

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

CAPITAL ONE BANK

Plaintiff

vs.

JOHN W MARTIN

Defendant

No: 07-278-CD

COMPLAINT IN CIVIL ACTION

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
05592022 C N Pit DRM

FILED 1cc Sheriff
m/2:37/3dl
FEB 23 2007 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

JOHN W MARTIN

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:

JOHN W MARTIN
953 TREASURE LK
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number 4862362400605716 .


4. Defendant made use of said credit card and has a current balance due of \$2221.04 , as of January 15, 2007 .

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 January 15, 2007 . 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 , JOHN W MARTIN , INDIVIDUALLY , in the amount of \$2221.04 with continuing interest thereon at the rate of 25.900% per annum from January 15, 2007 plus costs.



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- Spam Controls
- Smarter Smart Dialer Technology
- More Email Addresses
- Internet Call Waiting

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CapitalOne

PLATINUM VISA ACCOUNT
4862-3624-0060-5716

JUL 12 - AUG 11, 2005
Page 1 of 1

Account Summary

Previous Balance	\$1,552.09
Payments, Credits and Adjustments	\$5.00
Transactions	\$35.00
Finance Charges	\$34.51
New Balance	\$1,621.60
Minimum Amount Due	\$1,621.60
Payment Due Date	September 10, 2005
Total Credit Line	\$1,000
Total Available Credit	\$5.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$5.00

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:	Sending inquiries to:
Attn: Remittance Processing	Capital One
Capital One Bank	P.O. Box 30285
P.O. Box 790216	SLC, UT 84130-0285
St. Louis MO 63179-0216	

Payments, Credits and Adjustments

Transactions

1	11 AUG	PAST DUE FEE	\$35.00
---	--------	--------------	---------

You were assessed a past due fee of \$35.00 on 08/11/2005 because your minimum payment was not received by the due date of 08/11/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

Finance Charges	Please see reverse side for important information			
	Balance rate applied	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$794.47	.07096%	25.90%	\$17.48
CASH	\$774.25	.07096%	25.90%	\$17.03

ANNUAL PERCENTAGE RATE applied this period 25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne

0000000 0 4862362400605716 11 1621600040001621600

New Balance	\$1,621.60
Minimum Amount Due	\$1,621.60
Payment Due Date	September 10, 2005
Total enclosed \$	
Account Number:	4862-3624-0060-5716

Please print mailing address and/or e-mail address on the reverse side of this card.

Street	Apt#
City	State ZIP
Home Phone	Alt. Phone
Email Address	@

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

#9022465565970488# MAIL ID NUMBER
JOHN W MARTIN
1090 TREASURE LK
DU BOIS PA 15801-9026

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

EXHIBIT

VERIFICATION

CAPITAL ONE BANK

VS

MARTIN, JOHN W

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, DELINDA BROWN, 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.

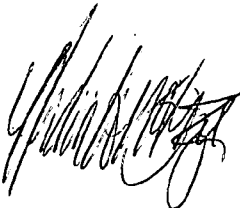


DELINDA BROWN

4862362400605716

A049

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



Henderson W. McKenzie II
Notary Public, Gwinnett County, Georgia
My Commission Expires August 2, 2010

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **102480**

CAPITAL ONE BANK

Case # 07-278-CD

VS.

JOHN W. MARTIN

FILED
013:56 BDL
JUN 14 2007
(51)

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

William A. Shaw
Prothonotary/Clerk of Courts

NOW June 14, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO JOHN W. MARTIN, DEFENDANT. 953 TREASURE LAKE, DUBOIS, PA. "HOUSE EMPTY".

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2678983	10.00
SHERIFF HAWKINS	WELTMAN	2678983	32.82

Sworn to Before me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

JOHN W MARTIN

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COUNSEL OF RECORD OF
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(412) 434-7955
FAX: 412-338-7130
05592022 C N Pit DRM

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

FEB 23 2007

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

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CapitalOne

PLATINUM VISA ACCOUNT
4862-3624-0060-5716

JUL 12 - AUG 11, 2005
Page 1 of 1

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Transactions

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At your service

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www.capitalone.com

Send payment to:

Attn: Remittance Processing
Capital One Bank
P.O. Box 790216
St. Louis MO 63179-0216

Sending inquiry to:

Capital One
P.O. Box 30285
SLC, UT 84130-0285

Finance Charges

Please see reverse side for important information

	Balance applied	Periodic rate	Corresponding APR	FINANCE CHARGE
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CapitalOne

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Payment Due Date	September 10, 2005
Total enclosed \$	
Account Number:	4862-3624-0060-5716

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

Street	Apt#
City	State ZIP
Home Phone	Alt. Phone
Email Address	@

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



#9022485565970488# MAIL ID NUMBER
JOHN W MARTIN
1090 TREASURE LK
DU BOIS PA 15801-9026

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

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VERIFICATION

CAPITAL ONE BANK

vs

MARTIN, JOHN W

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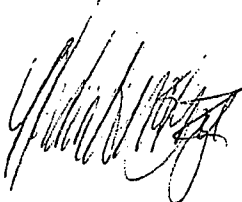


DELINDA BROWN

4862362400605716

A049

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



Henderson W. McKenzie II
Notary Public, Gwinnett County, Georgia
My Commission Expires August 2, 2010

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

CAPITAL ONE BANK

Plaintiff

vs.

JOHN W MARTIN

Defendant

No. 07-278-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO.
1400 KOPPERS BLDG.
436 7TH AVE.
PITTSBURGH, PA 15219
(412) 434-7955

WWR#05592022

FILED *icc & 1 cert of*
m/11:42am disc issued to
APR 25 2008 *Atty Molczan*
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. 07-278-CD

JOHN W MARTIN

Defendant

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Settle, Discontinue and End the above-captioned matter upon the records of the Court without
prejudice to refile and mark the costs paid.

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

By: 

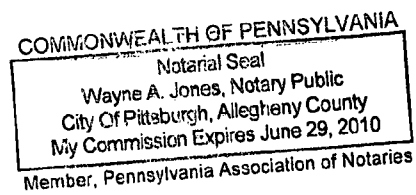
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#05592022

SWORN TO AND SUBSCRIBED

before me this 17 day

of April, 2008


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Capital One Bank

Vs.

No. 2007-00278-CD

John W. Martin

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 April 25, 2008, marked:

Settled, discontinued and ended without prejudice to refile

Record costs in the sum of \$85.00 have been paid in full by William T. Molczan Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of April A.D. 2008.



William A. Shaw, Prothonotary