

07-1767-CD
Capita One Bank vs Susan Payne

Local Rule 205.2(b) - Cover Sheet for Initial Pleadings,
Petitions and Motions.

COVER SHEET

All papers constituting the initial pleadings shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION- (LAW) (EQUITY)

No. 07-1767-CD

Type of Case: Contract

Capital One Bank
Plaintiff

vs.

Susan S. Payne
Defendant

Type of Pleading: Complaint
Filed on Behalf of:
Capital One Bank
(Plaintiff) Defendant

Counsel of Record for this Party:

Ron Z. Opher
(Name of Attorney)

Supreme Court No.: 57507

Blatt, Hasenmiller, Leibske & Moore LLC
(Firm name, if any)
P.O. BOX C3800
Southeastern PA 19398
(Address)

610-902-0644
(Phone)

Dated: 10/26/07

FILED Atty pd.
10/26/07 85.00
NOV 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

1CC: Atty Opher
Def.
MJS Rudella

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of

Cleagfield

NOTICE OF APPEAL

FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No.

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below.

NAME OF APPELLANT Capital One Bank	MAG. DIST. NO. 46-3-03	NAME OF MDJ Hon. Michael A. Rudella
ADDRESS OF APPELLANT 110 Blatt Hasenmiller Leibsker & Moore LLC P.O. Box C3800 Southeastern PA 19398	CITY CITY	STATE STATE ZIP COD 19398
DATE OF JUDGMENT 8/24/07	IN THE CASE OF (Plaintiff) Capital One Bank v. Susan S. Payne	
DOCKET NO. CV-245-07	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT 	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B.</p> <p>This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>If appellant was Claimant (see Pa. R.C.P.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within (20) days after filing the NOTICE of APPEAL.</p> <p><i>(Signature of Prothonotary or Deputy)</i></p>		

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon _____

appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. _____)

) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or attorney or agent

RULE: To _____

, appellee(s)

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: 20

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789** **16847-0444**

**% BLATT, HASENMILLER, LEIBSKER & MOORE
P.O. BOX C3800
SOUTHEASTERN, PA 19398**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

CAPITAL ONE BANK

NAME and ADDRESS

**P.O. BOX C3800
SOUTHEASTERN, PA 19398**

VS.

DEFENDANT:

PAYNE, SUSAN S.

NAME and ADDRESS

**309 ELIZABETH ST.
OSCEOLA MILLS, PA 16666**

Docket No.: **CV-0000245-07**
Date Filed: **8/24/07**



THIS IS TO NOTIFY YOU THAT:

FOR DEFENDANT

(Date of Judgment) **10/09/07**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) PAYNE, SUSAN S.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Amount of Judgment</td> <td style="padding: 5px;">\$.00</td> </tr> <tr> <td style="padding: 5px;">Judgment Costs</td> <td style="padding: 5px;">\$.00</td> </tr> <tr> <td style="padding: 5px;">Interest on Judgment</td> <td style="padding: 5px;">\$.00</td> </tr> <tr> <td style="padding: 5px;">Attorney Fees</td> <td style="padding: 5px;">\$.00</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">Total \$.00</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">Post Judgment Credits \$ _____</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">Post Judgment Costs \$ _____</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">Certified Judgment Total \$ _____</td> </tr> </table>	Amount of Judgment	\$.00	Judgment Costs	\$.00	Interest on Judgment	\$.00	Attorney Fees	\$.00	Total \$.00		Post Judgment Credits \$ _____		Post Judgment Costs \$ _____		Certified Judgment Total \$ _____	
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<input type="checkbox"/> Defendants are jointly and severally liable.																	
<input type="checkbox"/> Damages will be assessed on Date & Time _____																	
<input type="checkbox"/> This case dismissed without prejudice.																	
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____																	
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____																	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

