

07-1515-CD
Capital One vs David L. Stewart

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

FILED *pd \$85.00 AAY*
m/2:25 am ICC AAY
SEP 14 2007
LM

William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1515-CD

Aug 29 2008 Document
Reinstated/Reissued to Sheriff Attorney
for service.

Cell
Deputy Prothonotary

COMPLAINT - CIVIL ACTION

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 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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandadas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notification. Hace falta asentar una comparencia escrita on en persona o con un abogado y entregar a la corte en forma escritas 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 notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas del las provisiones de esta demanda. Usted puede perdes dinero o us propiedadesu 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 OFFICINA CUY A DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSIGUIR ASSISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff

v.

DAVID L STEWART

AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at 1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.

8. Plaintiff was neither a volunteer nor an officious intermeddler.

9. Plaintiff is the owner of said credit account.

10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.

11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

BY 
Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF
COUNTY OF

NY Nassau

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to

CAPITAL ONE BANK

by

DAVID L STEWART

JULIE A STEWART

STEWART, JULIE A

for funds advanced to defendant(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK
4388641406423199

\$13703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 20at
17
Notary Public

My Commission Expires: _____

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EE0
TA, INC.

William R. Macky
Affiant

Agent
Title

James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: _____

8/4/07

By: _____



Ron Z. Opher
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **103200**

CAPITAL ONE BANK

Case # 07-1515-CD

vs.

DAVID L. STEWART aka DAVID L. LSTEWART and JULIE A. STEWART

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 30, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO DAVID L. STEWART AKA DAVID L. LSTEWART, DEFENDANT. ATTEMPTED, NO RESPONSE

SERVED BY: /

FILED

01/30/2008
JAN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket # **103200**

CAPITAL ONE BANK

Case # 07-1515-CD

vs.

DAVID L. STEWART aka DAVID L. LSTEWART and JULIE A. STEWART

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 30, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO JULIE A. STEWART, DEFENDANT. ATTEMPTED, NO RESPONSE

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103200
NO: 07-1515-CD
SERVICES 2
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: DAVID L. STEWART aka DAVID L. LSTEWART and JULIE A. STEWART

SHERIFF RETURN

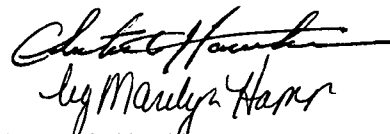
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BLATT	5340	10.00
SURCHARGE	BLATT	5341	10.00
SHERIFF HAWKINS	BLATT	5340	55.86

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

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

SEP 14 2007

Attest.

William R. Opher
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1515-CD

COMPLAINT - CIVIL ACTION

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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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 notification. Hace falta asentar una comparencia escrita on en persona o con un abogado y entregar a la corte enforma escritas 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 notification. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas del las provisiones de esta demanda. Usted puede perdes dinero o us propiedadesu 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 OFFICINA CUY A DIRECCION SE
ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR
DONDE SE PUEDE CONSIGUIR ASSISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff

v.

DAVID L STEWART

AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK

DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at 1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.

8. Plaintiff was neither a volunteer nor an officious intermeddler.

9. Plaintiff is the owner of said credit account.

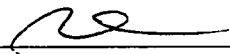
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.

11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

BY



Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF NY
COUNTY OF Nassau

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to
CAPITAL ONE BANK
by
DAVID L STEWART
JULIE A STEWART
STEWART, JULIE A

for funds advanced to defendants(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK
4388641406423199

\$13703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 2007
Notary Public [Signature]

My Commission Expires: _____

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EEO
TA, INC.

[Signature]
Affiant

Agent
Title

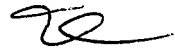
James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 9/4/07

By: 
Ron Z. Opher
Attorney for Plaintiff

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

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

SEP 14 2007

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

Attest.

William A. Opher
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO.

07-1515-C

COMPLAINT - CIVIL ACTION

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 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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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 notification. Hace falta asentar una comparencia escrita on en persona o con un abogado y entregar a la corte en forma escritas 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 notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas del las provisiones de esta demanda. Usted puede perdes dinero o us propiedadesu 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 OFFICINA CUY A DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSIGUIR ASSISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at 1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.

