

07-105-CD
Capital One vs Gerald A. Coudriet

Capital One Bank vs Gerald Coudriet
2007-105-CD

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

CAPITAL ONE BANK

Plaintiff

No: 07-105-CD

vs.

COMPLAINT IN CIVIL ACTION

GERALD A COUDRIET

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
05631998 C A Pit BNT

FILED Atty pd \$5.00
m/13/2001
JAN 22 2001 ICC Sheriff
(un)

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

GERALD A COUDRIET

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:

GERALD A COUDRIET
709 HALE ST
OSCEOLA MILLS, PA 16666

3. Defendant applied for and received a credit card bearing the account number 4388642060787663 .

4. Defendant made use of said credit card and has a current balance due of \$4309.08 , as of December 21, 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 December 21, 2006 . A copy of Plaintiff's STATEMENT 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, GERALD A COUDRIET, INDIVIDUALLY, in the amount of \$4309.08 with continuing interest thereon at the rate of 25.900% per annum from December 21, 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
05631998 C A Pit BNT

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.

The Deal You've Been Waiting For ...

003

FREE MOTOROLA RAZR V3

> **FREE*** Wireless Camera Phone

> **BONUS** Free Bluetooth® Headset (\$60 Value)

> **FREE** Shipping & Handling

 cingular
raising the bar...™

GERALD A COUDRIET 3115 GRAY HOLLOW RD. PHILIPSBURG PA 16866-7824

4388642060787663

GERALD A COUDRIET

after rebate and 2-year service agreement

GERALD A COUDRIET

 WIREFLY®
The Wireless Superstore

ACT NOW
Limited Time Offer
for Capital One®
Cardholders

CapitalOne®

VISA GOLD ACCOUNT

4388-6420-6078-7663

SEP 26 - OCT 25, 2003

Page 1 of 1

Account Summary

Previous Balance	\$2,251.24
Payments, Credits and Adjustments	\$0.00
Transactions	\$123.00
Finance Charges	\$49.08
New Balance	\$2,423.32
Minimum Amount Due	\$2,423.32
Payment Due Date	November 25, 2003
Total Credit Line	\$1,000
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, log on to:
www.capitalone.com

Send payments to: Send inquiries to:
Attn: Remittance Processing Capital One Services
Capital One Services P.O. Box 85015
P.O. Box 85147 Richmond, VA 23276 Richmond, VA 23285-5015

Important Account Information

Cast your vote on capitalonebowl.com to help select the National Mascot of the Year from the 12 finalists, and be sure to tune in to ABC college football, ESPN, and ESPN2 to see this year's mascot commercials! This year's winner will be announced during the Capital One Bowl, which airs on ABC at 1:00p.m. ET on January 1st.

Payments, Credits and Adjustments

Transactions

1	26 SEP	OVERLIMIT FEE	\$29.00
2	25 OCT	CAPITAL ONE MEMBER FEE	59.00
3	25 OCT	PAST DUE FEE	35.00

Families in PA EARNING INCOMES UP TO \$43,240 per year may be eligible for low-cost or free health care coverage FOR THEIR UNINSURED CHILDREN. If you or someone you know has a child without health insurance, call toll free 1-877-KIDS-NOW for information about the low-cost or free health care coverage programs in PA.

You were assessed a past due fee of \$35.00 on 10/25/2003 because your minimum payment was not received by the due date of 10/25/2003. 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	\$1,709.64	.07096%	25.90%	\$36.39
CASH	\$596.18	.07096%	25.90%	\$12.69

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

CapitalOne®

0000000 0 4388642060787663 25 2423320061002423320

New Balance	\$2,423.32
Minimum Amount Due	\$2,423.32
Payment Due Date	November 25, 2003
Total enclosed	\$ <input type="text"/>
Account Number:	4388-6420-6078-7663

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



047991

#9029984331232457# MAIL ID NUMBER
GERALD A COUDRIET
3115 GRAY HOLLOW RD
PHILIPSBURG PA 16866-7824





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

Agent of Capital One Bank, 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#

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102365
NO: 07-105-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: GERALD A. COUDRIET

SHERIFF RETURN

NOW, January 24, 2007 AT 9:34 AM SERVED THE WITHIN COMPLAINT ON GERALD A. COUDRIET DEFENDANT AT 709 HALE ST., OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GERALD A. COUDRIET, 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	2668836	10.00
SHERIFF HAWKINS	WELTMAN	2668836	37.40

FILED
09:00 AM
APR 25 2007
GM

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

William A. Shaw
Prothonotary/Clerk of Courts

Chester A. Hawkins
by Marley Hark
Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff No. 07-105-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

GERALD A COUDRIET

Defendant

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.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-71305

WWR#05631998
Judgment Amount \$ 4,844.17

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

FILED (6)
MAY 23 2007 Atty pd 20.00
JUN 29 2007 ICC Notice to
Def.
William A. Shaw
Prothonotary/Clerk of Courts
Statement
to Atty

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-105-CD

GERALD A COUDRIET

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, GERALD A COUDRIET above named, in the default of an Answer, in the amount of \$4,844.17 computed as follows:

Amount claimed in Complaint	\$4,309.08
Interest from December 21, 2006 to June 14, 2007 at the interest rate of 25.900% per annum	\$535.09
TOTAL	\$4,844.17

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.

