PA 19114
(City, State, ZIP)

CIVIL ACTION

No. 08-1620-CJ

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

MARJORIE A NEBGEN

(Defendant)

668 STRONGS RD

(Street Address)

IRVONA, PA 16656-9045

(City, State, ZIP)

DISCOVER

BANK

(Plaintiff)

David J. Apothaker, Esq.
Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)

(Signature)

FILED Atty ad. \$95.00

Aug 28 2008 ICC Atty

ICC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

Our File No.: 173914
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

DISCOVER BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

vs.

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA, PA 16656-9045
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
)
)
)
)
)
)

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 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
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

DISCOVER BANK) COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
)
MARJORIE A NEBGEN)
668 STRONGS RD)
IRVONA, PA 16656-9045)
Defendant.)
)

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is DISCOVER BANK c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are MARJORIE A NEBGEN, an adult individual residing at 668 STRONGS RD IRVONA, PA 16656-9045.
3. At the special instance and request of Defendant, Plaintiff, DISCOVER BANK, issued to Defendant(s), Account #6011002850731274.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$10,477.32. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$10,477.32 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____

David J. Apothaker, Esquire

Dated: 8/20/2008

Our File No.: 173914

VERIFICATION

David J. Apotheker, Esquire, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

David J. Apotheker, Esquire
Attorney for Plaintiff

DATE: 8/20/2008

DISCOVER BANK

MARJORIE A NEBGEN
668 STRONGS RD
IRVONA, PA 16656-9045

STATEMENT OF ACCOUNT

Debtor's Name: MARJORIE A NEBGEN

Account Number: 6011002850731274

Balance Due: \$10,477.32

Our File No.: 173914

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1620-CD

DISCOVER BANK

vs

MARJORIE A. NEBGEN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/27/2008

HEARING:

PAGE: 104586

DEFENDANT: MARJORIE A. NEBGEN
ADDRESS: 668 STRONGS RD
IRVONA, PA 16656

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

FILED

09/23/08
SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 9-10-08 AT 9:44 AM / PM SERVED THE WITHIN

COMPLAINT ON MARJORIE A. NEBGEN, DEFENDANT

BY HANDING TO MARJORIE A. NEBGEN, Def.

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

ADDRESS SERVED 668 STRONGS RD.
IRVONA, PA. 16656

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR MARJORIE A. NEBGEN

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MARJORIE A. NEBGEN

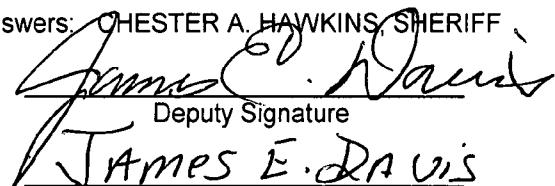
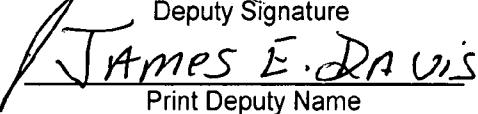
REASON UNABLE TO LOCATE _____

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

FILED

SEP 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

Our file No.: 173914
APOTHAKER & ASSOCIATES, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff
Attorney ID# 55140

FILED
M 11/24/08
OCT 06 2008
S CC
610

William A. Shaw
Prothonotary/Clerk of Courts

DISCOVER BANK

Plaintiff,

vs.

MARJORIE A NEBGEN

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 08-1620-CD
)
) Civil Action
)
) STIPULATION IN LIEU OF JUDGMENT
)
)

The matters and things in controversy having been discussed by and between the parties, and a settlement having been agreed upon:

It is on September 16, 2008, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, MARJORIE A NEBGEN parties as follows:

1. Defendant agrees to pay the sum of \$10,672.32, which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of counsel fees and court costs.

