

2016-1124-CD  
CAPITAL ONE VS. G. MILLER

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

CAPITAL ONE BANK

Plaintiff

vs.

GREGORY L MILLER

Defendant

No: 06-1124-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 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05252099 C A Pit WLG

FILED Any pd.  
JUL 14 2006 85.00  
Wm rec Shff  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

GREGORY L MILLER

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, CAPITAL ONE BANK is a corporation with offices at 6851 JERICHO TURNPIKE #190 SYOSSET , NY 11791 .

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

GREGORY L MILLER  
510 MEASE RD  
OSCEOLA MILLS, PA 16666

3. Defendant applied for and received a credit card bearing the account number 4305722103535442 .

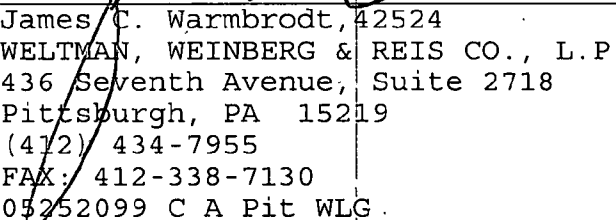
4. Defendant made use of said credit card and has a current balance due of \$4120.52 , as of July 07, 2006 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from July 07, 2006 . A copy of Plaintiff's STATEMENT OF ACCO UNT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. 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, GREGORY L MILLER, INDIVIDUALLY, in the amount of \$4120.52 with continuing interest thereon at the rate of 25.900% per annum from July 07, 2006 plus costs.



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James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05252099 C A Pit WLG.

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.

# Your account is delinquent.

## We want to help!



Take Action!  
Call Today!

- To protect your credit with us, you need to make a payment.
- We can help—but only if you call us.
- When you call, you can make a free check-by-phone payment.

**Return your account to good standing.**  
It's up to you to take the first step.  
**Call us!**

**1-800-479-7231**

014-1102

**CapitalOne**

PLATINUM VISA ACCOUNT  
4305-7221-0353-5442

MAY 04 - JUN 03, 2003  
Page 1 of 1

### Account Summary

Previous Balance	\$4,030.34
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$89.61
<b>New Balance</b>	<b>\$4,154.95</b>
Minimum Amount Due	\$4,154.95
Payment Due Date	July 03, 2003
<b>Total Credit Line</b>	<b>\$5,000</b>
Total Available Credit	\$0.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$0.00

### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

For free online account service and special customer offers, log on to:  
[www.capitalone.com](http://www.capitalone.com)

Send payments to:  
Attn: Remittance Processing  
Capital One Services  
P.O. Box 85147  
Richmond, VA 23276

Send inquiries to:  
Capital One Services  
P.O. Box 85015  
Richmond, VA 23285-5015

### Payments, Credits and Adjustments

#### Transactions

1	03 JUN	PAST DUE FEE	\$35.00
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Can 9 million hungry kids inspire a nation? It's inspired Capital One and America's Second Harvest, our country's largest domestic hunger-relief charity, to build an online food drive. On June 5, 2003, National Hunger Awareness Day, and throughout June, you can help feed hungry children and their families by supporting the online food drive at [www.secondharvest.org](http://www.secondharvest.org).

You were assessed a past due fee of \$35.00 on 06/03/2003 because your minimum payment was not received by the due date of 06/03/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$4,073.53	.07096%	25.90%	\$89.61
CASH	\$0.00	.07096%	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

0000000 0 4305722103535442 03 4154950163004154957

New Balance	\$4,154.95
Minimum Amount Due	\$4,154.95
Payment Due Date	July 03, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	4305-7221-0353-5442

Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt. #
City	State
Home Phone	Alternate Phone
Email Address	

Capital One Bank  
P.O. Box 85147  
Richmond, VA 23276



051366



#9015517176628367# MAIL ID NUMBER  
GREGORY L MILLER  
510 MEASE RD  
OSCEOLA MILLS PA 16666-8726




Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is SARA RUBIN  
(NAME)

Agent of \_\_\_\_\_, plaintiff herein, that  
(TITLE) (COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

  
(SIGNATURE)

WWR#

DECLARATION

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Court.

Witness my hand and the seal of the Court at the City of New York, this 14th day of July, 2006.

\_\_\_\_\_  
Clerk of the Court

(Signature)

(Signature)

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Court.

Witness my hand and the seal of the Court at the City of New York, this 14th day of July, 2006.

(Signature)

WITNESSETH

FILED

JUL 14 2006

William A. Shaw  
Prothonotary/Clerk of Courts



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

CAPITAL ONE BANK,

Plaintiff

vs.

