

07-2110-CD  
Capital One vs Helen D. Caswell

**FILED**

**DEC 26 2007**

*ml 11:10a*

William A. Shaw  
Prothonotary/Clerk of Courts

*I CBA to Shaw*

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

CAPITAL ONE NA

Plaintiff No: 2007-2110-CV

vs.

COMPLAINT IN CIVIL ACTION

HELEN D CASWELL

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06170788 C N Pit BNT

*May 30 2008* Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*Willie Shaw*  
Deputy Prothonotary

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

CAPITAL ONE NA

Plaintiff  
vs. Civil Action No

HELEN D CASWELL

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.

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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 NA is a corporation with offices at 140 EAST SHORE DR GLEN ALLEN , VA 23059 .

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

HELEN D CASWELL  
5563 PATCHIN HWY  
CHERRY TREE, PA 15724

3. Defendant applied for and received a credit card bearing the account number 7812602271633733 .

4. Defendant made use of said credit card and has a current balance due of \$12590.57 , as of November 24, 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 7.900% per annum on the unpaid balance from November 24, 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, HELEN D CASWELL, INDIVIDUALLY, in the amount of \$12590.57 with continuing interest thereon at the rate of 7.900% per annum from November 24, 2007 plus costs.

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06170788 C N 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.

Your account is temporarily suspended from future charges and cash advances due to its past due status.

042

A good credit rating can help you get credit cards, a cell phone or even a job.

ACCOUNT STATUS FOR:  
HELEN D CASWELL

PAST DUE!

TEMPORARILY  
SUSPENDED

CapitalOne | what's in your wallet?

042-0605

**CapitalOne®**

Loan Payment Information

TOTAL NEW BALANCE	\$12,071.90
AMOUNT DUE	\$12,071.90
PAYMENT DUE DATE	March 07, 2006

At your service

To call Customer Relations: 1-800-955-2115

Send payments to:	Send inquiries to:
Attn: Remittance Processing	Capital One
Capital One, F.S.B.	P.O. Box 30285
P.O. Box 790217	SLC, UT 84130-0285
St. Louis, MO 63179-0217	

PERSONAL LOAN ACCOUNT  
781260-2271633733

JAN 13 - FEB 12, 2006  
Page 1 of 1

6170788

Payments and Adjustments

In calendar year 2005, you paid \$1,008.84 toward interest. If you are enrolled in direct draft service, your payment will continue to be automatically deducted from your checking account. If you are not enrolled in direct draft service and are interested in enrolling, please contact our Customer Relations Department at 1-800-955-2115.

Other Charges

1	16 JAN	PAST DUE FEE	\$29.00
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**EXHIBIT**

66073A

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

**CapitalOne®**

0000000 7 7812602271633733 12 0000000349690000008

Total New Balance	\$12,071.90
Minimum Amount Due	\$12,071.90
Payment Due Date	March 07, 2006
Total enclosed	\$ <input type="text"/>
Account Number:	781260-2271633733

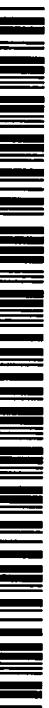
*Please print address changes below using blue or black ink.*

Street	Apt #	
City	State	ZIP
Home Phone	Alternate Phone	

Capital One, F.S.B.  
P.O. Box 790217  
St. Louis, MO 63179-0217

066073

#9004300401147351# MAIL ID NUMBER  
HELEN D CASWELL  
1240 TREASURE LK  
DU BOIS PA 15801-9029



#### IMPORTANT INFORMATION

**New Loan and Other Charges**

Any amount borrowed and any late or returned check charges billed to your loan account during the time period covered by this billing statement.

**Credits**

The total amount of any credits deducted from your loan account balance during the time period covered by this billing statement.

**Payments**

The total of any payments applied to your loan account balance during the time period covered by this billing statement.

**Notice About Electronic Check Conversion.** When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your bank account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your bank account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

If you have a question about your Account, write to Capital One, Customer Relations, P.O. Box 85015, Richmond, VA 23285-5015 or call the toll-free phone number on the front of this statement.

