



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

Type of Pleading: Complaint

VS.

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

Susan S. Payne  
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

FILED  
m19:06:30  
NOV 01 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd. 85.00  
cc: Atty Opher  
Def.  
MDS Rudella

## COMMONWEALTH OF PENNSYLVANIA

## COURT OF COMMON PLEAS

Judicial District, County Of

Clearfield

## NOTICE OF APPEAL

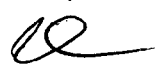
FROM

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 c/o Blatt Hasenmiller Leibsker + Moore LLC P.O. Box C3800 Southeastern PA 19398	CITY	STATE ZIP CODE
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 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B.

This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

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.

## 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.:	<b>46-3-03</b>
MDJ Name: Hon.	<b>MICHAEL A. RUDELLA</b>
Address:	<b>131 ROLLING STONE ROAD PO BOX 210 KYLERTOWN, PA</b>
Telephone: (814) 345-6789	<b>16847-0444</b>

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **CAPITAL ONE BANK**  
P.O. BOX C3800  
SOUTHEASTERN, PA 19398

VS.  
DEFENDANT: **PAYNE, SUSAN S.**  
309 ELIZABETH ST.  
OSCEOLA MILLS, PA 16666

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

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



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR DEFENDANT** (Date of Judgment) **10/09/07**

☒ Judgment was entered for: (Name) **PAYNE, SUSAN S.**

☒ Judgment was entered against: (Name) **CAPITAL ONE BANK**  
in the amount of \$ **.00**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time \_\_\_\_\_

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127  
\$ \_\_\_\_\_

☐ Portion of Judgment for physical damages arising out of  
residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ .00
Judgment Costs	\$ .00
Interest on Judgment	\$ .00
Attorney Fees	\$ .00
<b>Total</b>	<b>\$ .00</b>
Post Judgment Credits	\$
Post Judgment Costs	\$
<b>Certified Judgment Total</b>	<b>\$</b>

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.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10-9-07 Date *MA 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**

*ATTN: Bonnie*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

Register/District Number: 48-3-03

MDJ Name: Hon. MICHAEL A. RUDELLA

Address: 131 ROLLING STONE RD.

PO BOX 210

KYLESTOWN, PA 16847

Telephone: (814) 945-5789

CIVIL COMPLAINT

PLAINTIFF:

NAME AND ADDRESS

CAPITAL ONE BANK

C/O Blatt, Hasenmiller, Lebsker & Moore, LLC

P.O. Box C3800

Southeastern, PA 19398

VS.

DEFENDANT:

NAME AND ADDRESS

SUSAN S PAYNE

309 EUZABETH ST

OSCEOLA MILLS PA 16666

Docket No.:

Date Filed:

AMOUNT	DATE PAID
FILING COSTS	\$ / /
POSTAGE	\$ / /
SERVICE COSTS	\$ / /
CONSTABLE ED.	\$ / /
TOTAL	\$ / /

*ATTN: Bonnie -  
DT address  
Del. Address*

*Thank - you*

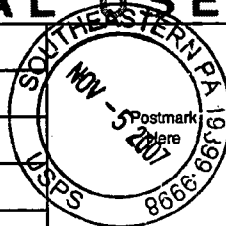
7007 0710 0000 2227 9110

**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To	46-3-03 Hon. Michael A. Rudella
Street, Apt. No., or PO Box No.	131 Rollingstone Rd.
City, State, ZIP+4	Kylestown PA 16847-0444

PS Form 3800, August 2005

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

7007 0710 0000 2227 9127

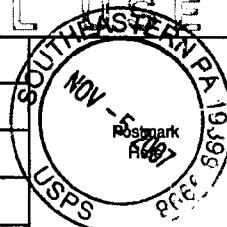
# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://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	Osceola Mills PA 16666

### **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.
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- 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*".
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**IMPORTANT: Save this receipt and present it when making an inquiry.**

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

FILED

NOV 09 2007

William 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



a copy of the Notice of Appeal, Common Pleas No. 07-1767-CD, 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. Ophers

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

**FILED** *rec*  
*37113401*  
NOV 09 2007 *Opher*  
William A. Shaw  
Prothonotary/Clerk of Courts *(GK)*

**CAPITAL ONE BANK:**

c/o Blatt, Hasenmiller, Leibsker & 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. 02-1767-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 LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notification. Hace falta asentar una comparencia escrita on en persona o con un abogado y entregar a la corte enforma escritas sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas del las provisiones de esta demanda. Usted puede perdes dinero o us propiedadesu otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFFICINA CUY A DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSIGUIR ASSISTENCIA LEGAL.

