



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

CAPITAL ONE BANK

Plaintiff

VS.

KIMBERLY M MILLER

Defendant

No: 06-1359-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  
05216286 C A Pit VOC

Feb. 11, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

William A. Shaw GK  
Deputy Prothonotary

Jan 18, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

William A. Shaw GK  
Deputy Prothonotary

May 23, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

William A. Shaw GK  
Deputy Prothonotary

**FILED** Atty Pd. 85.00  
m 11:50 AM  
AUG 23 2006 ICC 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

KIMBERLY M 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:

KIMBERLY M MILLER  
230 BLUE BALL RD  
WEST DECATUR, PA 16878

3. Defendant applied for and received a credit card bearing the account number 5291151638797645 .

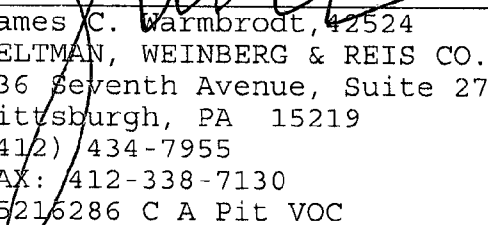
4. Defendant made use of said credit card and has a current balance due of \$2606.77 , as of August 12, 2006 .

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 August 12, 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 , KIMBERLY M MILLER , INDIVIDUALLY , in the amount of \$2606.77 with continuing interest thereon at the rate of 25.900% per annum from August 12, 2006 plus costs.



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  
05216286 C A Pit VOC

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.

05216286

014

# 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

### Capital One

GOLD MASTERCARD ACCOUNT  
5291-1516-3879-7645

JUL 06 - AUG 05, 2003  
Page 1 of 1

#### Account Summary

Previous Balance	\$1,292.34
Payments, Credits and Adjustments	\$ .00
Transactions	\$64.00
Finance Charges	\$29.36
<b>New Balance</b>	<b>\$1,385.70</b>
Minimum Amount Due	\$1,385.70
Payment Due Date	September 05, 2003
<b>Total Credit Line</b>	<b>\$800</b>
<b>Total Available Credit</b>	<b>\$ .00</b>
<b>Credit Line for Cash</b>	<b>\$800</b>
<b>Available Credit for Cash</b>	<b>\$ .00</b>

#### 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

#### Important Account Information

Did You Know? Capital One offers more than just credit card products. With more than 47 million accounts, Capital One provides valuable financial solutions— including auto loans, personal loans, CDs, money market accounts and more— to one out of every three homes in the U.S.

#### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

#### Transactions

1	07 JUL	OVERLIMIT FEE	\$29.00
2	05 AUG	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 08/05/2003 because your minimum payment was not received by the due date of 08/05/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

# EXHIBIT

#### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,334.54	.07096%	25.90%	\$29.36
CASH	\$ .00	.07096%	25.90%	\$ .00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

### Capital One

0000000 0 5291151638797645 05 1385700046001385702

New Balance **\$1,385.70**  
Minimum Amount Due **\$1,385.70**  
Payment Due Date **September 05, 2003**

Total enclosed \$   
Account Number: **5291-1516-3879-7645**

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

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

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



059495



#9021874283879116# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR GA 16878-0131




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#

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

Service # 1 of 1 Services

Sheriff Docket # **101861**

CAPITAL ONE BANK

Case # 06-1359-CD

vs.

KIMBERLY M. MILLER

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW October 04, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO KIMBERLY M. MILLER, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

SERVED BY: /


**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2592650	10.00
SHERIFF HAWKINS	WELTMAN	2592650	82.53

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

  
Chester A. Hawkins  
Sheriff

**FILED**  
0/10'15 cm  
OCT 05 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.

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Defendant

No: *06-1359-CD*

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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  
05216286 C A Pit VOC

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

AUG 23 2006

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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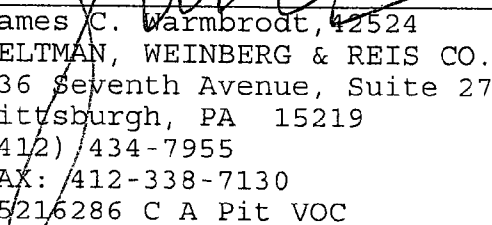
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### Capital One

0000000 0 5291151638797645 05 1385700046001385702

New Balance	\$1,385.70
Minimum Amount Due	\$1,385.70
Payment Due Date	September 05, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	5291-1516-3879-7645

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

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

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



059449



#9021874283879116# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR PA 16878-0131



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  
(TITLE)

of \_\_\_\_\_

\_\_\_\_\_, plaintiff herein, that  
(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#

CA

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

vs.

MOTION FOR ALTERNATE SERVICE

KIMBERLY M MILLER

Defendant

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 Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

FILED <sup>WRC</sup>  
m 11:20/61  
DEC 20 2006 @

William A. Shaw  
Prothonotary/Clerk of Courts

WWR #05216286

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

vs.

KIMBERLY M MILLER

Defendant

**PLAINTIFF'S MOTION FOR ALTERNATE SERVICE**

AND NOW, comes Plaintiff, by counsel, Weltman, Weinberg & Reis Co., L.P.A. and requests this Honorable Court to enter an Order allowing the Plaintiff to make service upon Defendant, KIMBERLY M MILLER, by certified U.S. Mail and Certificate of Mailing, addressed to 230 Blue Ball Rd, West Decatur, Pa 16878, averring in support thereof the following:

1. On or about AUGUST 23, 2006, Plaintiff filed a Complaint in Civil Action against Defendant to recover the unpaid balance due Plaintiff from Defendant in the amount of \$2606.77.
2. When the Sheriff of CLEARFIELD County, Pennsylvania, attempted to make service of Plaintiff's Complaint on Defendant, the Sheriff was unable to do so, as evidenced by the Sheriff's return, a true and correct copy of which is attached hereto, marked Exhibit "1", and made a part hereof.
3. Upon receipt of the Sheriff's return of no service, Plaintiff conducted an investigation with the United States Postal Service to confirm the physical address of the Defendant.



4. Pursuant to Plaintiff's request for information, the United States Postal Service confirmed Defendant's physical address of 230 Blue Ball Rd, West Decatur, Pa 16878, a true and correct copy of Plaintiff's Postal Request is attached hereto, marked as Exhibit "2", and made a part hereof.

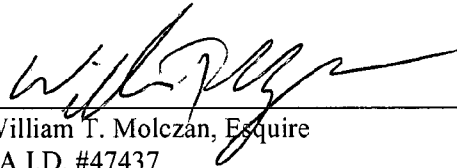
5. Plaintiff conducted an online white pages search and was unable to confirm a current address for Defendant of 230 Blue Ball Rd, West Decatur, Pa 16878.

6. Plaintiff contacted the CLEARFIELD County Tax Assessment office, a representative from which could not confirm the Defendant's current physical address as 230 Blue Ball Rd, West Decatur, Pa 16878.

7. Plaintiff requested information from the Department of Motor Vehicles for Defendant and there are no vehicles registered to Defendant at 230 Blue Ball Rd, West Decatur, Pa 16878.

8. Based upon the foregoing, Plaintiff believes and therefore avers that Defendant is attempting to avoid service of process in the above-captioned matter and Plaintiff therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Plaintiff leave to serve its Complaint on Defendant by alternative means.

WHEREFORE, Plaintiff requests this Honorable Court to enter an Order pursuant to PA.R.C.P. 430(a), authorizing the Plaintiff to serve Defendant by Certified U.S. Mail and Certificate of Mailing sent to an address (230 Blue Ball Rd, West Decatur, Pa 16878) at which Defendant is presently receiving mail according to information obtained from the Post Office, or by allowing service by a competent adult.



---

William T. Molczan, Esquire  
PA I.D. #47437

WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

In The Court of Common Pleas of Clearfield County, Pennsylvania

COPY

Service # 1 of 1 Services

Sheriff Docket # 101861

CAPITAL ONE BANK

Case # 06-1359-CD

vs.

