

07-1616-CD  
Capital One vs Robert Lutz

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

CAPITAL ONE BANK

Plaintiff

No: 07-1616-CD

vs.

COMPLAINT IN CIVIL ACTION

ROBERT A LUTZ

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06118797 C N Pit SJS

FILED  
10/30/07  
OCT 03 2007  
Atty pd.  
85.00  
W.A. Shaw  
Prothonotary/Clerk of Courts  
ICC Sheriff

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No

ROBERT A LUTZ

Defendant

COMPLAINT AND 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 that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK is a corporation with offices at 140 EAST SHORE DR GLEN ALLEN , VA 23059 .

2. Defendant is adult individual(s) residing at the address listed below:

ROBERT A LUTZ  
1303 ATLANTIC AVE  
HOUTZDALE, PA 16651

3. Defendant applied for and received a credit card bearing the account number 5291151850776202 .

4. Defendant made use of said credit card and has a current balance due of \$1297.86 , as of August 29, 2007 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 28.490% per annum on the unpaid balance from August 29, 2007 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant, ROBERT A LUTZ, INDIVIDUALLY, in the amount of \$1297.86 with continuing interest thereon at the rate of 28.490% per annum from August 29, 2007 plus costs.

  
James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
435 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06118797 C N Pit SJS

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

6118797

## R9 CREDIT RATING

**CapitalOne**  
 what's in your wallet?

045

## Your account is about to charge off as a bad debt.

- We report an R9 rating to credit bureaus when an account charges off.
- Lenders and employers nationwide can access credit bureau reports.
- An R9 will limit our ability to offer you financial solutions.
- You will still be responsible for repaying the debt.

### Good news – it's not too late.

- Call 1-800-955-6600 for payment options.
- Pay with our free Check by Phone service.
- If you have online account access, log on to your account and pay now at [www.capitalone.com](http://www.capitalone.com).
- If you prefer, simply use the remittance coupon below.

The purpose of this letter is to collect a debt. Any information obtained will be used for that purpose.  
 © 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

045-0404

**CapitalOne**

PLATINUM MASTERCARD ACCOUNT

FEB 28 - MAR 27, 2006

Page 1 of 1

#### Account Summary

Previous Balance	\$830.12
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$18.17
 New Balance	 \$883.29
Minimum Amount Due	\$883.29
Payment Due Date	April 27, 2006
 Total Credit Line	 \$500
Total Available Credit	\$0.00
Credit Line for Cash	\$500
Available Credit for Cash	\$0.00

#### Payments, Credits and Adjustments

##### Transactions

1	27 MAR	CAPITAL ONE MONTHLY MEMBER FEE	\$6.00
2	27 MAR	PAST DUE FEE	29.00

You were assessed a past due fee of \$29.00 on 03/27/2006 because your minimum payment was not received by the due date of 03/27/2006. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

#### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

For free online account service and special customer offers, log on to:  
[www.capitalone.com](http://www.capitalone.com)

Send payments to: Send inquiries to:  
 Attn: Remittance Processing Capital One  
 Capital One Bank Capital One  
 P.O. Box 790216 P.O. Box 30285  
 St. Louis, MO 63179-0216 SLC, UT 84130-0285

#### Important Account Information

Please review the enclosed privacy information and retain it with your account records. Also visit [www.capitalone.com/creditcards](http://www.capitalone.com/creditcards) and click on the Visit the Guide to Benefits link to learn about your latest Visa, or MasterCard, account benefits. The descriptions in this online guide replace any information you received in the past. For a printed copy of the Guide to Benefits, call the Customer Relations number on the back of your card.

46281S

# EXHIBIT

Finance Charges				Please see reverse side for important information	
	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE	
PURCHASES	\$527.33	.07737% P	28.24%	\$11.42	
CASH	\$311.72	.07737% P	28.24%	\$6.75	

ANNUAL PERCENTAGE RATE applied this period

28.24%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

**CapitalOne**

0000000 0 5291151850776202 27 088329003000883292

New Balance	\$883.29
Minimum Amount Due	\$883.29
Payment Due Date	April 27, 2006
Total enclosed	\$ <input type="text"/>
Account Number:	5291-1518-5077-6202

Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	
Email Address <input type="text"/>		

Capital One Bank  
 P.O. Box 790216  
 St. Louis, MO 63179-0216

#9008735542389766# MAIL ID NUMBER  
 ROBERT A LUTZ  
 1303 ATLANTIC AVE  
 HOUTZDALE PA 16651-9216

046281



VERIFICATION

CAPITAL ONE BANK

vs

LUTZ, ROBERT A

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that he/she is, ANNE SIMONSEN, Authorized Agent, of CAPITAL ONE BANK, Plaintiff Herein, that he/she is duly authorized to make this Declaration, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.