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10-9-07 Date

M. Rudella

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: 10/09/07 10:08:00 AM

COMMONWEALTH OF PENNSYLVANIA																			
COUNTY OF : <u>CLEARFIELD</u>																			
<p>Magisterial District Number: 48-3-03</p> <p>MDJ Name: Hon. MICHAEL A. RUDELLA</p> <p>Address: 131 ROLLING STONE RD. PO BOX 210 KYLERTOWN, PA 16547</p> <p>Telephone: (814) 345-5789</p>																			
<p><i>ATTN: Bonnie —</i></p> <p><i>BT address</i></p> <p><i>Def. Address</i></p>																			
<p>PLAINTIFF:</p> <p><input type="checkbox"/> CAPITAL ONE BANK C/O Blatt, Hasenmiller, Leibsker & Moore, LLC P.O. Box C3800 Southeastern, PA 19398</p> <p>VS.</p>																			
<p>DEFENDANT:</p> <p><input type="checkbox"/> SUSAN S PAYNE</p> <p>NAME AND ADDRESS 309 ELIZABETH ST OSCEOLA MILLS PA 16666</p>																			
<p>CIVIL COMPLAINT</p> <p>Date Filed: <input type="text"/></p>																			
<table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">AMOUNT</th> <th style="text-align: center;">DATE PAID</th> </tr> </thead> <tbody> <tr> <td>FILING COSTS</td> <td>\$ <input type="text"/></td> <td>/ /</td> </tr> <tr> <td>POSTAGE</td> <td>\$ <input type="text"/></td> <td>/ /</td> </tr> <tr> <td>SERVICE COSTS</td> <td>\$ <input type="text"/></td> <td>/ /</td> </tr> <tr> <td>CONSTABLE ED.</td> <td>\$ <input type="text"/></td> <td>/ /</td> </tr> <tr> <td>TOTAL</td> <td>\$ <input type="text"/></td> <td>/ /</td> </tr> </tbody> </table>			AMOUNT	DATE PAID	FILING COSTS	\$ <input type="text"/>	/ /	POSTAGE	\$ <input type="text"/>	/ /	SERVICE COSTS	\$ <input type="text"/>	/ /	CONSTABLE ED.	\$ <input type="text"/>	/ /	TOTAL	\$ <input type="text"/>	/ /
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SERVICE COSTS	\$ <input type="text"/>	/ /																	
CONSTABLE ED.	\$ <input type="text"/>	/ /																	
TOTAL	\$ <input type="text"/>	/ /																	

Thank you

U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

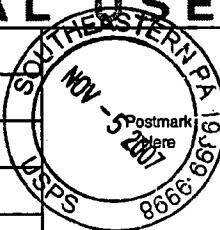
Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$



7007 0710 0000 2227 9116
Sent to
446-3-03 Hon. Michael A. Rudella
Street, Apt. No.,
or PO Box No.
(31 Rolling Stone Rd.
City, State, ZIP+4
Kutztown PA 16844-0444

PS Form 3800, August 2006

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

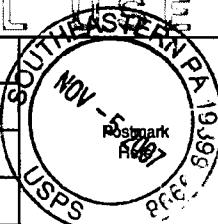
Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$



Sent To

Susan S. Payne

Street, Apt. No.,
or PO Box No.

309 Elizabeth St.

City, State, ZIP+4

Oceanside Mills PA 16661

PS Form 3800, August 2006

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

FILED *10/13/07 Atty Opfer*
NOV 09 2007
W.A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing of the notice of appeal. Check applicable boxes.)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Clearfield ss

AFFIDAVIT: I hereby (swear) (affirm) that I served

07-1767-CJ
 a copy of the Notice of Appeal, Common Pleas No. , upon the Magisterial District Judge designated therein on
(date of service) 11/5, 2007 by personal service by (certified) (registered) mail,
sender's receipt attached hereto, and upon the appellee, (name) Susan S. Payne
11/5, 2007 by personal service by (certified) (registered) mail,
sender's receipt attached hereto.

(SWORN) (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 6th DAY OF Nov. 2007

Signature of official before whom affidavit was made

*Ron Z. Opfer
Attorney #57507
Commonwealth of PA*

Signature of affiant

Title of official

My commission expires on , 20

FILED

NOV 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED
NOV 09 2007
Atty
Opher
GK

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.

SUSAN S PAYNE

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-1767-CD

309 ELIZABETH ST
OSCEOLA MILLS PA 16666

Defendant

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 demandadas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita o 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, 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.