KIMBERLY M. MILLER

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW October 04, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO KIMBERLY M. MILLER, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2592650	10.00
SHERIFF HAWKINS	WELTMAN	2592650	82.53

EXHIBIT

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,



Chester A. Hawkins  
Sheriff

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

ATTORNEYS AT LAW  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
412.434.7955  
www.weltman.com

BURLINGTON, NJ  
609.914.0437  
CHICAGO, IL  
847.940.9812  
CINCINNATI, OH  
513.723.2200  
CLEVELAND, OH  
216.685.1000  
COLUMBUS, OH  
614.228.7272  
DETROIT, MI  
248.362.6100  
PHILADELPHIA, PA  
215.599.1500

WILLIAM T. MOLCZAN  
Attorney at Law  
412.434.7955  
Fax 412.434.7959  
wmolczan@weltman.com



October 6, 2006

Postmaster  
WEST DECATUR, PA 16878

## Request for Change of Address or Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: **KIMBERLY M MILLER**  
Address: **230 BLUE BALL RD**  
**WEST DECATUR, PA 16878**

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(6)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.


1. Capacity of requester: **William T. Molczan, Esquire, Attorney for Plaintiff, CAPITAL ONE BANK**
2. Statute or regulation that empowers me to serve process: **N/A**
3. The names of all known parties to the litigation: **CAPITAL ONE BANK vs. KIMBERLY M MILLER**
4. The Court in which the case has been or will be heard: **Court of Common Pleas of CLEARFIELD**
5. The docket or other identifying number if one has been issued: **06-1359-CD**

The capacity in which this individual is to be served: **Defendant**

### WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

  
Jennifer M. Vocke

WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

EXHIBIT

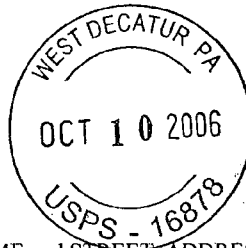
2

FOR POST OFFICE USE ONLY

### BOXHOLDER'S POSTMARK

- ☐ Not known at address given.  
☐ Moved, left no forward address.  
☐ No such address.  
☐ No change of address on file  
☒ Good as Addressed

**XXX PLEASE INDICATE PHYSICAL ADDRESS**



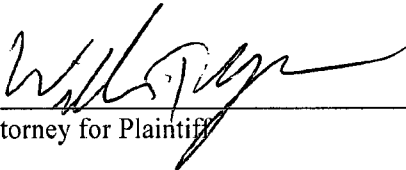
NEW ADDRESS or NAME and STREET ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the within Motion for Alternate Service was served on the 18 day of Dec, 2006, by first class, U.S. Mail, postage-prepaid, addressed as follows:

KIMBERLY M MILLER  
230 Blue Ball Rd  
West Decatur, Pa 16878

  
\_\_\_\_\_  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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CAPITAL ONE BANK

NO. 06-1359-CD

Plaintiff

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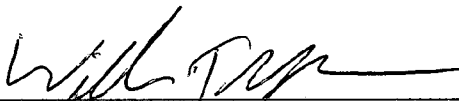
**AFFIDAVIT PURSUANT TO PA R.C.P. 430 (a)**

BEFORE ME, a Notary Public, in and for the foregoing County and Commonwealth, personally appeared William T. Molczan, Esquire, of Weltman, Weinberg & Reis, Co., L.P.A., attorneys for Plaintiff, and deposes and says that the following accurately reflects efforts made to ascertain the exact whereabouts of Defendant named in the above-captioned matter.

- a. Plaintiff requested current address information from the United States Postal Service, which request for information confirmed the current address for Defendant as being 230 Blue Ball Rd, West Decatur, Pa 16878. A true and correct copy of the Postal Service Return is marked Exhibit "2" attached hereto and made a part hereof.
- b. Plaintiff requested a vehicle search on the Defendant, which shows that the Defendant does not have a registered vehicle at 230 Blue Ball Rd, West Decatur, Pa 16878.

Finally, Affiant deposes and says that after the foregoing investigation, the exact whereabouts of the Defendant, KIMBERLY M MILLER, is 230 Blue Ball Rd, West Decatur, Pa 16878.

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

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

Sworn to and subscribed before me  
this 1<sup>st</sup> day of December, 06

\_\_\_\_\_  
Notary

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

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

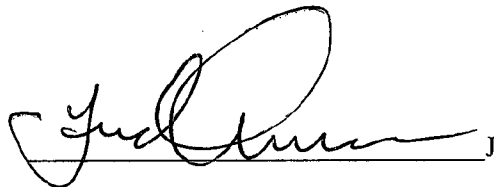
vs.

KIMBERLY M MILLER

ORDER OF COURT

AND NOW, to-wit, this 22 day of Dec, 2006, upon consideration of the foregoing Motion for Service of the Complaint Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Complaint in Civil Action may be made on Defendant, KIMBERLY M MILLER, by permitting the Plaintiff to mail a copy of the Complaint to the Defendant the last known address being 230 Blue Ball Rd, West Decatur, Pa 16878 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

BY THE COURT:



FILED

01/3:42/24  
DEC 26 2006

Att'y Molezan

(610)

William A. Shaw  
Prothonotary/Clerk of Courts

WWR #05216286



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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. 06-1359-CD

PRAECIPE TO REINSTATE COMPLAINT

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

WWR#05216286

**FILED** *Atty. pd.*  
*mls:18/07* 7.00  
JAN 18 2007 *1 Compl.*  
William A. Shaw *Reinstated to*  
Prothonotary/Clerk of Courts *Atty*  
*GW*

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

James C. Warmbrodt, 42524

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(421) 484-7956

FAX 412-338-7130

WWR #05216286

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. : 06-1359-CD

PRAECIPE TO REINSTATE COMPLAINT

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.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286

**FILED** *Atty pd. 7.00*  
*12:46 PM*  
**MAY 23 2007** *20002*  
*Complaints*  
William A. Shaw *Reinstated to*  
Prothonotary/Clerk of Courts *Sheriff*  
*(GK)*

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. : 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

William T. Molczan

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #05216286

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

Service # 1 of 1 Services

Sheriff Docket # **102833**

CAPITAL ONE BANK

Case # 06-1359-CD

vs.

KIMBERLY M. MILER

TYPE OF SERVICE COMPLAINT & PRAECIPE

## SHERIFF RETURNS

NOW October 10, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT & PRAECIPE "NOT FOUND" AS TO KIMBERLY M. MILLER, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

SERVED BY: /

## Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8469471	10.00
SHERIFF HAWKINS	WELTMAN	8469471	90.00

**FILED**

0/2:30 LM

OCT 10 2007

LM

William A. Shaw

Prothonotary/Clerk of Courts

Sworn to Before me This

So Answers,

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

  
Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. : 06-1359-CD

PRAECIPE TO REINSTATE COMPLAINT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

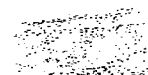
William T. Molczan  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS, CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAY 23 2007

Attest.



*William T. Molczan*  
Prothonotary/  
Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. : 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

William T. Molczan

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #05216286

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No: 06-1359 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  
05216286 C A Pit VOC

5/23/07 Document  
Reinstated/Reissued to Sheriff's Attorney  
for service. *William L. Hester*  
Deputy Prothonotary



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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

KIMBERLY M 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:

KIMBERLY M MILLER  
230 BLUE BALL RD  
WEST DECATUR, PA 16878

3. Defendant applied for and received a credit card bearing the account number 5291151638797645 .

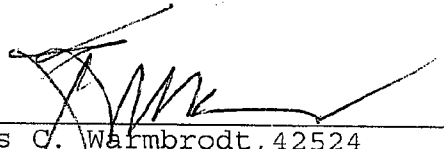
4. Defendant made use of said credit card and has a current balance due of \$2606.77 , as of August 12, 2006 .

