

08-2372-CD

Discover Bank vs Samuel Yost al

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

DISCOVER BANK

Plaintiff

No: 08-2372-CD

vs.

COMPLAINT IN CIVIL ACTION

SAMUEL B YOST
JODY P YOST

Defendants

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06804134 C A Pit ABR

S
FILED & CC
M. 27/30
DEC 10 2008
(JW) Atty Rd.
William A. Shaw 95.00
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff
vs. Civil Action No

SAMUEL B YOST
JODY P YOST

Defendants

COMPLAINT AND NOTICE TO DEFEND

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 an 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
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 6500 New Albany Rd, New Albany, OH 43054.
2. Defendants are adult individual(s) residing at the address listed below:

SAMUEL B YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830

JODY P YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830
3. Defendants applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXX0964 . A copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "A" and made a part hereof.
4. Defendants made use of said credit card and currently has a balance due and owing to Plaintiff, as of November 19, 2008 , in the amount of \$9539.45 .
5. Defendants are in default by failing to make payments when due.
6. Plaintiff avers that the Agreement between the parties provides that Defendants will pay Plaintiff's attorneys' fees.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he/she is Robert Adkins
(Name)
Accounts Manager of DFS Services, LLC, plaintiff herein, that
(Title) (Company)

he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.


Robert Adkins
(Signature)

WWR # 6804134
SAMUEL B YOST
6011002151500964

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2372-CD

DISCOVER BANK

vs

SAMUEL B. YOST & JODY P. YOST
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 01/09/2009 HEARING: PAGE: 105043

DEFENDANT: JODY P. YOST
ADDRESS: 168 BANEYVILLE RD
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

5
FILED
01:49 PM
JAN 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12/19/2008 AT 11:02 AM / PM SERVED THE WITHIN

COMPLAINT ON JODY P. YOST, DEFENDANT

BY HANDING TO Samuel Yost 1 HUSBAND

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

ADDRESS SERVED CLEARFIELD COUNTY SHERIFFS OFFICE
1 NORTH SECOND STREET, CLEARFIELD, PA 16830

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JODY P. YOST

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JODY P. YOST

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CH

Deputy Signature

RE Snyder
Print Deputy Name

ACCEPTANCE OF SERVICE FORM APPENDIX

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2372-CD

DISCOVER BANK

vs

SAMUEL B. YOST & JODY P. YOST

COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 01/09/2009

HEARING:

PAGE: 105043

5
FILED
JAN 14 2009
2009

DEFENDANT: SAMUEL B. YOST

ADDRESS: 168 BANEYVILLE RD
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12/19/2008 AT 11:02 AM / PM SERVED THE WITHIN

COMPLAINT ON SAMUEL B. YOST, DEFENDANT

BY HANDING TO Samuel B. Yost / DEFENDANT

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

ADDRESS SERVED 1 NORTH SECOND STREET

CLEARFIELD, PA 16830

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR SAMUEL B. YOST

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO SAMUEL B. YOST

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: C. A. Hawkins
Deputy Signature

C. A. Hawkins
Print Deputy Name

FILED

July 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105043
NO: 08-2372-CD
SERVICES 2

COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: SAMUEL B. YOST & JODY P. YOST

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8796450	20.00
SHERIFF HAWKINS	WELTMAN	8796450	26.00

5
FILED
03:00 AM
MAR 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

No: 08-2372-CD

vs.

SAMUEL B YOST
JODY P YOST

Defendants

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06804134 C A Pit JLI
Judgment Amount \$11039.45

FILED
MAY 04 2009
Atty pd
20.00

Notice to
William A. Shaw
Prothonotary/Clerk of Courts Def.
(mailed to Atty
J. Casfley per
Plff)

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-2372-CD

SAMUEL B YOST
JODY P YOST

PRAECIPE FOR DEFAULT JUDGMENT

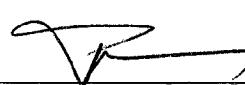
TO THE PROTHONTARY:

Kindly enter Judgment against the Defendants SAMUEL B YOST , JODY P YOST , default of an Answer, in the amount of \$11039.45 computed as follows:

Amount claimed in Complaint	\$9539.45
Less payments / adjustments made	\$0.00
Attorney's fees	\$1500.00
TOTAL	\$11039.45

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
James C. Warmbrodt, 42524
06804134 C A Pit JLI

Plaintiff's address is:

c/o WELTMAN, WEINBERG & REIS CO., L.P.A., 436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219 And that the last known address of the Defendant is:
168 BANEYVILLE RD CLEARFIELD, PA 16830 BANEYVILLE RD CLEARFIELD, PA 1
6830

Plaintiff's address is:
c/o WELTMAN, WEINBERG & REIS CO., L.P.A., 436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219 (412) 434-7955