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 OFICINA CUYA 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, 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

Plaintiff

v.

SUSAN S PAYNE

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. 07-1767-CD

309 ELIZABETH ST
OSCEOLA MILLS PA 16666

Defendant

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **SUSAN S PAYNE**, an adult individual located at 309 ELIZABETH ST OSCEOLA MILLS PA 16666.
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 3138.19
\$3138.19. 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
~~3138.19~~
\$~~3038.19~~, 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
~~3038.19~~
\$~~3038.19~~, and costs of this action.

Dated: November 6, 2007

BY _____


Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF
COUNTY OF

My
Nassau

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
SUSAN S PAYNE

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 4388641863102641	\$3138.19

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

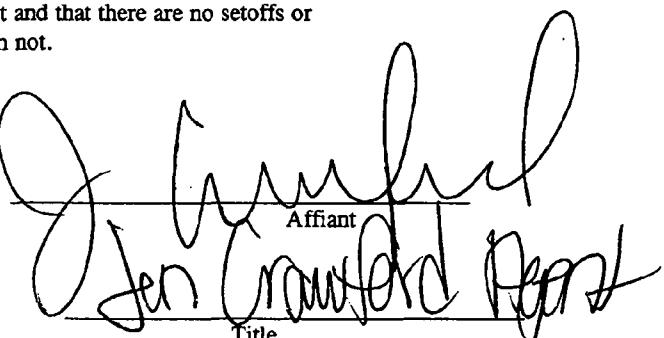
My Commission Expires: _____

Date of Service: _____ / _____ /20_____

Reference #: 1964365
Forwarder ID #: 602701120
Account #: 4388641863102641

BAFF(11/02)EE0
TA, INC.

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


Affiant
Title

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: 11/6/07

By: RZ
Ron Z. Opher
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA
Address: **131 ROLLING STONE ROAD**
PO BOX 210
KYLERTOWN, PA
Telephone: **(814) 345-6789** **16847-0444**

% BLATT, HASENMILLER, LEIBSKER & MOORE
P.O. BOX C3800
SOUTHEASTERN, PA 19398

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

CAPITAL ONE BANK

NAME and ADDRESS

P.O. BOX C3800

SOUTHEASTERN, PA 19398

VS.

DEFENDANT:

PAYNE, SUSAN S.

NAME and ADDRESS

309 ELIZABETH ST.

OSCEOLA MILLS, PA 16666

Docket No.: **CV-0000245-07**

Date Filed: **8/24/07**



07-1767-CD

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

(Date of Judgment) **10/09/07**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) PAYNE, SUSAN S.	<table border="0"> <tr> <td>Amount of Judgment</td> <td>\$.00</td> </tr> <tr> <td>Judgment Costs</td> <td>\$.00</td> </tr> <tr> <td>Interest on Judgment</td> <td>\$.00</td> </tr> <tr> <td>Attorney Fees</td> <td>\$.00</td> </tr> <tr> <td>Total</td> <td>\$.00</td> </tr> <tr> <td>Post Judgment Credits</td> <td>\$ 0</td> </tr> <tr> <td>Post Judgment Costs</td> <td>\$ 0</td> </tr> <tr> <td colspan="2">Certified Judgment Total \$ 0</td> </tr> </table>	Amount of Judgment	\$.00	Judgment Costs	\$.00	Interest on Judgment	\$.00	Attorney Fees	\$.00	Total	\$.00	Post Judgment Credits	\$ 0	Post Judgment Costs	\$ 0	Certified Judgment Total \$ 0	
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<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____																	
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FILED

10/12/07

NOV 14 2007

(60)

William A. Shaw
Prothonotary/Clerk of Courts

10-9-07 Date *M. A. Rudella*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

11/11/07 Date *M. A. Rudella*, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: **10/09/07 10:08:00 AM**

Local Rule 205.2(b) - Cover Sheet for Initial Pleadings,
Petitions and Motions.

