

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

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

pd \$85.00 Atty
FILED
m 12:25 pm 1cc Atty
SEP 14 2007
i/n

William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibske & 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 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Cel
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 en persona 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 notification. Ademas, 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 o otros derechos importantes para usted.

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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 CONSIGUIR ASSISTENCIA LEGAL.**

SERVICIO DE REFERENCIA LEGAL
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Blatt, Hasenmiller, Leibske & 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, Leibske & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

Plaintiff

v.

DAVID L STEWART

AKA LSTEWART,DAVID,L

NO. _____

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

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

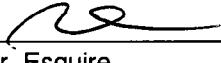
Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

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 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, 20 07

Notary Public

My Commission Expires: _____

James J. Flood III
Affiant

Agent
Title

Date of Service: _____ / _____ /20 _____

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

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

BAFF(11/02)EEO
TA, INC.

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: RZ
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
WAS
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

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

Blatt, Hasenmiller, Leibske & 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 E. Opher
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibske & 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

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AVISO

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

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

Plaintiff

v.

DAVID L STEWART

AKA LSTEWART,DAVID,L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

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 *Westchester*

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, 20 07

Notary Public

My Commission Expires: _____

Date of Service: _____ / _____ /20 _____

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

BAFF(11/02)EE0
TA, INC.

Michele Kennedy
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: RZ

Ron Z. Opher
Attorney for Plaintiff

Blatt, Hasenmiller, Leibscher & 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

William L. Brown
Prothonotary/
Clerk of Courts

Attest

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

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

DAVID L STEWART
AKA LSTEWART,DAVID,L

STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Plaintiff

v.

CIVIL ACTION - LAW

NO. OF 155

NO. 87-1573

Defendant

COMPLAINT - CIVIL ACTION

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SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION

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Blatt, Hasenmiller, Leibske & 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, Leibske & Moore LLC : IN THE COURT OF COMMON PLEAS
P.O. Box C3800 : CLEARFIELD COUNTY, PA
Southeastern, PA 19398 :
Plaintiff :
v. :
DAVID L STEWART :
AKA LSTEWART,DAVID,L :
STEWART, JULIE A :
1048 TREASURE LK :
DU BOIS PA 15801-9025 :
Defendant :
:

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.
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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 *Suffolk*

EXHIBIT

AFFIDAVIT OF INDEBTEDNESS

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

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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):

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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, 2004
17

Notary Public

My Commission Expires: _____

Date of Service: _____ / _____ /20 _____

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

BAFF(11/02)EE0
TA, INC.

James J. Flood III
Affiant

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: RZ
Ron Z. Opher
Attorney for Plaintiff

Blatt, Hasenmiller, Leibske & 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,

Plaintiff,

vs.

DAVID L. STEWART and
JULIE A. STEWART,

Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 07-1515-CD

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, Leibske & Moore, LLC
P.O. Box C3800
Southeastern, PA 19398

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

Dated: March 20, 2008

By:


David C. Jenkins

FILED
m 19:01 6/1 APR 09 2008
NO CC
GK

William A. Shaw
Prothonotary/Clerk of Courts

Blatt, Hasenmiller, Leibske & 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

My 11:45/2
William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK
c/o Blatt, Hasenmiller, Leibske & 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

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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.

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Blatt, Hasenmiller, Leibske & 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, Leibske & 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, Leibske & Moore, LLC
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Plaintiff,

vs.

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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

WILLIAM A. SHAW
Prothonotary/Clerk of Courts

REINSTATE

(copy returned
TO STEWART
ATT

PRAECIPE TO REINSTATE COMPLAINT

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, Leibske & 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.

W. L. Opher
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibske & 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

Set Aug. 29, 2007
Document
Reinstated/Reissued to *Sheriff, Attorney*
for service.

W. L. 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 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 defendese 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 o 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 defende, 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 las provisiones de esta demanda. Usted puede perdes dinero o us propriedades otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO
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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 CONSIGUIR ASSISTENCIA LEGAL

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1-800-692-7375

COPY

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

CAPITAL ONE BANK: : IN THE COURT OF COMMON PLEAS
c/o Blatt, Hasenmiller, Leibske & Moore LLC : CLEARFIELD COUNTY, PA
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 :
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.

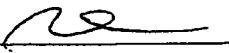
COUNT TWO

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
Ron Z. Opher
Attorney for Plaintiff

STATE OF *NY*
COUNTY OF *Wester*

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, 20 07

Notary Public

My Commission Expires: _____

Date of Service: _____ / _____ /20 _____

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

BAFF(11/02)EEO
TA, INC.

James J. Flood III
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 right onto Chacoal Islands
10th house on left.

SERVE BY: 09/28/2008 HEARING: 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 09-19-08 N/A 09-30-08 Home Expired
left voice

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**

13:55pm
NOW _____ AT _____ AM / PM POSTED THE WITHIN
OCT 01 2008

COMPLAINT FOR JULIE A. STEWART

LS 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. Cawley
Deputy Signature

Mark A. Cawley
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, Leibske & 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.

Wendy
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibske & 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.

Wendy
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.

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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 defendese 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 o 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 defende, 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 las provisiones de esta demanda. Usted puede perdes dinero o us propriedades u otros derechos importantes para usted.

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ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR
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SERVICIO DE REFERENCIA LEGAL
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HARRISBURG, PA 17108
1-800-692-7375

COPY

Blatt, Hasenmiller, Leibske & 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, Leibske & Moore LLC : IN THE COURT OF COMMON PLEAS
P.O. Box C3800 : CLEARFIELD COUNTY, PA
Southeastern, PA 19398

Plaintiff
v.
DAVID L STEWART
AKA LSTEWART,DAVID,L : NO. _____
STEWART, JULIE A

1048 TREASURE LK
DU BOIS PA 15801-9025

Defendant

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.

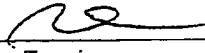
COUNT TWO

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	\$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, 20 07

Notary Public

My Commission Expires: _____

Date of Service: _____ / _____ /20 _____

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

BAFF(11/02)EBO
TA, INC.

James J. Flood III
Affiant

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

375-0172
Sect 5
LOT 78

ALTERNATE ADDRESS

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

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

09-30-08 Home

EXPIRED

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

03:55 pm

NOW _____ AT _____ AM / PM POSTED THE WITHIN OCT 01 2008

COMPLAINT FOR DAVID L. STEWART

AT (ADDRESS) _____


William A. Shaw
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

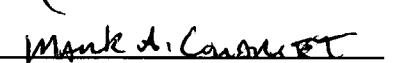
SWORN TO BEFORE ME THIS

____ DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: 

Deputy Signature


Print Deputy Name

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

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Attest.

Wendy
Prothonotary/
Clerk of Courts

CAPITAL ONE BANK:
c/o Blatt, Hasenmiller, Leibske & 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
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Wendy
Deputy Prothonotary

COMPLAINT - CIVIL ACTION

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P.O. BOX 1865
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1-800-692-7375

COPY

Blatt, Hasenmiller, Leibske & 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, Leibske & Moore LLC	IN THE COURT OF COMMON PLEAS
P.O. Box C3800	CLEARFIELD COUNTY, PA
Southeastern, PA 19398	
	Plaintiff
	v.
DAVID L STEWART	
AKA LSTEWART, DAVID, L	NO. _____
STEWART, JULIE A	
1048 TREASURE LK	
DU BOIS PA 15801-9025	
	Defendant

COMPLAINT - CIVIL ACTION

COUNT ONE

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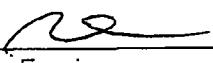
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BY 
Ron Z. Opher, Esquire
Attorney for Plaintiff

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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;
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DATED: 9/4/07

By: Ron Z. Opher
Ron Z. Opher
Attorney for Plaintiff

STATE OF *NY*
COUNTY OF *Westchester*

EXHIBIT

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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
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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, 20 07

Notary Public

My Commission Expires: _____

Date of Service: _____ / _____ /20 _____

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

BAFF(11/02)EBO
TA, INC.

Michael Kennedy
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
01314301
CHESHER HAWKINS
SHERIFF

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

* NO. 2007-1515-CD

Plaintiff

*

vs.

*

DAVID L. STEWART and JULIE A. STEWART,

*

Defendants

*

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,



FREDRIC J. AMMERMAN
President Judge

6/24/2013
S 018:37pm
JUN 25 2013
William A. Shaw
Prothonotary Clerk of Courts

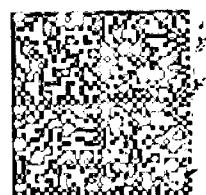
ICC ASK Jenkins
ICC docket
616

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

LED
JUL 08 2013
M/837/LG
William A. Shaw
Prothonotary/Clerk of Courts

David C. Jenkins, Esq.
Blatt, Hasenmiller, Leibsker & Moore, LLC
P.O. Box C3000
Southeastern, PA 19398

~~FORWARDING
TIME EXPIRED~~



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Jenkins
Jenkins

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

CAPITAL ONE BANK	*	NO. 2007-1515-CD
Plaintiff	*	
vs.	*	
DAVID L. STEWART and JULIE A. STEWART,	*	
Defendants	*	

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,


FREDRIC J. AMMERMAN
President Judge

I hereby certify that I have read and understood the above and original statement filed in this case.

June 24, 2013

Attest.


William H.
Prothonotary/
Clerk of Courts