01ILBAK

120500100  
68075A  
2

Important Notices: For your payment to be credited on the same day we receive it, the bottom portion of this statement and your check must be received by us on a business day by 9:00 a.m. at our processing center. Please use the enclosed remittance envelope when mailing payment and allow five (5) days for postal delivery. Payments received by us at another location or in any other form may not be credited the same day we receive them. Our business days are Monday through Friday, excluding holidays. When you send us a check(s), you authorize us to make a one-time electronic transfer debit from your bank account for the amount of the check. This authorization applies to all checks received during the billing cycle even if sent by someone else. If we cannot process the transfer, you authorize us to make a charge against your bank account using the check, a paper draft or other item.

VERIFICATION

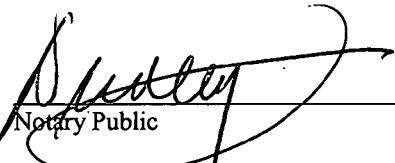
CAPITAL ONE NA

vs

CASWELL, HELEN D

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

  
\_\_\_\_\_  
JAMELA SINGLETARY

  
\_\_\_\_\_  
Notary Public

Dudley Turnbough  
Notary Public, DeKalb County, Georgia  
My Commission Expires January 19, 2009

7812602271633733  
A049  
WELTMAN, WEINBERG & REIS CO., L.P.A.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **103594**

CAPITAL ONE NA

Case # 07-2110-CD

vs.

HELEN D. CASWELL

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW May 05, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO HELEN D. CASWELL, DEFENDANT. SEVERAL ATTEMPTS, NO RESPONSE

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3131957	10.00
SHERIFF HAWKINS	WELTMAN	3131957	90.00

**FILED**  
03:15 pm  
MAY 05 2008  
(lm)  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before me This

\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,

*Chester A. Hawkins  
by Maurer, Hause*  
Chester A. Hawkins  
Sheriff

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

DEC 26 2007

Attest.

*William E. Bane*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAPITAL ONE NA

Plaintiff

NO: 2007.2110-CV

vs.

COMPLAINT IN CIVIL ACTION

HELEN D CASWELL

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06170788 C N Pit BNT

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

CAPITAL ONE NA

Plaintiff  
vs. HELEN D CASWELL  
Defendant

COMPLAINT AND NOTICE TO DEFEND

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CHERRY TREE, PA 15724

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(412) 434-7955  
FAX: 412-338-7130  
06170788 C N 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.

Your account is temporarily suspended from future charges and cash advances due to its past due status.

042

ACCOUNT STATUS FOR:  
HELEN D CASWELL

PAST DUE!

TEMPORARILY  
SUSPENDED

**Capital One** | what's in your wallet?

042-0605

**Capital One**

PERSONAL LOAN ACCOUNT  
781260-2271633733

JAN 13 - FEB 12, 2006  
Page 1 of 1

6170788

Loan Payment Information

TOTAL NEW BALANCE	\$12,071.90
AMOUNT DUE	\$12,071.90
PAYMENT DUE DATE	March 07, 2006

At your service

To call Customer Relations: 1-800-955-2115

Send payments to:	Send inquiries to:
Attn: Remittance Processing Capital One, F.S.B. P.O. Box 790217 St. Louis, MO 63179-0217	Capital One P.O. Box 30285 SLC, UT 84130-0285

Payments and Adjustments

In calendar year 2005, you paid \$1,008.84 toward interest. If you are enrolled in direct draft service, your payment will continue to be automatically deducted from your checking account. If you are not enrolled in direct draft service and are interested in enrolling, please contact our Customer Relations Department at 1-800-955-2115.