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

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

**CAPITAL ONE BANK:**

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

Plaintiff  
v.

**SUSAN S PAYNE**

309 ELIZABETH ST  
OSCEOLA MILLS PA 16666

Defendant

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

NO. 07-1767-CD

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  
~~\$3,138.49~~ <sup>3,138.49</sup>. 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 ~~\$3,338.19~~ <sup>3138.19</sup>, 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 ~~\$3,338.19~~ <sup>3038.19</sup>, and costs of this action.

Dated: November 6, 2007

BY

  
\_\_\_\_\_  
Ron Z. Opher, Esquire  
Attorney for Plaintiff

STATE OF  
COUNTY OF

NY  
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

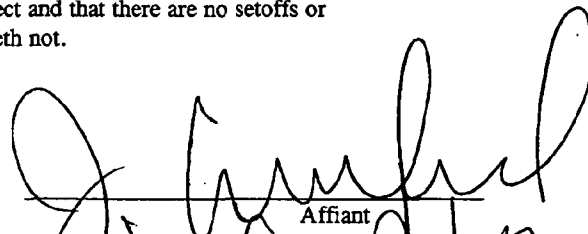
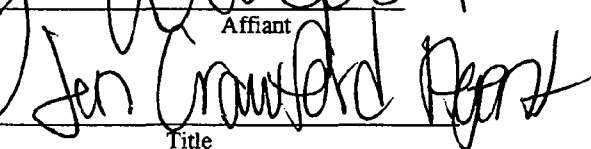
Affiant states that the amount shown above is true and correct and that there are no setoffs or  
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

2 day of July, 2007

Notary Public

My Commission Expires: \_\_\_\_\_

  
Affiant  
  
Title

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

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:   
Ron Z. Opher  
Attorney for Plaintiff

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**

PLAINTIFF: **CAPITAL ONE BANK**  
**P.O. BOX C3800**  
**SOUTHEASTERN, PA 19398**  
VS.  
DEFENDANT: **PAYNE, SUSAN S.**  
**309 ELIZABETH ST.**  
**OSCEOLA MILLS, PA 16666**

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

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



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR DEFENDANT** (Date of Judgment) **10/09/07**

☒ Judgment was entered for: (Name) **PAYNE, SUSAN S.**

☒ Judgment was entered against: (Name) **CAPITAL ONE BANK**  
in the amount of \$ **.00**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time \_\_\_\_\_

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127  
\$ \_\_\_\_\_

☐ Portion of Judgment for physical damages arising out of  
residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>.00</b>
Post Judgment Credits	\$ <b>0</b>
Post Judgment Costs	\$ <b>0</b>
<b>Certified Judgment Total</b>	\$ <b>0</b>

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**FILED**

**NOV 14 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

**10-9-07** Date **MARUDELLA**, Magisterial District Judge

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

**11/7/07** Date **MARUDELLA**, Magisterial District Judge

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

SEAL

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

Type of Pleading: Complaint

VS.

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

Susan S. Payne  
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. H.  
Prothonotary/  
Clerk of Courts

## COMMONWEALTH OF PENNSYLVANIA

## COURT OF COMMON PLEAS

Judicial District, County Of

Clearfield

## 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 <b>Capital One Bank</b>	MAG. DIST. NO. <b>46-3-03</b>	NAME OF MDJ <b>Hon. Michael A. Rudella</b>
ADDRESS OF APPELLANT <b>110 Blatt Hasenmiller Leibsken + Moore LLC P.O. Box C3800 Southeastern PA 19398</b>	CITY <b>SEASIDE</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>8/24/07</b>	IN THE CASE OF (Plaintiff) <b>Capital One Bank</b>	(Defendant) <b>Susan S. Payne</b>
DOCKET No. <b>CV-245-07</b>	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B.

This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.

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

Signature of Prothonotary or Deputy

## 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.

File: \_\_\_\_\_ 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

ANSWER TO COMPLAINT

**FILED** *CC*  
*m/11:20am* *Def.*  
**DEC 24 2007**  
*WAS*

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.

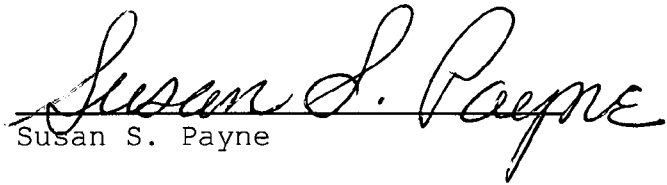
9. Defendant neither admits nor denies the statement contained in Paragraph 9.

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, Leibsker & 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, Leibsker & Moore, LLC

Plaintiff,

vs.

SUSAN S PAYNE

Defendant(s).

IN THE COURT OF COMMON PLEAS

CLEARFIELD COUNTY, PA

CIVIL ACTION

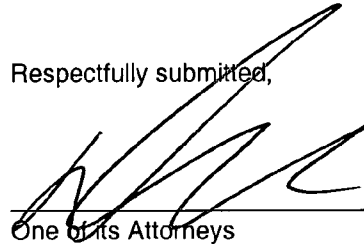
No. 07-1767-CD

**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, Leibsker & Moore, LLC  
5 Great Valley Parkway, Suite 100  
Malvern, PA 19355  
(800) 850-1079

**FILED**

JAN 13 2010

William A. Shaw  
Prothonotary/Clerk of Courts

1964365  
PPTCPFAI



CA

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

CAPITAL ONE BANK (USA)

vs.

SUSAN S. PAYNE

:  
:  
: No. 2007-1767-CD  
:  
:

**ORDER**

NOW, this 27<sup>th</sup> 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, 2<sup>nd</sup> 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

  
FREDRIC J. AMMERMAN  
President Judge

FILED LCC

0110:38  
APR 27 2010 CA

William A. Shaw  
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 :

----- X

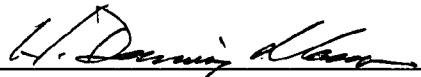
FILED

5 MAY 11 2010  
m/10:20/k  
William A. Shaw  
Prothonotary/Clerk of Courts  
? sent to Mr. [unclear]

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

MAY 11 2010

m/10:25/0

William A. Shaw  
Prothonotary/Clerk of Courts

2 cert to Att

----- 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 :  
 - - - - - X

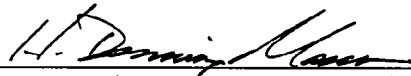
MOTION FOR CONTINUANCE

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.

SUSAN S. PAYNE

:  
:  
: No. 2007-1767-CD  
:  
:

**ORDER**

NOW, this 27<sup>th</sup> 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, 2<sup>nd</sup> 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 12<sup>th</sup> 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 10<sup>th</sup> 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:

*Justice J. Carman*

P. J.

FILED

019:34/31  
MAY 13 2010

William A. Shaw ICC Arbitrators  
Prothonotary/Clerk of Courts (w/out memo):

A. Gates  
L. Lewis  
K. Forcey

610  
ICC Attys:  
Santucci  
Opher  
H. Mason

FILED

MAY 13 2010

William A. Shaw  
Prothonotary/Clerk of Courts

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

☐ Special Insurances:

Arbitrators

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

**FILED**

MAY 19 2010

Re-mailed to:  
PO Box 2245  
Southeastern, PA  
19399

William A. Shaw  
Prothonotary/Clerk of Courts

(610)

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



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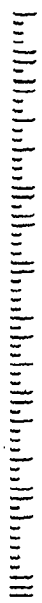
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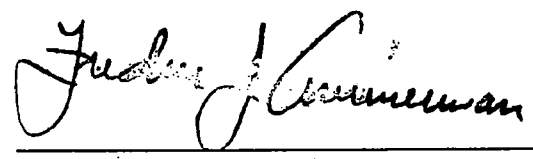


----- X  
CAPITAL ONE BANK (USA), : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
vs. : CIVIL ACTION - LAW  
SUSAN S. PAYNE, : NO. 2007-1767-CD  
Defendant :  
----- X

ORDER

AND NOW, this 12<sup>th</sup> 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 10<sup>th</sup> 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:

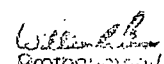


P.J.

