

07-278-CD  
Capital One vs John Martin

Capital One Bank vs John Martin  
2007-278-CD

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

CAPITAL ONE BANK

Plaintiff

No: 07-078-CD

vs.

COMPLAINT IN CIVIL ACTION

JOHN W MARTIN

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  
05592022 C N Pit DRM

FILED 1cc Sheriff  
M 12/3/2007  
FEB 23 2007 Atty pd \$5.00  
W.M.  
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 .

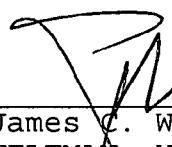
4. Defendant made use of said credit card and has a current balance due of \$2221.04 , as of January 15, 2007 .

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.

  
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

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

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**CapitalOne®**
**Account Summary**

Previous Balance	\$1,552.09
Payments, Credits and Adjustments	\$0.00
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	\$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 online account service and special customer offers go to:

[www.capitalone.com](http://www.capitalone.com)

 Send payment to:  
 Alt: Remittance Processing  
 Capital One Bank  
 P.O. Box 790216  
 St. Louis, MO 63179-0216
 
 Send inquiries to:  
 Capital One  
 P.O. Box 30285  
 SLC, UT 84130-0285
 
**PLATINUM VISA ACCOUNT**

4862-3624-0060-5716

JUL 12 - AUG 11, 2005

Page 1 of 1

**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 08/1/2005. 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 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
 
 Capital One Bank  
 P.O. Box 790216  
 St. Louis, MO 63179-0216
 

006055

 #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.

**EXHIBIT**

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**\*PeoplePC Online:** First 3 months are billed at \$4.97 per month; \$9.95 per month thereafter. **PeoplePC Online Accelerated™:** First 3 months are billed at \$7.47 per month; \$14.95 per month thereafter. Offer available to new dial-up subscribers at least 18 years of age and may not be redeemed with any other offer. Offer subject to change at any time. Phone technical support available for \$1.95 per minute.

†With PeoplePC Online Accelerated, certain Web page text and graphics will load faster when compared to standard dial-up Internet service. Actual results may vary. PeoplePC Online Accelerated is only compatible with PeoplePC Online Internet service and specified Windows® browsers. PeoplePC Online Accelerated is not compatible with Windows® 95 with IE 5.5 SP2.

Service not available in all areas. Access fees, taxes, and other fees and restrictions may apply. Telephone toll charges may apply, even during trial periods. You are responsible for determining whether a call to one of our access numbers will result in telephone toll charges. Access may be limited, especially during times of peak usage. Dial-up numbers may be changed at PeoplePC's discretion. Continuous use subject to timeout procedures. All use is subject to PeoplePC Online's Services Agreement and Acceptable Use Policy. 56K is the maximum speed of all use; actual speed may vary.

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Digitized by srujanika@gmail.com

01LGLBAK

**Important Notice: Payments you mail to us will be credited to your accounts on the business day we receive it, provided (i) you send the bottom portion of this statement and your check in the enclosed envelope developed by us to process payments received in our processing center by 3 p.m. ET (12:00 p.m. PT) unless otherwise specified, (ii) we receive them on a business day, (iii) our business days are Monday through Friday, excluding legal holidays. Please do not use postage or a postmark when returning a payment. Instead, attach a check to your statement to make a one-time electronic transfer through our account for the amount of the check. This authorizes us to collect all checks received during the billing cycle even if sent by someone else. If we cannot process the transfer you authorize us to make a check against your bank account in the amount of the check, a non-refundable fee for otherwise.**

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.

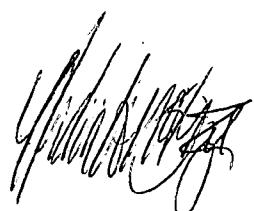


DELINDA BROWN

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

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

**FILED**

01356701  
JUN 14 2007

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

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2007

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

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

CAPITAL ONE BANK

Plaintiff

No: 07-278-CD

vs.

COMPLAINT IN CIVIL ACTION

JOHN W MARTIN

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  
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

JOHN W MARTIN

Defendant

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COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext 1300-1301

COMPLAINT

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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.

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James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
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thereafter

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

Or, Surf up to 5x faster<sup>†</sup> with PeoplePC Online Accelerated™ for a few dollars more.

**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	\$0.00
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	\$0.00
Credit Line for Cash	\$1,000
Available Credit for Cash	\$0.00

**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.

**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 offers, log on to:  
[www.capitalone.com](http://www.capitalone.com)

Send payment to: **Send inquiries to:**  
Attn: Remittance Processing  
CapitalOneBank  
P.O. Box 790216  
St. Louis, MO 63179-0216

CapitalOne  
P.O. Box 30285  
SLC, UT 84130-0285

<b>Finance Charges</b>		Please see reverse side for important information		
		Balance applied	Periodic rate	Corresponding APR
<b>PURCHASES</b>		\$794.47	.07096%	25.90%
<b>CASH</b>		\$774.25	.07096%	25.90%

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 below using blue or black ink.

Street **Apt#**

City **State** **ZIP**

Home Phone **Alt Home Phone**

E-mail Address **@**

#902248565970488# MAIL ID NUMBER  
JOHN W MARTIN  
1090 TREASURE LK  
DU BOIS PA 15801-9026



006055

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

**EXHIBIT**



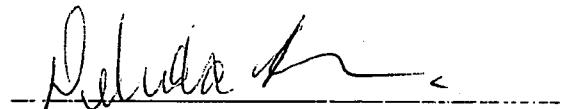
VERIFICATION

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  
CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff No. 07-278-CD

vs.

PRAEICE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

JOHN W MARTIN

Defendant 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 *cc & Cert of*  
*m/11/42pm 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

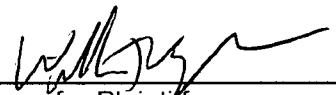
PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

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.

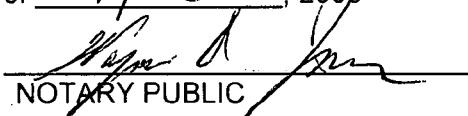
WELTMAN, WEINBERG & REIS CO., L.P.A.

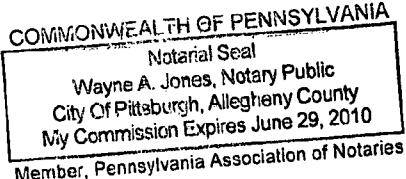
By:   
Attorney for Plaintiff  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#05592022

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.**  
**John W. Martin**

**No. 2007-00278-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 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.



*cm*

William A. Shaw, Prothonotary