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 August 12, 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 , KIMBERLY M MILLER , INDIVIDUALLY , in the amount of \$2606.77 with continuing interest thereon at the rate of 25.900% per annum from August 12, 2006 plus costs.



---

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  
05216286 C A Pit VOC

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**

GOLD MASTERCARD ACCOUNT  
5291-1516-3879-7645

AUG 06 - SEP 05, 2003  
Page 1 of 1

### Account Summary

Previous Balance	\$1,385.70
Payments, Credits and Adjustments	\$ .00
Transactions	\$64.00
Finance Charges	\$31.45
<b>New Balance</b>	<b>\$1,481.15</b>
Minimum Amount Due	\$1,481.15
Payment Due Date	October 04, 2003
<b>Total Credit Line</b>	<b>\$800</b>
<b>Total Available Credit</b>	<b>\$ .00</b>
<b>Credit Line for Cash</b>	<b>\$800</b>
<b>Available Credit for Cash</b>	<b>\$ .00</b>

### 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

### Important Account Information

Capital One is a proud sponsor of the 55th Annual Primetime Emmy Awards Telecast. Tune in Sunday, September 21st on FOX from 8-11 p.m. ET (7-10 p.m. CT) to see the talent you've enjoyed during the past season unite to celebrate another year of groundbreaking work in television. Capital One wants you to be a part of the excitement! Check out Capital One's ad in the September 12th issue of People Magazine or visit [redcarpetweekend.com](http://redcarpetweekend.com) for more details.

### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

### Transactions

1	06 AUG	OVERLIMIT FEE	\$29.00
2	05 SEP	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 09/05/2003 because your minimum payment was not received by the due date of 09/05/2003. 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	\$1,429.86	.07096%	25.90%	\$31.45
CASH	\$ .00	.07096%	25.90%	\$ .00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

0000000 0 5291151638797645 05 1481150046001481154

New Balance	\$1,481.15
Minimum Amount Due	\$1,481.15
Payment Due Date	October 04, 2003

Total enclosed \$   
Account Number: 5291-1516-3879-7645

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

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

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



056583



#9024974283879111# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR GA 30094-0131



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



05603 01000  
2

**1. How To Avoid A Finance Charge.**

**a. Grace Period.** You will have a minimum grace period of 25 days without finance charge on new purchases, new balance transfers, new special purchases and now other charges if you pay your total "New Balance", in accordance with the Important Notice for payments below, and in time for it to be credited by your next statement closing date. There is no grace period on cash advances and special transfers. In addition, there is no grace period on any transaction if you do not pay the total "New Balance".

**b. Accruing Finance Charge.** Transactions which are not subject to a grace period are assessed finance charge 1) from the date of the transaction or 2) from the date the transaction is processed to your Account or 3) from the first calendar day of the current billing period. Additionally, if you did not pay the "New Balance" from the previous billing period in full, finance charges continue to accrue to your unpaid balance until the unpaid balance is paid in full. This means that you may still owe finance charges, even if you pay the entire New Balance indicated on the front of your statement by the next statement closing date, but did not do so for the previous month. Unpaid finance charges are added to the applicable segment of your Account.

**c. Minimum Finance Charge.** For each billing period that your account is subject to a finance charge, a minimum total FINANCE CHARGE of \$0.50 will be imposed. If the total finance charge resulting from the application of your periodic rate(s) is less than \$0.50, we will subtract that amount from the \$0.50 minimum and the difference will be billed to the purchase segment of your account.

**d. Temporary Reduction in Finance Charge.** We reserve the right to not assess any or all finance charges for any given billing period.

**2. Average Daily Balance (Including New Purchases).**

**a. Finance charge is calculated by multiplying the daily balance of each segment of your account (e.g., cash advance, purchase, special transfer, and special purchase) by the corresponding daily periodic rate(s) that has been previously disclosed to you. At the end of each day during the billing period, we apply the daily periodic rate for each segment of your account to the daily balance of each segment. Then at the end of the billing period, we add up the results of these daily calculations to arrive at your periodic finance charge for each segment. We add up the results from each segment to arrive at the total periodic finance charge for your account. To get the daily balance for each segment of your account, we take the beginning balance for each segment and add any new transactions and any periodic finance charge calculated on the previous day's balance for that segment. We then subtract any payments or credits posted as of that day that are allocated to that segment. This gives us the separate daily balance for each segment of your account. However, if you paid the New Balance shown on your previous statement in full (or if your new balance was zero or a credit amount), new transactions which post to your purchase or special purchase segments are not added to the daily balances. We calculate the average daily balance by adding all the daily balances together and dividing the sum by the number of days in the current billing cycle. To calculate your total finance charge, multiply your average daily balance by the daily periodic rate and by the number of days in the billing period. Due to rounding on a daily basis, there may be a slight variance between this calculation and the amount of finance charge actually assessed.**

**b. If the code Z or N appears on the front of this statement next to "Balance Rate Applied To," we multiply the average daily balance of each segment by your monthly**

**periodic rate. To obtain the average daily balance for the billing period covered by this statement, we take the beginning balance of each segment each day, add any new transactions to each segment, and subtract any payments or credits. (If the code N appears on the front of this statement next to "Balance Rate Applied To," we also subtract any unpaid finance charge included in the balance of each segment.) This gives us the daily balance of each segment. Then, we add up all the daily balances for each segment for the billing period and divide by the total number of days in the billing period. This gives us the average daily balance of each segment.**

**3. Annual Percentage Rates (APR).**

**a. The term "Annual Percentage Rate" may appear as "APR" on the front of this statement.**

**b. If the code P (Prime), L (3-mo. LIBOR), C (Certificate of Deposit), or S (Bankcard Prime) appears on the front of this statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary quarterly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period covered by your periodic statement ending in the months January, April, July and October.**

**c. If the code D (Prime), F (1-mo. LIBOR) or G (3-mo. LIBOR Replicated Monthly) appears on the front of your statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary monthly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period each month.**

**4. Assessment of Late, Overlimit and Returned Payment Fees.** Your account will be assessed no more than two of the fees listed here that occur during any billing period. Under the terms of your customer agreement, we reserve the right to waive or not to assess any fees without prior notification to you without waiving our right to assess the same or similar fees at a later time.

**5. Renewing Your Account.** If a membership fee appears on the front of this statement, you have 30 days from the date this statement was mailed to you to avoid paying the fee or to have such fee credited to you if you cancel your account. During this period, you may continue to use your account without having to pay the membership fee. To cancel your account, you must notify us by calling our Customer Relations Department and pay your "New Balance" in full (excluding the membership fee) prior to the end of the thirty-day period.

**6. If You Close Your Account.** You can request to close your account by calling our Customer Relations Department. You must destroy your credit card(s) and account access checks, cancel all preauthorized billing, and cease using your account. If you do not cancel preauthorized billing arrangements, we will consider receipt of a charge your authorization to reopen your account. Additionally, your account will not be closed until you pay all amounts you owe us including: any transactions you have authorized, finance charges, past due fees, overlimit fees, returned payment fees, cash advance fees and any other fees assessed to your account. You are responsible for these amounts whether they appear on your account at the time you request to close the account or they are incurred subsequent to your request to close the account. This may result in charges appearing on your account after you have requested the account to be closed or the reopening of

your account if it has already been closed. For example, if you authorized a purchase from a merchant and we receive the transaction from the merchant after your account has been closed, your account will be reopened, the amount of the charge will be added to your account, and you will be responsible for payment. If there is a membership fee for your account, the fee will continue to be charged, to the extent permitted by law, until the account balance has been paid in full as defined above.

**7. Using Your Account.** Your card or account cannot be used in connection with any internet gambling transactions.

**BILLING RIGHTS SUMMARY**

**(In Case Of Errors Or Questions About Your Bill)**

If you think your bill is wrong, or if you need more information on a transaction or bill, write to us on a separate sheet as soon as possible at the address for inquiries shown on the front of this statement. We must hear from you no later than 90 days after we sent you the first bill on which the error or problem appeared. You can call our Customer Relations number, but doing so will not preserve your rights. In your letter, give us the following information: your name and account number, the dollar amount of the suspected error, a description of the error and an explanation, if possible, of why you believe there is an error; or if you need more information, a description of the item you are unsure about. You do not have to pay any amount in question while we are investigating it, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

**†, ‡ Special Rule For Credit Card Purchases**

If you have a problem with the quality of property or services that you purchased with a credit card and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the property or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.) Please remember to sign all correspondence.

