

07-1640-CD
Capital One vs Mary H. Barba

FILED

OCT 09 2007

11:50/wn

William A. Shaw
Prothonotary/Clerk of Courts

1 sent to SHAW

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

CAPITAL ONE BANK

Plaintiff

vs.

MARY H BARBA

Defendant

No: 2007-1640-CV

COMPLAINT IN CIVIL ACTION

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
06015248 C A Pit BNT

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

MARY H BARBA

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 6851 JERICHO TURNPIKE #190 SYOSSET , NY 11791 .

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

MARY H BARBA
605 E 11TH ST
CLEARFIELD, PA 16830

3. Defendant applied for and received a credit card bearing the account number 4388641909169836 .

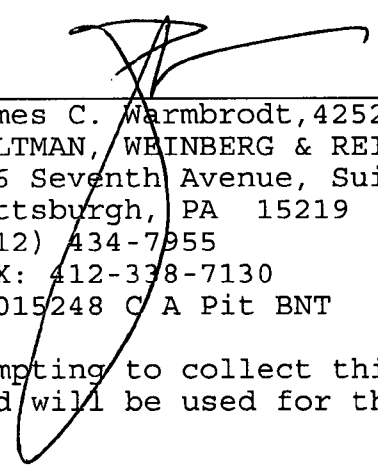
4. Defendant made use of said credit card and has a current balance due of \$2114.04 , as of September 17, 2007 .

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 25.740% per annum on the unpaid balance from September 17, 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 , MARY H BARBA , INDIVIDUALLY , in the amount of \$2114.04 with continuing interest thereon at the rate of 25.740% per annum from September 17, 2007 plus costs.



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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.

Your account is delinquent.

We want to help!



Take Action!
Call Today!

- To protect your credit with us, you need to make a payment.
- We can help—but only if you call us.
- When you call, you can make a free check-by-phone payment.

Return your account to good standing.
It's up to you to take the first step.
Call us!

1-800-479-7231

© 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

051-0404

CapitalOne

GOLD VISA ACCOUNT
4388-6419-0916-9836

OCT 18 - NOV 17, 2004
Page 1 of 1

Account Summary

Previous Balance	\$1,115.66
Payments, Credits and Adjustments	\$0.00
Transactions	\$41.00
Finance Charges	\$24.65
New Balance	\$1,181.31
Minimum Amount Due	\$1,181.31
Payment Due Date	December 17, 2004
Total Credit Line	\$800
Total Available Credit	\$0.00
Credit Line for Cash	\$800
Available Credit for Cash	\$0.00

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

Send payments to:
Attn: Remittance Processing
Capital One Services
P.O. Box 85147
Richmond, VA 23276

Send inquiries to:
Capital One Services
P.O. Box 85015
Richmond, VA 23285-5015

Important Account Information

We would like to take this opportunity to inform you that we may report information about your account to credit bureaus. The reporting of your account information to credit bureaus contributes to your overall credit profile. Late payments, missed payments or other defaults on your account may also be reflected in your credit report.

Payments, Credits and Adjustments

Transactions

1	17 NOV	CAPITAL ONE MONTHLY MEMBER FEE	\$6.00
2	17 NOV	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 11/17/2004 because your minimum payment was not received by the due date of 11/17/2004. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

EXHIBIT

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,127.73	.07052% P	25.74%	\$24.65
CASH	\$0.00	.07052% P	25.74%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.74%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne

0000000 0 4388641909169836 17 1181310022001181318

New Balance **\$1,181.31**
Minimum Amount Due **\$1,181.31**
Payment Due Date December 17, 2004
Total enclosed \$
Account Number: 4388-6419-0916-9836

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

Capital One Bank
P.O. Box 85147
Richmond, VA 23276



057648



#9032325206213088# MAIL ID NUMBER
MARY H BARBA
605 E 11TH ST
CLEARFIELD PA 16830-2729



Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.

VERIFICATION

The undersigned does hereby verify subject to the penalties of
18 PA.C.S Section 4904 relating to unsworn falsifications to
authorities, that he/she is Tomela D El-Amin -

Agent of Capitol One
(Title) (Name)
(Company)

plaintiff herein, that he/she is duly authorized to make this
Verification, and that the facts set forth in the foregoing Complaint
are true and correct to the best of his/her knowledge, information and
belief.

