

# CONSUMER CREDIT TRANSACTION

THE SUPREME COURT STATE OF NEW YORK,  
COUNTY OF SARATOGA COUNTY

FIRST SELECT CORPORATION

Plaintiff

KEITH RANIERE

Defendant(s)

Index No. 2000-0640

Plaintiff's designates SARATOGA COUNTY

county as the place of trial

The basis of the venue is

Defendants residence

3 FLINTLOCK LN

CLIFTON PARK NY 12065-6570

Plaintiff resides at

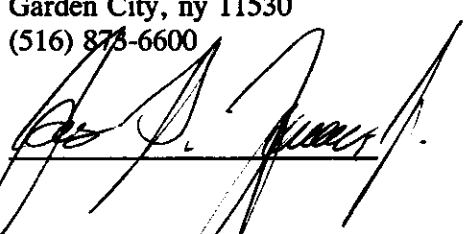
5040 JOHNSON DRIVE

PLEASANTON, CA 94588

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, Judgment will be taken against you by default for the relief demanded in the complaint.

Dated: February 16, 2000

Sharinn & Lipshie, P.C.  
Attorneys for Plaintiff  
200 Garden City Plaza Ste 506  
Garden City, ny 11530  
(516) 873-6600



2000 MAR - 1 AM 10:29  
SARATOGA COUNTY  
CLERK'S OFFICE  
BALLSTON SPA, NY

FILED

NOTE: The law provides that:

(a) if this summons is served by its delivery to you personally within the STATE OF NEW YORK you must appear and answer within 20 days after such service; or

(b) If this summons is served by delivery to any person other than you or is served outside the County of SARATOGA COUNTY, or by publication or by any other means you have THIRTY(30) days after proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

(c) You are required to file a copy of your answer together with proof of service with the clerk of the SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SARATOGA in which this action is brought within ten days of the service of the answer.

DEFENDANTS P.O.B.:

Claim # PNB10009

Acct# 4168100005343544

\*\*\*THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE\*\*\*\*

THE SUPREME COURT STATE OF NEW YORK,  
COUNTY OF SARATOGA COUNTY

FIRST SELECT CORPORATION  
Plaintiff

VERIFIED COMPLAINT

-Against\_  
KEITH RANIERE  
Defendant(s)

Plaintiff, by its attorneys complaining of the defendant(s), upon information belief, alleges:

1. That the defendant(s) resides in the county in which this action is brought; or that the defendant(s) transacted business within the county in which this action is brought in person or through his agent and that the instant cause of action arose out of said transaction.
2. The plaintiff is a Corporation.
3. First Select Corporation, Plaintiff, is a California corporation, organized and existing under the laws of the state of California, which is the owner of a credit account.
4. That plaintiff is presently the owner of the account.
5. That the plaintiff's assignor issued a credit account to the defendant, and the defendant agreed to pay the plaintiff's assignor for any goods or services charged or monies advanced upon said account.
6. That prior to December 23, 1999 the defendant(s) charged goods or services or obtained monies upon said credit account, which there is a balance due and owing of \$8,667.68.
7. That the credit agreement contained a provision whereby the defendant agreed to pay attorneys fees if the plaintiff was required to forward any unpaid balance to an attorney for collection. Plaintiffs attorneys are not employees of the plaintiff.
8. Upon information and belief the plaintiff's assignor did deliver or mail within the state to the defendant(s) the aforesaid agreement.
9. There is now due plaintiff from defendant the amount set forth above, in paragraph "6" of the complaint, no part of which has been paid, although duly demanded, together with attorneys fees in the sum of \$250.00.

**As and for a Second Cause of Action**

10. Plaintiff, repeats and realleges each and every allegation set forth in paragraph "1" through paragraph "9" of this complaint
11. The defendant is indebted to plaintiff on account stated, by virtue of charges incurred by the defendant on a credit card or line of credit owned by plaintiff the terms of which are stated in the account agreement herein attached as Exhibit "A".
12. The defendant has failed to pay said sum upon demand.
13. The defendant is indebted to the plaintiff in the amount of \$8,667.68, plus prejudgment contractual interest at the rate of  $\frac{1}{100}$  and one hundredths, per centum per annum.

**As and for a Third Cause of Action**

14. Plaintiff repeats and realleges each and every allegation set forth in paragraph "1" through "13" of this complaint.
15. The defendant received a monetary benefit, which was in fact appropriated by the defendant.
16. The defendant accepted the benefits.
17. That by virtue of the circumstances surrounding the request for funds made, the defendant knowingly requested that the funds in issue and/or knowingly and voluntarily accepted the benefits bestowed.
18. It would be inequitable for this court to allow the defendant to retain the benefits of the funds or to be unjustly enriched at the expense of the plaintiff or allow the defendant to retain the value of the funds in issue without re-paying the plaintiff the value of same.

WHEREFORE, plaintiff demands judgment against defendant(s) for the sum of \$8,667.68 together with attorney's fee of \$250.00 for a total amount of \$8,917.68 with interest thereon from the day of December 23, 1999 on the amount of \$8,667.68, together with costs and disbursements of this action.

SHARINN & LIPSHIE, P.C.  
200 GARDEN CITY PLAZA. STE 506  
GARDEN CITY, NY 11530

February 16, 2000

\*\*\*WE ARE DEBT COLLECTORS. THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE\*\*\*

2000 FEB - 1 AM 10:29  
FILED  
SARATOGA COUNTY  
CLERK'S OFFICE  
BALLSTON SPA, NY

VERIFICATION

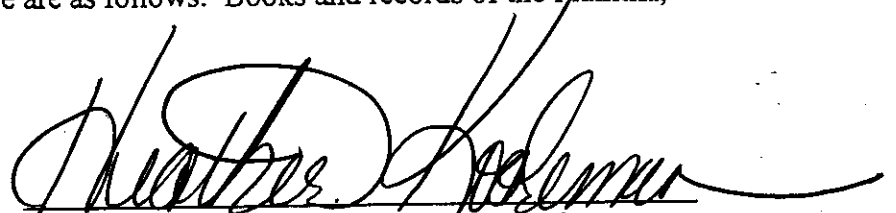
STATE OF CALIFORNIA

COUNTY OF ALAMEDA

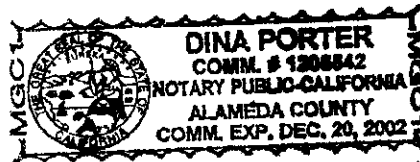
HEATHER KOOREMAN BEING DULY SWORN, DEPOSES AND SAYS:


Deponent is the Designated Agent of the Plaintiff, in the within action; deponent has read the foregoing complaint and knows the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, deponent believes it to be true.

This verification is made by deponent because the Plaintiff is a California corporation and deponent is an agent thereof. The grounds of deponent's belief as to all matters not stated on deponent's own knowledge are as follows: Books and records of the Plaintiff, with which deponent is familiar.

  
HEATHER KOOREMAN, Designated Agent

Sworn to before me this  
8th day of Feb, 2000



  
\_\_\_\_\_  
Notary Public

Client Acct # 4166 10000 5343 544  
Debtor Name: Keith Ramirez  
Claim #: PNB 10009