8. Plaintiff was neither a volunteer nor an officious intermeddler.

9. Plaintiff is the owner of said credit account.

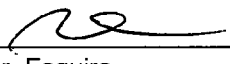
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.

11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

BY



Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF
COUNTY OF

NY
Kassa

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to
CAPITAL ONE BANK

by

DAVID L STEWART
JULIE A STEWART
STEWART, JULIE A

for funds advanced to defendants(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK
4388641406423199

\$13703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 20at

Notary Public

My Commission Expires: _____

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EE0
TA, INC.

Michael R. Mackay
Affiant

Agent
Title


James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 9/4/07

By: 
Ron Z. Opher
Attorney for Plaintiff

Blatt, Hasenmiller, Leibsker & Moore, LLC
David C. Jenkins
Attorney I.D. #85769
P.O. Box C3800
Southeastern, PA 19398
800-850-1079

Attorney for Plaintiff,
Capital One Bank

CAPITAL ONE BANK,	IN THE COURT OF COMMON PLEAS
Plaintiff,	CLEARFIELD COUNTY, PENNSYLVANIA
vs.	CIVIL ACTION
DAVID L. STEWART and JULIE A. STEWART,	No. 07-1515-CD
Defendants.	

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Kindly **ENTER** my appearance on behalf of **PLAINTIFF CAPITAL ONE BANK** in
the above-captioned matter.


Papers may be serviced at the address set forth below:

Blatt, Hasenmiller, Leibsker & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398

**BLATT, HASENMILLER, LEIBSKER
& MOORE, LLC**

Dated: March 20, 2008

By:


David C. Jenkins

FILED *no cc*
m 19:01/201
APR 09 2008 *GP*
William A. Shaw
Prothonotary/Clerk of Courts

Blatt, Hasenmiller, Leibsker & Moore, LLC
David C. Jenkins
Attorney I.D. #85769
P.O. Box C3800
Southeastern, PA 19398
800-850-1079

Attorney for Plaintiff,
CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK

FILED

AUG 29 2008
7:11:45 PM
William A. Shaw
Prothonotary/Clerk of Courts
w/c

CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK
c/o Blatt, Hasenmiller, Leibsker & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff,

vs.

DAVID L STEWART .
STEWART, JULIE A
1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant(s).

IN THE COURT OF COMMON PLEAS

CLEARFIELD COUNTY, PA

CIVIL ACTION

No. 07-1515-CD

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Kindly **ENTER** my appearance in the above-captioned matter on behalf of **PLAINTIFF**

CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK.


Papers may be served at the address set forth below:

Blatt, Hasenmiller, Leibsker & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398

Telephone Number: 1-800-850-1079 ext. 4151

**BLATT, HASENMILLER, LEIBSKER
& MOORE, LLC**

Dated: August 23, 2008

By: 
David C. Jenkins

Blatt, Hasenmiller, Leibsker & Moore, LLC
David C. Jenkins
Attorney I.D. #85769
P.O. Box C3800
Southeastern, PA 19398
800-850-1079

Attorney for Plaintiff,
CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK

CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK
c/o Blatt, Hasenmiller, Leibsker & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff,

vs.

DAVID L STEWART
STEWART, JULIE A
1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant(s).

IN THE COURT OF COMMON PLEAS

CLEARFIELD COUNTY, PA

CIVIL ACTION

No. 07-1515-CD

FILED

AUG 29 2008

M/11:45/
William A. Shaw
Prothonotary/Clerk of Courts

REINSTATED

PRAECIPE TO REINSTATE COMPLAINT

Complaint
TO STATE &
ATT

TO THE PROTHONOTARY:

Kindly **REINSTATE** the Complaint filed in the above-captioned matter.

Respectfully submitted,

**BLATT, HASENMILLER, LEIBSKER
& MOORE, LLC**

Dated: August 23, 2008

By: _____

David C. Jenkins

1963566
PPTJPRCI

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

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

SEP 14 2007

Attest.

William A. B...
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1515-CD

~~SE~~ Aug. 29, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. B...
Deputy Prothonotary

COMPLAINT - CIVIL ACTION

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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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 on en persona o con un abogado y entregar a la corte en forma escritas 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 demandante y requiere que usted cumpla con todas del 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.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

COPY

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART,DAVID,L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at 1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.

8. Plaintiff was neither a volunteer nor an officious intermeddler.

9. Plaintiff is the owner of said credit account.

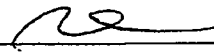
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.

11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

BY




Ron Z. Opher, Esquire
Attorney for Plaintiff

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 9/4/07

By: 
Ron Z. Opher
Attorney for Plaintiff

STATE OF NY
COUNTY OF Nassau

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to

CAPITAL ONE BANK

by

DAVID L STEWART

JULIE A STEWART

STEWART, JULIE A

for funds advanced to defendant(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK

4388641406423199

\$13703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 2007
Notary Public [Signature]

My Commission Expires: _____

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EB0
TA, INC.

[Signature]
Affiant

Agent
Title

James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 07-1515-CD

CAPITAL ONE BANK

vs

DAVID L. STEWART and JULIE A. STEWART
COMPLAINT

SERVICE # 2 OF 2

*Turn onto Crooked Island
10th house on left.*

SERVE BY: 09/28/2008

HEARING:

PAGE: 104590

DEFENDANT: JULIE A. STEWART
ADDRESS: 1048 TREASURE LAKE
DUBOIS, PA 15801

*Sect 5
Lot 78*

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

*9-18-08 - N/A
left voice*

09-19-08 N/A

09-30-08 Home/Expired

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON JULIE A. STEWART, DEFENDANT

BY HANDING TO _____ / _____

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED _____

FILED

*09-30-08
OCT 01 2008*

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR JULIE A. STEWART

*William A. Shaw
Prothonotary/Clerk of Courts*

AT (ADDRESS) _____

NOW 10-01-08 AT 3:50 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO JULIE A. STEWART

REASON UNABLE TO LOCATE UNABLE TO make Contact with DEFENDANT

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Choquet
Deputy Signature

Mark A. Choquet
Print Deputy Name

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104590**

DEAR JULIE A. STEWART

Would you please contact the Sheriff's Office EXTENSION **1360** concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104590**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

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

SEP 14 2007

Attest.

Willie L. H.
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1515-CD

Aug. 29, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Willie L. H.
Deputy Prothonotary

COMPLAINT - CIVIL ACTION

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 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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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 on en persona o con un abogado y entregar a la corte en forma escritas 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 demandante y requiere que usted cumpla con todas del 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.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

1963566
PPTCHDFI

COPY

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at
1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at
issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions
linked thereto.
4. After applying all known charges and payments to said account, the balance is
\$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the
contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure
and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

COUNT TWO

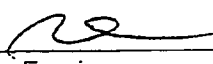
Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.
8. Plaintiff was neither a volunteer nor an officious intermeddler.
9. Plaintiff is the owner of said credit account.
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.
11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

BY

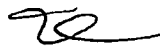

Ron Z. Opher, Esquire
Attorney for Plaintiff

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 9/4/07

By: 
Ron Z. Opher
Attorney for Plaintiff

STATE OF NY
COUNTY OF Kassa

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to

CAPITAL ONE BANK

by

DAVID L STEWART

JULIE A STEWART

STEWART, JULIE A

for funds advanced to defendant(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK

4388641406423199

\$12703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 20at
17

Notary Public

My Commission Expires: _____

James J. Flood III
Affiant

Agent

Title

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EB0
TA, INC.

James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 07-1515-CD

CAPITAL ONE BANK

vs

DAVID L. STEWART and JULIE A. STEWART
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 09/28/2008

HEARING:

PAGE: 104590

DEFENDANT: DAVID L. STEWART
ADDRESS: 1048 TREASURE LAKE
DUBOIS, PA 15801

375 - 0772
sect 5
LOT 78

"T" MAKE (L) at 4-way
MAKE (R) - MAKE (L) onto
ADM DUNBAR - LAST HOUSE
on right before Riptide

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

9-18-08 - N/A
left notice

09-17-08 N/A

09-30-08 Home EXP. 2008

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON DAVID L. STEWART, DEFENDANT

BY HANDING TO _____ / _____

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED _____

FILED

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

03:55 Lm
OCT 01 2008

COMPLAINT FOR DAVID L. STEWART

AT (ADDRESS) _____

William A. Shay
Prothonotary/Clerk of Courts

NOW 10-01-08 AT 3:50 AM / (PM) AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DAVID L. STEWART

REASON UNABLE TO LOCATE UNABLE TO MAKE Contact WITH DEFENDANT

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Conner
Deputy Signature

Mark A. Conner
Print Deputy Name

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

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

SEP 14 2007

Attest.