**† Does not apply to consumer non-credit card accounts**

**‡ Does not apply to business non-credit card accounts**

Capital One supports information privacy protection: see our website at [www.capitalone.com](http://www.capitalone.com).

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01QLBAX

56583S

**Important Notice:** Your payment will be credited to your account as of the date we receive it, provided you send the bottom portion of this statement and your check in the enclosed remittance envelope, and your payment is received in our processing center by 3 p.m. Payments addressed to our Virginia or Georgia processing center must be received on a business day by 3:00 p.m. ET. Payments addressed to our Washington processing center must be received on a business day by 3:00 p.m. PT. Please allow at least five (5) business days for postal delivery. Payments received by us at any other location or in another form may not be credited the same day we receive them. Our business days are Monday through Saturday, excluding holidays. Please do not use staples, paper clips, etc. when preparing your payment.

# 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

014-1102

**CapitalOne**

GOLD MASTERCARD ACCOUNT  
5291-1516-3879-7645

JUL 06 - AUG 05, 2003

Page 1 of 1

### Account Summary

Previous Balance	\$1,292.34
Payments, Credits and Adjustments	\$ .00
Transactions	\$64.00
Finance Charges	\$29.36
<b>New Balance</b>	<b>\$1,385.70</b>
Minimum Amount Due	\$1,385.70
Payment Due Date	September 05, 2003
Total Credit Line	\$800
Total Available Credit	\$ .00
Credit Line for Cash	\$800
Available Credit for Cash	\$ .00

### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

### Transactions

1	07 JUL	OVERLIMIT FEE	\$29.00
2	05 AUG	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 08/05/2003 because your minimum payment was not received by the due date of 08/05/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

### 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 5015  
Richmond, VA 23285-5015

### Important Account Information

Did You Know? Capital One offers more than just credit card products. With more than 47 million accounts, Capital One provides valuable financial solutions- including auto loans, personal loans, CDs, money market accounts and more- to one out of every three homes in the U.S.

**EXHIBIT**

### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,334.54	.07096%	25.90%	\$29.36
CASH	\$ .00	.07096%	25.90%	\$ .00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

00000000 0 5291151638797645 05 1385700046001385702

New Balance **\$1,385.70**  
Minimum Amount Due **\$1,385.70**  
Payment Due Date September 05, 2003  
Total enclosed \$   
Account Number: 5291-1516-3879-7645

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

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

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



059449



#9021874283879116# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR PA 16878-0131



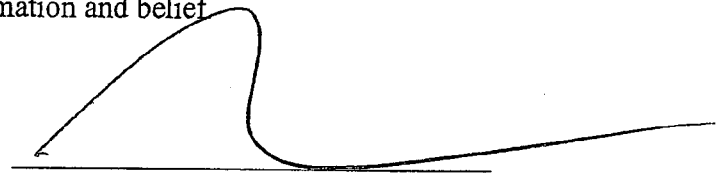
Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.

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#

COPY

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. : 06-1359-CD

PRAECIPE TO REINSTATE COMPLAINT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

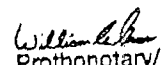
William T. Molczan  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS, CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAY 23 2007

Attest.

  
Prothonotary/  
Clerk of Courts



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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. : 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

William T. Molczan

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #05216286

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No: 06-1359-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  
05216286 C A Pit VOC

5/23/07 Document  
Reinstated/Released to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

KIMBERLY M 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:

KIMBERLY M MILLER  
230 BLUE BALL RD  
WEST DECATUR, PA 16878

3. Defendant applied for and received a credit card bearing the account number 5291151638797645 .

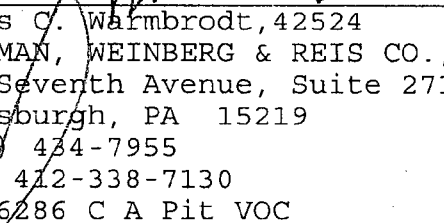
4. Defendant made use of said credit card and has a current balance due of \$2606.77 , as of August 12, 2006 .

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 August 12, 2006 . A copy of Plaintiff's STATEMENT OF ACCOUNT 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 , KIMBERLY M MILLER , INDIVIDUALLY , in the amount of \$2606.77 with continuing interest thereon at the rate of 25.900% per annum from August 12, 2006 plus costs.



---

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  
05216286 C A Pit VOC

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**

GOLD MASTERCARD ACCOUNT  
5291-1516-3879-7645

AUG 06 - SEP 05, 2003  
Page 1 of 1

### Account Summary

Previous Balance	\$1,385.70
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$31.45
<b>New Balance</b>	<b>\$1,481.15</b>
Minimum Amount Due	\$1,481.15
Payment Due Date	October 04, 2003
Total Credit Line	\$800
Total Available Credit	\$0.00
Credit Line for Cash	\$800
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

### Important Account Information

Capital One is a proud sponsor of the 55th Annual Primetime Emmy Awards Telecast. Tune in Sunday, September 21st on FOX from 8-11 p.m. ET (7-10 p.m. CT) to see the talent you've enjoyed during the past season unite to celebrate another year of groundbreaking work in television. Capital One wants you to be a part of the excitement! Check out Capital One's ad in the September 12th issue of People Magazine or visit [redcarpetweekend.com](http://redcarpetweekend.com) for more details.

### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

### Transactions

1	06 AUG	OVERLIMIT FEE	\$29.00
2	05 SEP	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 09/05/2003 because your minimum payment was not received by the due date of 09/05/2003. 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	\$1,429.86	.0709696	25.90%	\$31.45
CASH	\$0.00	.0709696	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

0000000 0 5291151638797645 05 1481150046001481154

New Balance \$1,481.15  
Minimum Amount Due \$1,481.15  
Payment Due Date October 04, 2003  
Total enclosed \$   
Account Number: 5291-1516-3879-7645

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

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

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



050583



#9024974283879111# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR PA 16878-0131



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



**1. How To Avoid A Finance Charge.**

**a. Grace Period.** You will have a minimum grace period of 25 days without finance charge on new purchases, new balance transfers, new special purchases and new other charges if you pay your total "New Balance", in accordance with the Important Notice for payments below, and in time for it to be credited by your next statement closing date. There is no grace period on cash advances and special transfers. In addition, there is no grace period on any transaction if you do not pay the total "New Balance".

**b. Accrual Finance Charge.** Transactions which are not subject to a grace period are assessed finance charge 1) from the date of the transaction or 2) from the date the transaction is processed to your Account or 3) from the first calendar day of the current billing period. Additionally, if you did not pay the "New Balance" from the previous billing period in full, finance charges continue to accrue to your unpaid balance until the unpaid balance is paid in full. This means that you may still owe finance charges, even if you pay the entire New Balance indicated on the front of your statement by the next statement closing date, but did not do so for the previous month. Unpaid finance charges are added to the applicable segment of your Account.

**c. Minimum Finance Charge.** For each billing period that your account is subject to a finance charge, a minimum total FINANCE CHARGE of \$0.50 will be imposed. If the total finance charge resulting from the application of your periodic rate(s) is less than \$0.50, we will subtract that amount from the \$0.50 minimum and the difference will be billed to the purchase segment of your account.

**d. Temporary Reduction In Finance Charge.** We reserve the right to not assess any or all finance charges for any given billing period.