ANNE SIMONSEN



Notary Public

MARITZA L. ROBERTS  
NOTARY PUBLIC DEKALB COUNTY, GA  
MY COMMISSION EXPIRES 4-10-2011

5291151850776202

A049

WELTMAN, WEINBERG & REIS CO., L.P.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103266  
NO: 07-1616-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: ROBERT A. LUTZ

**SHERIFF RETURN**

NOW, October 16, 2007 AT 11:33 AM SERVED THE WITHIN COMPLAINT ON ROBERT A. LUTZ DEFENDANT AT 1303 ATLANTIC AVE., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BARBRA LUTZ, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3010359	10.00
SHERIFF HAWKINS	WELTMAN	3010359	35.46

**FILED**  
6/2/08 CM  
FEB 04 2008  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

Day of 2008  
2007

So Answers,

*Chester A. Hawkins*  
*by Marly Hanks*  
Chester A. Hawkins  
Sheriff

**FILED**

JUN 04 2008

12-501  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Cont. 7 Notice  
to Dens

CAPITAL ONE BANK

Plaintiff No. 07-1616-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

ROBERT A LUTZ

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06118797  
Judgment Amount \$ 1573.41

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-1616-CD

ROBERT A LUTZ

Defendant

**PRAECEPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, ROBERT A LUTZ above named, in the default of an Answer, in the amount of \$1573.41 computed as follows:

Amount claimed in Complaint	\$ 1,297.86
Interest from 08/29/07 to 05/27/08 at the legal interest rate of 28.490 % per annum	\$275.55
<b>TOTAL</b>	<b>\$1573.41</b>

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 

WILLIAM T. MOLOZAN, ESQUIRE  
PA I.D.#47437

Weltman, Weinberg & Reis Co., L.P.A.  
2718 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06118797

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219

And that the last known address of the Defendant is: 1303 ATLANTIC AVE

HOUTZDALE, PA 16651

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-1616-CD

ROBERT A LUTZ

Defendant

NOTICE OF JUDGMENT OR ORDER

TC:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 5-4-08

Assumpsit Judgment in the amount  
of \$1573.41 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

Entry of Judgment of  
 Court Order  
 Non-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By:   
PROTHONOTARY (OR DEPUTY)

ROBERT A LUTZ  
1303 ATLANTIC AVE  
HOUTZDALE, PA 16651

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-838-434-0085

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

CAPITAL ONE BANK

Case no: 07-1616-CD

Plaintiff  
vs.

**NON-MILITARY AFFIDAVIT**

ROBERT A LUTZ

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, ROBERT A LUTZ is not in the military service.

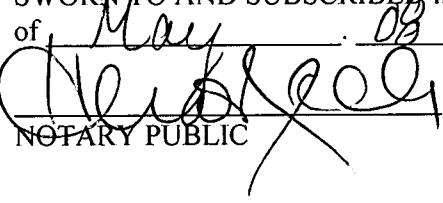
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, ROBERT A LUTZ is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 27 day

of May 08

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Heidi J. Kelly, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Nov. 4, 2009

Member, Pennsylvania Association of Notaries

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

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

CAPITAL ONE BANK

Plaintiff

case # 57-1616-CD

ROBERT A LUTZ

Defendant(s)

IMPORTANT NOTICE

TO: ROBERT A LUTZ  
1303 ATLANTIC AVE  
HOOTZDALE, PA 16651

Date of Notice: 12-17-07  
WWR#: 0618797

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 1300-1301

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 KOPPERES BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

Department of Defense Manpower Data Center

MAY-27-2008 09:36:21



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LUTZ	ROBERT A		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

---

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. § 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID: BHUSWYCKPTF*

5 **FILED** pd \$20.00 Atty  
m/230pm ICC + 1 cert of  
NOV 13 2008 Sat issued to  
Atty.  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff No. 07-1616-CD

vs. PRAECIPE FOR SATISFACTION OF  
ROBERT A LUTZ JUDGMENT

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA ID# 47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06118797

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 07-1616-CD

ROBERT A LUTZ

Defendant

**PRAECIPE FOR SATISFACTION OF JUDGMENT**

At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned Judgment.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: William T. Molczan  
William T. Molczan, Esquire  
PA ID# 47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #06118797

Sworn to and subscribed  
before me this 7<sup>th</sup>  
day of November, 08

JMB  
NOTARY PUBLIC

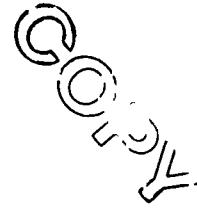
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Jennifer M. Borowski, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Feb. 22, 2012  
Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



**CERTIFICATE OF SATISFACTION OF JUDGMENT**

No.: 2007-01616-CD

Capital One Bank

Debt: \$1573.41

Vs.

Atty's Comm.:

Robert A. Lutz

Interest From:

Cost: \$7.00

NOW, Thursday, November 13, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 13th day of November, A.D. 2008.

Will Lutz LM  
\_\_\_\_\_  
Prothonotary