GREGORY L MILLER

Defendant

No. 06-1124-CD

PRAECIPE FOR DEFAULT JUDGMENT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05252099

Judgment Amount \$ 4263.79

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**FILED**  
m13:11/20  
SEP 08 2006

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 20.00  
1cc Notice  
to Def.  
Statement  
to Any  
CP

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1124-CD

GREGORY L MILLER

Defendant

PRAECIPE FOR DEFAULT JUDGMENT


TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, GREGORY L MILLER above named, in the default of an Answer, in the amount of \$4263.79 computed as follows:

Amount claimed in Complaint	\$4120.52
Interest from July 7,, 2006 to August 25, 2006 at the legal interest rate of 25.9% per annum	\$143.27
TOTAL	\$4263.79

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

By:   
WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437

Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05252099

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 510 MEASE RD, OSCEOLA MILLS, PA 16666

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

CAPITAL ONE BANK

Plaintiff

Case # 66-1124-CD

GREGORY L MILLER

Defendant(s)

IMPORTANT NOTICE


TO: GREGORY L MILLER  
510 MEASE RD  
OSCEOLA MILLS, PA 16666

Date of Notice: 8-15-00  
WWR#: 05252099

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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 ADMINSTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 1300-1301

BY:   
JAMES WARMBRODT, ESQUIRE  
PA I.D. #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 KOPPERES BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

CAPITAL ONE BANK,

Case no: 06-1124-CD

Plaintiff

**NON-MILITARY AFFIDAVIT**

vs.

GREGORY L MILLER

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, GREGORY L MILLER is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, GREGORY L MILLER is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 30 day  
of August 2006

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Wendy L. Gault, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2010  
Member, Pennsylvania Association of Notaries

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.

Department of Defense Manpower Data Center

AUG-25-2006 10:00:50



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MILLER	GREGORY L	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167;#167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BZDFYPLGQQX**

**FILED**

**SEP 08 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

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

COPY

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1124-CD

GREGORY L MILLER

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff  
☒ Defendant  
☐ Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 9/8/06

(xx) Assumpsit Judgment in the amount  
of \$4263.79 plus costs.

☐ Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

☐ If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

(xx) Entry of Judgment of  
☐ Court Order  
☐ Non-Pros  
☐ Confession  
☒ Default  
☐ Verdict  
☐ Arbitration  
Award

Prothonotary

By:   
PROTHONOTARY (OR DEPUTY)

GREGORY L MILLER  
510 MEASE RD  
OSCEOLA MILLS, PA 16666

Plaintiff's address is:  
c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085



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

COPY

Capital One Bank  
Plaintiff(s)

No.: 2006-01124-CD

Real Debt: \$4,263.79

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Gregory L. Miller  
Defendant(s)

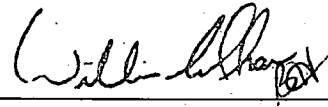
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 8, 2006

Expires: September 8, 2011

Certified from the record this 8th day of September, 2006.



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  
CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff

vs.

GREGORY L MILLER

Defendant

No. 06-1124-CD

PRAECIPE FOR SATISFACTION OF  
JUDGMENT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN  
PA I.D #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5252099

FILED

JAN 22 2018

William A. Shaw  
Prothonotary/Clerk of Courts

acc + 1 cert  
m/10:50 am of Sat issued  
to Atty molczan

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1124-CD

GREGORY L MILLER

Defendant

PRAECIPE FOR SATISFACTION OF JUDGMENT

At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned Judgment.

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

By: William T. Molcan

WILLIAM T. MOLCAN

PA I.D. #47437

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #5252099

Sworn to and subscribed  
before me this 14th  
day of January, 2010

Sheila G. Bevan  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Sheila G. Bevan, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Nov. 15, 2010

Member, Pennsylvania Association of Notaries

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this 22nd day of January, 2010.

WILLIAM A. SHAW

Prothonotary

CLERK OF COURTS

NEW YORK COUNTY

CLERK

FILED

RECEIVED

NEW YORK COUNTY

CLERK OF COURTS

FILED

FILED

JAN 22 2010

William A. Shaw  
Prothonotary/Clerk of Courts

NEW YORK COUNTY  
CLERK OF COURTS  
FILED

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

Capital One Bank

No.: 2006-01124-CD

Vs.

Debt: \$4263.79

Gregory L. Miller


Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Friday, January 22, 2010, directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 22nd day of January, A.D. 2010.

  
\_\_\_\_\_  
Prothonotary

COPY