

2007-942-CD
Capital One vs James T. Kyler

07-942-CD
Capital One vs James T. Kyler

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,) NO. 07-942-CD \$185.00 Att.
v.)
JAMES T KYLER A/K/A JAMES SR)
KYLER,)
Defendant(s).)

No CC
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m/11/40 Cm
JUN 14 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.)
JAMES T KYLER A/K/A JAMES SR)
KYLER,)
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.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK,)
Plaintiff) NO.
v.)
JAMES T KYLER A/K/A JAMES SR)
KYLER,)
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 PATENAude & 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 JAMES T KYLER A/K/A JAMES SR KYLER, an adult individual, believed to currently reside at 276 NORRIS RD , CURWENSVILLE, PA 16833-6523.
3. Defendant(s) obtained extensions of credit on the following open ended credit card account issued by CAPITAL ONE BANK being Account No. 5291152112750951 , 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 \$1,358.04, 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 \$1,358.04, plus interest as attached hereto, with continuing interest thereon at the legal rate from the date of Judgment plus costs.

Respectfully Submitted:

Patenaude & Felix, A.P.C.

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

762,5271PA

STATE OF GEORGIA

COUNTY OF GWINNETT

Personally appeared before me MAISHA DAVIS, 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, KYLER, JAMES T is/are justly indebted to CAPITAL ONE BANK in the sum of \$1786.79 Dollars as of 11/15/2006 with 26.99% 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 30th day of November, 2006.

Maish D
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 30th day of November, 2006.

Dudley Turner
Notary Public

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

A144
PATENAUME & FELIX, A.P.C
5291152112750951

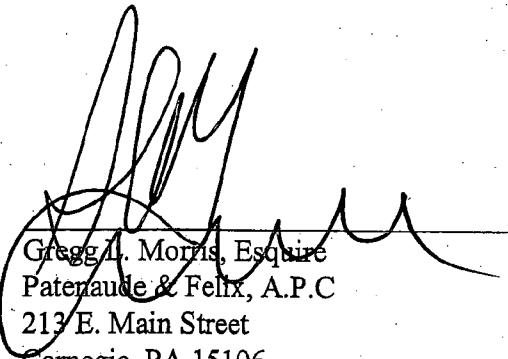
Exhibit A

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102906
NO: 07-942-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: JAMES T. KYLER aka JAMES SR KYLER

FILED
OCT 29 2007
S

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, July 03, 2007 AT 10:40 AM SERVED THE WITHIN COMPLAINT ON JAMES T. KYLER aka JAMES SR KYLER DEFENDANT AT 276 NORRIS RD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES T. KYLER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PATENAUME	14229	10.00
SHERIFF HAWKINS	PATENAUME	14229	41.28

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK)
Plaintiff) NO. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT

TO: PROTHONOTARY

Please enter a judgment against the defendant, above named, for failure to file an Answer to Plaintiff's complaint.

Amount claimed in Complaint	\$1,358.04
Interest from November 29, 2006	\$799.35
Less payments received	\$0.00
Attorney's fees	\$0.00
TOTAL	\$2,157.39

With continuing interest on the principal amount of \$2,157.39, with interest at the legal rate, plus costs of suit.

I hereby certify that a written notice of intention to file this praecipe was mailed to the defendants and defendants' counsel (if known), after the default had occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the Notice is attached.

Respectfully submitted:
Paterno & Felix, A.P.C.

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

Date: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK)
Plaintiff) NO. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF
NOTICE PURSUANT TO PA.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA)
)
 COUNTY OF CLEARFIELD) SS

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), JAMES T KYLER, is not in the military service of the United States of America to the best of his knowledge, information and belief and certifies that Notice of Intent to take Default Judgment was mailed in accordance with Pa.R.C.P.237.1, as evidenced by the attached copy.

Respectfully submitted:

Patenaude & Felix, A.P.C.

Date:

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

Sworn to and subscribed before me this
19 day of Nov., 2007.

Carol J. Stewart
Notary Public, COMMONWEALTH OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Carolyn J. Stewart, Notary Public	
Carnegie Borough, Allegheny County	
My Commission Expires Aug. 14, 2011	
Member, Pennsylvania Association of Notaries	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK)
Plaintiff) NO. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

IMPORTANT NOTICE

Filed on behalf of:
CAPITAL ONE BANK

Counsel of Record for This Party:

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

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. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

To: James T Kyler
276 Norris Rd
Curwensville Pennsylvania 16833-6523

Date of Notice: November 06, 2007

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 DAYS FROM THE DATE OF THIS NOTICE, 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, 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.

Clearfield County Courthouse
David S. Meholick, Court Administrator 230 East Market Street
Clearfield PA 16830
814-765-2641

Respectfully submitted:

[Signature]
Patenante & Felix, A.P.C.

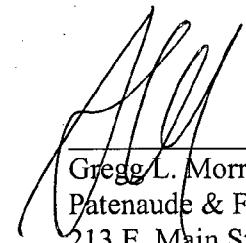
Date: _____

[Signature]
Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

I, GREGG 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:

James T Kyler
Defendant
276 Norris Rd
Curwensville PA 16833-6523

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. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

**NOTICE OF ORDER, DECREE
OR JUDGMENT**

Filed on behalf of:
CAPITAL ONE BANK

Counsel of Record for This Party:

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

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

COPY

CAPITAL ONE BANK)
Plaintiff) NO. 07-942-CD
v.)
JAMES T KYLER)
Defendant(s))

NOTICE OF ORDER, DECREE OR JUDGMENT
AGAINST JAMES T KYLER ONLY

TO: () Plaintiff (x) Defendant () Garnishee () Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on November 26, 2007.

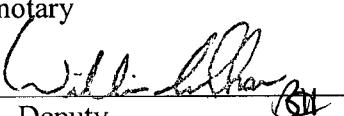
() Decree Nisi in Equity
() Final Decree in Equity
(X) Judgment of () Confession () Verdict () Court Order
(X) Default () Non-suit
() Non-Pros () Arbitration Award

(X) Judgment in the amount of \$2,157.39 plus costs.
() District Justice Transcript of Judgment in the amount of \$ _____, plus costs.
() If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation.

Prothonotary

By

Deputy



If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire
213 East Main St
Carnegie PA 15106
(412)-429-7675

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

Capital One Bank
Plaintiff(s)

No.: 2007-00942-CD

CD

Real Debt: \$2,157.39

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

James T. Kyler
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 26, 2007

Expires: November 26, 2012

Certified from the record this 26th day of November, 2007.



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