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1	16 JAN	PAST DUE FEE	\$29.00
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66073A

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**Capital One**

0000000 7 7812602271633733 12 0000000349690000008

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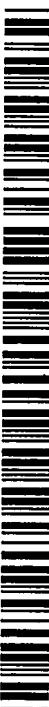
Street	Ap. #	
City	State	ZIP
Home Phone	Alternate Phone	

#9004300401147351# MAIL ID NUMBER  
HELEN D CASWELL  
1240 TREASURE LK  
DU BOIS PA 15801-9029

Capital One, F.S.B.  
P.O. Box 790217  
St. Louis, MO 63179-0217

066073

066073



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2

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VERIFICATION

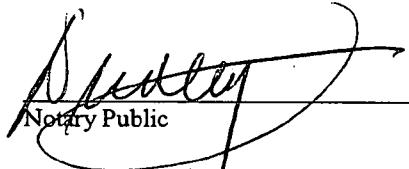
CAPITAL ONE NA

vs

CASWELL, HELEN D

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\_\_\_\_\_  
JAMELA SINGLETARY

  
\_\_\_\_\_  
Dudley Turnes  
Notary Public

Dudley Turnes  
Notary Public, DeKalb County, Georgia  
My Commission Expires January 19, 2009

7812602271633733

A049

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

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

CAPITAL ONE BANK

Plaintiff

No. 2007-2110-CP

vs.

PRAECLYPE TO REINSTATE COMPLAINT

HELEN D CASWELL

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS, CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#06170788

at \$7.00 Atty  
FILED *m/2/25* *Reinstated*  
MAY 30 2008 *complaint to*  
*SNFL*

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. 2007-2110-CP

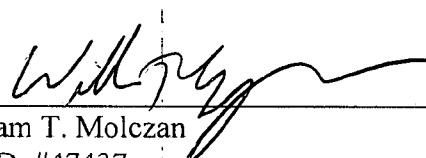
HELEN D CASWELL

Defendant

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

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

By: 

William T. Molczan

PA I.D. #47437

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

2718 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR #06170788

DEC 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE NA

Plaintiff No: 2007-2110-C8

vs.

COMPLAINT IN CIVIL ACTION

HELEN D CASWELL

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06170788 C N Pit BNT

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

CAPITAL ONE NA

Plaintiff \_\_\_\_\_ No. \_\_\_\_\_

vs.

COMPLAINT IN CIVIL ACTION

HELEN D CASWELL

Defendant FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

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

CAPITAL ONE NA

Plaintiff

vs.

Civil Action No

HELEN D CASWELL

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FAX: 412-338-7130  
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042

A good credit rating can help you get credit cards, a cell phone or even a job.

ACCOUNT STATUS FOR:  
HELEN D CASWELL

PAST DUE!

TEMPORARILY  
SUSPENDED

CapitalOne | what's in your wallet?

We can help restore your charging privileges:

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

The purpose of this letter is to collect a debt. Any information obtained will be used for that purpose.  
© 2005 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

042-0605

**CapitalOne**

PERSONAL LOAN ACCOUNT  
781260-2271633733

JAN 13 - FEB 12, 2006

Page 1 of 1

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68073A

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0000000 7 7812602271633733 12 0000000349690000008

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Account Number:	781260-2271633733

Please print address changes below using blue or black ink.

Street	Ap. #	
City	State	ZIP
Home Phone	Alternate Phone	

Capital One, F.S.B.  
P.O. Box 790217  
St. Louis, MO 63179-0217

#9004300401147351# MAIL ID NUMBER  
HELEN D CASWELL  
1240 TREASURE LK  
DU BOIS PA 15801-9029



066073



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



#### IMPORTANT INFORMATION

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Any amount borrowed and any late or returned check charges billed to your loan account during the time period covered by this billing statement.

**Credits**

The total amount of any credits deducted from your loan account balance during the time period covered by this billing statement.

**Payments**

The total of any payments applied to your loan account balance during the time period covered by this billing statement.

**Notice About Electronic Check Conversion.** When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your bank account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your bank account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

If you have a question about your Account, write to Capital One, Customer Relations, P.O. Box 65015, Richmond, VA 23285-5015 or call the toll-free phone number on the front of this statement.

01ILBAK

1220500100  
66073A  
2

**Important Notice:** For your payment to be credited on the same day we receive it, the bottom portion of this statement and your check must be received by us on a business day by 9:00 a.m. at our processing center. Please use the enclosed remittance envelope when mailing payment and allow five (5) days for postal delivery. Payment received by us at another location or in any other form may not be credited the same day we receive them. Our business days are Monday through Friday, excluding holidays. When you send us a check(s), you authorize us to make a one-time electronic transfer debit from your bank account for the amount of the check. This authorization applies to all checks received during the billing cycle even if sent by someone else. If we cannot process the transfer, you authorize us to make a charge against your bank account using the check, a paper draft or other item.

