

07-129-CD
Capital One vs Amy Schultz

Capital One Bank vs Amy Schultz
2007-129-CD

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

CAPITAL ONE BANK

Plaintiff

No: 07-129-CD

vs.

COMPLAINT IN CIVIL ACTION

AMY SCHULTZ

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
05527693 C N Pit SGM

pd \$85.00 Attn
FILED, cc Shff
M/11:50am
JAN 25 2007

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
AMY SCHULTZ
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 140 EAST SHORE DR GLEN ALLEN , VA 23059 .

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

AMY SCHULTZ
104 NW 3RD AVE
CLEARFIELD, PA 16830

3. Defendant applied for and received a credit card bearing the account number 5291152064337765 .

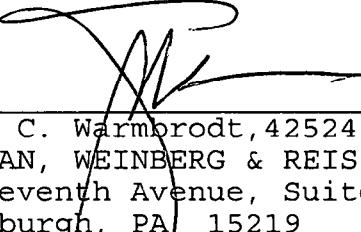
4. Defendant made use of said credit card and has a current balance due of \$1515.95 , as of November 20, 2006 .

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 26.990% per annum on the unpaid balance from November 20, 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 , AMY SCHULTZ , INDIVIDUALLY , in the amount of \$1515.95 with continuing interest thereon at the rate of 26.990% per annum from November 20, 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
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CapitalOne®

GOLD MASTERCARD ACCOUNT
5291-1520-6433-7765

JUN 06 - JUL 05, 2005
Page 1 of 1

Account Summary

Previous Balance	\$1,042.24
Payments, Credits and Adjustments	\$0.00
Transactions	\$40.00
Finance Charges	\$23.37
New Balance	\$1,105.61
Minimum Amount Due	\$1,105.61
Payment Due Date	August 05, 2005
Total Credit Line	\$600
Total Available Credit	\$0.00
Credit Line for Cash	\$600
Available Credit for Cash	\$0.00

Payments, Credits and Adjustments

Transactions

1	05 JUL	CAPITAL ONE MONTHLY MEMBER FEE	\$5.00
2	05 JUL	PAST DUE FEE	35.00

Notice of Change In Account Terms If your account is five or more days past due within six billing periods after being two or more days past due, or if we do not receive your minimum monthly payment for two consecutive billing periods, all rates may increase to the Default APR previously disclosed to you. All other terms and conditions on your account remain in effect.

You were assessed a past due fee of \$35.00 on 07/05/2005 because your minimum payment was not received by the due date of 07/05/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

At your service

To call Customer Relations 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: **CapitalOne**
Attn: Remittance Processing
CapitalOne Bank
P.O. Box 790216
St. Louis MO 63179-0216

Send inquiries to: **CapitalOne**
P.O. Box 30285
SLC, UT 84130-0285

EXHIBIT
// i //

Finance Charges		Please see reverse side for important information		
		Balance applied	Periodic rate	Corresponding APR
PURCHASES		\$665.42	.07395%	26.99%
CASH		\$388.23	.07395%	26.99%

ANNUAL PERCENTAGE RATE applied this period 26.99%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne®

0000000 0 5291152064337765 05 1105610025001105617

New Balance	\$1,105.61
Minimum Amount Due	\$1,105.61
Payment Due Date	August 05, 2005
Total enclosed	\$ <input type="text"/>
Account Number:	5291-1520-6433-7765

Please print mailing address and/or e-mail address below using blue or black ink.

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

Capital One Bank
P.O. Box 790216
St. Louis, MO 63179-0216



#9018767944887517# MAIL ID NUMBER
AMY SCHULTZ
104 NW 3RD AVE
CLEARFIELD PA 16830-1602

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

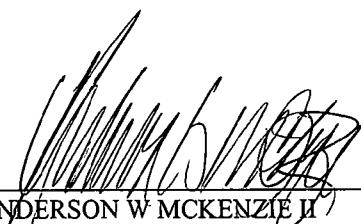
VERIFICATION

CAPITAL ONE BANK

vs

SCHULTZ, AMY

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



MYRA PRINDLE
Notary Public
Gwinnett County Georgia
My Commission Expires July 31st 2009

5291152064337765
A049
WELTMAN, WEINBERG & REIS CO., L.P.A.

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

CAPITAL ONE BANK

Plaintiff No. 07-129-CD

vs. PRAECIPE TO SETTLE, DISCONTINUE
AND END

AMY SCHULTZ

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

PATRICK THOMAS WOODMAN, ESQUIRE
PA I.D #34507
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05527693

FILED ^{NoCC}
M 11:20am ^{1 Cert of disc}
MAR 09 2007 ^{issued to Atty}
un Woodman

William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-129-CD

AMY SCHULTZ

Defendant

PRAECIPE TO SETTLE DISCONTINUE AND END

TO THE PROTHONOTARY OF COUNTY:

Settle, Discontinue and End the above-captioned matter upon the records of the Court and mark the costs paid.

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

By: Patrick Thomas Woodman
PATRICK THOMAS WOODMAN, ESQUIRE
PA I.D #34507
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#05527693

Sworn to and subscribed
Before me the 28
Day of FEBRUARY, 2007


Wayne A. Jones
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wayne A. Jones, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires June 29, 2010

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Capital One Bank

Vs.
Amy L. Schultz

No. 2007-00129-CD

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 March 9, 2007, marked:

Settled, discontinued and ended

Record costs in the sum of \$85.00 have been paid in full by James C. Warmbrodt Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of March A.D. 2007.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102377
NO: 07-129-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: AMY SCHULTZ

SHERIFF RETURN

NOW, January 29, 2007 AT 1:45 PM SERVED THE WITHIN COMPLAINT ON AMY SCHULTZ DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO AMY SCHULTZ, 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	2653168	10.00
SHERIFF HAWKINS	WELTMAN	2653168	20.00

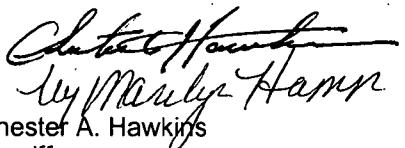
FILED
6/9/00 cm
APR 25 2007
CWA

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

William A. Shaw
Prothonotary/Clerk of Courts


Chester A. Hawkins
Sheriff