**2. Average Daily Balance (Including New Purchases).**

**a. Finance charge is calculated by multiplying the daily balance of each segment of your account (e.g., cash advance, purchase, special transfer, and special purchase) by the corresponding daily periodic rate(s) that has been previously disclosed to you. At the end of each day during the billing period, we apply the daily periodic rate for each segment of your account to the daily balance of each segment. Then at the end of the billing period, we add up the results of these daily calculations to arrive at your periodic finance charge for each segment. We add up the results from each segment to arrive at the total periodic finance charge for your account. To get the daily balance for each segment of your account, we take the beginning balance for each segment and add any new transactions and any periodic finance charge calculated on the previous day's balance for that segment. We then subtract any payments or credits posted as of that day that are allocated to that segment. This gives us the separate daily balance for each segment of your account. However, if you paid the New Balance shown on your previous statement in full (or if your new balance was zero or a credit amount), new transactions which post to your purchase or special purchase segments are not added to the daily balances. We calculate the average daily balance by adding all the daily balances together and dividing the sum by the number of days in the current billing cycle. To calculate your total finance charge, multiply your average daily balance by the daily periodic rate and by the number of days in the billing period. Due to rounding on a daily basis, there may be a slight variance between this calculation and the amount of finance charge actually assessed.**

**b. If the code Z or N appears on the front of this statement next to "Balance Rate Applied To," we multiply the average daily balance of each segment by your monthly**

**periodic rate. To obtain the average daily balance for the billing period covered by this statement, we take the beginning balance of each segment each day, add any new transactions to each segment, and subtract any payments or credits. (If the code N appears on the front of this statement next to "Balance Rate Applied To," we also subtract any unpaid finance charge included in the balance of each segment.) This gives us the daily balance of each segment. Then, we add up all the daily balances for each segment for the billing period and divide by the total number of days in the billing period. This gives us the average daily balance of each segment.**

**3. Annual Percentage Rates (APR).**

**a. The term "Annual Percentage Rate" may appear as "APR" on the front of this statement.**

**b. If the code P (Prime), L (3-mo. LIBOR), C (Certificate of Deposit), or S (Bankcard Prime) appears on the front of this statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary quarterly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period covered by your periodic statement ending in the months January, April, July and October.**

**c. If the code D (Prime), F (1-mo. LIBOR) or G (3-mo. LIBOR Replicated Monthly) appears on the front of your statement next to the periodic rate(s), the periodic rates and corresponding ANNUAL PERCENTAGE RATES may vary monthly and may increase or decrease based on the stated indices, as found in *The Wall Street Journal*, plus the margin previously disclosed to you. These changes will be effective on the first day of your billing period each month.**

**4. Assessment of Late, Overlimit and Returned Payment Fees.** Your account will be assessed no more than two of the fees listed here that occur during any billing period. Under the terms of your customer agreement, we reserve the right to waive or not to assess any fees without prior notification to you without waiving our right to assess the same or similar fees at a later time.

**5. Renewing Your Account.** If a membership fee appears on the front of this statement, you have 30 days from the date this statement was mailed to you to avoid paying the fee or to have such fee credited to you if you cancel your account. During this period, you may continue to use your account without having to pay the membership fee. To cancel your account, you must notify us by calling our Customer Relations Department and pay your "New Balance" in full (excluding the membership fee) prior to the end of the thirty-day period.

**6. If You Close Your Account.** You can request to close your account by calling our Customer Relations Department. You must destroy your credit card(s) and account access checks, cancel all preauthorized billing, and cease using your account. If you do not cancel preauthorized billing arrangements, we will consider receipt of a charge your authorization to reopen your account. Additionally, your account will not be closed until you pay all amounts you owe us including: any transactions you have authorized, finance charges, past due fees, overlimit fees, returned payment fees, cash advance fees and any other fees assessed to your account. You are responsible for these amounts whether they appear on your account at the time you request to close the account or they are incurred subsequent to your request to close the account. This may result in charges appearing on your account after you have requested the account to be closed or the reopening of

your account if it has already been closed. For example, if you authorized a purchase from a merchant and we receive the transaction from the merchant after your account has been closed, your account will be reopened, the amount of the charge will be added to your account, and you will be responsible for payment. If there is a membership fee for your account, the fee will continue to be charged, to the extent permitted by law, until the account balance has been paid in full as defined above.

**7. Using Your Account.** Your card or account cannot be used in connection with any internet gambling transactions.

**BILLING RIGHTS SUMMARY**

**(In Case Of Errors Or Questions About Your Bill)** If you think your bill is wrong, or if you need more information on a transaction or bill, write to us on a separate sheet as soon as possible at the address for inquiries shown on the front of this statement. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can call our Customer Relations number, but doing so will not preserve your rights. In your letter, give us the following information: your name and account number, the dollar amount of the suspected error, a description of the error and an explanation, if possible, of why you believe there is an error; or if you need more information, a description of the item you are unsure about. You do not have to pay any amount in question while we are investigating it, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

**† Special Rule For Credit Card Purchases**

If you have a problem with the quality of property or services that you purchased with a credit card and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the property or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.) Please remember to sign all correspondence.

**† Does not apply to consumer non-credit card accounts**

**† Does not apply to business non-credit card accounts**

Capital One supports information privacy protection: see our website at [www.capitalone.com](http://www.capitalone.com). Capital One is a federally registered service mark of Capital One Financial Corporation. All rights reserved. © 2003 Capital One

011GLBAK

565935

**Important Notice:** Your payment will be credited to your account as of the date we receive it, provided you send the bottom portion of this statement and your check in the enclosed remittance envelope, and your payment is received in our processing center by 3 p.m. Payments addressed to our Virginia or Georgia processing center must be received on a business day by 3:00 p.m. ET. Payments addressed to our Washington processing center must be received on a business day by 3:00 p.m. PT. Please allow at least five (5) business days for postal delivery. Payments received by us at any other location or in another form may not be credited the same day we receive them. Our business days are Monday through Saturday, excluding holidays. Please do not use staples, paper clips, etc. when preparing your payment.

05216286

014

# 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

### Capital One

GOLD MASTERCARD ACCOUNT

JUL 06 - AUG 05, 2003

5291-1516-3879-7645

Page 1 of 1

#### Account Summary

Previous Balance	\$1,292.34
Payments, Credits and Adjustments	\$.00
Transactions	\$64.00
Finance Charges	\$29.36

New Balance	\$1,385.70
Minimum Amount Due	\$1,385.70
Payment Due Date	September 05, 2003

Total Credit Line	\$800
Total Available Credit	\$.00
Credit Line for Cash	\$800
Available Credit for Cash	\$.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

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

#### Transactions

1	07 JUL	OVERLIMIT FEE	\$29.00
2	05 AUG	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 08/05/2003 because your minimum payment was not received by the due date of 08/05/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

#### Important Account Information

Did You Know? Capital One offers more than just credit card products. With more than 47 million accounts, Capital One provides valuable financial solutions- including auto loans, personal loans, CDs, money market accounts and more- to one out of every three homes in the U.S.

# EXHIBIT

#### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,334.54	.07096%	25.90%	\$29.36
CASH	\$.00	.07096%	25.90%	\$.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

### Capital One

00000000 0 5291151638797645 05 1385700046001385702

New Balance	\$1,385.70
Minimum Amount Due	\$1,385.70
Payment Due Date	September 05, 2003

Total enclosed \$   
Account Number: 5291-1516-3879-7645

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

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

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



059449



#9021874283879116# MAIL ID NUMBER  
KIMBERLY M MILLER  
PO BOX 131  
WEST DECATUR PA 16878-0131






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#

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

vs.

**MOTION FOR ALTERNATE SERVICE**

KIMBERLY M MILLER

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Moleczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

**FILED** NO CC  
M12:58 PM  
DEC 17 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

vs.

KIMBERLY M MILLER

Defendant

**PLAINTIFF'S MOTION FOR ALTERNATE SERVICE**

AND NOW, comes Plaintiff, by counsel, Weltman, Weinberg & Reis Co., L.P.A. and requests this Honorable Court to enter an Order allowing the Plaintiff to make service upon Defendant, KIMBERLY M MILLER, by certified U.S. Mail and Certificate of Mailing, addressed to 230 Blue Ball Rd, West Decatur, Pa 16878, averring in support thereof the following:

1. On or about MAY 23, 2007, Plaintiff filed a Complaint in Civil Action against Defendant to recover the unpaid balance due Plaintiff from Defendant in the amount of \$2606.77.
2. When the Sheriff of CLEARFIELD County, Pennsylvania, attempted to make service of Plaintiff's Complaint on Defendant, the Sheriff was unable to do so, as evidenced by the Sheriff's return, a true and correct copy of which is attached hereto, marked Exhibit "1", and made a part hereof.
3. Upon receipt of the Sheriff's return of no service, Plaintiff conducted an investigation with the United States Postal Service to confirm the physical address of the Defendant.

4. Pursuant to Plaintiff's request for information, the United States Postal Service confirmed Defendant's physical address of 230 Blue Ball Rd, West Decatur, Pa 16878, a true and correct copy of Plaintiff's Postal Request is attached hereto, marked as Exhibit "2", and made a part hereof.

5. Plaintiff conducted an online white pages search and was unable to confirm a current address for Defendant of 230 Blue Ball Rd, West Decatur, Pa 16878.

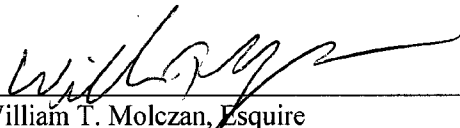
6. Plaintiff contacted the CLEARFIELD County Tax Assessment office, a representative from which could not confirm the Defendant's current physical address as 230 Blue Ball Rd, West Decatur, Pa 16878.

7. Upon receipt of the Sheriff's return of no service, Plaintiff conducted an investigation with the LexisNexis Total Research System to confirm the physical address of the Defendant.

8. Pursuant to Plaintiff's request for information, LexisNexis Total Research System confirmed Defendant's physical address of 230 BLUE BALL RD, WEST DECATUR, PA 16878, a true and correct copy of the LexisNexis search results is attached hereto, marked as Exhibit "3", and made a part hereof.

9. Based upon the foregoing, Plaintiff believes and therefore avers that Defendant is attempting to avoid service of process in the above-captioned matter and Plaintiff therefore seeks an Order of Court, pursuant to Pennsylvania Rule of Civil Procedure 430, granting Plaintiff leave to serve its Complaint on Defendant by alternative means.

WHEREFORE, Plaintiff requests this Honorable Court to enter an Order pursuant to PA.R.C.P. 430(a), authorizing the Plaintiff to serve Defendant by Certified U.S. Mail and Certificate of Mailing sent to an address (230 Blue Ball Rd, West Decatur, Pa 16878) at which Defendant is presently receiving mail according to information obtained from the Post Office, or by allowing service by a competent adult.



---

William T. Moleczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

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

Service # 1 of 1 Services

Sheriff Docket # **102833**

CAPITAL ONE BANK

Case # 06-1359-CD

vs.

KIMBERLY M. MILER

**COPY**

TYPE OF SERVICE COMPLAINT & PRAECIPE

**SHERIFF RETURNS**

NOW October 10, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT & PRAECIPE "NOT FOUND" AS TO KIMBERLY M. MILLER, DEFENDANT. SEVERAL ATTEMPTS, NOT HOME.

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8469471	10.00
SHERIFF HAWKINS	WELTMAN	8469471	90.00

216286

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

**EXHIBIT**

1

BROOKLYN HTS., OH  
216.739.5100  
BURLINGTON, NJ  
609.914.0437  
CHICAGO, IL  
312.782.9676  
CINCINNATI, OH  
513.723.2200  
CLEVELAND, OH  
216.685.1000

# WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW



COLUMBUS, OH  
614.228.7272  
DEERFIELD, IL  
847.940.9812  
DETROIT, MI  
248.362.6100  
GROVE CITY, OH  
614.801.2600  
PHILADELPHIA, PA  
215.599.1500

August 27, 2007

**EXHIBIT**

2

Postmaster  
West Decatur, Pa 16878

## Request for Change of Address or Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: Kimberly M Miller  
Address: 230 Blue Ball Road  
West Decatur, Pa 16878

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

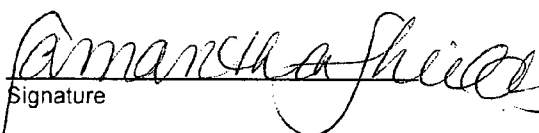
The following information is provided in accordance with 39 CFR 265.6(d)(6)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: William T. Molczan, Esquire, Attorney for Plaintiff, Capital One Bank
2. Statute or regulation that empowers me to serve process : N/A
3. The names of all known parties to the litigation: Capital One Bank VS. Kimberly M Miller
4. The Court in which the case has been or will be heard: Court of Common Pleas of Clearfield County
5. The docket or other identifying number if one has been issued: 06-1359-CD  
The capacity in which this individual is to be served: Defendant

### WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

  
Signature

Samantha Shields  
Printed Name

WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

FOR POST OFFICE USE ONLY

- BOX HOLDER'S POSTMARK
- ☐ Not known at address given.
- ☐ Moved, left no forward address.
- ☐ No such address.
- ☐ No change of address on file
- ☒ Good as Addressed



NEW ADDRESS or NAME and STREET ADDRESS

PLEASE INDICATE PHYSICAL ADDRESS

WWR#05216286

LexisNexis® Total Research System

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Source: [Public Records](#) > [SmartLinx\(TM\)](#) > [SmartLinx\(TM\) - Person Summary Reports](#) Terms: [\[REDACTED\]](#) ([Edit Search](#))Permissible Uses: [DPPA - 1. Litigation](#)  
[GLBA - 2. Legal Compliance](#)☒ Select for Delivery

EXHIBIT

3

[Click to visualize this report](#)[Subject Summary](#) | [Others Using SSN](#) | [Address Summary \(8\)](#) | [Voter Registrations](#)  
[Licenses](#) | [Personal Property](#) | [Real Property](#) | [Bankruptcies](#) | [Judgments & Liens \(2\)](#)  
[Relatives \(8\)](#) | [Associated Entities \(1\)](#) | [Neighbors \(6\)](#) | [Sources \(20\)](#)FOR INFORMATIONAL PURPOSES ONLY  
Copyright 2005 LexisNexis,  
a division of Reed Elsevier Inc. All Rights Reserved

Full Name	Address	County	Phone
MILLER, KIMBERLY M	230 BLUE BALL RD WEST DECATUR, PA 16878-8442 COUNTY: CLEARFIELD	CLEARFIELD	

## ADDITIONAL PERSONAL INFORMATION

SSN	DOB	GENDER
<a href="#">[REDACTED]</a> (PENNSYLVANIA: 1976-1977)	05/1961 (Age: 46)	

## Subject Summary

[Back To Top](#)  
[Name Variations \(4\)](#) | [SSNs Summary \(1\)](#) | [DOBs \(1\)](#)

## Name Variations

[View Name Variation Sources](#)

- 1: MILLER, KIMBERLY M
- 2: MILLER, KIMBERLY
- 3: THOMPSON, KIMBERLY M
- 4: THOMPSON, KIMBERLY

## SSNs Summary

[View SSN Sources](#)

No.	SSN	State Iss.	Date Iss.	Warnings
1:	<a href="#">[REDACTED]</a>	PENNSYLVANIA	1976-1977	

## DOBs

[View DOB Sources](#)

- 1: 05/1961

## Address Summary

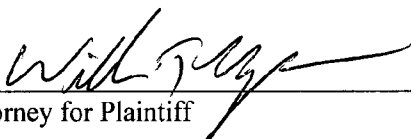
[Back To Top](#)



**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the within Motion for Alternate Service was served on the 13 day of Dec, 2007, by first class, U.S. Mail, postage-prepaid, addressed as follows:

KIMBERLY M MILLER  
230 Blue Ball Rd  
West Decatur, Pa 16878

  
\_\_\_\_\_  
Attorney for Plaintiff

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

CAPITAL ONE BANK

NO. 06-1359-CD

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

**AFFIDAVIT PURSUANT TO PA R.C.P. 430 (a)**

BEFORE ME, a Notary Public, in and for the foregoing County and Commonwealth, personally appeared William T. Molczan, Esquire, of Weltman, Weinberg & Reis, Co., L.P.A., attorneys for Plaintiff, and deposes and says that the following accurately reflects efforts made to ascertain the exact whereabouts of Defendant named in the above-captioned matter.