COVER SHEET

All papers constituting the initial pleadings shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION- (LAW) (EQUITY)

No. 07-1767-CD

Type of Case: Contract

Capital One Bank
Plaintiff

vs.
Susan S. Payne
Defendant

Filed on Behalf of:
Capital One Bank
(Plaintiff/Defendant)

Counsel of Record for this Party:
Ron Z. Opher
(Name of Attorney)

Supreme Court No.: 57507

Blatt, Hasenmiller, Leibsker & Moore LLC
(Firm name, if any)
P.O. BOX C3800
Southeastern PA 19398
(Address)

610-902-0644
(Phone)

Dated: 10/26/07

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

NOV 01 2007

Attest.

William L. Schaeffer
Prothonotary/
Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of

Clerkfield

NOTICE OF APPEAL

FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No.

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below.

NAME OF APPELLANT Capital One Bank	MAG. DIST. NO. 46-3-03	NAME OF MDJ Hon. Michael A. Rudella
ADDRESS OF APPELLANT 110 Blatt Hasenmiller Leibsker & Moore LLC P.O. Box C3800 Southeastern PA 19398	CITY CITY	STATE PA ZIP COD 19398
DATE OF JUDGMENT 8/24/07	IN THE CASE OF (Plaintiff) Capital One Bank	(Defendant) Susan S. Payne
DOCKET No. CV-245-07	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT CR	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B.</p> <p>This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		
<p>If appellant was Claimant (see Pa. R.C.P.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.</p>		

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon _____

appellee(s), to file a complaint in this appeal

Name of appellee(s)

Common Pleas No. _____

) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or attorney or agent

RULE: To _____

, appellee(s)

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: _____ 20____

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

- - - - - X

CAPITAL ONE BANK, : IN THE COURT OF COMMON PLEAS

Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA

vs. : CIVIL ACTION - LAW

SUSAN S. PAYNE, : NO. 2007-1767-CD

Defendant :

- - - - - X

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ANSWER TO COMPLAINT

William A. Shaw
Prothonotary/Clerk of Courts

AND NOW comes the Defendant, SUSAN S. PAYNE, and files this
Answer to Complaint, alleging as follows:

1. Admitted.

2. Admitted.

3. Denied. Defendant has no knowledge of any funds
disbursed to her from Plaintiff and has no knowledge of any
contract between the parties. Proof of any contract is requested
to be produced at time of trial.

4. Denied. Defendant has no knowledge of any amount owed
to Plaintiff by Defendant under any existing contract. Proof of
any contract is requested to be produced at time of trial.

5. Denied. Proof of any contract is requested to be
produced at time of trial.

6. Defendant has requested on multiple occasions that Plaintiff provide proof of any existing contract between the parties. As of the filing of this Answer, no proof has been produced by Plaintiff.

WHEREFORE, Defendant requests that the Court find in favor of Defendant and dismiss the Plaintiff's Complaint, and assess all costs of this action to Plaintiff.

COUNT TWO

7. Paragraph 7 of the Complaint is a paragraph of incorporation to which no answer is required by Defendant under the Pennsylvania Rules of Civil Procedure.

8. Defendant neither admits nor denies the statement contained in Paragraph 8.

9. Defendant neither admits nor denies the statement contained in Paragraph 9.

10. Defendant neither admits nor denies the statement contained in Paragraph 10.

11. Denied.

WHEREFORE Defendant requests that the Court dismiss the Plaintiff's Complaint.

I, SUSAN S. PAYNE, the Defendant in the above-captioned action in divorce, verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties relating to unsworn falsification to authorities.



Susan S. Payne

Blatt, Hasenmiller, Leibske & Moore, LLC
Daniel Santucci
5 Great Valley Parkway, Suite 100
Malvern, PA 19355
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

Plaintiff,
vs.
SUSAN S PAYNE

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA
CIVIL ACTION
No. 07-1767-CD

Defendant(s).

PRAECIPE TO LIST CASE FOR ARBITRATION

To The Prothonotary:

Please list the above matter for Arbitration, all discovery is complete.

