

08-2405-CD
Discover Bank vs Tim Arter

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

DISCOVER BANK

Plaintiff

vs.

TIM ARTER

Defendant

No: 08-2405-CD

COMPLAINT IN CIVIL ACTION

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
07076875 C A Pit ABR

^S FILED Any pd.
m 10:44 PM 95.00
DEC 17 2008 ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

TIM ARTER

Defendant

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. Defendant is adult individual(s) residing at the address listed below:

TIM ARTER
31 SUNFLOWER LN
HOUTZDALE, PA 16651

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXX2476 . A copy of Plaintiff's Statement of Account s attached hereto, marked as Exhibit "A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance due and owing to Plaintiff, as of November 24, 2008 , in the amount of \$15682.46 .

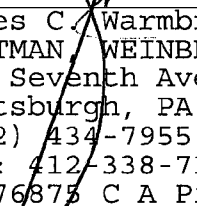
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$1500.00

8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , TIM ARTER ,INDIVIDUALLY , in the amount of \$15682.46 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$1500.00 , and costs.



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07076875 C A Pit ABR

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

CARD

\$15,682.46

\$15,682.46

Enter Amount Enclosed Below

Payment Due Date
October 21, 2008

\$ 7076875

Please make check payable to Discover Card.
Minimum payment due includes a past due
amount of \$4,201.00.

22 SDSN6A01 0017565

TIM ARTER
31 SUNFLOWER LN
HOUTZDALE PA 16651-9231Will your payment get to us on time? Pay
your bill online and your payment can be
made to your account on the same day. Visit
Discover.com/payments today.PO BOX 15251
WILMINGTON DE 19886-5251Address, e-mail or telephone change? Print change in space
above, or go to Discovercard.com. Print your e-mail address to
receive important Account information and special offers.

000001986618060009029156824600000001568246

Discover More Card Account Summary

Account number ending in	2476	Closing Date: September 22, 2008	page 1 of 1
Payment Due Date	October 21, 2008	Previous Balance	\$15,682.46
Minimum Payment Due	\$15,682.46	Payments And Credits	0.00
Credit Limit	\$12,800.00	Purchases	0.00
Credit Available	\$0.00	Cash Advances	0.00
Cash Credit Limit	\$0.00	Balance Transfers	0.00
Cash Credit Available	\$0.00	Finance Charges	0.00
		New Balance	= \$15,682.46

Cashback Bonus®

Opening Cashback Bonus Balance	\$	0.00
New Cashback Bonus Earned	+	0.00

Cashback Bonus® Anniversary
Date: August 22

Cashback Bonus Balance	\$	0.00
Available to Redeem	\$	0.00

How Can We Help You?
It's your choice - 3 ways to helpPlease have your Discover Card available.
For TDD (assistance for hearing impaired) see reverse side

1. Visit **Discover.com** to pay your bill for no cost, view your latest Account information, earn and redeem rewards and more
2. Call 1-800-DISCOVER (347-2683) for fast, easy self-service options or to speak with a Customer Service Account Manager
3. Write us at Discover Card, PO Box 30943, Salt Lake City, UT 84130

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Information For You

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

Finance Charge Summary

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 31 days						
Purchases	\$0	0.07942%	28.99% F	28.99%	\$0	none
Cash Advances	\$0	0.07942%	28.99% F	28.99%	\$0	\$0
previous billing period: 31 days						
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The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

EXHIBIT

A

VERIFICATION

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

he 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 knowledge, information and belief.


(Signature)

WWR# 7076875
Tim Arter
'6011298624012476

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2405-CD

DISCOVER BANK
vs
TIM ARTER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/16/2009 HEARING: PAGE: 105068

DEFENDANT: TIM ARTER
ADDRESS: 31 SUNFLOWER LN.
HOUTZDALE, PA 16651
ALTERNATE ADDRESS

FILED
01/31/2009
DEC 22 2008
William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON TIM ARTER, DEFENDANT

BY HANDING TO _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR TIM ARTER

AT (ADDRESS) _____

NOW 12-22-08 AT 10:34 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO TIM ARTER

REASON UNABLE TO LOCATE Def. NOT living AT The Above Address

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answered: 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
CIVIL DIVISION

DISCOVER BANK
Plaintiff

vs.