2. The sum aforesaid of \$10,672.32 shall be paid by the by Defendant, MARJORIE A NEBGEN, to the attorneys for Plaintiff in the following manner:

- a. \$2132.32 to be paid on or before September 26, 2008;
- b. \$244.00 to be paid on or before the 26th day of each month, beginning October 26, 2008 until paid in full.

All checks are to made payable to DISCOVER BANK, and sent to:

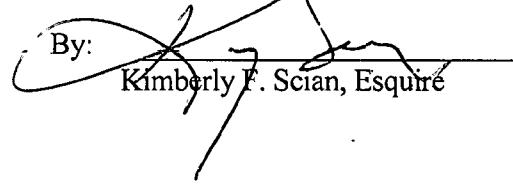
Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054

3. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$10,672.32, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

4. In the event of default as aforesaid, and default is not cured within ten (10) days, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to MARJORIE A NEBGEN by first-class, postage prepaid.

We hereby consent to the form and entry of the within Stipulation.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By: 
Kimberly F. Scian, Esquire


Marjorie A. Nebgen
MARJORIE A NEBGEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104586
NO: 08-1620-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: MARJORIE A. NEBGEN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	103004	10 00
SHERIFF HAWKINS	APOTHAKER	103004	49.59

S
FILED
013:45pm
JAN 08 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

Our File No.: 173914
APOTHAKER & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

DISCOVER BANK) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
)
 Plaintiff)
 vs.) NO.: 08-1620-CD
)
 MARJORIE A NEBGEN) Civil Action
)
 Defendant)
)

PRAECIPE TO ENTER JUDGMENT PURSUANT TO STIPULATION

TO THE PROTHONOTARY:

Please enter a judgment in favor of plaintiff, DISCOVER BANK, and against Defendant, MARJORIE A NEBGEN, for failure to comply with the terms and conditions of the Stipulation in Lieu of Judgment (Stipulation), filed with this Court on October 6, 2008, a copy of which is attached hereto as Exhibit "A".

Assess damages in the amount of:

Balance:	\$ 10,672.32
Less: Payments:	(4,328.32)
TOTAL	\$ 6,344.00

David J. Apothaker, Esq.
Attorney for Plaintiff

Dated: October 17, 2009

S **FILED** *61*
m 10:52 AM 2009 *Atty pd.* 20.00
OCT 26 2009 *Atty*
William A. Shaw
Prothonotary/Clerk of Courts *CC Notice*
to Def.

Our File No.: 173914
APOTHAKER & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

David J. Apotheker, Esquire, certifies as follows:

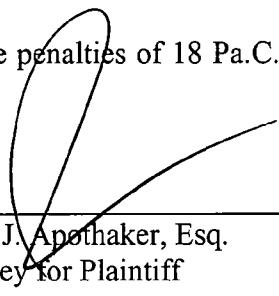
1. I am an attorney with the Law Firm of Apothaker & Associates, P.C., attorneys for the Plaintiff in the above captioned matter, and as such, have full and complete knowledge of the facts herein.

2. The matter was settled by and between the parties by Stipulation in Lieu of Judgment (Stipulation), on October 6, 2008, a copy of the Stipulation is attached hereto and marked as Exhibit "A".

3. Defendant breached this agreement by failing to make payments in accordance with the terms of said Stipulation.

4. Therefore, pursuant to the Stipulation, Plaintiff is proceeding towards the entry of Judgment in the amount of \$10,672.32, giving the Defendant credit for payments made totaling \$4,328.32, for a total of \$6,344.00.

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



David J. Apotheker, Esq.
Attorney for Plaintiff

Dated: October 17, 2009

Our File No.: 173914
APOTHAKER & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

SS.

