

07-459-CD
Capital One vs Susan Gilliland

Captial One Bak vs Susan Gilliland
2007-459-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
DAVID J. APOTHAKER, ESQ.
(Plaintiff)

CJ Apothaker & Associates, P.C.
2417 Welsh Road
Suite 21 #520 (Street Address)
Philadelphia, PA 19114
(City, State ZIP)

CIVIL ACTION

No. 2007-459-CJ

Type of Case: DEBT COLLECTION- BREACH OF CONTRACT

Type of Pleading: CIVIL COMPLAINT

vs.

SUSAN GILLILAND
(Defendant)

1737 TURNPIKE AVE. APT. 1
(Street Address)
CLEARFIELD, PA 16830-0168
(City, State ZIP)

Filed on Behalf of:

CAPITAL ONE BANK
(Plaintiff/Defendant)

FILED *pd \$85.00 A/H*
m/23/07 10:57 AM
MAR 23 2007 ICC Atty
jm

William A. Shaw
Prothonotary/Clerk of Courts

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

215-634-8920
(Phone)

(Signature)

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.

SUSAN M GILLILAND
1737 TURNPIKE AVE APT 1
CLEARFIELD, PA 16830-0168
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 páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla 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.

CLEARFIELD COUNTY BAR ASSOCIATION
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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.

SUSAN M GILLILAND
1737 TURNPIKE AVE APT 1
CLEARFIELD, PA 16830-0168
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
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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 SUSAN M GILLILAND, an adult individual residing at 1737 TURNPIKE AVE APT 1 CLEARFIELD, PA 16830-0168.

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.

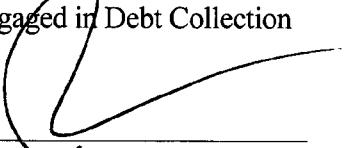
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".

7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$4,111.70 from November 14, 2003.

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 \$4,111.70 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: 3/9/2007

Our File No.: 92218

VERIFICATION

Randy Palmy, 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 Palmy

DATE: 03-12-2007

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

SUSAN M GILLILAND
1737 TURNPIKE AVE APT 1
CLEARFIELD, PA 16830-0168

STATEMENT OF ACCOUNT

Debtor's Name: SUSAN M GILLILAND

Account Number: 5178052246920413

Date of Debt: November 14, 2003

Balance Due: \$4,111.70

Our File No.: 92218

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102605
NO: 07-459-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: SUSAN M. GILLILAND

FILED
07-13-2007

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, March 28, 2007 AT 11:06 AM SERVED THE WITHIN COMPLAINT ON SUSAN M. GILLILAND DEFENDANT AT 1737 TURNPIKE AVE. APT #1, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSHUA GILLILAND, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 43960G | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 43960G | 20.00 |

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

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

Our File No.: 92218
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
David J. Apothaker, Esquire
Attorney ID #38423

pd \$20.00 Atty
FILED 1cc notice to
M/1:40 cm debt
AUG 31 2007
UM 1cc & statement
William A. Shaw to Atty.
Prothonotary/Clerk of Courts

| | | |
|-------------------|---|--------------------------|
| CAPITAL ONE BANK |) | COURT OF COMMON PLEAS OF |
| |) | CLEARFIELD COUNTY |
| Plaintiff, |) | |
| vs. |) | |
| SUSAN M GILLILAND |) | NO.: 2007-459-CD |
| |) | |
| Defendant. |) | Civil Action |
| |) | |

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter a default judgment in favor of plaintiff, CAPITAL ONE BANK and against Defendant, SUSAN M GILLILAND, for failure to answer or otherwise respond to the Complaint - Civil Action.

The Complaint was served upon the defendants on March 28, 2007 by the CLEARFIELD Sheriff's Department. Copies of the proofs of service are attached hereto as Exhibit "A".

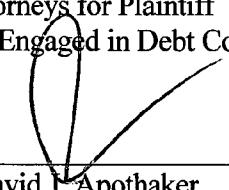
I certify, a copy of the Notice of Intention To Take Default was mailed on August 3, 2007, and also attached hereto.

Assess damages in the amount of:

| | |
|----------------------------------|-------------------|
| (a) Balance: | \$4,111.70 |
| (b) Interest from March 09, 2007 | \$111.62 |
| TOTAL | \$4,223.32 |

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

By:



David J. Apothaker

Dated: 8/22/2007

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: SUSAN M GILLILAND
1737 TURNPIKE AVE APT 1
CLEARFIELD, PA 16830-0168

| | |
|-------------------|----------------------------|
| CAPITAL ONE BANK |) COURT OF COMMON PLEAS OF |
| |) CLEARFIELD COUNTY |
| |) |
| Plaintiff, |) |
| vs. |) |
| SUSAN M GILLILAND |) NO.: 2007-459-CD |
| |) |
| Defendant. |) Civil Action |
| |) |

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

 JUDGMENT IN REPLEVIN

 JUDGMENT BY CONFESSION

 JUDGMENT FOR POSSESSION

 JUDGMENT ON AWARD OF ARBITRATORS

 JUDGMENT ON VERDICT

 JUDGMENT ON COURT FINDINGS

 JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920



Department of Defense Manpower Data Center

AUG-22-2007 12:28:07



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Service/Agency |
|-----------|--------------|------------|--|----------------|
| GILLILAND | SUSAN | | 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, 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. §§ 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

Our File No.: 92218
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

| | | |
|---------------------------|---|-----------------------|
| CAPITAL ONE BANK |) | COURT OF COMMON PLEAS |
| |) | CLEARFIELD COUNTY |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| |) | NO. 2007-459-CD |
| SUSAN M GILLILAND |) | |
| 1737 TURNPIKE AVE APT 1 |) | |
| CLEARFIELD, PA 16830-0168 |) | |
| Defendant. |) | |

**NOTICE OF INTENTION
TO TAKE DEFAULT**

TO: SUSAN M GILLILAND

DATE OF NOTICE: August 03, 2007

IMPORTANT NOTICE

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 (10) days from the date of this notice as set forth above, a judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

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

|S|

DAVID J. APOTHAKER, ESQUIRE
A Law Firm Engaged in Debt Collection
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102605
NO: 07-459-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: SUSAN M. GILLILAND

COPY

SHERIFF RETURN

NOW, March 28, 2007. AT 11:06 AM SERVED THE WITHIN COMPLAINT ON SUSAN M. GILLILAND DEFENDANT AT 1737 TURNPIKE AVE. APT #1, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSHUA GILLILAND, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 43960G | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 43960G | 20.00 |

Sworn to Before Me This

Day of March 2007

So Answers,



Chester A. Hawkins
Sheriff

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Capital One Bank

Vs.

No. 2007-00459-CD

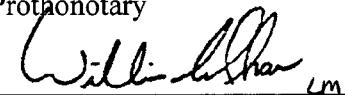
Susan M. Gilliland

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$4223.32 on August 31, 2007.

William A. Shaw

Prothonotary



William A. Shaw

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

COPIED

Capital One Bank
Plaintiff(s)

No.: 2007-00459-CD

Real Debt: \$4,223.32

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Susan M. Gilliland
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 31, 2007

Expires: August 31, 2012

Certified from the record this August 31, 2007



William A. Shaw

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