VERIFICATION

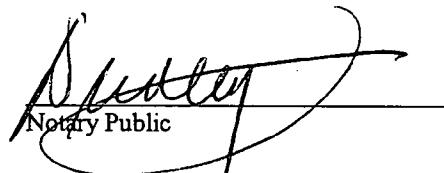
CAPITAL ONE NA

vs

CASWELL, HELEN D

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

  
\_\_\_\_\_  
JAMELA SINGLETARY

  
\_\_\_\_\_  
Notary Public

Dudley T. Tums.  
Notary Public, DeKalb County, Georgia  
My Commission Expires January 19, 2009

7812602271633733

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 07-2110-CD

CAPITAL ONE BANK

VS

HELEN D. CASWELL

SERVICE # 1 OF 1

COMPLAINT & PRAECIPE

SERVE BY: 06/29/2008

HEARING:

PAGE: 104230

FILED

08:39a.m. 06 JUN 05 2008 NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

DEFENDANT: HELEN D. CASWELL  
ADDRESS: 5563 PATCHIN HIGHWAY  
CHERRY TREE, PA 15724

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 6-4-08 AT 4:32 AM / PM SERVED THE WITHIN

COMPLAINT & PRAECIPE ON HELEN D. CASWELL, DEFENDANT

BY HANDING TO Helen D. Caswell Def.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 5563 PATCHIN Highway  
CHERRY TREE, PA 15724

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT & PRAECIPE FOR HELEN D. CASWELL

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO HELEN D. CASWELL

REASON UNABLE TO LOCATE \_\_\_\_\_

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis

Deputy Signature

James E. Davis

Print Deputy Name

DAY OF 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104230  
NO: 07-2110-CD  
SERVICES 1  
COMPLAINT & PRAECIPE

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: HELEN D. CASWELL

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8676710	10.00
SHERIFF HAWKINS	WELTMAN	8676710	45.36

**FILED**

07-30367  
SEP 29 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK

Plaintiff

No. : 07-2110-C.D

vs.

PRAECIPE FOR DEFAULT JUDGMENT

HELEN D CASWELL

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

JAMES C. WARMBRODT, ESQUIRE  
PA I.D.#42524  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6170788  
Judgment Amount \$ 13,452.60

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

FILED (61)  
Atty pd. 20.00  
11:57 AM  
DEC 29 2008  
ICCard Notice  
to Def.

William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to Atty

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. : 07-2110-CD

HELEN D CASWELL

Defendant

**PRAECLPICE FOR DEFAULT JUDGMENT**

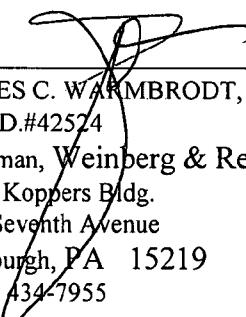
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, HELEN D CASWELL above named, in the default of an Answer, in the amount of \$13,452.60 computed as follows:

Amount claimed in Complaint	\$ 12,590.57
Interest from 11/24/07 to 11/19/08 at the legal interest rate of 7.90% per annum	\$862.03
<b>TOTAL</b>	<b>\$13,452.60</b>

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

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

By: 

JAMES C. WARMBRODT, ESQUIRE  
PA I.D.#42524  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6170788

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 5563 PATCHIN HWY CHERRY TREE, PA 15724

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

CAPITAL ONE BANK

Case no: 107-2110-CJ

Plaintiff  
vs.

**NON-MILITARY AFFIDAVIT**

HELEN D CASWELL

Defendant

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

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

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

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, HELEN D CASWELL is not in the military service.

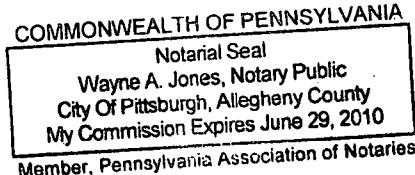
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, HELEN D CASWELL is not in the military service.

Further Affiant sayeth naught.

AFFIANT

SWORN TO AND SUBSCRIBED in my presence this X day  
of November 2009

Wayne A. Jones  
NOTARY PUBLIC



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

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

CAPITAL ONE NA

Plaintiff

Case # 07-2110-CD

HELEN D CASWELL

Defendant(s)

IMPORTANT NOTICE

TO: HELEN D CASWELL  
5563 PATCHIN HWY  
CHERRY TREE, PA 15724

Date of Notice: 11/10/08  
WWR#: 06170788

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

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

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

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 KOPPERS BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219  
(412) 434-7955

Department of Defense Manpower Data Center

NOV-19-2008 06:54:43



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

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

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

*Mary M. Snavely-Dixon*

---

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

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

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

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

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

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

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

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

COPY

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL

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 12/29/08

Assumpsit Judgment in the amount  
of \$13,452.60 plus costs.

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

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

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

Prothonotary

By: Willie L. Hayes  
PROTHONOTARY (OR DEPUTY)

HELEN D CASWELL  
5563 PATCHIN HWY  
CHERRY TREE, PA 15724

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 2718 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

COPY

Capital One NA  
Plaintiff(s)

No.: 2007-02110-CD

Real Debt: \$13,452.60

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Helen D. Caswell  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 29, 2008

Expires: December 29, 2013

Certified from the record this 29th day of December, 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

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

CAPITAL ONE BANK

Plaintiff No. 07-2110-CD

vs.

HELEN D CASWELL

Defendant

S&T BANK,

Garnishee,

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6170788

FILED <sup>60</sup>  
MAY 17 2010 Atty pd.  
S APR 07 2010 20.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
2CCOLP  
Wants to  
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL

Defendant

S&T BANK,

Garnishee

**PRAECIPE FOR WRIT OF EXECUTION**

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter...

1. directed to the Sheriff of CLEARFIELD County:
2. against HELEN D CASWELL, Defendant
3. against S&T BANK, Garnishee
4. Judgment Amount \$ 13,452.60

Interest \$ 1,008.39

Costs \$

**SUBTOTAL:** \$ 14,460.99

Costs (to be added by Prothonotary): **Prothonotary costs** \$ 132.00

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

By: \_\_\_\_\_  
Matthew D. Urban, Esquire  
PA I.D. #90963

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6170788

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

CAPITAL ONE BANK  
Plaintiff

No. 07-2110-CD

vs.

HELEN D CASWELL

Defendant

S&T BANK  
Garnishee

WRIT OF EXECUTION  
NOTICE

This paper is a "Writ of Execution". It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken and sold by the Sheriff to satisfy your debts. SUCH PROPERTY IS SAID TO BE EXEMPT. No matter what you may owe, there is a DEBTOR'S EXEMPTION established by law. This means that no matter what happens, the Sheriff must give you from the sale at least \$300.00 in cash or property. There are also other exemptions which may be applicable to you. Listed below is a summary of some of the major exemptions. You may have other exemptions or other rights. If you have an exemption, you should do the following promptly:

- (1) Complete the claim form on the opposite side and demand a prompt hearing.
- (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court when and where you are told to appear ready to explain your exemption. IF YOU DO NOT COME TO COURT AND PROVE YOUR EXEMPTION, YOU MAY LOSE SOME OF YOUR PROPERTY.

**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.**

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 50-51

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 exemptions set by law.
2. All wearing apparel used by yourself and all family members.
3. Bibles, school books, sewing machines, uniforms & equipment.
4. Tools of your trade such as carpenter's tools.
5. Most wages & unemployment benefits.
6. Social Security benefits, certain retirement funds and accounts.
7. Certain veteran & armed forces benefits.
8. Certain insurance proceeds.
9. Such other exemptions as may be provided by law.

