

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

CAPITAL ONE BANK

Plaintiff

vs.

ANDY MCDERMOTT

Defendant

No: 2006-1416-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
05317927 C A Pit VOC

FILED pd \$85.00 Att
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AUG 30 2006 No CC.
(5)

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

ANDY MCDERMOTT

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:

ANDY MCDERMOTT
1 RR 1 POB 403
CLEARFIELD, PA 16830

3. Defendant applied for and received a credit card bearing the account number 4862362229117547 .

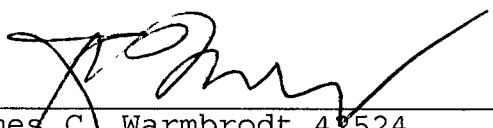
4. Defendant made use of said credit card and has a current balance due of \$1143.17 , as of August 12, 2006 .

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 , ANDY MCDERMOTT , INDIVIDUALLY , in the amount of \$1143.17 with continuing interest thereon at the rate of 25.900% per annum from August 12, 2006 plus costs.



James C. Warmbrodt, 412524
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05317927 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

014-1102

Capital One

PLATINUM VISA ACCOUNT
4862-3622-2911-7547

AUG 14 - SEP 13, 2003

Page 1 of 1

Account Summary

Previous Balance	\$926.56
Payments, Credits and Adjustments	\$0.00
Transactions	\$58.00
Finance Charges	\$21.24
New Balance	\$1,005.80
Minimum Amount Due	\$1,005.80
Payment Due Date	October 13, 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:
1-800-798-0363

For free online account service and special customer offers, log on to:
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 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	14 AUG	OVERLIMIT FEE	\$29.00
2	13 SEP	PAST DUE FEE	29.00

When you send us a check, you authorize us to make a one-time electronic fund transfer debit from your bank account. The transfer will be for the amount of the check. You agree that if a third party submits a check for your account, that individual is your agent and was provided with these disclosures. If we cannot process the transfer, you authorize us to make a charge against your bank account using a paper draft.

Did you know there is an easier way to manage your account? With Online Account Servicing, you can view your statements, check your balance, confirm available credit, and verify payment due dates and amounts! Enjoy the convenience of paying your bill online and benefit from same day posting (when your payment is received before 3:00 p.m. ET). It's free, it's easy, and it's secure! Just go to www.capitalone.com/register and register today!

Save money on interest, every day! Transfer your higher-interest-rate credit card and loan balances to your Capital One card. You can save more money, spend less time paying all those separate bills and enjoy seeing one payment actually make a difference on the balances you transfer. You can transfer almost any type of credit card or loan balance - as long as it has an account number. So call our Transfer Specialists anytime, toll free, at 1-800-955-7070 to start saving!

You were assessed a past due fee of \$29.00 on 09/13/2003 because your minimum payment was not received by the due date of 09/13/2003. 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

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$759.71	.07096%	25.90%	\$16.71
CASH	\$206.08	.07096%	25.90%	\$4.53

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

Capital One

0000000 0 4862362229117547 13 1005800141631005806

New Balance **\$1,005.80**
Minimum Amount Due **\$1,005.80**
Payment Due Date **October 13, 2003**
Total enclosed \$
Account Number: **4862-3622-2911-7547**

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



002239

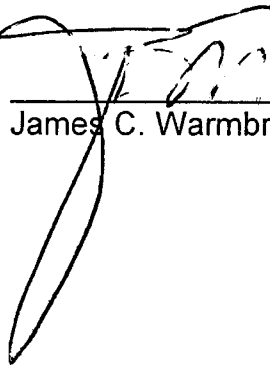


#902577753302194# MAIL ID NUMBER
ANDY MCDERMOTT
RR 1 BOX 403
CLEARFIELD PA 16830-9758



VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities, that he is an attorney for the Plaintiff herein and makes this Verification based upon the facts as supplied to him by the Plaintiff because the Plaintiff is outside the jurisdiction of the court and the Plaintiff's Verification cannot be obtained within the time allowed for the filing of this pleading; and that the facts and circumstances set forth in this pleading, are true and correct to the best of his knowledge, information and belief.

A handwritten signature in black ink, appearing to read 'James C. Warmbrodt', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'J'.

James C. Warmbrodt, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101879
NO: 06-1416-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: ANDY MCDERMOTT

SHERIFF RETURN

NOW, September 19, 2006 AT 1:55 PM SERVED THE WITHIN COMPLAINT ON ANDY MCDERMOTT DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ANDY MCDERMOTT, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED
0/4,00 cm
SEP 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2592652	10.00
SHERIFF HAWKINS	WELTMAN	2592652	21.00

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marilyn Hamer

Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

ANDY MCDERMOTT

Defendant

No. 2006-1416-CD

PRAECIPE TO SETTLE, DISCONTINUE
and END

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

BENJAMIN R. BIBLER
PA I.D #93598
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05317927

FILED
NOV 06 2006
M 11:00/W
William A. Shaw
Prothonotary/Clerk of Courts
1 SENT TO ATTY

SENT OF DISC TO

ATTY & C/D

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2006-1416-CD

ANDY MCDERMOTT

Defendant

PRAECIPE TO SETTLE DISCONTINUE and END

TO THE PROTHONOTARY OF COUNTY:

Please kindly Settle Discontinue and End the above captioned matter upon the records of the Court and mark the cost paid.

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

By: 

BENJAMIN R. BIBLER

PA I.D #93598

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219


(412) 434-7955

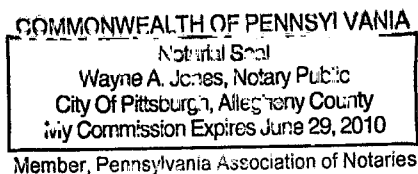
WWR#05317927

Sworn to and subscribed

Before me the 31

Day of OCTOBER, 2006


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Capital One Bank

Vs.

No. 2006-01416-CD

Andy McDermott

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 6, 2006, marked:

Settle, Discontinue and End

Record costs in the sum of \$85.00 have been paid in full by Weltman, Weinberg & Reis.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of November A.D. 2006.

William A. Shaw, Prothonotary