

06-1865-CD
Capital One Bank vs Nancy S. Kolcun

Capital One vs Nancy Kolcun
2006-1865-CD

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

CAPITAL ONE BANK

Plaintiff

No: 2006-1865-CD

vs.

COMPLAINT IN CIVIL ACTION

NANCY S KOLCUN

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
05467467 C A Pit VOC

FILED pd \$85.00
M/12/2006 1:15 PM
NOV 13 2006
15

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

NANCY S KOLCUN

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:

NANCY S KOLCUN
597 MAPLE ST
LANSE, PA 16849

3. Defendant applied for and received a credit card bearing the account number 5291071606505988 .

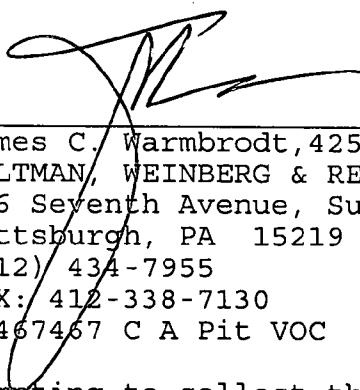
4. Defendant made use of said credit card and has a current balance due of \$2716.36 , as of November 04, 2006 .

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 November 04, 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 , NANCY S KOLCUN , INDIVIDUALLY , in the amount of \$2716.36 with continuing interest thereon at the rate of 25.900% per annum from November 04, 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
05467467 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®

MASTERCARD ACCOUNT

JUN 18 - JUL 17, 2003

5291-0716-0650-5988

Page 1 of 1

Account Summary

Previous Balance	\$1,356.45
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$29.80
New Balance	\$1,450.25
Minimum Amount Due	\$1,450.25
Payment Due Date	August 16, 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

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

Send inquiries to:
Capital One Service
P.O. Box 85015
Richmond, VA 23235-5015

EXHIBIT

Payments, Credits and Adjustments

Transactions

1	18 JUN	OVERLIMIT FEE	\$29.00
2	17 JUL	PAST DUE FEE	35.00

Your request to close your account has been received. Your account will be closed when it reaches a \$0 balance. Until then, you will continue to receive statements and must continue to make payments. All terms and conditions of the account will apply while a balance remains. Please remember to cut your cards and cancel all charges which automatically bill to your account.

You were assessed a past due fee of \$35.00 on 07/17/2003 because your minimum payment was not received by the due date of 07/17/2003. 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 or rate applied to	Periodic rate	Corresponding APR
PURCHASES	\$1,399.00	.07096%	25.90%
CASH	\$0.00	.07096%	25.90%

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

CapitalOne®

0000000 0 5291071606505988 17 1450250159961450252

New Balance	\$1,450.25
Minimum Amount Due	\$1,450.25
Payment Due Date	August 16, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	5291-0716-0650-5988

259.10

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

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:

#9019958481095437# MAIL ID NUMBER
NANCY S KOLCUN
PO BOX 153
LANSE PA 16849-0153

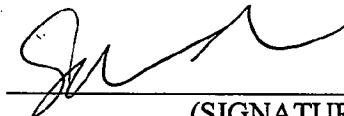
057067

VERIFICATION

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

Agent of Capital One, 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 # 102128
NO: 06-1865-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
VS.
DEFENDANT: NANCY S. KOLCUN

FILED
013:07/30/1
FEB 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, November 22, 2006 AT 8:47 AM SERVED THE WITHIN COMPLAINT ON NANCY S. KOLCUN DEFENDANT AT 597 MAPLE ST., LANSE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO NANCY S. KOLCUN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2645858	10.00
SHERIFF HAWKINS	WELTMAN	2645858	35.80

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by Marilyn Harker
Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff No. 2006-1865-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

NANCY S KOLCUN

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

WWR#05467467
Judgment Amount \$ 2916.82

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

FILED Atty pd. 85.00
m/3/38/01 ICC Notice
FEB 23 2007 to Def.

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

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2006-1865-CD

NANCY S KOLCUN

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, NANCY S KOLCUN above named, in the default of an Answer, in the amount of \$2916.82 computed as follows:

Amount claimed in Complaint	\$2716.36
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Interest from NOVEMBER 4, 2006 to FEBRUARY 16, 2007 at the legal interest rate of 25.9% per annum	\$200.46
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TOTAL	\$2916.82
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I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

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

WWR#05467467

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendant is: 597 MAPLE ST LANSE,PA 16849

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

CAPITAL ONE BANK

Plaintiff

Case # 2006-1865-CD

NANCY S KOLCUN

Defendant(s)

IMPORTANT NOTICE

TO: NANCY S KOLCUN
597 MAPLE ST
LANSE, PA 16849

Date of Notice: 1/31/07
WWR#: 05467467

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

BY: Patrick Thomas Woodman
PATRICK THOMAS WOODMAN
PA I.D. #34507
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 KOPPERES BLDG, 436 7TH AVE.
PITTSBURGH, PA 15219

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

CAPITAL ONE BANK

Case no: 2006-1865-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

NANCY S KOLCUN

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.

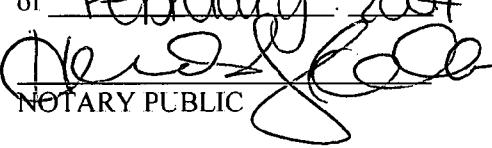
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, NANCY S KOLCUN is not in the military service.