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) FROM MY PERSONAL PROPERTY IN MY POSSESSION WHICH HAS BEEN LEVIED UPON,

(a) I desire that my statutory \$300.00 exemption be:

(1) set aside in kind (specify property, to be set aside in kind):

(2) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption: (specify property and basis of exemption):

(2) FROM MY PROPERTY WHICH IS IN THE POSSESSION OF A THIRD PARTY, I CLAIM THE FOLLOWING EXEMPTIONS:

(a) my \$300.00 statutory exemption:  in cash  in kind  
(specify property):

(b) Social Security benefits on deposit in the amount of \$

(c) Other (specify amount & basis for exemption):

I request a prompt court hearing to determine the exemption.

Notice of hearing should be given me at the following:

ADDRESS: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. § 4904 relating to unsworn falsification to authorities:

Date: \_\_\_\_\_

Defendant: \_\_\_\_\_

**THIS CLAIM TO BE FILED WITH:**

Office of the Sheriff of Clearfield County  
Courthouse  
1 N Second Street  
Clearfield, PA 16830  
Telephone Number: (814) 765-2641 ext.

Note: Under paragraphs (1) and (2) of the Writ, a description of specific property to be levied upon or attached may be set forth in the Writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a) (b). Each court shall, by local rule, designate the officer, organization or person to be named in the notice.

*COPY*

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL  
Defendant

S&T BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: HELEN D CASWELL Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of S&T BANK, as garnishee, 614 Liberty Boulevard, DuBois, PA 15801 and to notify the garnishee that:
  - a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
    - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due ..... \$ 14,460.99

Costs to be added ..... \$ 130.00 Prothonotary costs

Prothonotary

*Willie L. Hargay*  
Deputy

DATED: 4/7/2010  
WWR#6170788

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

CAPITAL ONE BANK

Plaintiff No. 07-2110-CD

vs.

**INTERROGATORIES IN ATTACHMENT  
S&T BANK**

HELEN D CASWELL

Defendant

and

S&T BANK

Garnishee FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6170788

FILED  
APR 07 2010  
S NO CC  
60  
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.: 07-2110-CD

HELEN D CASWELL  
Defendant

and

S&T BANK  
Garnishee

TO: S&T BANK  
614 Liberty Boulevard  
DuBois, PA 15801

Suggested Reference No.: XXX-XX-6459

RE: HELEN D CASWELL  
5563 PATCHIN HWY  
CHERRY TREE, PA 15724

**IMPORTANT NOTICES TO GARNISHEE!**

A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.

B. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.

C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

## INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

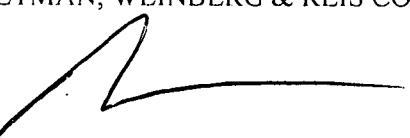
9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

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

By: \_\_\_\_\_  


Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6170788

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is \_\_\_\_\_  
(Name)

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

that he/she is duly authorized to make this verification, and that the facts set forth in the foregoing

Answers to Interrogatories are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
(SIGNATURE)

4-810  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 07-2110-CD

CAPITAL ONE BANK

VS

HELEN D. CASWELL

TO: S&T BANK, Garnishee

SERVICE # 1 OF 2

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

SERVE BY: 07/05/2010 ASAP HEARING: PAGE: 106940

DEFENDANT: S&T BANK, GARNISHEE  
ADDRESS: 614 LIBERTY BLVD.  
DUBOIS, PA 15801

FILED

0/8/30am  
APR 15 2010

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED  Honorary/Clerk of Courts

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 04-09-2010 AT 1:55 AM / PM SERVED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE ON S&T BANK, GARNISHEE, DEFENDANT  
BY HANDING TO Karen L. Gereau Adm. Specialist

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS  
THEREOF.

ADDRESS SERVED 614 Liberty BLVD, Dubois, PA 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE FOR S&T BANK, GARNISHEE

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO S&T BANK, GARNISHEE

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2010

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Conner  
Deputy Signature

Mark A. Conner  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dkt Pg. 106940

2 of 2

CAPITAL ONE BANK  
-vs-  
HELEN D. CASWELL  
TO: S&T BANK, Garnishee

NO. 07-2110-CD  
WRIT OF EXECUTION/  
INTERROGATORIES TO  
GARNISHEE

**SHERIFF'S RETURN**

NOW APRIL 15, 2010 MAILED THE WITHIN:  
WRIT, PRAECIPE, WRIT NOTICE & CLAIM FOR EXEMPTION  
TO HELEN D. CASWELL, DEFENDANT  
AT 5563 PATCHIN HWY., CHERRY TREE, PA. 15724  
IN THE S.A.S.E.