436 Seventh Avenue, Suite 2718

Pittsburgh, PA 15219

(412) 434-7955

FAX: 412-338-71305

WWB#05631998

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: 709 HALE ST

OSCEOLA MILLS, PA 16666

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

COFFEE

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-105-CD

GERALD A COUDRIET

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: () Plaintiff
(xx) Defendant
() Garnishee

You are hereby notified that the following Order or Judgment was entered against you on 16129607

(xx) Assumpsit Judgment in the amount of \$4,844.17 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
 (xx) Default
 () Verdict
 () Arbitration
 Award

Prothonotary

By:

PROTHONOTARY (OR DEPUTY)

GERALD A COUDRIET
709 HALE ST
OSCEOLA MILLS, PA 16666

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 CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff

Case # 07-105-CD

GERALD A COUDRIET

Defendant (s)

IMPORTANT NOTICE

TO: GERALD A COUDRIET
709 HALE ST
OSCEOLA MILLS, PA 16666

Date of Notice: May 9, 2007
WWR#: 05631998

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: 07-105-CD

Plaintiff
vs.

NON-MILITARY AFFIDAVIT

GERALD A COUDRIET

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

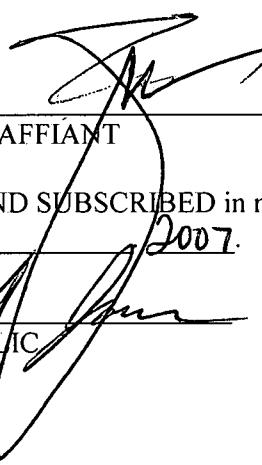
That he/she is the duly authorized agent of the Plaintiff in the within matter.

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.

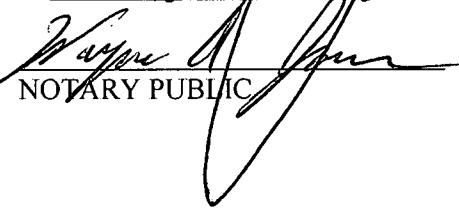
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, GERALD A COUDRIET is not in the military service.

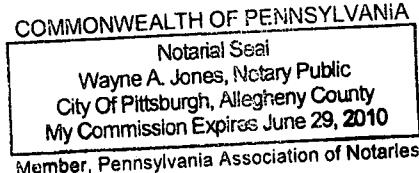
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, GERALD A COUDRIET is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 15th day
of June 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

JUN-14-2007 09:37:13



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
COUDRIET	GERALD A		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:ZFFHEIHDZZ

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

COPY

Capital One Bank
Plaintiff(s)

No.: 2007-00105-CD

Real Debt: \$4,844.17

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Gerald A. Coudriet
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 29, 2007

Expires: June 29, 2012

Certified from the record this 29th day of June, 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, PA

CIVIL DIVISION - LAW

CAPITAL ONE BANK,

*

*

Plaintiff

*

No. 07-105-CD

*

*

v.

*

TYPE OF CASE:

Civil

*

GERALD A. COUDRIET,

*

Defendant

*

*

*

*

*

*

*

*

FILED ON BEHALF OF:

Defendant

*

*

*

COUNSEL OF RECORD FOR
THIS PARTY:

* David R. Thompson, Esquire

* Attorney at Law

* Supreme Court 73053

* P.O. Box 587

* 308 Walton Street, Suite 4

* Philipsburg PA 16866

* (814) 342-4100

FILED

01/15/2007

Atty Thompson

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

CAPITAL ONE BANK,

*

* No. 07-105-CD

*

Plaintiff

*

*

VS.

*

*

GERALD A. COUDRIET,

*

*

Defendant

*

*

CERTIFICATE OF SERVICE

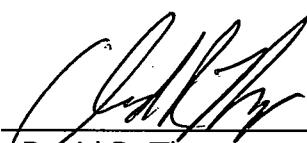
TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the **Interrogatories In Aid Of Execution**, in the above captioned matter on the following by depositing the same in U.S. First Class Mail, postage prepaid addressed as follows:

Capital One Bank
c/o Benjamin R. Bibler, Esquire
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219

DATE: 11-15-07

BY:



David R. Thompson, Esquire