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

DISCOVER BANK

Case no: 08-2372-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

SAMUEL B YOST
JODY P YOST

Defendants

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

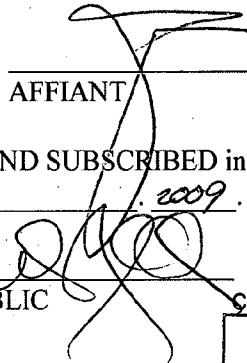
That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

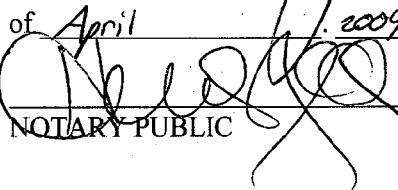
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, SAMUEL B YOST
JODY P YOST
is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, SAMUEL B YOST
JODY P YOST
is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 27 day
of April 2009.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009

Member, Pennsylvania Association of Notaries

Department of Defense Manpower Data Center

APR-22-2009 05:04:53



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
YOST	JODY		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 USCS 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

Department of Defense Manpower Data Center

APR-22-2009 04:58:15



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
YOST	SAMUEL		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, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

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WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

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

DISCOVER BANK
Plaintiff

Case No. 08-2372-CD

vs.

SAMUEL B YOST
JODY P YOST

Defendant

IMPORTANT NOTICE

TO:
JODY P YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830
C/O JOHN CARFLEY
222 PRESQUEISLE STREET
POB 249
PHILIPSBURG, PA 16866

Date of Notice: 4-3-09

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 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 PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA. 16830
(814) 765-2641, EXT 50-51

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: _____
Matthew Urban
P.A.I.D.# 90963

WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, 1400 Koppers Building
Pittsburgh, PA 15219
Phone: (412) 434-7955
6804134 A PIT WTM

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

DISCOVER BANK

Plaintiff

Case No. 08-2372-CD

VS.

SAMUEL B YOST
JODY P YOST

Defendant

IMPORTANT NOTICE

TO:
SAMUEL B YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830
C/O JOHN CARFLEY
222 PRESQUEISLE STREET
POB 249
PHILIPSBURG, PA 16866

Date of Notice: 4-3-09

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COURT ADMINISTRATOR
CLEARFILED COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA. 16830
(814) 765-2641, EXT 50-51

WELTMAN WEINBERG & REIS CO., L.P.A.

By: _____

Matthew Urban

P.A.I.D.# 90963

WELTMAN, WEINBERG & REIS CO., L.P.A.

436 Seventh Avenue, 1400 Koppers Building

Pittsburgh, PA 15219

Phone: (412) 434-7955

6804134 A PIT WTM

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

COPY

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-2372-CD

SAMUEL B YOST
JODY P YOST

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following Order of Judgment
was entered against you on May 4, 2009.

Assumpsit Judgment in the amount of \$11039.45 plus costs.
 Trespass Judgment in the amount of \$_____ plus costs.
 If not satisfied within sixty (60) days, your motor vehicle
operator's license and/or registration will be suspended
by the Department of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.
 Entry of Judgment of
 Court Order
 Non-Pros
 Confession
 Default
 Verdict
 Arbitration Award

Prothonotary

By:

PROTHONOTARY (OR DEPUTY)

William H. B.

SAMUEL B YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830

JODY P YOST
168 BANEYVILLE RD
CLEARFIELD, PA 16830

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

DISCOVER BANK

Plaintiff

No. 08-2372-CD

vs.

PRAECIPE FOR SATISFACTION OF
JUDGMENT

SAMUEL B YOST &
JODY P. YOST, his wife

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

WILLIAM T MOLCZAN
PA I.D #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#6804134

⑥
FILED No CC
JUL 18 2009 Atty Castley
S JUL 26 2009 Atty Castley
pd \$7.00
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

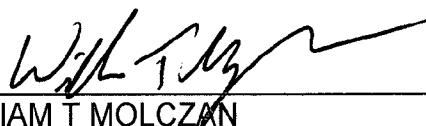
Civil Action No. 08-2372-CD

SAMUEL B YOST &
JODY P. YOST, his wife
Defendant

PRAECIPE FOR SATISFACTION OF JUDGMENT

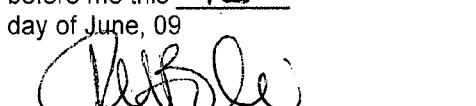
At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned
Judgment.

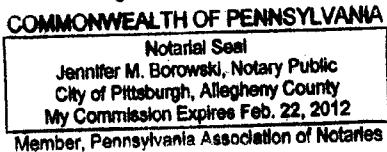
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
WILLIAM T MOLCZAN
PA I.D #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR #6804134

Sworn to and subscribed
before me this 12th
day of June, 09


NOTARY PUBLIC



卷之三

JUL 08 2009

William A. Shaw
Prothonotary/Clerk of Courts