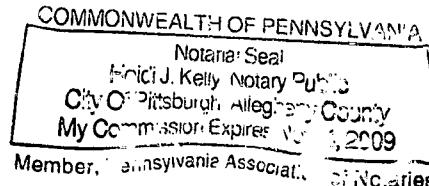
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, NANCY S KOLCUN is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 20 day
of February 2007


NOTARY PUBLIC



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

FEB-16-2007 11:15:11



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

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

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

Mary M. Snavely-Dixon

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

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

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

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

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

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

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

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

Report ID: BUBJQVFZKMW

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2006-1865-CD

2/27/07

NANCY S KOLCUN

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 February 23, 2007.

Assumpsit Judgment in the amount
of \$2916.82 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-Pro
 Confession
 Default
 Verdict
 Arbitration
Award

Prothonotary

By: Willie L. Hargrove
PROTHONOTARY (OR DEPUTY)

NANCY S KOLCUN
597 MAPLE ST
LANSE, PA 16849

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
1-888-434-0085

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

COPY

Capital One Bank
Plaintiff(s)

No.: 2006-01865-CD

Real Debt: \$2,916.82

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Nancy S. Kolcun
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 23, 2007

Expires: February 23, 2012

Certified from the record this 23rd day of February, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

CAPTIAL ONE BANK,
Plaintiff

* * * * *

No. 2006-1865-CD

v.

NANCY S. KOLCUN,
Defendant

10

Type of Pleading:
**PRAECIPE TO ENTER DEFAULT ORDER
ON MOTION TO AVOID JUDICIAL LIEN**

Filed on Behalf of:

Defendant:

NANCY S. KOLCUN

Counsel of Record for
This Party:

John R. Lhota, Attorney at Law
John R. Lhota, P. C.
PA I.D. 22492

LAW OFFICE OF
JOHN R. LHOTA, P. C.
110 N. Second Street
Clearfield, PA 16830
(814) 765-9611

FILED *2cc*
01/31/2007 Atty Lhota
AUG 08 2007
William A. Shaw
Notary/Clerk of Courts
Atty pd 7.00
6X

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

CAPTIAL ONE BANK,
Plaintiff

* * * * *

No. 2006-1865-CD

V.

NANCY S. KOLCUN,
Defendant

PRAEICE TO ENTER DEFAULT ORDER ON MOTION TO AVOID JUDICIAL LIEN

To: William A. Shaw, Clearfield County Prothonotary

Please file the attached certified copy of a Default Order on Motion to Avoid Judicial
Lien of record in the above captioned matter and mark the subject judgment either released,
extinguished and/or avoided.

Respectfully submitted;

By:

John R. Lhota, P. C., by John R. Lhota, Attorney at Law, counsel to Nancy S. Kolcun, Defendant and Movant

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

In Re: Charles E. Kolcun and
Nancy S. Kolcun, :
Debtors : Bankruptcy No. 07-70180-BM
Nancy S. Kolcun, :
Movant : Chapter 7
vs. :
Capital One Bank, : Document No.
Respondent : Related Document No. 17

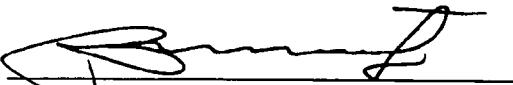
In The United States Bankruptcy Court For The Western District
of Pennsylvania I, the undersigned Deputy Clerk, U.S. Bankruptcy
Court in and for said District, DO HEREBY CERTIFY that this
copy has been compared with the original thereof and that it is
a complete and correct copy of such original as it appears of
record and on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand at
Pittsburgh in said District, this 30th day of July, 2007
Deputy Clerk, U.S. Bankruptcy Court
[Signature]

DEFAULT ORDER ON
MOTION TO AVOID JUDICIAL LIEN

AND NOW, this 10 day of July, 2007, upon default, no response
objecting to the motion to avoid judicial lien having been timely filed by an interested
party, and upon Movant's certification of service of the motion, the applicable scheduling
order, and certification of default, IT IS ORDERED that the above-mentioned motion is
hereby granted and that the real property of Movant, more fully described in that certain
deed dated June 4, 1999 from Nancy Sue Kolcun to Movant and her husband, Charles E.
Kolcun, which is recorded in the Office of the Recorder of Deeds in and for Clearfield
county, Pennsylvania, at Instrument No. 199909536, and is incorporated herein by
reference, is hereby released from the judicial lien of Respondent entered in the Court of
Common Pleas of Clearfield County, Pennsylvania, Civil Division, in the case of Capital One
Bank, Plaintiff, vs. Nancy S. Kolcun, Defendant, of record in the above-mentioned Court
at No. 2006-1865-CD and the said judicial lien is hereby extinguished and avoided.

Movant shall, within five (5) days hereof, serve a true and correct copy of the within
Order on parties in interest and file a certificate of service.


Bernard Markovitz,
United States Bankruptcy Judge

cc: John R. Lhota, Attorney at Law
John R. Lhota, P.C.
110 North Second Street
Clearfield, PA 16830

c:\clients\BANKRUPT\KOLCUNJUDICIALLIEN.DEFAULTORDER.wpd
c:\clients\Documents and Settings\tmb\MyDocuments\KOLCUNJUDICIALLIEN.DEFAULTORDER.pdf

FILED

JUL 10 2007

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

FILED

AUG 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

JOHN R. LHOTA, P.C.
ATTORNEY AT LAW
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830