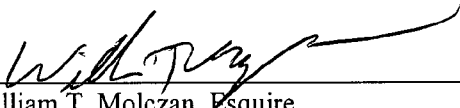
a. Plaintiff requested current address information from the United States Postal Service, which request for information confirmed the current address for Defendant as being 230 Blue Ball Rd, West Decatur, Pa 16878. A true and correct copy of the Postal Service Return is marked Exhibit "2" attached hereto and made a part hereof.

b. Plaintiff requested current address information from the LexisNexis Total Research System, which request for information confirmed the current address for Defendant as being 230 BLUE BALL RD, WEST DECATUR, PA 16878. A true and correct copy of the LexisNexis search results is marked Exhibit "3" attached hereto and made a part hereof.

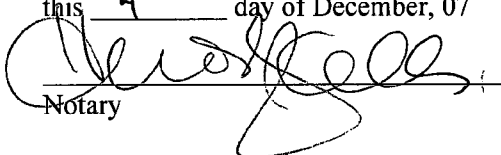
c. Plaintiff conducted an online tax-assessment search for the address of the Defendant that could not confirm the address as being 230 Blue Ball Rd, West Decatur, Pa 16878.

Finally, Affiant deposes and says that after the foregoing investigation, the exact whereabouts of the Defendant, KIMBERLY M MILLER, is 230 Blue Ball Rd, West Decatur, Pa 16878.

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

  
\_\_\_\_\_  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

Sworn to and subscribed before me  
this 4 day of December, 07

  
\_\_\_\_\_  
Notary

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Heidi J. Kelly, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Nov. 4, 2009  
Member, Pennsylvania Association of Notaries

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

CAPITAL ONE BANK

Plaintiff

No. 06-1359-CD

vs.

KIMBERLY M MILLER

**ORDER OF COURT**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of the foregoing Motion for Service of the Complaint Pursuant to Special Order of Court and attached supporting affidavit, it is hereby ORDERED, ADJUDGED AND DECREED, that the service of the Complaint in Civil Action may be made on Defendant, KIMBERLY M MILLER, by permitting the Plaintiff to mail a copy of the Complaint to the Defendant the last known address being 230 Blue Ball Rd, West Decatur, Pa 16878 by Certified Mail and by Certificate of Mailing Postal Form 3817, postage prepaid. Service to be completed upon mailing.

BY THE COURT:

\_\_\_\_\_. J.

6A

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

CAPITAL ONE BANK,  
Plaintiff  
vs.  
KIMBERLY M. MILLER,  
Defendant

\*  
\*  
\* NO. 06-1359-CD  
\* 07-258-CD  
\*

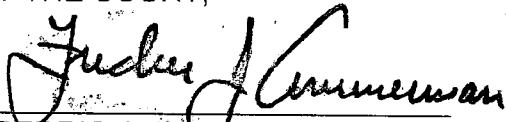
ORDER

NOW, this 19<sup>th</sup> day of December, 2007, the Plaintiff is granted leave to serve the Complaint in Civil Action upon the Defendant **KIMBERLY M. MILLER** by:

1. By first class mail to 230 Blue Ball Road, West Decatur, PA 16878;  
and
2. By certified mail, return receipt requested to 230 Blue Ball Road,  
West Decatur, PA 16878.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file an Affidavit of Service with the Prothonotary of Clearfield County.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED 3cc  
013:5764  
DEC 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Molezan  
GK

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. 06-1359-CD

PRAECIPE TO REINSTATE COMPLAINT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Moleczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS, CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286

GR  
FILED  
m/j:de/BJ  
FEB 11 2008  
Atty. pd. 7.00  
Compl.  
Reinstated  
to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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 Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #05216286

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY MILLER

Defendant

No. 06-1359-CD

AFFIDAVIT OF SERVICE OF COMPLAINT

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.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5216286

FILED <sup>icc</sup>

M/10:46 AM  
FEB 27 2008

W. T. Molczan

William A. Shaw  
Prothonotary/Clerk of Courts



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

CAPITAL ONE BANK

Plaintiff  
vs.

No. 06-1359-CD

KIMBERLY MILLER  
Defendant

**AFFIDAVIT OF SERVICE OF COMPLAINT**

Before me, the undersigned authority, personally appeared William T. Molczan, Esquire, who, being duly sworn according to law, deposes and says that on FEBRUARY 15, 2008, he did cause to be sent to Defendant, KIMBERLY MILLER, Plaintiff's Complaint by Certificate of Mailing Postal Form 3817 and on FEBRUARY 15, 2008, he did cause to be sent to Defendant, KIMBERLY MILLER, Plaintiff's Complaint by Certified Mail, Return Receipt requested, directed to the Defendant at her last known address of 230 BLUE BALL ROAD, WEST DECATUR, PA 16878. True and correct copy of Plaintiff's Certificate of Mailing PS Form 3817 is attached hereto, marked as Exhibit "1" and made a part hereof. Furthermore, true and correct copy of Plaintiff's Receipt for Certified Mail is attached hereto, marked as Exhibit "2" and made a part hereof.

As the Order of Court states, service is deemed to be perfected as of FEBRUARY 15, 2008, the date of mailing.

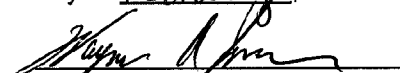
WELTMAN, WEINBERG & REIS CO., L.P.A.

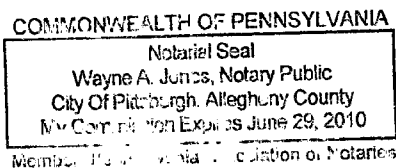
By: 

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

WWR#5216286

Sworn to and subscribed  
before me this 25<sup>th</sup>  
day of February, 2008.

  
NOTARY PUBLIC

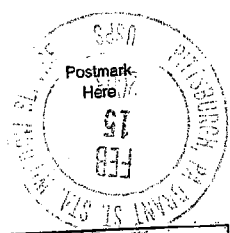


7007 1490 0001 0768 6587

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<small>(Domestic Mail Only; No Insurance Coverage Provided)</small>	
<small>For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a></small>	
<b>OFFICIAL USE</b>	
Postage \$	
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.72

Sent To Kimberly Miller  
Street, Apt. No., or PO Box No. 230 Blue Ball Rd.  
City, State, ZIP+4 West Decatur, PA 16878

PS Form 3800, August 2006 See Reverse for Instructions



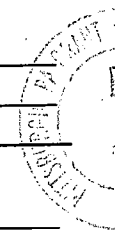
**EXHIBIT**

1

**EXHIBIT**

2

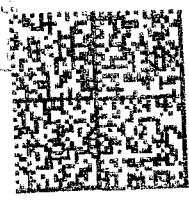
U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
<small>MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE</small>	
<u>Weinman, Weinberg &amp; Reis Co.</u>	
Received From:	<u>1400 Koppers Bldg.</u> <u>436 7th Ave.</u> <u>Pittsburgh, PA 15219</u> <u>(412) 434-7955</u>
One piece of ordinary mail addressed to:	
<u>Kimberly Miller</u> <u>230 Blue Ball Rd.</u> <u>West Decatur, PA 16878</u>	



049182041982

**\$01.050**

Mailed From 15219  
US POSTAGE



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

CAPITAL ONE BANK,

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

No. 06-1359-CD

PRAECIPE FOR DEFAULT JUDGMENT

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

JAMES C WARMBRODT, ESQUIRE  
PA I.D.#42524  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286  
Judgment Amount \$ 3,714.76

