

2008-2001-CD  
Discover Bank vs. Emily M. Warrick

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

DISCOVER BANK

(Plaintiff)

c/o Apothaker & Associates, P.C.

520 Fellowship Road C306

(Street Address)

Mount Laurel, NJ 08054

(City, State, ZIP)

CIVIL ACTION

No. 08-2001-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

EMILY M WARFICK

(Defendant)

104 MICHLIN AVE

(Street Address)

CURWENSVILLE, PA 16833-6840

(City, State, ZIP)

DISCOVER

BANK

(Plaintiff)

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

520 Fellowship Road C306

Mount Laurel, NJ 08054

(Address)

800-672-0215

(Phone)

(Signature)

4 **FILED** ICC Sheriff  
m 11:15 AM  
OCT 17 2008 ICC Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
Aug pd.  
95.00

DISCOVER BANK  
c/o Apothaker & Associates, P.C.  
520 Fellowship Road C306  
Mount Laurel, NJ 08054

Plaintiff,

**VS.**

EMILY M WARRICK  
104 MICHLIN AVE  
CURWENSVILLE, PA 16833-6840  
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 16330  
814-765-2641**

Our File No.: 185236  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire, Esq.  
Attorney I.D.#38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorneys for Plaintiff

DISCOVER BANK	)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.	)	CLEARFIELD COUNTY
520 Fellowship Road C306	)	
Mount Laurel, NJ 08054	)	NO.:
Plaintiff,	)	
vs.	)	
	)	
EMILY M WARRICK	)	
104 MICHLIN AVE	)	
CURWENSVILLE, PA 16833-6840	)	
Defendant.	)	
	)	

CIVIL ACTION COMPLAINT  
**FIRST COUNT**

1. Plaintiff is DISCOVER BANK c/o Apothaker & Associates, P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054.
2. Defendant(s) is/are EMILY M WARRICK, an adult individual residing at 104 MICHLIN AVE CURWENSVILLE, PA 16833-6840.
3. At the special instance and request of Defendant, Plaintiff, DISCOVER BANK, issued to Defendant(s), Account #6011002303443428.
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 \$8,481.52. 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 \$8,481.52 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

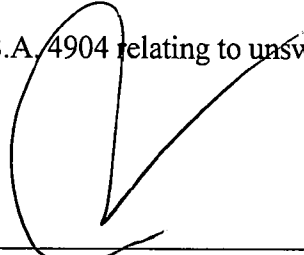
BY: \_\_\_\_\_  
David J. Apothaker, Esquire

Dated: 10/9/2008

Our File No.: 185236

**VERIFICATION**

David J. Apothaker, 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.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a checkmark-like flourish.

---

David J. Apothaker, Esquire  
Attorney for Plaintiff

DATE: 10/9/2008

DISCOVER BANK

EMILY M WARRICK  
104 MICHLIN AVE  
CURWENSVILLE, PA 16833-6840

STATEMENT OF ACCOUNT

Debtor's Name: EMILY M WARRICK

Account Number: 6011002303443428

Balance Due: \$8,481.52

Our File No.: 185236

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2001-CD

DISCOVER BANK  
vs  
EMILY M. WARRICK

SERVICE # 1 OF 1

CIVIL ACTION & NOTICE

SERVE BY: 11/15/2008 HEARING: PAGE: 104797

DEFENDANT: EMILY M. WARRICK  
ADDRESS: 104 MICHLIN AVENUE  
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_  
\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 11-4-08 AT 9:44 (AM) PM SERVED THE WITHIN

CIVIL ACTION & NOTICE ON EMILY M. WARRICK, DEFENDANT

BY HANDING TO JASON Hendershot, Live-in-boy friend

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

ADDRESS SERVED 104 Michlin Ave.  
Curwensville, Pa. 16833

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

CIVIL ACTION & NOTICE FOR EMILY M. WARRICK

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

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

I MAKE RETURN OF **NOT FOUND** AS TO EMILY M. WARRICK

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis  
Deputy Signature

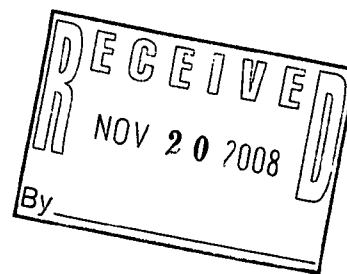
JAMES E. DAVIS  
Print Deputy Name



FILED No cc  
m 11:28/2008  
DEC 04 2008

Our file No.: 185236-1  
APOTHAKE & 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



DISCOVER BANK

Plaintiff,

vs.

EMILY M WARRICK

Defendant.

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
) DOCKET NO.: 08-2001-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 November 12, 2008, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, EMILY M WARRICK parties as follows:

1. Defendant agrees to pay the sum of \$8,676.52, 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 \$8,676.52 shall be paid by the by Defendant, EMILY M WARRICK, to the attorneys for Plaintiff in the following manner:
  - a. \$1,736.00 to be paid on or before November 26, 2008;
  - b. \$240.00 to be paid on or before the 26<sup>th</sup> day of each month, beginning 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

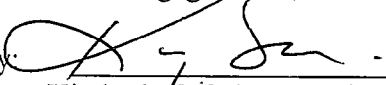
3. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$8,676.52, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

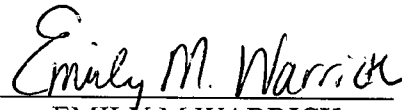
4. In the event of default as aforesaid, and default is not cured within ten (10) days, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to EMILY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

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

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

By:

  
\_\_\_\_\_  
Kimberly F. Scian, Esquire

  
\_\_\_\_\_  
EMILY M WARRICK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104797  
NO: 08-2001-CD  
SERVICES 1  
CIVIL ACTION & NOTICE

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: EMILY M. WARRICK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	109672	10.00
SHERIFF HAWKINS	APOTHAKE	109672	25.02

<sup>S</sup> FILED  
013:304m  
FEB 04 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

Our File No.: 185236  
APOTHAKE & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney, I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

FILED

DEC 28 2009

William A. Shaw  
Prothonotary/Clerk of Courts

1 cent to Ann

DISCOVER BANK	)	COURT OF COMMON PLEAS
Plaintiff,	)	CLEARFIELD COUNTY
vs.	)	
	)	
EMILY M WARRICK	)	NO.: 08-2001-CD
Defendant.	)	
	)	

STATEMENT OF INTENTION TO PROCEED

TO THE PROTHONOTARY:

TAKE NOTICE that the Plaintiff intends to proceed with the within action.

  
\_\_\_\_\_  
David J. Apothaker, Esquire

Dated: 12/22/2009

Our File No.: 185236  
APOTHAKE & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

**FILED** NO  
MAY 25 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

DISCOVER BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	
EMILY M WARRICK	)	NO. 08-2001-CD
	)	
Defendant.	)	
	)	

**PRAECIPE TO DISMISS WITHOUT PREJUDICE**

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: \_\_\_\_\_  
David J. Apothaker, Esquire

Dated: 5/11/2011



\* Q 1 8 5 2 3 6 D I S N 1 - \*