

SEIDBERG LAW OFFICES, P.C.
P.O. Box 7290
Phoenix, Arizona 85011
(602) 248-8117

Kenneth W. Seidberg, SBA #3690
Joseph L. Whipple, SBA #21391
Attorneys for Plaintiff

MICHAEL K. JEANES
Clerk of the Superior Court

By OLIVIA CARDENAS, Deputy
JUN 25 2004 Time 03:00 PM
Description Date Amount
 CITI NEW COMPLAINT 001 205.00
 TOTAL AMOUNT 205.00

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

CITIBANK SOUTH DAKOTA, N.A.,)
)
 Plaintiff,)
 vs.)
 KEVIN MCCOY and)
 JANE DOE, Spouse)
)
)
)
)
 Defendants.)

NO. CV2004-012363
 C O M P L A I N T
 (Credit Card Account(s))

Plaintiff, CITIBANK SOUTH DAKOTA, N.A., alleges as follows:

1. Plaintiff, CITIBANK SOUTH DAKOTA, N.A., is national banking association based in South Dakota and the subject debt arises out of credit card transactions that occurred in the above captioned County/Precinct/State and/or the Defendant(s) reside(s) in said County/Precinct and State;

2. As of the date of this Complaint, Defendant(s) owe(s) Plaintiff the sum of \$10,549.71 (on one or more credit card accounts) plus 10% Arizona Statutory interest after Judgment pursuant to A.R.S § 44-1201, and Plaintiff has applied any payments/credits previously received (see attached exhibits);

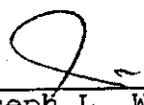
3. Plaintiff has made all demands and taken all actions necessary to mature and/or accelerate the obligation and Defendant(s) has(have) failed and refused to pay the amount alleged to be due and owing;

4. To the extent the Defendant(s) was (were) married during the times that purchases were made, Plaintiff alleges the debt to be both community and separate in nature. If the debt is solely a pre-marital one, the nondebtor Spouse is joined only as a necessary party pursuant to Arizona Law.

WHEREFORE, Plaintiff prays for Judgment against Defendant(s), both separately and as a community, if applicable, and each of them, for the amount stated above, plus interest, costs and such other relief as the Court deems just and proper.

DATED this 24-Jun-04.

SEIDBERG LAW OFFICES, P.C.

By: 
Joseph L. Whipple, SBA #21391

Citibank (South Dakota), N.A.

Plaintiff,

Vs

AFFIDAVIT

KEVIN MCCOY
5424180526703217

Defendant,

STATE OF MISSOURI)
COUNTY OF PLATTE) ss:

Leola Phenix _____, who is of lawful age, after first being duly sworn, deposes and says as follows:

1. Citicorp Credit Services, Inc. (USA), referred to as "CCSI/USA" herein, and the Plaintiff Citibank (South Dakota), N.A. are both wholly owned subsidiaries of Citigroup, Inc. By contract, CCSI/USA has agreed to collect debt owed to Citibank (South Dakota), N.A. on its credit card accounts.
2. By virtue of the described contract relationship and my employment, all information contained in and/or about delinquent Citibank (South Dakota), N.A. credit card accounts are made available to me for the purpose of collecting such delinquent debt. I have personal knowledge of all relevant financial and account information concerning Citibank (South Dakota), N.A. account number 5424180526703217, which is made the subject of this lawsuit, including: the name and address of the debtor, the history of all charges representing loans, finance charges, fees imposed; payments made and credits received; the outstanding balance due; that Defendant did apply for and was issued that credit card account by Citibank (South Dakota), N.A.; that Defendant did thereafter use or authorize the use of the credit card account for the purpose of obtaining loans to purchase goods and services or cash advances; that Defendant has been provided monthly statements required by the Federal Truth In Lending Act describing the amount due; that Defendant did fail to make timely payments on the credit card account according to the terms of the card agreement and as requested on monthly statements of account; and that Defendant is presently in default of those terms. By virtue of such default the entire balance of \$10,549.71 on the account is presently due and owing.
3. Demand for payment of the balance owing was made more that thirty (30) days prior to making this affidavit, after which the attorneys representing Citibank (South Dakota), N.A. were retained for the purpose of collecting the delinquent debt owed on the credit card account referenced above.
4. Exhibit A attached hereto is a hard copy print out of the financial information, including the balance owing, residing on the Citibank (South Dakota), N.A. computer system as of the date the account(s) was (were) referred for collection to the attorney maintaining this lawsuit. The balance owing on the date of referral has remained unchanged from and after that date.
5. The debt reflected on Exhibit A is delinquent, past due and remains due and owing. Plaintiff is the party and entity to whom the delinquent debt is owed. There are no set-offs, credits, or allowances due or to become due from the Plaintiff to the Defendant, other than those set forth herein or set forth on Exhibit A attached hereto.
6. Defendant has made no claim of being an active member in the military services of the United States or any state thereof, and to the best of my knowledge, the defendant is not an active member in military service. Nor has Defendant requested reduction of the interest rate on the account to six percent (6%) pursuant to the Soldiers and Sailors Civil Relief Act.

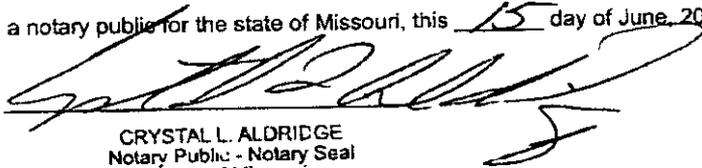

Affiant

Attorney Management Specialist
Title

Personally known to me, subscribed and sworn to before me, a notary public for the state of Missouri, this 15 day of June, 2004

(SEAL)

My Commission Expires:



CRYSTAL L. ALDRIDGE
Notary Public - Notary Seal
State of Missouri
Clinton County

My Commission Expires February 18, 2006

AZ.3929.18

04-1830

TL

06/21/04 \$10549.71 \$9999.99

SITE:KC-CL TM:CO-5000 ACID:KCB7150
06/04/04 18:58:52

PREVIOUS BALANCE NEW BALANCE

KEVIN MCCOY
ATTNY ACCOUNT-CODE=LB41
PHOENIX
85029-2312000

AZ

CITI CARDS
P.O. BOX 6418
THE LAKES, NV
88901-6418



Citi® Dividend Platinum Select® Card

Account Number
5424 1805 2670 3217

Customer Service:

1-800-925-8871

BOX 6000
THE LAKES, NV
89163-6000

Total Credit Line	Available Credit Line	Cash Advance Limit	Available Cash Limit	New Balance
\$14200	\$0	\$3900	\$0	\$10549.71
Statement/ Closing Date	Amount Over Credit Line	Past Due	Purch/Adv Minimum Due	Minimum Amount Due
05/26/2004	\$0.00	\$1618.05	\$224.00	\$10549.71

Sale Date Post Date Reference Number Activity Since Last Statement Amount

Please note that payments must be received by 1:00 p.m., local time, on a bank business day at the payment processing facility that handles your payments, in order to be credited to your account as of that day, and payments must conform to the payment instructions set forth on the reverse side. All conforming payments received at the payment processing facility after that time will be credited as of the following bank business day.

Help is available! Please call the toll-free number shown above to learn about our special payment options. Call Monday - Friday, 7 am to 9 pm, or Saturday, 8 am to 5 pm, Central Time. Please give us the opportunity to assist you.

Account Summary	Previous Balance	(+) Purchases & Advances	(-) Payments & Credits	(+) FINANCE CHARGE	(=) New Balance
PURCHASES	\$10,549.71	\$0.00	\$0.00	\$0.00	\$10,549.71
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$10,549.71	\$0.00	\$0.00	\$0.00	\$10,549.71

Days This Billing Period: 29

Rate Summary	Balance Subject to Finance Charge	Periodic Rate	Nominal APR	ANNUAL PERCENTAGE RATE
PURCHASES				
Standard Purch	\$0.00	0.07668%(D)	27.990%	27.990%
Purch/Adv thru 08/27/2003	\$0.00	0.07668%(D)	27.990%	27.990%
ADVANCES				
Standard Adv	\$0.00	0.07668%(D)	27.990%	27.990%

JACOB MARTINEZ
Account 5491 1303 0680 3792
April 8 - May 10, 2004

Page 2 of 3



In the return envelope, please:

- 1 Enclose your check or money order.** Include your account number and name on the front of your check or money order. Please, no cash or foreign currency.
- 2 Enclose your payment coupon.** Do not staple or tape it to your payment. Insert the payment coupon so that the entire AT&T Universal Card address appears through the window of your remittance envelope.

