

08-1983-CD
Citibank vs Michelle T. Lezzer

FILED
MTI 09/01
OCT 16 2008 Atty Pd.
95.00
William A. Shaw
Prothonotary/Clerk of Courts

Burton Neil & Associates, P.C.
By: Neil Sarker, Esquire ID. NO. 203465
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.

MICHELLE T LEZZER
1176 Bloomington Avenue
Curwensville PA 16833-6709

Defendant : NO. 08-1983-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. Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
Telephone No. 814-765-2641 Ext. 5982

C-17691

Burton Neil & Associates, P.C.
By: Neil Sarker, Esquire ID. NO. 203465
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.

MICHELLE T LEZZER
1176 Bloomington Avenue
Curwensville PA 16833-6709

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 Michelle T Lezzer, who resides at 1176 Bloomington Avenue, Curwensville, 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) AT&T Universal credit card with account number ending in 9539 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 \$2,645.18 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 \$2,645.18, and the costs of this action.

Burton Neil & Associates, P.C.

By: _____

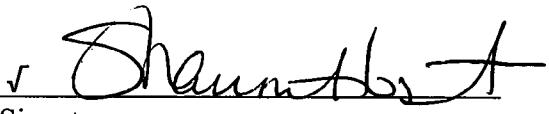

Neil Sarker, Esquire
Attorney for Plaintiff

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

Verification

Shauna Houghton

I, _____ 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-17691

Michelle T Lezzer
Account number ending in 9539
1000

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

CITIBANK (SOUTH DAKOTA), N.A. : No. 08-1983-CD
Plaintiff : Type of Case: CIVIL
VS. : Type of Pleading: Answer & New Matter
MICHELLE T. LEZZER :
Defendant : Filed on Behalf of:
: Michelle T. Lezzer, Defendant
: Counsel of Record for this Party:
: Ann B. Wood, Esquire
: Supreme Court No. 23364
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: (814) 765-5537
:

FILED *ICC*
01/11/2009 *Atty Wood*
DEC 04 2008
S William A. Shaw
Prothonotary/Clerk of Courts
GW

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

CITIBANK (SOUTH DAKOTA), N.A. :
Plaintiff :
: vs. : No. 08-1983-CD
:

MICHELLE T. LEZZER :
Defendant :
:

NOTICE TO PLEAD

TO: Citibank (South Dakota) N.A., Plaintiff

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.

BELL, SILBERBLATT & WOOD
BY:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Defendant Michelle T. Lezzer

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

CITIBANK (SOUTH DAKOTA), N.A. :
Plaintiff :
: :
vs. : No. 08-1983-CD
: :
MICHELLE T. LEZZER :
Defendant :
:

ANSWER & NEW MATTER

ANSWER

COMES NOW, Michelle T. Lezzer, Defendant, by and through her attorney, Ann B. Wood, Esquire, and sets forth her Answer to the Complaint as follows:

1. Paragraph 1 of the Complaint is admitted.

2. Paragraph 2 of the Complaint is admitted.

3. Paragraph 3 of the Complaint is admitted.

4. Paragraph 4 of the Complaint is admitted.

5. Paragraph 5 of the Complaint being within the particular knowledge of the Plaintiff, the Defendant after reasonable investigation is unable to determine the truth thereof and strict proof is demanded at trial.

6. Paragraph 6 of the Complaint is admitted.

7. Paragraph 7 of the Complaint is denied as stated and, on the contrary, it is averred that while it is admitted that the Defendant has made payments on the account shown on the billing statement, it is specifically denied that she retained the statement without payment and, on the contrary, it is averred that she has attempted through Credit Solutions to work out a settlement of the account with the Plaintiff.

8. Paragraph 8 of the Complaint is admitted.

WHEREFORE, the Defendant requests the Honorable Court to deny judgment in favor of the Plaintiff.

