

02-588-CD  
CAPITAL ONE BANK et al -vs- RICHARD J. HEINDL, SR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK  
assignee of Radio Shack

CIVIL DIVISION

Plaintiff(s),  
v.

No. 2002-588-CD

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

COMPLAINT

Code No. \_\_\_\_\_

Issue No. \_\_\_\_\_

Filed on Behalf of:

PLAINTIFF

ATTORNEY OF RECORD FOR THIS PARTY

Louis B. Swartz

PA. ID # 242

SEEWALD, SWARTZ & ASSOCIATES  
16th FLOOR LAW AND FINANCE BUILDING  
PITTSBURGH, PENNSYLVANIA 15219

(412) 288-0300  
50075

**NOTE: THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION  
OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISIONCAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

## NOTICE TO DEFEND AND CLAIM RIGHTS

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 days (20) 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA LAWYER REFERRAL SERVICE  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108

1-800-692-7375

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISIONCAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

## COMPLAINT

1. Plaintiff(s) is CAPITAL ONE BANK assignee of Radio Shack. Plaintiff's address is 456 N KIMBALL PLACE, BOSIE ID 83704.
2. Defendant(s) is RICHARD J. HEINDL, SR., an individual. Defendant's address is 235 MCLOYD TER, DU BOIS PA 15801-2046.
3. At Defendant's special instance and request, a credit account was opened for Defendant, which Defendant thereafter used and there is a balance due and unpaid, despite demand, in the amount of \$1354.22 plus interest from February 12, 2002.
4. Attached hereto as Exhibit "A", and incorporated herein by reference as though herein set forth at length, is a statement of the account and other documents of the account which were prepared in the ordinary course of business and are incorporated herein by reference. The account has been assigned to Plaintiff for value.

WHEREFORE, Plaintiff demands Judgment against Defendant(s) in the amount of \$1,354.22 plus interest from February 12, 2002 and costs.

\_\_\_\_\_  
Louis B. Swartz  
Attorney for PLAINTIFF  
SEEWALD, SWARTZ & ASSOCIATES  
16th FLOOR LAW AND FINANCE BUILDING  
PITTSBURGH, PENNSYLVANIA 15219

(412) 288-0300

Collection Resource System  
Name: HEINDL SR, RICHARD J  
Address: 235 MCLOYD TER

ATTORNEY

Feb 12, 2002

Master # 953806 SS# 194-34-6776

City, St DU BOIS PA 15801-2046  
Phone (H) (814) 000-0000 (W) GET PHONE  
Employer GET EMPLOYER  
L

Status 21 LEGAL  
Coll Unit 281 SEEWALD, SWARTZ & 5  
Strategy None  
1 Accounts Totaling 1354.22

Date	Time	A/R	Comment	Usr	Notes
01/16/02	10:57	GC/GC		SER	C/O-\$1354.22 ON 09-30-1997
01/16/02	10:57	TA/LC1		SER	LST PMT-\$0.00
01/16/02	10:57	CC/CC ADD ATTY 692		SER	PRINCIPAL: 1354.22
01/16/02	10:56	CS/43		SER	INTEREST: 0.00
01/07/02	10:44	TA/AU1		ZIS	COSTS: 0.00
COMMENTS		COMMENTS		(Page 1)	
				CREDITOR: RADIO SHACK	
		C/B		SECURED CARD: N	
		02/16/02		STATUS CODE: C	

OPTIONS: U pdate Info S croll Trans M aster C omments-Page  
T ransaction P ayments PF1 N ew Account \* More

Exhibit 794

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISIONCAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

## VERIFICATION

The undersigned, Tracy Ellers, avers  
that the statements of fact contained in the attached  
Complaint are true and correct to the best of his/her  
information, knowledge and belief, and are made subject  
to the penalties of 18 Pa. Cons. Stat. Ann. Section 4904  
relating to unsworn falsification to authorities.

Date

3/18/02Tracy Ellers

**FILED**

Atty pd.

80.00

APR 15 2002

lcc:shwiff

10:15 AM  
APR 15 2002  
William A. Shaw  
Prothonotary

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12395

CAPITAL ONE BANK

02-588-CD

VS.  
HEINDL, RICHARD J. SR.

**COMPLAINT**

**SHERIFF RETURNS**

NOW MAY 1, 2002 AT 11:10 AM DST SERVED THE WITHIN COMPLAINT ON RICHARD J. HEINDL, SR., DEFENDANT AT RESIDENCE, 235 MCLOYD TER, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RICHARD HEINDL JR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET

**Return Costs**

Cost	Description
30.69	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY; ATTY.

**FILED**

MAY 20 2002

01326

William A. Shaw  
Prothonotary

Sworn to Before Me This

20th Day Of May 2002  
William A. Shaw

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins  
by Marilyn Harris

Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK  
assignee of Radio Shack

CIVIL DIVISION

Plaintiff(s),

No. 2002-588 cd

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

STIPULATION FOR JUDGMENT

Code No. \_\_\_\_\_

Issue No. \_\_\_\_\_

Filed on Behalf of:

PLAINTIFF

ATTORNEY OF RECORD FOR THIS PARTY

Louis B. Swartz

PA. ID # 242

SEEWALD, SWARTZ & ASSOCIATES  
16th FLOOR LAW AND FINANCE BUILDING  
PITTSBURGH, PENNSYLVANIA 15219

(412) 288-0300  
M' 50075 P

NOTE: THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION  
OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE

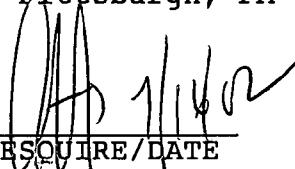
this Stipulation.