William J. Opher
Prothonotary
Clark of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1515-CD

Aug. 29, 2008 Document
Reinstated/Reissued to Sheriff Attorney
for service.

William J. Opher
Deputy Prothonotary

COMPLAINT - CIVIL ACTION

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 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.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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 on en persona o con un abogado y entregar a la corte en forma escritas 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 demandante y requiere que usted cumpla con todas del 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 OFFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSIGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

COPY

Blatt, Hasenmiller, Leibsker & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibsker & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

DAVID L STEWART
AKA LSTEWART, DAVID, L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **DAVID L STEWART**, an adult individual located at 1048 TREASURE LK DU BOIS PA 15801-9025.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13703.14. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

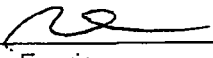
COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.
8. Plaintiff was neither a volunteer nor an officious intermeddler.
9. Plaintiff is the owner of said credit account.
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.
11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13703.14, and costs of this action.

Dated: August 17, 2007

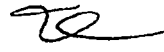
BY 
Ron Z. Opher, Esquire
Attorney for Plaintiff

VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 9/4/07

By: 
Ron Z. Opher
Attorney for Plaintiff

STATE OF NY
COUNTY OF Suffolk

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to
CAPITAL ONE BANK
by
DAVID L STEWART
JULIE A STEWART
STEWART, JULIE A

for funds advanced to defendant(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER

CURRENT BALANCE

CAPITAL ONE BANK
4388641406423199

\$13703.14

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

3 day of July, 2007
Notary Public [Signature]

My Commission Expires: _____

Date of Service: ____/____/20____

Reference #: 1963566
Forwarder ID #: 851050294
Account #: 4388641406423199

BAFF(11/02)EE0
TA, INC.

[Signature]
Affiant

Agent
Title

James J. Flood III
Notary Public, State of New York
Reg. #01FL6142574
Qualified in Suffolk County
My Commission Expires 03/20/2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104590
NO: 07-1515-CD
SERVICES 2
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: DAVID L. STEWART and JULIE A. STEWART

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BLATT	13391	20.00
SHERIFF HAWKINS	BLATT	13391	63.46

5
9/3/14
13

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK
Plaintiff

vs.

DAVID L. STEWART and JULIE A. STEWART,
Defendants

* NO. 2007-1515-CD
*
*
*
*
*

ORDER

NOW, this 24th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,



FREDRICK J. AMMERMAN
President Judge

0/8.37m
JUN 25 2013

William A. Shaw
Prothonotary Clerk of Courts

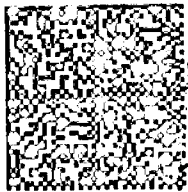
icc Ask Jenkins
icc debts
Gib

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

FILED
JUL 08 2013
M/8:37/LG
William A. Shaw
Prothonotary/Clerk of Courts

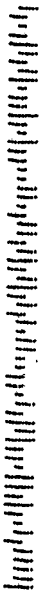
FORWARDING
TIME EXPIRED

David C. Jenkins, Esq.
Blatt, Hasenmiller, Leisker & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398



Hasler

016H26524836
\$00.460
06/26/2013
Mailed From 16830
US POSTAGE



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

CAPITAL ONE BANK
Plaintiff

vs.

DAVID L. STEWART and JULIE A. STEWART,
Defendants


*
*
*
*
*

NO. 2007-1515-CD

ORDER

NOW, this 24th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,


FREDRICK J. AMMERMAN
President Judge

I have by certified mail sent a true and attested copy of the original statement filed in this case.

JUN 28 2013

Attest.


Prothonotary/
Clerk of Courts