NEW MATTER

COMES NOW the Defendant, Michelle T. Lezzer, by and through her attorney, Ann B. Wood, Esquire, and sets forth her New Matter as follows:

9. Paragraphs 1 through 8 of the foregoing Answer are incorporated herein by reference as though the same were set forth in full.

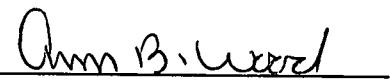
10. Defendant has engaged Credit Solutions, a debt settlement company, to represent her in negotiating with various creditors in an attempt to resolve her debt situation.

11. On behalf of the Defendant, Credit Solutions has been in contact with and attempting to negotiate with the Plaintiff for resolution of Defendant's account.

12. The account of the Defendant is, in fact, marital debt and is an item payment of which is to be resolved as a claim for equitable distribution of property pursuant to the divorce action between the Defendant and Edward N. Lezzer filed in Clearfield County Court of Common Pleas at Docket #2006-1470-CD and for which no determination of distribution and responsibility for payment has been reached.

WHEREFORE, the Defendant requests the Honorable Court to deny judgment in favor of the Plaintiff.

Respectfully submitted,
BELL, SILBERBLATT & WOOD
By:



Ann B. Wood, Esquire
Attorney for Defendant

VERIFICATION

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

Date: 12-4-08

Michelle T. Lezzer
Michelle T. Lezzer

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

CITIBANK (SOUTH DAKOTA), N.A. :
Plaintiff :
: :
vs. : No. 08-1983-CD
: :
MICHELLE T. LEZZER :
Defendant :
: :

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the foregoing Answer & New Matter as filed on behalf of the Defendant with reference to the above matter has been served upon the following attorney for Plaintiff by mailing the same to him by United States First Class Mail, postage prepaid, addressed as follows on December 4, 2008:

Neil Sarker, Esquire
Burton Neil & Associates, P.C.
1060 Andrew Drive, Suite 170
West Chester, PA 19380

Date: Dec. 4, 2008

Ann B. Wood
Ann B. Wood, Attorney for Defendant

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

CITIBANK (SOUTH DAKOTA), N.A. : No. 08-1983-CD
Plaintiff : Type of Case: CIVIL
VS. : Type of Pleading: Praeclipe for Entry
MICHELLE T. LEZZER : Of Appearance
Defendant : Filed on Behalf of:
 : Michelle T. Lezzer, Defendant
 : Counsel of Record for this Party:
 : Ann B. Wood, Esquire
 : Supreme Court No. 23364
 : Bell, Silberblatt & Wood
 : 318 East Locust Street
 : P.O. Box 670
 : Clearfield, PA 16830
 : (814) 765-5537
 :

FILED ^{CC}
S. 111 u. Box Amy Wood
DEC 04 2008
GIO
William A. Shaw
Prothonotary/Clerk of Courts

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

CITIBANK (SOUTH DAKOTA), N.A.	:	
Plaintiff	:	
	:	
vs.	:	No. 08-1983-CD
	:	
MICHELLE T. LEZZER	:	
Defendant	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the foregoing Praeclipe for Entry of Appearance as filed on behalf of the Defendant with reference to the above matter has been served upon the following attorney for Plaintiff by mailing the same to him by United States First Class Mail, postage prepaid, addressed as follows on December 4, 2008:

Neil Sarker, Esquire
Burton Neil & Associates, P.C.
1060 Andrew Drive, Suite 170
West Chester, PA 19380

Date: Dec 4, 2008

Ann B. Wood
Ann B. Wood, Attorney for Defendant

In the Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Pamela J. Winters

Plaintiff

vs.

No. 2008-2317 C.D.