Respectfully submitted,

One of its Attorneys
Daniel Santucci, Attorney No. 92800
Blatt, Hasenmiller, Leibske & Moore, LLC
5 Great Valley Parkway, Suite 100
Malvern, PA 19355
(800) 850-1079

FILED
NO CC
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S William A. Shaw
Prothonotary/Clerk of Courts
(61)

1964365
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CA

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

CAPITAL ONE BANK (USA) :
vs. : No. 2007-1767-CD
SUSAN S. PAYNE :
:

ORDER

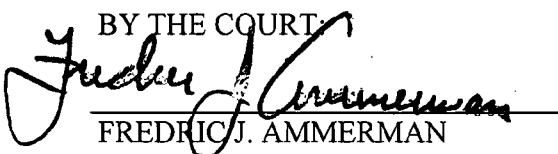
NOW, this 27th day of April, 2010, it is the ORDER of the Court that
the above-captioned matter is scheduled for Arbitration on Thursday, May 20, 2010 at 1:00
P.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse,
Clearfield, PA. The following have been appointed as Arbitrators:

Andrew P. Gates, Esquire, Chairman

Linda C. Lewis, Esquire

Katherine Forcey, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven
(7) days prior to the scheduled Arbitration. The original should be forwarded to the Court
Administrator's Office and copies to opposing counsel and each member of the Board of
Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form
in enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

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S William A. Shaw (60)
Prothonotary/Clerk of Courts

----- X

CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION - LAW
SUSAN S. PAYNE, : NO. 2007-1767-CD
Defendant :

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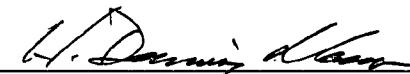
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S MAY 11 2010
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William A. Shaw
Prothonotary/Clerk of Courts
? sent to attorney

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance as the attorney for SUSAN S. PAYNE, the Defendant in the above-captioned action.



H. Denning Mason, Esquire
Attorney for Defendant

Date: May 10, 2010

'FILED

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William A. Shaw
Prothonotary/Clerk of Courts
2 Court to Attn

X

CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION - LAW
SUSAN S. PAYNE, : NO. 2007-1767-CD
Defendant :
X

Type of Pleading:

MOTION FOR CONTINUANCE

Filed on Behalf of:

Defendant, SUSAN S. PAYNE

Counsel of Record for this Party:

H. Denning Mason, Esquire
817 East Bishop Street
Post Office Box 547
Bellefonte, Pennsylvania 16823
(814) 353-8600
Pennsylvania Identification
No. 16043

Children under the age of 18:
NONE

- - - - - X

CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION - LAW
SUSAN S. PAYNE, : NO. 2007-1767-CD
Defendant :

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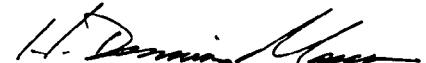
MOTION FOR CONTINUANCE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF THE
SAID COURT:

AND NOW comes SUSAN S. PAYNE, Defendant in the above-captioned matter, by and through her attorney, H. DENNING MASON, ESQUIRE, and files a Motion for Continuance of the hearing scheduled before a panel of Arbitrators on May 20, 2010, in accordance with the attached Order dated April 27, 2010.

The reason for such request is that Defendant has been scheduled for some time to have knee surgery on May 20, 2010. In addition, Defendant's attorney is to undergo surgery on May 11, 2010, to remove a thyroid tumor and have been advised against any extended period of speaking for the next several weeks.

WHEREFORE, Defendant respectfully requests that the hearing scheduled for 1:00 P.M. on May 20, 2010, in the above-captioned matter be continued until a later date.



H. Denning Mason, Esquire
Attorney for Defendant

Date: May 10, 2010

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

CAPITAL ONE BANK (USA)

vs.

: No. 2007-1767-CD

SUSAN S. PAYNE

ORDER

NOW, this 27th day of April, 2010, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Thursday, May 20, 2010 at 1:00 P.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Andrew P. Gates, Esquire, Chairman

Linda C. Lewis, Esquire

Katherine Forcey, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

----- X

CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION - LAW
SUSAN S. PAYNE, : NO. 2007-1767-CD
Defendant :

----- X

ORDER

AND NOW, this 12th day of May, 2010, upon consideration of the Motion for Continuance, it is hereby ORDERED that the arbitration hearing scheduled for 1:00 P.M. on May 20, 2010, is continued until 9:00 o'clock A.M. on the 10th day of August, 2010, in Court Room No. 3 located on the Second Floor of the Clearfield County Court House in Clearfield, Pennsylvania.

