

07-217-CD

Capital One vs John Burdick

Capital One vs John Burdick
2007-217-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
c/o DAVID J. APOTHAKER, ESQ.
(Plaintiff)
Apothaker & Associates, P.C.
2417 Welsh Road
Suite 21 #520
Philadelphia, PA 19114

(City, State ZIP)

CIVIL ACTION

No. 2007-217-CD

Type of Case: CIVIL COMPLAINT

Type of Pleading:

Filed on Behalf of:

CAPITAL ONE BANK
(Plaintiff/Defendant)

vs.

JOHN BURDICK

(Defendant)

117 S. FRANKLIN STREET

(Street Address)

DU BOIS, PA 15801-1803

(City, State ZIP)

DAVID APOTHAKER, ESQUIRE
(Filed by) Apothaker & Associates, P.C.
2417 Welsh Road
Suite 21 #520
Philadelphia, PA 19114

(Address)

(Phone)

(Signature)

FILED pd \$85.00 Atty
M/11/40cm ICC Shff
FEB 12 2007
(W)

William A. Shaw
Prothonotary/Clerk of Courts

APOTHAKER & ASSOCIATES, P.C.

BY: David J. Apothaker

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

CAPITAL ONE BANK

c/o David J Apothaker, Esquire

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

JOHN BURDICK

117 S FRANKLIN ST

DU BOIS, PA 15801-1803

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

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NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action with twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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 ONE. 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.

CLEARFIELD COUNTY BAR ASSOCIATION

Lawyer Referral and Information Service

814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

CAPITAL ONE BANK
c/o David J Apotheker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:

JOHN BURDICK
117 S FRANKLIN ST
DU BOIS, PA 15801-1803

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**CIVIL ACTION COMPLAINT
FIRST COUNT**

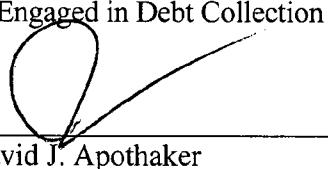
1. Plaintiff, CAPITAL ONE BANK, is a company with its principal place of business located at c/o David J Apothaker, Esq. 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is JOHN BURDICK, an adult individual residing at 117 S FRANKLIN ST DU BOIS, PA 15801-1803.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$3,289.46 from August 04, 2005.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$3,289.46 plus costs, and reasonable attorney's fees.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____


David J. Apothaker

Dated: 2/2/2007

Our File No.: 89412

VERIFICATION

Randy Palley, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Randy Palley

DATE: 2-02-2007

CAPITAL ONE BANK
c/o David J Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

JOHN BURDICK
117 S FRANKLIN ST
DU BOIS, PA 15801-1803

STATEMENT OF ACCOUNT

Debtor's Name: JOHN BURDICK
Account Number: 4862362338073433
Date of Debt: August 04, 2005
Balance Due: \$3,289.46

Our File No.: 89412

EXHIBIT "A"

FILED

FEB 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **102444**

CAPITAL ONE BANK

Case # 07-217-CD

vs.

JOHN BURDICK

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO JOHN BURDICK, DEFENDANT. SEVERAL ATTEMPTS. & PH.372-2323 NO ANSWER.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	41692G	10.00
SHERIFF HAWKINS	APOTHAKER	41692G	90.00

Sworn to Before me This

____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

FILED
MAY 21 2007
William A. Shaw
Notary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
c/o DAVID J APOTHAKER, ESQ.
(Plaintiff)
Apothaker & Associates, P.C.
2417 Welsh Road
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(City, State ZIP)

CIVIL ACTION

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Type of Case: CIVIL COMPLAINT

Type of Pleading: _____

Filed on Behalf of:

CAPITAL ONE BANK
(Plaintiff/Defendant)

vs.

JOHN BURDICK
(Defendant)

117 S. FRANKLIN STREET
(Street Address)

DUBOIS, PA 15801-1803
(City, State ZIP)

DAVID APOTHAKER, ESQUIRE
(Filed by) Apothaker & Associates, P.C.
2417 Welsh Road
Suite 21 #520
Philadelphia, PA 19114

(Address)

(Phone)

(Signature)

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 12 2007

Attest.

William L. Apothaker
Prothonotary/
Clerk of Courts

APOTHAKER & ASSOCIATES, P.C.

B&A: David J. Apothaker

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

CAPITAL ONE BANK

c/o David J Apothaker, Esquire

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

JOHN BURDICK

117 S FRANKLIN ST

DU BOIS, PA 15801-1803

Defendant.

) **COURT OF COMMON PLEAS**

) **CLEARFIELD COUNTY**

)

) **NO.:**

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CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

APOTHAKER & ASSOCIATES, P.C.

BY: David J. Apotheker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK) COURT OF COMMON PLEAS
c/o David J Apothaker, Esquire) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
JOHN BURDICK)
117 S FRANKLIN ST)
DU BOIS, PA 15801-1803)
Defendant.)

**CIVIL ACTION COMPLAINT
FIRST COUNT**

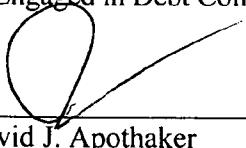
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4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$3,289.46 from August 04, 2005.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$3,289.46 plus costs, and reasonable attorney's fees.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____


David J. Apothaker

Dated: 2/2/2007

Our File No.: 89412

VERIFICATION

Randy Palley, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Randy Palley

DATE: 2-02-2007

CAPITAL ONE BANK
c/o David, J Apotheker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

JOHN BURDICK
117 S FRANKLIN ST
DU BOIS, PA 15801-1803

STATEMENT OF ACCOUNT

Debtor's Name: JOHN BURDICK

Account Number: 4862362338073433

Date of Debt: August 04, 2005

Balance Due: \$3,289.46

Our File No.: 89412

EXHIBIT "A"

FILED

MAY 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

Notice of Proposed Termination of Court Case

January 26, 2012

RE: 2007-00217-CD

Capital One Bank (USA), N.A.

Vs.

John Burdick

FILED

JAN 26 2012

 William A. Shaw
Prothonotary/Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **March 28, 2012**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



F. Cortez Bell, III, Esq.
Court Administrator

Apotheker
Def

FILED

JAN 26 2012

William A. Shaw
Prothonotary/Clerk of Courts

Our File No.: 89412
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED NO
M 11/07/11 CC
FEB 10 2012
William A. Shaw
Prothonotary/Clerk of Court
GC

CAPITAL ONE BANK) COURT OF COMMON PLEAS
vs. Plaintiff,) CLEARFIELD COUNTY
vs.)
JOHN BURDICK) NO. 2007-217
vs.)
Defendant.)

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By: _____
David J. Apothaker, Esquire

Dated: 1/31/2012



* Q 8 9 4 1 2 D I S N 1 - *

FILED

FEB 10 2012

William A. Straw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), N.A.
Plaintiff

vs.

JOHN BURDICK
Defendant

* NO. 2007-217-CD

*

*

*

*

*

FILED

01/23/2013

JAR 2013

ORDER

William A. Shaw KK
Prothonotary/Clerk of Courts

NOW, this 21st day of March, 2013, upon the Court's review of the record, with the Court noting that on February 10, 2010 a Praeclipe to Dismiss Without Prejudice was filed by David J. Apotheker, Esquire, the Court considers this case concluded. The Prothonotary shall code the case in Full Court as Z-TFWDA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

MAR 01 2013

William A. Shaw
Prothonotary/Clerk of Courts