TIM ARTER
Defendant

No: 08-2405-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

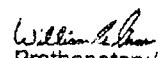
COUNSEL OF RECORD OF
THIS PARTY:

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(412) 434-7955
FAX: 412-338-7130
07076875 C A Pit ABR

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 17 2008

Attest.


Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

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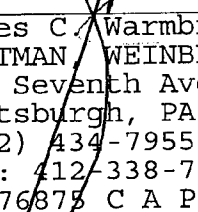
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TIM ARTER
31 SUNFLOWER LN
HOULTZDALE PA 16651-9231Will your payment get to us on time? Pay
your bill online and your payment can be
made to your account on the same day. Visit
Discover.com/payments today.PO BOX 15251
WILMINGTON DE 19886-5251Address, e-mail or telephone change? Print change in space
above, or go to Discovercard.com. Print your e-mail address to
receive important Account information and special offers.

000001986618060009029156824600000001568246

Discover More Card Account Summary

Closing Date: September 22, 2008

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Previous Balance	\$15,682.46
Payments And Credits	- 0.00
Purchases	+ 0.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 0.00
New Balance	= \$15,682.46

Cashback Bonus®

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
Cashback Bonus Balance Available to Redeem	\$ 0.00

Cashback Bonus® Anniversary
Date: August 22**How Can We Help You?**
It's your choice - 3 ways to helpPlease have your Discover Card available.
For TDD (assistance for hearing impaired) see reverse side

1. Visit **Discover.com** to pay your bill for no cost, view your latest Account information, earn and redeem rewards and more
2. Call 1-800-DISCOVER (347-2683) for fast, easy self-service options or to speak with a Customer Service Account Manager
3. Write us at Discover Card, PO Box 30943, Salt Lake City, UT 84130

Transactions

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VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to
unsworn falsifications to authorities, that he is Robert Adkins
(Name)

Accounts Manager of DFS Services LLC, plaintiff herein, that
(Title) (Company)

he 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 knowledge, information and belief.


(Signature)

WWR# 7076875
Tim Arter
'6011298624012476

FILED

DEC 22 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105068
NO: 08-2405-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: TIM ARTER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8796900	10.00
SHERIFF HAWKINS	WELTMAN	8796900	35.06

S
FILED
013:00 Lin
MAR 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

FILED

1cc + 1 cent of
\$12.54 cm disc issued
NOV 30 2009 to Atty Warmbrodt

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

TIM ARTER

Defendant(s)

No. 08-2405-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#7076875 DIS

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-2405-CD

TIM ARTER

Defendant(s)

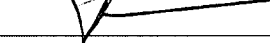
PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF Clearfield COUNTY:

SIR:

Kindly settle, discontinue and end without prejudice to refile the above-captioned matter upon the records of the Court and mark the costs paid.

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

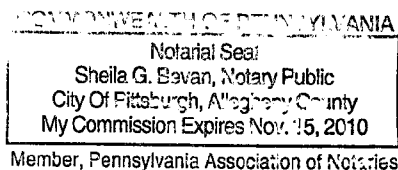
By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

SWORN TO AND SUBSCRIBED

before me this 12 day

of Nov, 2009


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CCNY

Discover Bank

Vs.

No. 2008-02405-CD

Tim Arter

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 November 30, 2009, marked:

Settled, Discontinued and Ended without prejudice to refile

Record costs in the sum of \$95.00 have been paid in full by James C. Warmbrodt Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of November A.D. 2009.

William A. Shaw, Prothonotary