

07-1407-CD

Capital One Bank vs Dan Gearhart

113724
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
(Plaintiff)

CIVIL ACTION

c/o David J. Apothaker, Esq.
(Street Address)

No. 07-1407-CD

2417 Welsh Road Suite 21 #520
Phila., PA 19114

Type of Case: civil

(City, State ZIP)

Type of Pleading: complaint

VS.

Filed on Behalf of:

DAN BEAR HART
(Defendant)

(Plaintiff/Defendant)

207 E MARKET ST
(Street Address)

Clearfield, PA 16830
(City, State ZIP)

FILED pd \$85.00 Atty
m/12:15pm ICC SHFF
AUG 31 2007 ICC Atty

William A. Shaw
Prothonotary/Clerk of Courts

David J. Apothaker, Esquire
(Filed by)

2417 Welsh Rd Suite 21 #520
Phila., PA 19114

(Address)

215-634-8920

(Phone)

[Signature]
(Signature)

Our File No.: 113724
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
Plaintiff,

vs.

DAN GEARHART
207 E MARKET ST
CLEARFIELD, PA 16830
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 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 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 paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla 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 SUFICIENTE 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.

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Attorneys for Plaintiff

CAPITAL ONE BANK)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,)	
vs.)	
)	
DAN GEARHART)	
207 E MARKET ST)	
CLEARFIELD, PA 16830)	
Defendant.)	

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, CAPITAL ONE BANK, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is DAN GEARHART, an adult individual residing at 207 E MARKET ST CLEARFIELD, PA 16830.
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 \$10,056.68.

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 \$10,056.68 plus costs, and reasonable attorney's fees.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____

David J. Apothaker

Dated: 8/20/2007

Our File No.: 113724

VERIFICATION

Shirley Pelling, 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.

Shirley Pelling

DATE:

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DAN GEARHART
207 E MARKET ST
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name:	DAN GEARHART
Account Number:	5291151902165289
Balance Due:	\$10,056.68

Our File No.: 113724

EXHIBIT "A"

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **103153**

CAPITAL ONE BANK

Case # 07-1407-CD

vs.

DAN GEARHART

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 23, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO DAN GEARHART, DEFENDANT. 207 E. MARKET ST., CLFD. PA. IS AN ATTORNEY OFFICE.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	57104G	10.00
SHERIFF HAWKINS	APOTHAKE	57104G	16.00

FILED

01/11/45 cm
JAN 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

_____ Day of _____ 2008

So Answers,

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

413724
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
(Plaintiff)

CIVIL ACTION

c/o David J. Apothaker, Esq.
(Street Address)

No. 07-1407-CD

2417 Welsh Road Suite 21 #520 Type of Case: civil
Phila., PA 19114

(City, State ZIP)

Type of Pleading: complaint

VS.

Filed on Behalf of:

DAN GEARHART
(Defendant)

(Plaintiff/Defendant)

207 E MARKET ST
(Street Address)

Clearfield, PA 16830
(City, State ZIP)

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

AUG 31 2007

Attest.

William E. Allen
Prothonotary/
Clerk of Courts

David J. Apothaker, Esquire
(Filed by)

2417 Welsh Rd Suite 21 #520
Phila., PA 19114

(Address)

215-634-8920

(Phone)

[Signature]
(Signature)

Our File No.: 113724
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.#38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,)	
vs.)	
)	
DAN GEARHART)	
207 E MARKET ST)	
CLEARFIELD, PA 16830)	
Defendant.)	
)	

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BY: David J. Apothaker, Esq.

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

CAPITAL ONE BANK

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

DAN GEARHART

207 E MARKET ST

CLEARFIELD, PA 16830

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 Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.

2. Defendant is DAN GEARHART, an adult individual residing at 207 E MARKET ST CLEARFIELD, PA 16830.

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 \$10,056.68.

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 \$10,056.68 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: 8/20/2007

Our File No.: 113724

VERIFICATION

Shirley Kelling, 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.

Shirley Kelling

DATE:

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DAN GEARHART
207 E MARKET ST
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name:	DAN GEARHART
Account Number:	5291151902165289
Balance Due:	\$10,056.68

Our File No.: 113724

EXHIBIT "A"

Our File No.: 113724
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED

OCT 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

Cent to Atty

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS OF
C/O David J. Apothaker, Esq.	)	CLEARFIELD COUNTY
520 Fellowship Road C306)	
Mount Laurel, NJ 08054	)	NO.: 07-1407-CD
Plaintiff,)	
vs.	)	Civil Action
DAN GEARHART)	
207 E MARKET ST)	
CLEARFIELD, PA 16830)	
Defendant.)	

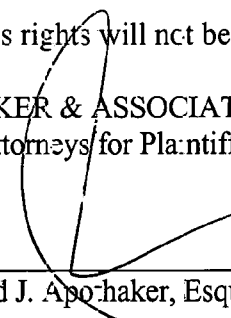
PRAECIPE TO SUBSTITUTE PARTY PLAINTIFF AS PER Pa RULE 2352 (a)

TO THE PROTHONOTARY:

Kindly substitute as Party Plaintiff, Capital One Bank (USA), N.A., in this action.

The right to substitution is based upon the following facts: Capital One Bank (USA), N.A., is the successor, who by operation of law, has succeeded to the interest of, CAPITAL ONE BANK. Defendant's rights will not be prejudiced by this change.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff

By: 
David J. Apothaker, Esquire

Dated: October 13, 2008

Our File No.: 113724
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

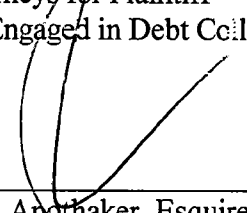
CAPITAL ONE BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	
DAN GEARHART	)	NO. 07-1407-CD
)	
Defendant.)	
)	

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: 
David J. Apothaker, Esquire

Dated: 1/29/2010

FILED *mtw/abf* *no cc*
FEB 09 2010
William A. Shaw
Prothonotary/Clerk of Courts
S *(6/6)*