

06-1376-CD  
Capital One Bank vs Jan S. Palmer

2006-1376-CD

Capital One vs Jan Palmer

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

CAPITAL ONE BANK

Plaintiff

No: 06-1376-CD

vs.

COMPLAINT IN CIVIL ACTION

JAN S PALMER

Defendant

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  
05215831 C A Pit VOC

FILED  
M 12/24/06 Atty pd. 85.00  
AUG 24 2006  
JW 1cc 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  
JAN S PALMER  
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:

JAN S PALMER  
385 CONRAD LN  
ROCKTON, PA 15856

3. Defendant applied for and received a credit card bearing the account number 5178052141941654 .

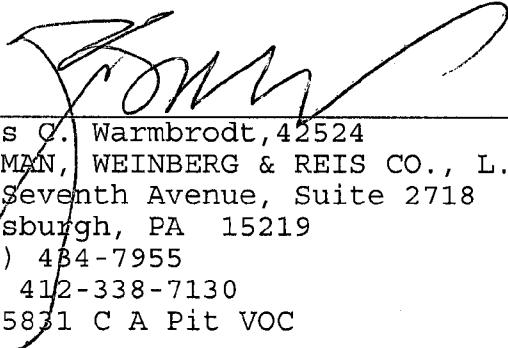
4. Defendant made use of said credit card and has a current balance due of \$2524.98 , as of August 11, 2006 .

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 11, 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 , JAN S PALMER , INDIVIDUALLY , in the amount of \$2524.98 with continuing interest thereon at the rate of 25.900% per annum from August 11, 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  
05215831 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.

5215831

014

# Your account is delinquent.

## We want to help!



- 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®**

### Account Summary

Previous Balance	\$1,214.77
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$27.63
 New Balance	 \$1,306.40
Minimum Amount Due	\$1,306.40
Payment Due Date	July 03, 2003
 Total Credit Line	 \$500
Total Available Credit	\$0.00
Credit Line for Cash	\$500
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**

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

### PLATINUM MASTERCARD ACCOUNT

5178-0521-4194-1654

MAY 04 - JUN 03, 2003

Page 1 of 1

### Payments, Credits and Adjustments

#### Transactions

1	05 MAY	OVERLIMIT FEE	\$29.00
2	03 JUN	PAST DUE FEE	35.00

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

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

## EXHIBIT

*2*

### Finance Charges

*Please see reverse side for important information*

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,143.19	.0709%	25.90%	\$25.15
CASH	\$112.95	.0709%	25.90%	\$2.48

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne®**

0000000 0 5178052141941654 03 1306400077001306400

New Balance	\$1,306.40
Minimum Amount Due	\$1,306.40
Payment Due Date	July 03, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	5178-0521-4194-1654

*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		

#9015595736175707# MAIL ID NUMBER  
JAN S PALMER  
RR 1 BOX 43  
ROCKTON PA 15856-9614

049959

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



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

499595

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)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101869  
NO: 06-1376-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: JAN S. PALMER

SHERIFF RETURN

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NOW, September 07, 2006 AT 3:22 PM SERVED THE WITHIN COMPLAINT ON JAN S. PALMER DEFENDANT AT 385 CONRAD LN, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAN S. PALMER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

FILED  
0/4.00 cm  
SEP 26 2006 cm

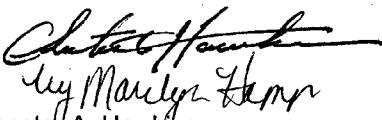
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2591583	10.00
SHERIFF HAWKINS	WELTMAN	2591583	29.57

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK

Plaintiff No.06-1376-CD

vs.

**PRAECIPE FOR ENTRY OF JUDGMENT  
BY CONSENT**

JAN S PALMER

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

WWR#05215831

**FILED** Atty pd. 20.00  
M 10/16/2006  
OCT 16 2006 ICC & Notice to Def.

William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to  
Atty  
600

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1376-CD

JAN S PALMER

Defendant

**PRAECIPE FOR JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against Defendant, JAN S PALMER , in the amount of \$2,570.65 plus costs, based upon the consent of the parties.

CONSENTED TO:

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

JAN S PALMER ,

By: Will R. Witzel  
Attorney for Plaintiff

By: Jan Palmer  
Defendant

WWR#05215831

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1376-CD

JAN S PALMER

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT  
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, JAN S PALMER , above-named, in the amount of \$2,570.65 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

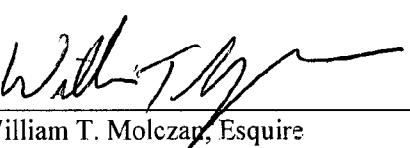
1. Defendant admits indebtedness to Plaintiff in the amount of \$2,570.65 with continuing interest thereon at a rate of 6% per annum plus costs from SEPTEMBER 26, 2006.
2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, JAN S PALMER , in the amount of \$2,570.65 plus continuing interest thereon at the rate of 6% per annum from SEPTEMBER 26, 2006 and costs.
3. Plaintiff agrees not to execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:
  - (a) \$100.00 due by OCTOBER 30, 2006;
  - (b) \$100.00 due on the 30<sup>TH</sup> day of each consecutive month thereafter until FEBRUARY 30<sup>TH</sup>, 2007 then \$150.00 will be due every 30<sup>th</sup> from March until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of " CAPITAL ONE BANK "
5. All payments due under this agreement are to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219.
6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.
7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.
8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

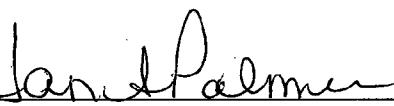
9. Intending to be legally bound, the parties set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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 No. 05215831

By:   
Defendant, JAN S PALMER

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 06-1376-CD

JAN S PALMER

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 10/16/06

Assumpsit Judgment in the amount  
of \$2,570.65 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.

Entry of Judgment of  
 Court Order  
 Non-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
 Award  
 By Consent

Prothonotary

JAN S PALMER  
385 CONRAD LN  
ROCKTON, PA 15856

By: Willie L. Chapman  
PROTHONOTARY (OR DEPUTY)

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

Capital One Bank  
Plaintiff(s)

No.: 2006-01376-CD

Real Debt: \$2,570.65

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jan S. Palmer  
Defendant(s)

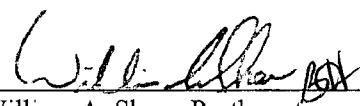
Entry: \$20.00

Instrument: Consent Judgment

Date of Entry: October 16, 2006

Expires: October 16, 2011

Certified from the record this 16th day of October, 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney