

06-2011-CD
Capital One Bank vs D. McDonald

Capital One vs Debra McDonald
2006-2011-CD

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

CAPITAL ONE BANK

Plaintiff

No: 06-2011-CD

vs.

COMPLAINT IN CIVIL ACTION

DEBRA L MCDONALD

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
05484233 C N Pit VOC

FILED *Pa*
m 11:28 AM
DEC 04 2006 Atty pd.
85.00

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
DEBRA L MCDONALD
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 100 EAST SHORE DR GLEN ALLEN , VA 23059 .

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

DEBRA L MCDONALD
2654 HORSESHOE RD
LA JOSE, PA 15753

3. Defendant applied for and received a credit card bearing the account number 5178052192424949 .

4. Defendant made use of said credit card and has a current balance due of \$4494.21 , 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.

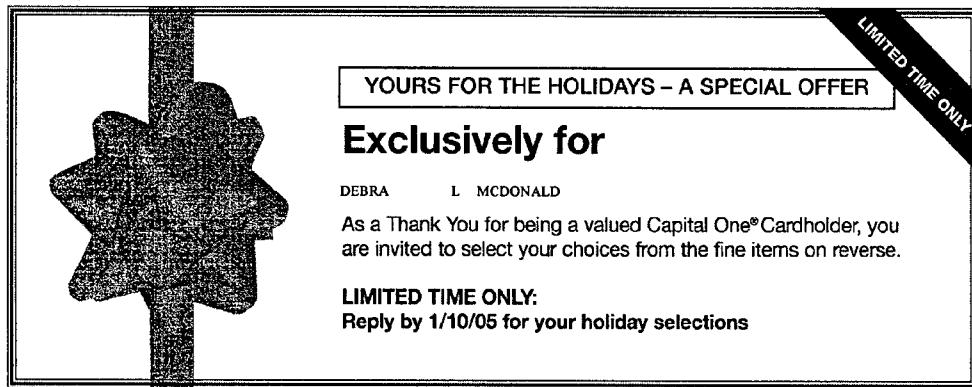
6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from November 04, 2006 . A copy of Plaintiff's STATEMENT OF ACCOUNT is attached hereto, marked as Exhibit "1" and made a part hereof.

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 , DEBRA L MCDONALD , INDIVIDUALLY , in the amount of \$4494.21 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
05484233 C N 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.



Account Summary

Previous Balance	\$2,835.87
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$61.00
New Balance	\$2,931.87
Minimum Amount Due	\$2,931.87
Payment Due Date	November 13, 2004
Total Credit Line	\$2,000
Total Available Credit	\$0.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$0.00

At your service

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

For free online account service and special customer offers, go to:
www.capitalone.com

Send payment to: **Send inquiries to:**
Attn: Remittance Processing CapitalOneServices
CapitalOneServices P.O. Box 5015
P.O. Box 5147 Richmond/A23276 Richmond/A23285-5015

Important Account Information

Want to make a difference this November? VOTE! Your vote is important, so get out there on November 2. Only you can make sure your voice is heard. Every vote counts!

PLATINUM MASTERCARD ACCOUNT

SEP 15 - OCT 14, 2004

Page 1 of 1

Payments, Credits and Adjustments

Transactions

1	14 OCT	PAST DUE FEE	\$35.00
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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.

As a valued Capital One customer, you are eligible to receive a free Year-End Summary that recaps your 2004 charges. Please call 1-877-794-4487 before December 12, 2004, to reserve your copy. All orders will be processed between January 15 and February 28, 2005. As long as this benefit is available for your account, you must call in each year in order to receive a Year-End Summary. You will be notified in your statement on how to opt in for your Year-End Summary.

You were assessed a past due fee of \$35.00 on 10/14/2004 because your minimum payment was not received by the due date of 10/14/2004. 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 applied	Periodic rate	Corresponding APR	FINANCE CHARGE	
PURCHASES	\$2,865.24	.07095%	25.90%	\$61.00	\$0.00
CASH	\$0.00	.07095%	25.90%		

ANNUAL PERCENTAGE RATE applied this period 25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



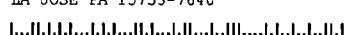
0000000 0 5178052192424949 14 2931870200002931870

New Balance \$2,931.87
Minimum Amount Due \$2,931.87
Payment Due Date November 13, 2004
Total enclosed \$
Account Number: 5178-0521-9242-4949

Please print mailing address or mailhang tag using blue or black ink.

Street	Apt#	
City	State	ZIP
Home Phone	Alternate Phone	
Email Address: 		

#9028904840680443# MAIL ID NUMBER
DEBRA L MCDONALD
2654 HORSESHOE RD
LA JOSE PA 15753-7640



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

Claim your No Cost months now!
Check as many selections as you like, *sign* and *return*.

Check as many selections as you like, sign and return.

LIPS A

DEBRA L MCDONALD
2654 HORSESHOE RD
LA JOSE PA 15753-7640
5178 0521 9242 4949

Exp. Date

x

Signature

(I authorize Capital One® to forward this coupon on my behalf to NMS, which includes my account number, for billing purposes.)

Check-off the box indicated to select a full year subscription to each plus six extra months for a total of eighteen months. Only the annual price indicated will be billed to your Capital One® card. Each year, you'll receive a renewal notice and unless you call to cancel selections will continue for the rate shown on the notice for the next year.

If you wish to use a different credit card, for question or to cancel, call 1-800-882-6311 while enjoying our selection and annual thereafter you'll receive a notice. Unless you call to cancel, you magazine will continue on your account. We'll charge the difference if the notice for the next year is issued. Allow four weeks for delivery. If it becomes unavailable, we'll replace it with one of equal greater value. Cancel any time and receive a refund on unused issues. Valid credit card required when you make a selection to become your valued customer. © 2004 Newsmagazine Services, L.J. NMS Four Ridge Park, Stamford, CT 06903 is the vendor and reserves the right to limit orders. © 2004 Capital One Services Inc. Capital One is a federal registered service mark. All rights reserved. Antram trademarks and/or service marks are solely owned by the respective entity. All rights reserved. Newsmagazine Services, L.J. NMS solely responsible for this offer and is not affiliated with Capital One. Capital One does not provide a product or service guarantee and is not affiliated with any producer or service provider shown elsewhere. By responding to this offer, you may be communicating information to yourself or the company that provides this product or service and that company is not Capital One's customer.

2 -

49737S

Q1LGLBAK

Important Notice: Payments you mail to us will be credited to your accounts of the business day we receive it, provided (1) you send the bottom portion of this statement and your check in the enclosed remittance envelope and (2) your payments received in our processing center by 3 p.m. ET (12 noon PT). Please allow at least five (5) business days for postal delivery. Payments received by us at any other location or in any other format may not be credited to the day we receive them. Our business days are Monday through Saturday, excluding holidays. Please do not use staples, paperclips, or tape when preparing your payment. Please do not attach a check(s) you may authorize to make a one-time electronic transfer directly from your bank account to us. If you do attach a check(s) you may authorize to make a one-time electronic transfer directly from your bank account to us, we will decline your payment and will not credit your account until we receive the payment from your bank. If we cannot process the transfer, you authorize us to make a charge against your account using the check as a general ledger reference.

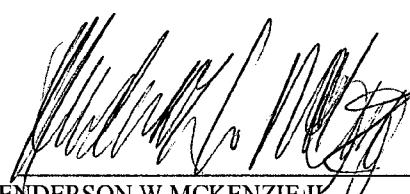
VERIFICATION

CAPITAL ONE BANK

vs

MCDONALD, DEBRA L

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that he/she is, HENDERSON W MCKENZIE II, Authorized Agent, of CAPITAL ONE BANK, Plaintiff Herein, that he/she is duly authorized to make this Declaration, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.



HENDERSON W MCKENZIE II



MAISHA DAVIS
HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES
OCTOBER 24TH, 2010

5178052192424949
A049
WELTMAN, WEINBERG & REIS CO., L.P.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102208
NO: 06-2011-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: DEBRA L. MCDONALD

SHERIFF RETURN

NOW, December 08, 2006 AT 10:15 AM SERVED THE WITHIN COMPLAINT ON DEBRA L. MCDONALD DEFENDANT AT 2654 HORSESHOE RD, LAJOSE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBRA L. MCDONALD, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO /

FILED
01/31/2007
MAR 08 2007
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2645859	10.00
SHERIFF HAWKINS	WELTMAN	2645859	90.00

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Marilyn Harr*
Chester A. Hawkins
Sheriff

ES
PIT OFC

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 2006-2011-CD

DEBRA L MCDONALD

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 June 21, 2007

Assumpsit Judgment in the amount
of \$4,781.31 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: Weltman
PROTHONOTARY (OR DEPUTY)

DEBRA L MCDONALD
2654 HORSESHOE RD
LA JOSE, PA 15753

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
CIVIL DIVISION

CAPITAL ONE BANK,

Plaintiff

No. 2006-2011-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

DEBRA L MCDONALD

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

pd \$20.00 Atty
m/12:25 pm 1cc notice
JUN 21 2007 to deft
WM KC + statement
William A. Shaw to Atty
Prothonotary/Clerk of Courts

WWR#05484233
Judgment Amount \$ 4,781.31

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

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

CAPITAL ONE BANK,

Plaintiff

vs.

Civil Action No. 2006-2011-CD

DEBRA L MCDONALD

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, DEBRA L MCDONALD above named, in the default of an Answer, in the amount of \$4,781.31 computed as follows:

Amount claimed in Complaint	\$4,494.21
Interest from November 4, 2006 to March 27, 2007 at the legal interest rate of 25.9% per annum	\$287.10
TOTAL	\$4,781.31

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#05484233

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: 2654 HORSESHOE RD, LA JOSE, PA 15753

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

CAPITAL ONE BANK

Plaintiff

Case # 2006-2011-CD

DEBRA L MCDONALD

Defendant(s)

IMPORTANT NOTICE

TO: DEBRA L MCDONALD
2654 HORSESHOE RD
LA JOSE, PA 15753

Date of Notice: 3/28/07
WWR#: 05484233

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.
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: 2004-2011-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

DEBRA L MCDONALD

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.

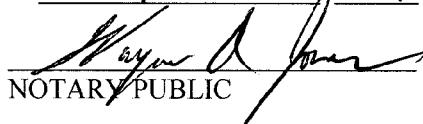
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, DEBRA L MCDONALD is not in the military service.

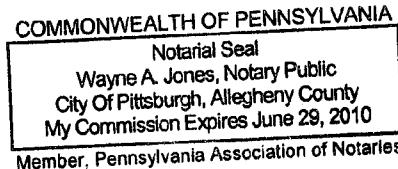
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, DEBRA L MCDONALD is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 30 day
of March 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

MAR-27-2007 08:56:21



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MCDONALD	DEBRA		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; 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: CDCQHClWAUH

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

Capital One Bank
Plaintiff(s)

No.: 2006-02011-CD

Q
COPY

Real Debt: \$4781.31

Atty's Comm: \$

Vs.

Costs: \$

Debra L. McDonald
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 21, 2007

Expires: June 21, 2012

Certified from the record this June 21, 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