FILED  
0183963  
APR 19 2010  
S William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 106940  
NO: 07-2110-CD  
SERVICES 2

WRIT OF EXECUTION, INTERROGATORIES TO GARNISHEE

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: HELEN D. CASWELL  
TO: S&T BANK, Garnishee

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	4271471	20.00
SHERIFF HAWKINS	WELTMAN	4271471	43.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2010

  
Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL  
Defendant

S&T BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: HELEN D CASWELL Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of S&T BANK, as garnishee, 614 Liberty Boulevard, DuBois, PA 15801 and to notify the garnishee that:
  - a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
    - ii. That total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.
- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due ..... \$ 14,460.99

Costs to be added..... \$ 132.00 Prothonotary costs

Prothonotary

*Will H. Hausey*

Deputy

DATED: 4/7/2010  
WWR#6170788

Received this writ this 7 day  
of April A.D. 2010  
At 1:30 A.M./P.M.

Chester A. Hawley  
Sheriff *by Mary H. Hausey*

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL  
Defendant

S&T BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: HELEN D CASWELL Defendant(s);

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Amount due ..... \$ 14,460.99

Costs to be added..... \$ 132.00 Prothonotary costs

Prothonotary

*Willie L. Shantz*

Deputy

DATED: 4/7/2010  
WWR#6170788

Received this writ this 7 day  
of April A.D. 2010  
At 12 A.M. / P.M.

*Clint A. Shantz*  
Sheriff  
*by Maryn H. Shantz*

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL  
Defendant

S&T BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: HELEN D CASWELL Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
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    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
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Amount due ..... \$ 14,460.99

Costs to be added ..... \$ 132.00 Prothonotary costs

Prothonotary

Received this writ this 7 day  
of April A.D. 2010  
At 1:15 A.M./P.M.

Deputy

DATED: 4/7/2010  
WWR#6170788

Chet A. Hawley  
by Marilyn Harr

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

CAPITAL ONE BANK  
Plaintiff

vs.

Civil Action No. 07-2110-CD

HELEN D CASWELL  
Defendant

S&T BANK  
Garnishee

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against: HELEN D CASWELL Defendant(s);

- (1) You are directed to levy upon the property of the defendant(s) and to sell his/her/their interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of S&T BANK, as garnishee, 614 Liberty Boulevard, DuBois, PA 15801 and to notify the garnishee that:
  - a. An attachment has been issued;
  - b. Except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;
  - c. The attachment shall not include any funds in an account of the defendant with a bank or other financial institution
    - i. In which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
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- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated

Amount due ..... \$ 14,460.99

Costs to be added ..... \$ 132.00 Prothonotary costs

Prothonotary

*Willie H. Hausey*

DATED: 4/7/2010  
WWR#6170788

Received this writ this 7 day  
of April A.D. 2010  
At 1:30 A.M./P.M.

Deputy

Sheriff

*Chesler A. Hawkins*  
*Marilyn Hamer*

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

CAPITAL ONE BANK

Plaintiff No. 07-2110-CD

vs.

**INTERROGATORIES IN ATTACHMENT  
S&T BANK**

HELEN D CASWELL

Defendant

and

S&T BANK

Garnishee FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Matthew D. Urban, Esquire  
PA I.D. #90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6170788

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

CAPITAL ONE BANK

**Plaintiff**

vs.