I hereby certify, under penalty of perjury, that the foregoing is a true and correct copy of the original statement filed in this case.

MAY 13 2010

Attest.

  
Prothro  
Clerk of Courts

Blatt, Hasenmiller, Leibsker & 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, Leibsker & 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:**

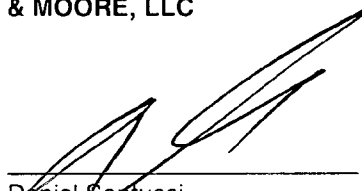
Kindly WITHDRAW the Complaint filed in the above-captioned matter, WITHOUT  
prejudice.

Respectfully submitted,

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

Dated: May 5, 2010

By:

  
Daniel Santucci

**FILED** *NO*  
*5* *11/11/2010*  
*CC*  
*copy to CIA*  
William A. Shaw  
Prothonotary/Clerk of Courts

1964365  
PPTJPWCI



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

CAPITAL ONE BANK (USA)

vs.

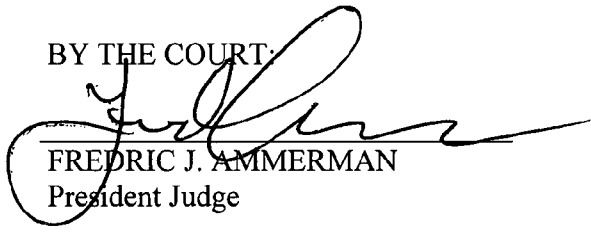
SUSAN S. PAYNE

:  
:  
: No. 2007-1767-CD  
:  
:  
:

**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 Praecipe to Withdraw Complaint Without Prejudice by Plaintiff's counsel, on July 1, 2010.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

018599  
JUL 15 2010

S William A. Shaw  
Prothonotary/Clerk of Courts

icc Atty's:  
Opher  
Santucci  
H. Mason

(COW)

FILED

JUL 16 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/15/10

       You are responsible for serving all appropriate parties.

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

       Plaintiff(s)   X   Plaintiff(s) Attorney        Other

       Defendant(s)   X   Defendant(s) Attorney

       Special Instructions:

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

May 20<sup>th</sup>  
1:00 PM  
Attorney for Plaintiff,  
CAPITAL ONE BANK (USA), N.A. fka CAPITAL ONE BANK

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

Plaintiff,

vs.

SUSAN S PAYNE

309 ELIZ St.  
osc 16666

Defendant(s).

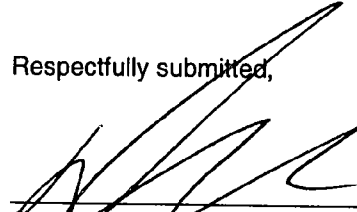
Daniel J. Santucci Blatt, Hasenmiller  
Leibsker & Moore LLC  
IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA  
CIVIL ACTION  
No. 07-1767-CD  
PoB C 3800  
Southeastern PA  
19398  
Pro Se

**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, Leibsker & Moore, LLC  
5 Great Valley Parkway, Suite 100  
Malvern, PA 19355  
(800) 850-1079

FILED No CC  
M 11 31 30  
JAN 13 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

1964365  
PPTCPFAI



DANIEL J. NELSON, ESQUIRE  
DISTRICT COURT ADMINISTRATOR

RONDA J. WISOR  
DEPUTY COURT ADMINISTRATOR



HON. FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

HON. PAUL E. CHERRY  
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

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

HON. JOHN K. REILLY, JR.  
SENIOR JUDGE

March 22, 2010

Daniel J. Santucci, Esquire  
Blatt, Hasenmiller, Leibsker & 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 Arbiter 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



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

HON. FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

HON. PAUL E. CHERRY  
JUDGE

HON. JOHN K. REILLY, JR.  
SENIOR JUDGE

March 17, 2010

Daniel J. Santucci, Esquire  
Blatt, Hasenmiller, Leibsker & 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,

A handwritten signature in cursive script that reads "Ronda J. Wisor".

Ronda J. Wisor  
Deputy Court Administrator