3. Judgment shall be entered in favor of Plaintiff and against Defendant for the full amount of the Indebtedness as defined above in the sum of \$1,354.22 plus interest from February 12, 2002 and costs (the "Judgment").

4. So long as Defendant makes the said payments timely, time being of the essence, Plaintiff shall not take any further legal action beyond entering judgment on this Stipulation and upon receipt of timely payment of the Indebtedness, interest and costs in full in accordance with the terms of this Stipulation, Plaintiff shall satisfy the Judgment.

5. If Defendant fails to make the agreed payments timely, time being of the essence, Plaintiff may execute on the Judgment upon praecipe to the Prothonotary for the balance due on the Judgment after credit is given for any payments made by Defendant and Plaintiff may take any other supplemental action on the Judgment as authorized by law and rules of court.

6. Defendant shall make the said payments to and payable to Louis B. Swartz, Attorney for Capital One Bank, 1600 Law and Finance Building, Pittsburgh, PA 15219.

  
LOUIS B. SWARTZ, ESQUIRE /DATE  
Seewald, Swartz and Assocs.  
Attorney for Plaintiff  
1600 Law and Finance Building  
Pittsburgh, PA 15219  
412/288-0300

  
RICHARD J. HEINDL, SR. /DATE  
Defendant  
235 McLoyd Street  
Du Bois, PA 15801-2046

**FILED**

Atty pd

7/22/02  
JUL 22 2002  
100 Atty

William A. Shaw  
Prothonotary  
Notice to Def.  
Statement to Atty

**COPY**

50075

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002-588 cd

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

NOTICE OF ENTRY OF JUDGMENT

TO: Richard J. Heindl, Sr.  
235 Mcloyd Street  
Du Bois, PA 15801-2046

TAKE NOTICE that on the 22<sup>nd</sup> day of

July, 2002, judgment was entered against  
you in the above captioned case in the principal amount of  
\$1,354.22 plus interest per Stipulation of Judgment and costs.

---

PROTHONOTARY

LOUIS B. SWARTZ, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
SEEWALD, SWARTZ AND ASSOCIATES  
1600 LAW AND FINANCE BUILDING  
PITTSBURGH, PA 15219  
412/288-0300

**NOTE: THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION  
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**COPY**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Capital One Bank assignee of  
Radio Shack  
Plaintiff(s)

No.: 2002-00588-CD

Real Debt: \$1,354.22

Atty's Comm:

Vs.

Costs: \$

Int. From:

Richard J. Heindl, Sr.  
Defendant(s)

Entry: \$20.00

Instrument: Stipulation for Judgment

Date of Entry: July 22, 2002

Expires: July 22, 2007

Certified from the record this 22nd day of July, 2002

---

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

---

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK  
assignee of Radio Shack

CIVIL DIVISION

Plaintiff(s),  
v.

No. 2002-588 CD

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

PETITION TO STRIKE DEFAULT  
JUDGMENT

Code No. \_\_\_\_\_

Issue No. \_\_\_\_\_

Filed on Behalf of:

PLAINTIFF

ATTORNEY OF RECORD FOR THIS PARTY

Louis B. Swartz

PA. ID # 242

SWARTZ, LOVEJOY & ASSOCIATES  
16th FLOOR LAW AND FINANCE BUILDING  
PITTSBURGH, PENNSYLVANIA 15219

(412) 288-0300  
50075

NOTE: THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION  
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FILED  
11:55AM 100  
DEC 20 2004  
Att'y Swartz  
BSC  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002-588 CD

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

**PETITION TO STRIKE DEFAULT JUDGMENT**

TO: THE HONORABLE JUDGES OF SAID COURT

The Petition of the Plaintiff above named respectfully  
represents:

1. Plaintiff commenced this Civil Action by filing a  
Complaint stating a claim against the Defendant for a balance  
due on an account in the amount of \$1,354.22, plus  
interest and costs.

2. The Complaint was served on Defendant who failed to  
defend and on July 22, 2002 a default judgment was entered  
in favor of Plaintiff and against the Defendant for the amount  
claimed in the Complaint.

3. The Defendant apparently was unable to timely file an  
Answer to present defenses.

4. For the above reasons, Plaintiff desires to strike the  
default judgment.

WHEREFORE, Petitioner respectfully requests this Honorable  
Court to enter an appropriate Order.

LOUIS B. SWARTZ, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
SWARTZ, LOVEJOY AND ASSOCS.  
16th FLOOR LAW AND FINANCE BLDG.  
PITTSBURGH, PA 15219  
412/288-0300

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

No. 2002-588 CD

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

ORDER TO STRIKE DEFAULT JUDGMENT

AND NOW, this 23 day of December, 2004, upon  
consideration of Plaintiff's Petition to Strike Default  
Judgment, it is hereby ORDERED, ADJUDGED and DECREED that the  
judgment heretofore entered against the Defendant be and it  
is hereby stricken.

John Palmer

ORDSTRIK.PLE

①  
FILED  
010:57 AM 10/04/2004  
DEC 23 2004

William A. Shaw  
Prothonotary