

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

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

**FILED**

APR 15 2002

William A. Shaw  
Prothonotary

CIVIL DIVISION

No. 2002 - 588-02

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 DIVISION

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002

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 DIVISION

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002

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 for CAP1CC-L
01/16/02	10:57	GC/GC		SER	
01/16/02	10:57	TA/LC1		SER	C/O-\$1354.22 ON 09-30-1997
01/16/02	10:57	CC/CC	ADD ATTY 692	SER	LST PMT-\$0.00
01/16/02	10:56	CS/43		SER	PRINCIPAL: 1354.22
01/07/02	10:44	TA/AU1		ZIS	INTEREST: 0.00
COMMENTS				COMMENTS	COSTS: 0.00
				(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 New Account \* More

Exhibit 704

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002

VERIFICATION

The undersigned, Tracey Elles, 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


3-18-02

Tracey Elles

FILED

APR 15 2002

1 cc Shuff

  
William A. Shaw  
Prothonotary

Atty pd.  
80.00

**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

*[Signature]*

Sworn to Before Me This

20th Day Of May 2002  
*[Signature]*

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

So Answers,

*[Signature]*  
*[Signature]*

Chester A. Hawkins  
Sheriff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

CIVIL DIVISION

No. 2002-588 cd

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  
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FILED

JUL 22 2002

William A. Shaw  
Prothonotary

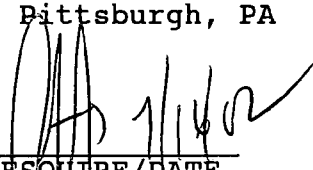
this Stipulation.

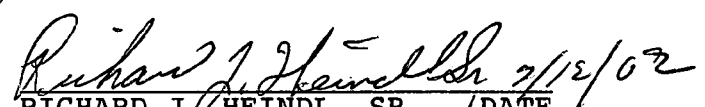
3. Judgment shall be entered in favor of Plaintiff and against Defendant for the full amount of the Indebtedness as defined above in the sum of \$1,354.22 plus interest from February 12, 2002 and costs (the "Judgment").

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.

 1/14/02  
\_\_\_\_\_  
LOUIS B. SWARTZ, ESQUIRE/DATE  
Seewald, Swartz and Assocs.  
Attorney for Plaintiff  
1600 Law and Finance Building  
Pittsburgh, PA 15219  
412/288-0300

 7/12/02  
\_\_\_\_\_  
RICHARD J. HEINDL, SR. /DATE  
Defendant  
235 Mcloyd Street  
Du Bois, PA 15801-2046

FILED

M/G:16-81  
JUL 22 2002

Atty pd

9/20-00

1 CC Atty

William A. Shaw  
Prothonotary

Notice to Def.

Statement to Atty

COPY

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002-588 cd

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)

Vs.

Richard J. Heindl, Sr.  
Defendant(s)

No.: 2002-00588-CD

Real Debt: \$1,354.22

Atty's Comm:

Costs: \$

Int. From:

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

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

CIVIL DIVISION

No. 2002-588 CD

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**

DEC 20 2004

William A. Shaw  
Prothonotary/Clerk of Courts

*Bed*

*11:55 AM 100  
Any Swartz*

*[Handwritten line]*

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

CAPITAL ONE BANK  
assignee of Radio Shack

Plaintiff(s),

v.

RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002-588 CD

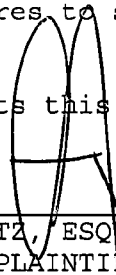
PETITION TO STRIKE DEFAULT JUDGMENT

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),

v.

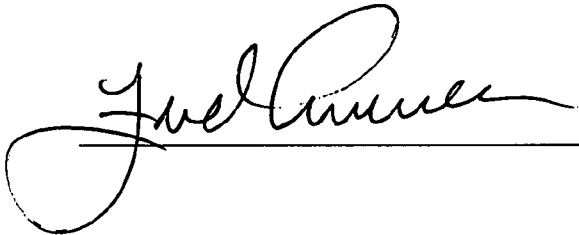
RICHARD J. HEINDL, SR.,  
an individual

Defendant(s),

No. 2002-588 CD

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.



ORDSTRIK.PLE

**FILED**  
O 10:57 AM  
DEC 23 2004  
101 Betty  
Sweet

William A. Shaw  
Prothonotary