Tomela D El-Amin
(Signature)

06015248 C A Pit BNT

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 OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103281
NO: 07-1640-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: MARY H. BARBA

SHERIFF RETURN

NOW, October 17, 2007 AT 8:30 AM SERVED THE WITHIN COMPLAINT ON MARY H. BARBA DEFENDANT AT 605 E. 11TH ST., CLEARFIELD, CLEARFIELD COUNTY PENNSYLVANIA, BY HANDING TO FRAN LIVERGOOD, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3037726	10.00
SHERIFF HAWKINS	WELTMAN	3037726	22.00

FILED

03:20pm
FEB 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008
2007

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

MARY H BARBA

Defendant

No.2007-01640-CD

**PRAECIPE FOR ENTRY OF JUDGMENT
BY CONSENT**

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.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#06015248
Judgment Amt: \$2,114.04

FILED pd \$20.00 Att
m/2:06pm to debt
MAY 30 2008
(m) Statement to Att.
William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2007-01640-CD

MARY H BARBA

Defendant

PRAECIPE FOR JUDGMENT BY CONSENT

TO THE PROTHONOTARY:

Kindly enter Judgment against Defendant, MARY H BARBA, in the amount of \$2,114.04 plus costs, based upon the consent of the parties.

CONSENTED TO:

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

MARY H BARBA,

By: Will [Signature]

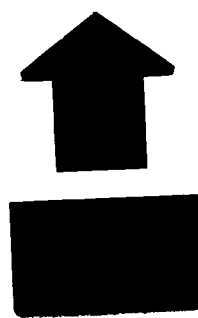
Attorney for Plaintiff

By: Mary H. Barba

Defendant

WWR#06015248

Judgment Amt: \$2,114.04



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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2007-01640-CD

MARY H BARBA

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, MARY H BARBA, above-named, in the amount of \$2,114.04 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

1. Defendant admits indebtedness to Plaintiff in the amount of \$2,114.04 with continuing interest thereon at a rate of 6% per annum plus costs from date of judgment.
2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, MARY H BARBA, in the amount of \$2,114.04 plus continuing interest thereon at the rate of 6% per annum from date of judgment and costs.
3. Plaintiff agrees not to execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:
 - (a) \$100.00 due by 11/10/2007;
 - (b) \$100.00 due on the 10TH day of each consecutive month thereafter until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of "CAPITAL ONE BANK"

5. All payments due under this agreement are to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219. All future payments are to be mailed to the offices of Weltman, Weinberg & Reis, Co., P.O. Box 5430, Cleveland, OH 44101-0430.

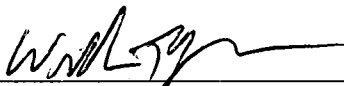
6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.

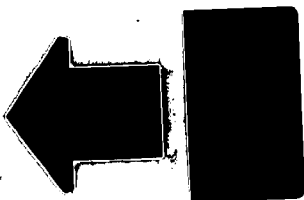
8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

9. Intending to be legally bound, the parties set their hands and seals this ____ day of _____, 20____.

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

By: 
WILLIAM T MOLCZAN, Esquire
PA I.D. #47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR No. 06015248

By: 
Defendant, MARY H BARBA



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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2007-01640-CD

MARY H BARBA

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
 ☒ Defendant
 ☐ Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on May 30, 2008

(xx) Assumpsit Judgment in the amount
 of \$2,114.04 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.

(xx) Entry of Judgment of
 ☐ Court Order
 ☐ Non-Pros
 ☐ Confession
 ☐ Default
 ☐ Verdict
 ☐ Arbitration
 ☐ Award
 (XX) By Consent

Prothonotary

MARY H BARBA
605 E 11TH ST
CLEARFIELD, PA 16830

By:  cm
PROTHONOTARY (OR DEPUTY)

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

COPY

Capital One Bank
Plaintiff(s)

No.: 2007-01640-CD

Real Debt: \$2,114.04

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mary H. Barba
Defendant(s)

Entry: \$20.00

Instrument: Consent Judgment

Date of Entry: May 30, 2008

Expires: May 30, 2013

Certified from the record this May 30, 2008



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney