

2007-938-CD
Capital One vs Michelle Delfosse

07-938-CD
Capital One vs Michelle Delfosse

GREGG L. MORRIS, ESQ.
PATENAUDA & FELIX, A.P.C.
213 E. MAIN STREET
CARNEGIE, PA 15106
(412) 429-7675
FACSIMILE (412) 429-7679
PA ID#69006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK,

Plaintiff,

v.

MICHELLE D DELFOSSE ,

Defendant(s).

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NO. 07-938-CD

FILED *PA 685.00 AM*
6/11/07 cm 1cc Sh
JUN 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
CAPITAL ONE BANK,
Plaintiff

Counsel of Record for This Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 East Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK,)
)
Plaintiff,) NO.
)
v.)
)
MICHELLE D DELFOSSE ,)
)
Defendant.)
)

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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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 Co. Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 5982*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK,)
)
Plaintiff) NO.
)
v.)
)
MICHELLE D DELFOSSE ,)
)
Defendant.)
)

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, CAPITAL ONE BANK, by and through its attorney, GREGG L. MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

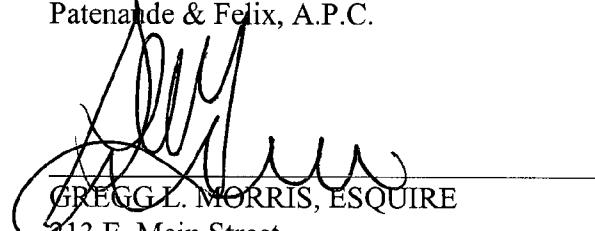
1. Plaintiff, CAPITAL ONE BANK, is a corporation and for the purpose of this litigation, maintaining a place of business c/o Patenaude and Felix, A.P.C., 213 East Main Street, Carnegie, Pennsylvania 15106.
2. Defendant is MICHELLE D DELFOSSE , an adult individual, believed to currently reside at 311 CRESSVIEW ST , IRVONA, PA 16656.
3. Defendant(s) obtained extensions of credit on the following open ended credit card account issued by CAPITAL ONE BANK being Account No. 5178052457450431 , for the purchase of goods and services.

4. The Defendant(s) made payments, but has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the said sum of \$5,148.18, plus interest and costs. An Affidavit of a representative of CAPITAL ONE BANK is attached hereto as Plaintiff's Exhibit "A" and is incorporated herein by reference.

WHEREFORE, Plaintiff demands Judgment in its favor, and against Defendant, in the amount of \$5,148.18, plus interest as attached hereto, with continuing interest thereon at the legal rate from the date of Judgment plus costs.

Respectfully Submitted:

Patenande & Felix, A.P.C.



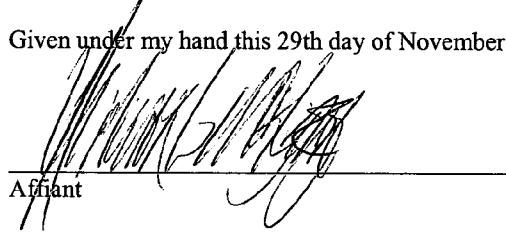
GREGG L. MORRIS, ESQUIRE
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

STATE OF GEORGIA

COUNTY OF GWINNETT

Personally appeared before me HENDERSON W MCKENZIE II, who being duly sworn, made oath that he/she is an authorized agent of CAPITAL ONE BANK, and that he/she is authorized to make this affidavit, and to the best of his/her knowledge and belief, DELFOSSE, MICHELLE D is/are justly indebted to CAPITAL ONE BANK in the sum of \$6580.15 Dollars as of 11/05/2006 with 27.74% interest from said date, and reasonable attorney fees, and that the annexed account which is made part hereof is a true and correct statement of said indebtedness. To the best of my knowledge, none of the above named defendant(s) is/are active duty in the military service of the United States or any of its allies as defined in the Soldiers and Sailor's Relief Act of 1940 with amendments.

Given under my hand this 29th day of November, 2006.


Affiant

Dudley Turner

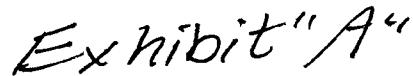
Taken, subscribed and sworn to before me, _____

Notary Public in and for the City/County and State aforesaid, in my City/County
aforesaid this 29th day of November, 2006.


Dudley Turner
Notary Public

My commission expires on DUDLEY TURNER
Notary Public, DeKalb County, Georgia
My Commission Expires January 19, 2009

A144
PATENAUME & FELIX, A.P.C
5178052457450431

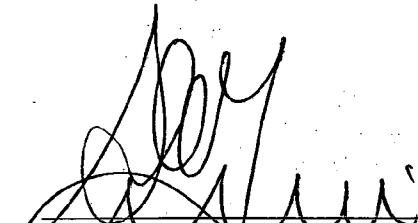

Exhibit "A"

VERIFICATION

AND NOW, Gregg L. Morris, verifies the statements made in this Complaint that are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided by him by the Plaintiff. The verification of the party will be provided if requested.

Date: _____



Gregg L. Morris, Esquire
Patenaude & Felix, A.P.C
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK)
Plaintiff) NO. 07-938-CD
MICHELLE R DeFosse)
MICHELLE R LHOTA,)
Defendant)

**PRAECIPE TO
DISCONTINUE
WITHOUT PREJUDICE
DUE TO BANKRUPTCY**

Filed on behalf of:
Capital One Bank,

Plaintiff

Counsel of Record for This
Party:

Gregg L. Morris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 East Main Street
Carnegie, PA 15106
(412) 429-7675

MICHELLE DEFOSSE 762.5088

FILED NOCC
m/2:25 pm 1Cet of
AUG 10 2007 disc issued
to ATT Morris

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK)
Plaintiff) NO. 07-938-CD
MICHELLE R DeL'Fosse)
Defendant)
v.)
MICHELLE R LIHOTA,)
Defendant)

PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE
DUE TO BANKRUPTCY

TO: Prothonotary
230 E. Market Street
Clearfield, PA 16830

Please Discontinue the matter captioned above due to Defendant's Petition for
Bankruptcy filed at Docket No. 07-70773-BM, filed in the Western District of Pennsylvania.

Thank you.

Date: _____

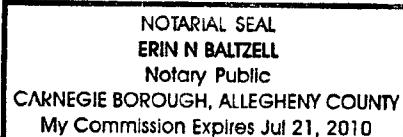
Gregg L. Morris, Esquire
Patenaude & Felix, A.P.C.
213 E. Main Street
Pittsburgh, PA 15106
(412) 429-7675

Sworn to and subscribed before me

this 10 day of August 2007,

Erin N. Baltzell

Notary Public



I, Gregg L. Morris, attorney for Plaintiff, Capital One Bank, hereby certify that a true and correct copy of foregoing document was served this date by ordinary mail upon the following:

John R. Lhota
110 North Second St.
Clearfield, PA 16830

Date: _____

Gregg L. Morris, Esquire
Paterno & Felix, APC
Attorney for Plaintiff
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Capital One Bank

Vs. **No. 2007-00938-CD**
Michelle D. Delfosse

CERTIFICATE OF DISCONTINUATION

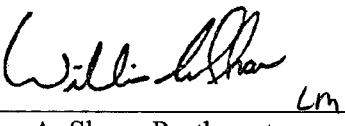
Commonwealth of PA
County of Clearfield

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 August 10, 2007, marked:

Discontinued due to Bankruptcy

Record costs in the sum of \$85.00 have been paid in full by Gregg L. Morris Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of August A.D. 2007.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102900
NO: 07-938-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: MICHELLE D. DELFOSSE

SHERIFF RETURN

NOW, June 21, 2007 AT 2:40 PM SERVED THE WITHIN COMPLAINT ON MICHELLE D. DELFOSSE DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN LHOTA, ATTORNEY FOR DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED
07/1/2007
OCT 29 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PATENAUME	14124	10.00
SHERIFF HAWKINS	PATENAUME	14124	45.19

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

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