SEIDBERG LAW OFFICES, P.C.
JOSEPH L. WHIPPLE, ESQ.,
STATE Bar # 21391
2412 E. CAMPBELL AVE., SUITE 200
PHOENIX, AZ 85016
(602)248-8117
ATTORNEY FOR THE PLAINTIFF

MICHAEL L. JENNIS, CLERK
RECEIVED CCC
DOCUMENT DEPOSITORY
2004 JUL 13 PM 2:22

IN THE SUPERIOR COURT
MARICOPA COUNTY, STATE OF ARIZONA

FILED
BY E. LEE, DEP

CITIBANK SOUTH DAKOTA, N.A.,

PLAINTIFF

vs

KEVIN MCCOY AND JANE DOE, SPOUSE

DEFENDANT

NO. CV2004-012363

ATTEMPTED SERVICE BY
PRIVATE PERSON

ASSIGNED TO THE HONORABLE
JUDGE:

STATE OF ARIZONA) ss.
County of Maricopa)

The undersigned, being first duly sworn, states:

1. That I am fully qualified, pursuant to RCP 4(d), to serve process in this cause:
2. That on 06/28/2004 I received the following documents:

- a) SUMMONS & COMPLAINT
- b) CERTIFICATE ON COMPULSORY ARBITRATION
- c)
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)

Track Down, Inc.
PO Box 56846
Phoenix, AZ 85079-6846
(602) 252-8521

Client ID No....: 4-1830
Field Report No.: 4062376 (v2.12)

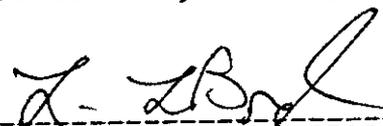
3. That the person served does not have any military obligations, except as noted below.
4. That if this is an affidavit of posting of a trustee's sale, a due and diligent effort to ascertain whether or not trustors are affiliated with the military service was done, and no one could be found at the posting location who had knowledge of the trustors except as noted below.
5. That I personally served copies of the above documents, on the person at the time, place and manner as follows:

ATTEMPTED SERVICE

UPON KEVIN MCCOY, AT 3219 WEST CHARTER OAK ROAD, PHOENIX, ARIZONA, 85029. SERVICE WAS ATTEMPTED HERE ON 6/29 AT 8:05 A.M., 7/3 AT 7:50 A.M., 7/4 AT 5:10 P.M., 7/5 AT 8:25 P.M. AND ON 7/7 AT 6:20 A.M. THE DEFENDANT IS AVOIDING. DURING THESE ATTEMPTS I COULD HEAR ACTIVITY INSIDE THE RESIDENCE BUT NO ONE WOULD OPEN THE DOOR. PER THE MARICOPA COUNTY ASSESSOR'S OFFICE AND PER THE COLE'S DIRECTORY THE DEFENDANT RESIDES HERE. I SUGGEST ALTERNATIVE SERVICE IN ACCORDANCE WITH RCP 4.1(m), BE CONSIDERED.

0 Document(s) served:	\$ 0.00
0 W/G(s) served:	0.00
0 Sales Notices posted:	0.00
16 Miles:	38.40
Min. Miles Total	0.00
Document Prep. Fee	8.00
Witness Fee	0.00
Filing Fee	0.00
Additional Cost	0.00
	0.00
	0.00
TOTAL	\$ 46.40

I certify under penalty of perjury that the foregoing is true and correct.
 Executed on:
 Monday the 12th Day of July, 2004



 Leonard P. LoBreglio #5719
 Registered in Maricopa County

Track Down, Inc.
 PO Box 56846
 Phoenix, AZ 85079-6846
 (602) 252-8521
 4062376 (v2.12)

MICHAEL K. JEANES, CLERK
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2004 AUG -4 PM 2:00

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FILED
BY S. HOPKINS, DEP.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

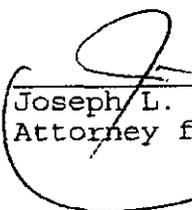
CITIBANK SOUTH DAKOTA NA,)	
)	CAUSE NO: CV2004-012363
Plaintiff,)	
vs)	MOTION TO ALLOW SERVICE
)	UNDER ARIZONA RULES OF
KEVIN MCCOY and)	CIVIL PROCEDURE 4.1(M)
JANE DOE, Spouse)	AND ORDER
)	
Defendant(s).)	

COMES NOW the undersigned attorney for Plaintiff and respectfully moves this Court for its order allowing service of the Summons and Complaint in the above entitled matter upon Defendant(s), KEVIN MCCOY and JANE DOE, Spouse by posting the summons and complaint on the doorstep of the residence located at the address set forth below, and by mailing a copy of same to the Defendant(s) at the same address. The basis for this is more fully set forth in the attached Memorandum of Points and Authorities. Debtors' Address:

3219 W Charter Oak Rd
Phoenix Arizona 85029-2312

RESPECTFULLY SUBMITTED this 4 day of Aug, 2004.

SEIDBERG LAW OFFICES, P.C.

By: 
Joseph L. Whipple, SBA #21391
Attorney for Plaintiff