COUNTY OF CLEARFIELD

David J. Apotheker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 668 STRONGS RD IRVONA, PA 16656-9045.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

David J. Apotheker, Esq.
Attorney for Plaintiff

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
NEBGEN	MARJORIE A		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USC Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **WBMLKIQCMF**

FILED

11-24
OCT 09 2008

RECEIVED

SEP 29 2008

Our file No.: 173914-2

APOTHAKER & ASSOCIATES, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff
Attorney ID# 55140

William A. Shaw
Prothonotary/Clerk of Courts

By _____

SCANNED

DISCOVER BANK

Plaintiff,
vs.
MARJORIE A NEBGEN
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 08-1620-CD
)
) Civil Action
)
) STIPULATION IN LIEU OF JUDGMENT
)
)

The matters and things in controversy having been discussed by and between the parties, and a settlement having been agreed upon:

It is on September 16, 2008, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, MARJORIE A NEBGEN parties as follows:

1. Defendant agrees to pay the sum of \$10,672.32, which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of counsel fees and court costs.
2. The sum aforesaid of \$10,672.32 shall be paid by Defendant, MARJORIE A NEBGEN, to the attorneys for Plaintiff in the following manner:
 - a. \$2132.32 to be paid on or before September 26, 2008;
 - b. \$244.00 to be paid on or before the 26th day of each month, beginning October 26, 2008 until paid in full.

All checks are to be made payable to DISCOVER BANK, and sent to:

Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054

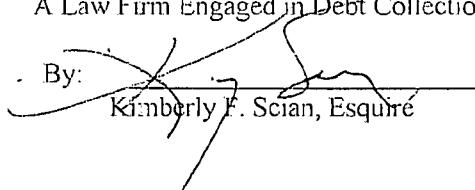
3. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$10,672.32, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

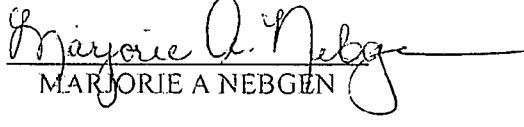
RECEIVED
OCT 09 2008
By _____

4. In the event of default as aforesaid, and default is not cured within ten (10) days, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to MARJORIE A NEBGEN by first-class, postage prepaid.

We hereby consent to the form and entry of the within Stipulation.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By: 
Kimberly F. Scian, Esquire


MARJORIE A NEBGEN

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

Copy

TO: MARJORIE A NEBGEN
668 STRONGS RD
IRVONA, PA 16656-9045

DISCOVER BANK)	COURT OF COMMON PLEAS OF
)	CLEARFIELD COUNTY
)	
Plaintiff)	
vs.)	NO.: 08-1620-CD
)	
MARJORIE A NEBGEN)	Civil Action
)	
Defendant)	

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

JUDGMENT FOR FAILURE TO COMPLY WITH THE TERMS
AND CONDITIONS OF THE STIPULATION IN LIEU OF
JUDGMENT

JUDGMENT BY DEFAULT

JUDGMENT IN REPLEVIN

JUDGMENT BY CONFESSION

JUDGMENT FOR POSSESSION

JUDGMENT ON AWARD OF ARBITRATORS

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apothaker, Esq. at this telephone number: 215-634-8920

Willie Shan
10/26/09
BD

Our File No.: 173914
Apotheker Scian P.C.
By: Kimberly F. Scian, Esquire
Attorney I.D. #55140
520 Fellowship Road Suite C306, PO Box 5496
Mt. Laurel, NJ 08054-5496
(800) 672-0215
Attorneys for Plaintiff

FILED

9 DEC 12 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COU

11/12/45/B/S

7.00 pd for Scian -

DISCOVER BANK) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
Plaintiff,)
vs.)
)
MARJORIE A NEBGEN) NO. 08-1620-CD
)
Defendant.)
)

PRAECIPE TO MARK JUDGMENT SATISFIED

TO THE PROTHONOTARY:

Please mark the Judgment Satisfied against the Defendant. Judgment has been paid in full.

Apotheker Scian P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:

Kimberly F. Scian, Esquire



PROTHONOTARY & CLERK OF COURTS
BRIAN K. SPENCER

DEC 12 2014

FILED