BY THE COURT:



P.J.

⑩
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H. MASON

William A. Shaw ICC Arbitrators
Prothonotary/Clerk of Courts (without record):

A. Gates
L. Lewis
K. Forcey

FILED

MAY 13 2010

William A. Shaw
Prothonotary/Clerk of Court

DATE: 5/13/10

____ You are responsible for serving all appropriate parties.
 The Prothonotary's Office has provided service to the following parties:
____ Plaintiff(s) - Plaintiff(s) Attorney Other
____ Defendant(s) - Defendant(s) Attorney Other
____ Special Investigators:
____ Arbitrators

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

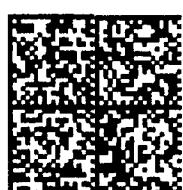
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PO Box 2245
Southeastern, PA

William A. Shaw
Prothonotary/Clerk of Courts

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Ron Z. Opher, Esq.
198 Allendale Rd., Ste. 306
King of Prussia, PA 19406



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CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION - LAW
SUSAN S. PAYNE, : NO. 2007-1767-CD
Defendant :
----- X

ORDER

AND NOW, this 12th day of May, 2010, upon consideration of the Motion for Continuance, it is hereby ORDERED that the arbitration hearing scheduled for 1:00 P.M. on May 20, 2010, is continued until 9:00 o'clock A.M. on the 10th day of August, 2010, in Court Room No. 3 located on the Second Floor of the Clearfield County Court House in Clearfield, Pennsylvania.

BY THE COURT:

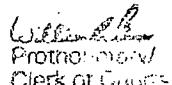


P.J.

I hereby, on my honor, declare and
and swear that the above is the original
statement filed in this case.

MAY 13 2010

Attest.


William H.
Prothonotary
Clerk of Courts

Blatt, Hasenmiller, Leibske & Moore, LLC
Daniel Santucci
Attorney I.D. #92800
5 Great Valley Parkway, Suite 100
Malvern, PA 19355
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
5 Great Valley Parkway, Suite 100
Malvern, PA 19355

Plaintiff,

vs.

SUSAN S PAYNE

309 ELIZABETH ST
OSCEOLA MILLS PA 16666

Defendant(s).

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA
CIVIL ACTION
No. 07-1767-CD

PRAECIPE TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

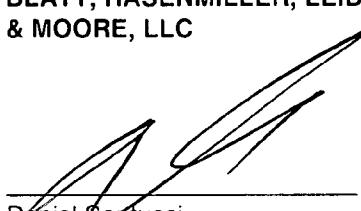
TO THE PROTHONOTARY:

Kindly WITHDRAW the Complaint filed in the above-captioned matter, WITHOUT
prejudice.

Respectfully submitted,

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

Dated: May 5, 2010

By: 
Daniel Santucci

FILED NO
MAY 11 2010
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S 10 COPY TO CJA
William A. Shaw
Prothonotary/Clerk of Courts

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PPTJPWCI



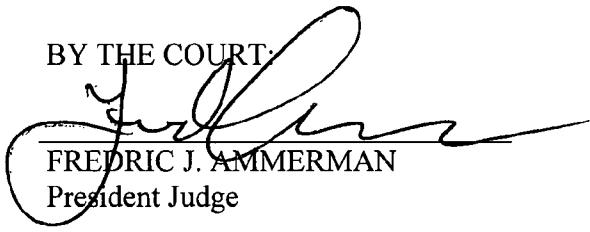
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CAPITAL ONE BANK (USA) :
vs. : No. 2007-1767-CD
SUSAN S. PAYNE :
:

ORDER

NOW, this 14 day of July, 2010, it is the ORDER of the Court that the above-captioned matter, scheduled for Arbitration on Tuesday, August 10, 2010 at 9:00 A.M. is hereby cancelled due to the filing of a Praeclipe to Withdraw Complaint Without Prejudice by Plaintiff's counsel, on July 1, 2010.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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Santucci
S William A. Shaw *H. Mason*
Prothonotary/Clerk of Courts
C

FILED

JUL 1 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/1/2010

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Specific Instructions:

Blatt, Hasenmiller, Leibske & Moore, LLC
Daniel Santucci
5 Great Valley Parkway, Suite 100
Malvern, PA 19355
800-850-1079

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

May 20th

1:00 PM

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

Plaintiff,

vs.