Joseph m. Winters

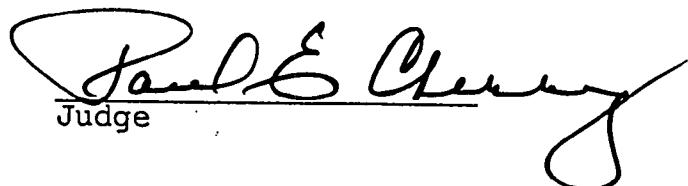
Defendant

O R D E R

NOW, this 3rd day of December, 2008,
upon consideration of the foregoing Affidavit in Support of
Petition to Proceed In Forma Pauperis, it is the ORDER of this
Court that said Petition is GRANTED/DENIED.

If the Petition is GRANTED, Filing fee is hereby WAIVED.

By the Court,


Paul E. Cherry
Judge

FILED ^{CC}
010-41064 Piff
DEC 04 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1983-CD

CITIBANK(SOUTH DAKOTA), N.A.
VS
MICHELLE T. LEZZER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/15/2008 HEARING: PAGE: 104811

DEFENDANT: MICHELLE T. LEZZER
ADDRESS: 1176 BLOOMINGTON AVENUE
CURWENSVILLE, PA 16833-6709

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED
ATTEMPTS 11-6-08-11:07 AM-N/H-LOFT NOTE 11-12-08-11:00 AM-N/H-LOFT NOTE
11-10-08-9:04 AM-N/H

FILED
0/8:30 AM
DEC 11 2008
LS

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 11-14-08 AT 10:28 AM / PM SERVED THE WITHIN

COMPLAINT ON MICHELLE T. LEZZER, DEFENDANT

BY HANDING TO Michelle T. Lezzer Def.

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

ADDRESS SERVED 1176 Bloomington Ave.
Curwenville, Pa. 16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR MICHELLE T. LEZZER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHELLE T. LEZZER

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104811
NO. 08-1983-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CITIBANK(SOUTH DAKOTA) N.A.
VS.
DEFENDANT: MICHELLE T. LEZZER

S FILED
0132461
FEB 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEIL	046938	10.00
SHERIFF HAWKINS	NEIL	046938	46.08

Sworn to Before Me This

So Answers,

Day of _____ 2008



Chester A. Hawkins
Sheriff

CLEARFIELD County, Pennsylvania
Department of Court Records
Civil Division

COVER SHEET

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

Case Number:
08-1983-CD

1cc + 1 Cert
m 1:33cm of disc issued
AUG - 6 2009 to Atty Kane

Type of Pleading:
Praecipe

William A. Shaw
Prothonotary/Clerk of Courts

Vs.

Code and Classification:
Filed on Behalf of:
Plaintiff
CITIBANK (SOUTH DAKOTA), N.A.

(Name of the filing party)

Defendant(s)
MICHELLE T LEZZER
1176 Bloomington Avenue
Curwensville Pa 16833-6709

Counsel of Record
 Individual, if pro se

Name, Address and Telephone Number:
Robert Kane, 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:
203465 204794

Attorney's Firm ID:


(Signature)

Burton Neil & Associates, P.C.
By: Robert Kane, Esquire ID. NO. 209794
1060 Andrew Drive, Suite 170
West Chester, PA 19380
610-696-2120
Attorney for Plaintiff

CITIBANK (SOUTH DAKOTA), N.A.
Plaintiff
v.

MICHELLE T LEZZER
Defendant

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 08-1983-CD
: CIVIL ACTION - LAW

Praecipe to Discontinue

To the Prothonotary:

Kindly discontinue the above-captioned action without prejudice.

Burton Neil & Associates, P.C.

By: 

Robert Kane, Esquire
Attorney for Plaintiff

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

C-17691

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



Citibank (South Dakota), N.A.

Vs. No. 2008-01983-CD
Michelle T. Lezzer

CERTIFICATE OF DISCONTINUATION

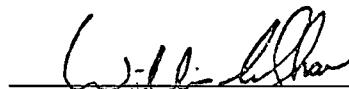
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 6, 2009, marked:

Discontinued without prejudice

Record costs in the sum of \$95.00 have been paid in full by Neil Sarker Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of August A.D. 2009.



William A. Shaw, Prothonotary