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

**FILED** <sup>62</sup>Att'y pd. 20.00  
m/2:34/BA ICC & Notice  
APR 16 2008 to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to  
Att'y

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

CAPITAL ONE BANK

Plaintiff

Case # 06-1359-CD

KIMBERLY M MILLER

Defendant(s)

IMPORTANT NOTICE

TO: KIMBERLY M MILLER  
230 BLUE BALL RD  
WEST DECATUR, PA 16878

Date of Notice: 3-18-08  
WWR#: 05216286

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

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 KOPPERS BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M MILLER

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

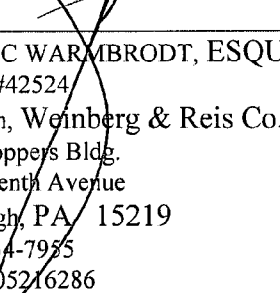
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, KIMBERLY M MILLER above named, in the default of an Answer, in the amount of \$3,714.76 computed as follows:

Amount claimed in Complaint	\$2,606.77
Interest from AUGUST 12, 2006 TO APRIL 2, 2008 at the legal interest rate of 25.9% per annum	\$1,107.99
TOTAL	\$3,714.76

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:   
JAMES C WARMBRODT, ESQUIRE  
PA I.D.#42524  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05216286

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: 230 BLUE BALL RD WEST DECATUR, PA 16878

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M 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 4/16/08

(xx)    Assumpsit Judgment in the amount  
         of \$3,714.76 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)

KIMBERLY M MILLER  
230 BLUE BALL RD  
WEST DECATUR, PA 16878

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 COMMON PLEAS COURT OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK,

Case no: 06-1359-CD

Plaintiff

**NON-MILITARY AFFIDAVIT**

vs.

KIMBERLY M 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, KIMBERLY M 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, KIMBERLY M MILLER is not in the military service.

Further Affiant sayeth naught.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 27 day  
of April, 2008

\_\_\_\_\_  
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

APR-07-2008 06:16:06



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MILLER	KIMBERLY	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. Snavelly-Dixon*

Mary M. Snavelly-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. §§ 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: **BYYHIAQHTNE***

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

COPY

Capital One Bank  
Plaintiff(s)

No.: 2006-01359-CD

Real Debt: \$3,714.76

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Kimberly M. Miller  
Defendant(s)

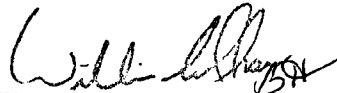
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 16, 2008

Expires: April 16, 2013

Certified from the record this 16th day of April, 2008.



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

**FILED**<sup>RD</sup>

JUL 21 2011

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

KIMBERLY M MILLER

Defendant

PENN STATE FCU,

Garnishee,

No. 06-1359-CD

**PRAECIPE FOR WRIT OF EXECUTION  
AND ENTER IT IN THE JUDGMENT INDEX  
(BANK ATTACHMENT ONLY)**

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#05216286

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M MILLER  
Defendant

PENN STATE FCU,  
Garnishee

**PRAECIPE TO INDEX WRIT OF EXECUTION  
AND ENTER IT IN THE JUDGMENT INDEX**

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of CENTRE County:
2. against KIMBERLY M MILLER, Defendant
3. against PENN STATE FCU, Garnishee
4. and enter this writ in the judgment index  
(a) against KIMBERLY M MILLER, defendant, and  
(b) against PENN STATE FCU, as garnishee ,

as it lis pendens against real property of the defendant in the name of garnishee as follows:

Any and/or all personal property belonging to the defendant(s) in possession of the garnishee(s).

5. Judgment Amount	\$	3714.76
Less payments of	\$	7.47
Interest	\$	719.33
Costs	\$	
<b>SUBTOTAL:</b>	<b>\$</b>	<b>4426.62</b>
Costs (to be added by Prothonotary):	\$	

PROTHONOTARY COSTS

\$146.00

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

By:

Matthew D Urban, Esquire

PA I.D. #90963

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 06-1359-CD

KIMBERLY M MILLER  
Defendant

PENN STATE FCU  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CENTRE COUNTY:

To satisfy the judgment, interest and costs against: KIMBERLY M MILLER Defendant(s);

- (1) You are also directed to attach the property of the defendant not levied upon in the possession of PENN STATE FCU, as garnishee, 37 N ATHERTON ST, STATE COLLEGE, PA 16803 and to notify the garnishee that:
- An attachment has been issued;
  - Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000.00 of each of the account of the defendant (s) with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
    - Each account of the defendant(s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
    - Any funds in an account of the defendant (s) with a bank or other financial institution in which funds on deposit exceed \$10,000.00 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law
- (2) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated
- Amount due ..... \$ 4426.62

Costs to be added..... \$ \_\_\_\_\_

PROTHONOTARY'S COSTS \$146.00  
Prothonotary

  
Deputy

DATED: 7-21-11  
WWR#05216286

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK  
Plaintiff

No. 06-1359-CD

vs.

KIMBERLY M MILLER

Defendant

PENN STATE FCU  
Garnishee

**WRIT OF EXECUTION**  
**NOTICE**

This paper is a "Writ of Execution". It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. SUCH PROPERTY IS SAID TO BE EXEMPT. No matter what you may owe, there is a DEBTOR'S EXEMPTION established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.

**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.**

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 50-51

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

(a) I desire that my statutory \$300.00 exemption be:

☐ (1) set aside in kind (specify property, to be set aside in kind: \_\_\_\_\_)

☐ (2) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption: (specify property and basis of exemption): \_\_\_\_\_

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption: ☐ in cash ☐ in kind  
(specify property): \_\_\_\_\_

(b) Social Security benefits on deposit in the amount of \$ \_\_\_\_\_

(c) Other (specify amount & basis for exemption): \_\_\_\_\_

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. § 4904 relating to unsworn falsification to authorities:

Date: \_\_\_\_\_ Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

Office of the Sheriff of Clearfield County  
Courthouse  
1 N Second Street  
Clearfield, PA 16830  
Telephone Number: (814) 765-2641 ext.

Note: Under paragraphs (1) and (2) of the Writ, a description of specific property to be levied upon or attached may be set forth in the Writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For

limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule, designate the officer, organization or person to be named in the notice.



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

BY: James C Warmbrodt, Esquire

I.D. No. 42524

436 Seventh Avenue, Suite 1400

Pittsburgh, PA 15219

Phone: 412.434.7955

Fax: 412.434.7959

File # 5216286

**Attorney for Plaintiff(s)**

CAPITAL ONE BANK

Clearfield County  
Court of Common Pleas

vs.

KIMBERLY M MILLER

NO. 06-1359-CD

and

PENN STATE FCU

Garnishee(s)

**FILED**

SEP 08 2011

William A. Shaw  
Prothonotary/Clerk of Courts

No CC

6K

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

Kindly marked the above matter discontinued and ended as to Garnishee(s), PENN STATE  
FCU, only.

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

By

James C Warmbrodt, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 30 day of August, 2011

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wendy L. Gault, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2014

Member, Pennsylvania Association of Notaries

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

BY: William T. Molczan, 47437

Attorney for Plaintiff(s)

I.D. No. 47437

436 7th Ave Ste 2500

Pittsburgh PA 15219-1842

(412) 434-7955

FAX: 412-434-7959

File # 05216286 C A Pit SJS

CAPITAL ONE BANK

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

VS.

KIMBERLY M MILLER

CASE NO. 06-1359-CD

PRAECIPE TO SATISFY

TO THE PROTHONOTARY:

*(2/3)*  
**FILED**  
*m/139/216*  
**JUN 05 2015**  
*7:00 in Atty. Molczan*  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

Kindly mark the case and judgment entered against Defendant  
KIMBERLY M MILLER as satisfied.

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

By *William T. Molczan*  
William T. Molczan  
Attorney for Plaintiff