SUSAN S PAYNE

309 ELIZ St.
o/s 16606

Defendant(s).

Daniel J. Blatt, Hasenmiller
Leibske & Moore, LLC

IN THE COURT OF COMMON PLEAS

CLEARFIELD COUNTY, PA

CIVIL ACTION

No. 07-1767-CD

Pro Se

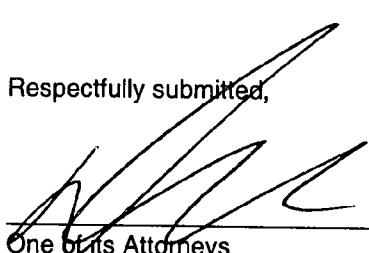
Po B C 3800
Southeastern PA
19398

PRAECIPE TO LIST CASE FOR ARBITRATION

To The Prothonotary:

Please list the above matter for Arbitration, all discovery is complete.

Respectfully submitted,


One of its Attorneys
Daniel Santucci, Attorney No. 92800
Blatt, Hasenmiller, Leibske & Moore, LLC
5 Great Valley Parkway, Suite 100
Malvern, PA 19355
(800) 850-1079

FILED
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JAN 13 2010
S William A. Shaw
Prothonotary/Clerk of Courts
NO CC
(61)

1964365
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DANIEL J. NELSON, ESQUIRE
DISTRICT COURT ADMINISTRATOR

RONDA J. WISOR
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5982
FAX: 814-765-7649
EMAIL: courtadmin@clearfieldco.org



HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

HON. JOHN K. REILLY, JR.
SENIOR JUDGE

OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830-2448

March 22, 2010

Daniel J. Santucci, Esquire
Blatt, Hasenmiller, Leibske & Moore, LLC
5 Great Valley Parkway, Suite 100
Malvern, PA 19355-1426

Susan S. Payne
309 Elizabeth St.
Osceola Mills, PA 16666

RE: CAPITAL ONE BANK (USA)
vs. SUSAN S. PAYNE
No. 2007-1767-CD

Dear Counsel:

This is to advise you that **Thursday, May 20, 2010, at 1:00 p.m.** has been the day, date and time set aside for purpose of the Arbitration Hearing in the above-captioned civil matter. Please note that half (1/2) day has been allotted for purpose of hearing in this matter. If you feel a different time frame is needed, please advise me.

Sometime in the immediate future you will receive further information as to which Arbitrator you may strike relative to this matter. If you have any schedule conflicts, questions or concerns, please feel free to contact me.

Respectfully,

Sharon S. Whipple
Deputy Court Administrator

DANIEL J. NELSON, ESQUIRE
DISTRICT COURT ADMINISTRATOR

RONDA J. WISOR
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5982
FAX: 814-765-7649
EMAIL: courtadmin@clearfieldco.org



HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

HON. JOHN K. REILLY, JR.
SENIOR JUDGE

OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830-2448

March 17, 2010

Daniel J. Santucci, Esquire
Blatt, Hasenmiller, Leibske & Moore, LLC
PO Box C3800
Southeastern, PA 19398

Susan S. Payne
309 Elizabeth St
Osceola Mills, PA 16666

RE: CAPITAL ONE BANK (USA) vs. SUSAN S. PAYNE
No. 2007-1767-CD

Dear Counsel:

This is to advise you that **Thursday, May 20, 2010, at 1:00 p.m.** has been the day, date and time set aside for purpose of the Arbitration Hearing in the above-captioned civil matter. Please note that half (1/2) day has been allotted for purpose of hearing in this matter. If you feel a different time frame is needed, please advise me.

Sometime in the immediate future you will receive further information as to which Arbiter you may strike relative to this matter. If you have any schedule conflicts, questions or concerns, please feel free to contact me.

Respectfully,

Ronda J. Wisor

Ronda J. Wisor
Deputy Court Administrator