Civil Action No.: 07-2110-CD

HELEN D CASWELL  
Defendant

and

S&T BANK  
Garnishee

TO: S&T BANK  
614 Liberty Boulevard  
DuBois, PA 15801

Suggested Reference No.: XXX-XX-6459

RE: HELEN D CASWELL  
5563 PATCHIN HWY  
CHERRY TREE, PA 15724

## IMPORTANT NOTICES TO GARNISHEE!

A. You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in Judgment against you.

B. Herein, the word "defendant" means any one or more of the defendants against whom the writ of Execution is issued.

C. While service of Writ upon the Garnishee attaches all property of the Defendant subject to attachment which is then in the hands of the garnishee, it also attaches all property of the defendant which comes into the Garnishee's possession thereafter, until Judgment is entered against the Garnishee. For example, the resultant liability of a Garnishee-Bank would not be measured by the balance in the debtor's account, either at the time of service of the Writ or at the time of Judgment against the Garnishee, but rather by the amounts deposited and withdrawn during the intervening period.

## INTERROGATORIES IN ATTACHMENT

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to him on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason (including funds on deposit for checking or savings accounts and certificates of deposit)?

1a. If the answer to Interrogatory 1 is in the affirmative, state the following: the amount of money you owe or owed to defendant, and, if such money is in the form of a fund, the present location thereof; the terms, face amount and amount you owe or owed to defendant on each of such negotiable or other written instruments and the present location of each of such instruments; the amount or amounts that defendant claims or claimed that you owe or owed to him; and the nature and amount of each of such liabilities.

2. At the time you were served or at any subsequent time was there in your possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant.

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. At any time before or after you were served, did the defendant transfer or deliver any property to you or to any person or place pursuant to your directions or consent and if so what was the consideration thereof?

6. At any time after you were served did you pay, transfer, or deliver any money or property to the defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, Identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

9. If the answer to Interrogatory 1 is in the affirmative, state the date the sheriff served these interrogatories on this institution.

10. If the answer to Interrogatory 1 is in the affirmative, state the date the written instrument, checking or savings account, certificate of deposit, or other funds were frozen, restricted, or otherwise put on hold by this institution.

11. If the response to Interrogatory 7 is in the affirmative, are other funds comingled in the account which are not deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law?

12. If the response to Interrogatory 11 is in the affirmative, state the amount of non-exempt funds on deposit in the account.

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

By: 

Matthew D. Urban, Esquire  
PA I.D. #90963

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6170788

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is \_\_\_\_\_  
(Name)

\_\_\_\_\_ of \_\_\_\_\_, garnishee herein,  
(Title) (Company)

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

\_\_\_\_\_ (SIGNATURE)

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

CAPTIAL ONE BANK, : NO: 2007-2110-CD  
Plaintiff :  
vs. :  
HELEN D. CASWELL, :  
Defendant :  
And :  
S & T BANK, :  
Garnishee :  
S

FILED  
MAY 10 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

I, Peter F. Smith, attorney for S & T Bank in the above-captioned matter, hereby certify that I served the original Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

**U.S. FIRST CLASS MAIL**  
Matthew D. Urban, Esquire  
Weltman, Weinberg & Reis Co. LPA  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

**U.S. FIRST CLASS MAIL &  
CERTIFIED MAIL**  
Helen D. Caswell  
5563 Patchin Way  
Cherry Tree, Pa 15724

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for S & T Bank

Date: May 5, 2010

WELTMAN, WEINBERG & REIS CO., L.P.A.  
BY: Matthew D. Urban, Esquire  
I.D. No. 90963  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
Phone: 412.434.7955  
Fax: 412.434.7959  
File # 06170788

Attorney for Plaintiff(s)

FILED 2CC A/H  
MAY 11:54 AM Urban  
MAY 28 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

CAPITAL ONE

CLEARFIELD County  
Court of Common Pleas

vs.

HELEN D CASWELL

NO. 07-2110-CD

and

S&T BANK

Garnishee(s)

**PRAECIPE TO DISCONTINUE ATTACHMENT EXECUTION**

TO THE PROTHONOTARY:

Kindly mark the above matter settled, discontinued, and ended as to Garnishee(s),  
S&T BANK; only.

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

By

Matthew D. Urban, Esquire  
Attorney for Plaintiff

Sworn to and subscribed

Before me the 18<sup>th</sup> Day of MAY, 2010

NOTARY PUBLIC

