

08-509-CD

Capital One vs Erick Yazwinski

150138

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK
(Plaintiff)

CIVIL ACTION

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

No. 08-509-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Filed on Behalf of:

ERICK YAZWINSKI
(Defendant)

CAPITAL ONE BANK
(Plaintiff/Defendant)

40 TERRACE DR APT 305
(Street Address)

HOUTZDALE PA 16651
(City, State ZIP)

David J. Apothaker, Esquire

(Filed by)

2417. Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

FILED

MAR 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att. pd.
\$95.00

icc Att.

icc Sheriff

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

VS.

ERICK YAZWINSKI
40 TERRACE DR APT 305
HOUTZDALE, PA 16651

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY

) NO.:

NOTICE

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 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.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

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 notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
Plaintiff,

vs.

ERICK YAZWINSKI
40 TERRACE DR APT 305
HOUTZDALE, PA 16651
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY

) NO.:

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, CAPITAL ONE BANK, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is ERICK YAZWINSKI, an adult individual residing at 40 TERRACE DR APT 305 HOUTZDALE, PA 16651.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$5,095.84.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$9,095.84 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____

David J. Apothaker

Dated: 2/29/2008

Our File No.: 150138

VERIFICATION

Amely Kelly, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Amely Kelly

DATE:

CAPITAL ONE BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

ERICK YAZWINSKI
40 TERRACE DR APT 305
HOUTZDALE, PA 16651

STATEMENT OF ACCOUNT

Debtor's Name:	ERICK YAZWINSKI
Account Number:	4388642107044912
Balance Due:	\$9,095.84

Our File No.: 150138

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103924
NO: 08-509-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: ERICK YAZWINSKI

SHERIFF RETURN

NOW, April 11, 2008 AT 10:45 AM SERVED THE WITHIN COMPLAINT ON ERICK YAZWINSKI DEFENDANT AT 229 BULKA ROAD, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ERICK YAZWINSKI, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

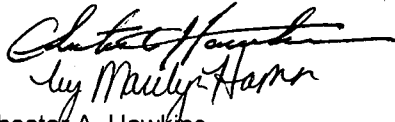
FILED
03:09 PM
JUL 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	79458	10.00
SHERIFF HAWKINS	APOTHAKE	79458	72.54

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

Our file No.: 150133 - 2
APOTHAKER & ASSOCIATES, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff
Attorney ID# 38423

FILED *ICC Atty*
11:38 AM
MAY 17 2010
Cavallaro

William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK

Plaintiff,

vs.

ERICK YAZWINSKI

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 03-509-CD
)
) Civil Action
)
) STIPULATION IN LIEU OF JUDGMENT
)
)

The matters and things in controversy having been discussed by and between the parties, and a settlement having been agreed upon:

It is on April 28, 2010, STIPULATED by and between Plaintiff, CAPITAL ONE BANK and Defendant, ERICK YAZWINSKI parties as follows:

1. Defendant agrees to pay the sum of \$9,787.42, which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of counsel fees and court costs.

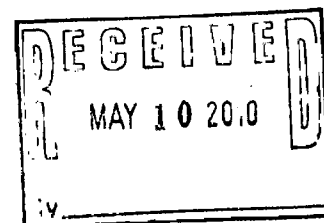
2. As of this date, payments totaling \$2,350.00 have been applied to the amount of \$9,787.42, and the amount due and owing as of April 28, 2010 is \$7,437.42.

3. The sum aforesaid of \$7,437.42 shall be paid by the Defendant, ERICK YAZWINSKI, to the attorneys for Plaintiff in the following manner:

a. \$100.00 to be paid on or before the 30th day of each month, beginning April 30, 2010 until paid in full.

All checks are to be made payable to CAPITAL ONE BANK, and sent to:

Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054



Our file No.: 150138

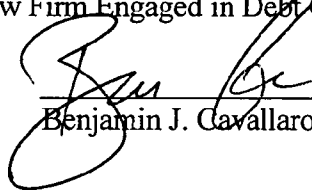
4. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$9,737.42, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

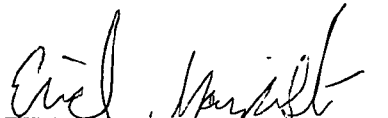
5. In the event of default as aforesaid, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to ERICK YAZWINSKI by first-class, postage prepaid.

We hereby consent to the form and entry of the within Stipulation.

APOTHAKE & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:


Benjamin J. Cavallaro, Esquire


ERICK YAZWINSKI

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

CAPITAL ONE BANK (USA) NA
Plaintiffs

vs.

ERICK YAZWINSKI
Defendant

* NO. 2008-509-CD
*
*
*
*

ORDER

NOW, this 25th day of June, 2013, upon the Court's review of the record, with the Court noting that on May 17, 2008 a Stipulation in Lieu of Judgment was filed by Attorney Benjamin J. Cavallaro, the Court considers this case to be settled. The Prothonotary shall code the case in Full Court as Z-SETTLA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

019:24cm
JUN 27 2013
William A. Shaw
Prothonotary Clerk of Courts

NOCC
ld

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A.

Plaintiff

vs.

ERICK YAZWINSKI

Defendant

:
: CIVIL ACTION

:
: NO: 08-509-CD

FILED

FEB 19 2015

BRIAN K. SHROFF
PROTHONOTARY

M/325/1313

S lca Atty
lca Debt.

PRAECIPE TO ENTER JUDGMENT ON STIPULATION IN LIEU OF JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against the Defendant ERICK
YAZWINSKI in the amount of \$4,819.96 on the Stipulation in Lieu of Judgment dated
5/17/2010 , which is attached as Exhibit "A."

Respectfully submitted,

BY: 

Abrahamsen Ratchford, P.C.
Michael F. Ratchford, Esquire
Attorney I.D. No.: 86285



**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CAPITAL ONE BANK (USA), N.A.	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	
	:	
vs.	:	
	:	
ERICK YAZWINSKI	:	NO: <u>08-509-CD</u>
	:	
	:	
Defendant	:	
	:	
	:	
	:	

CERTIFICATE OF SERVICE

I, Michael Ratchford, Esquire, hereby certify that I caused a true and correct copy of Plaintiff's Praeipe to Enter Judgment on Stipulation in Lieu of Judgment was served via first class United States Mail, postage prepaid on the date set forth below upon the following:

ERICK YAZWINSKI
229 BULKA RD APT F5
HOUTZDALE PA 16651-9714

Date: February 6, 2015

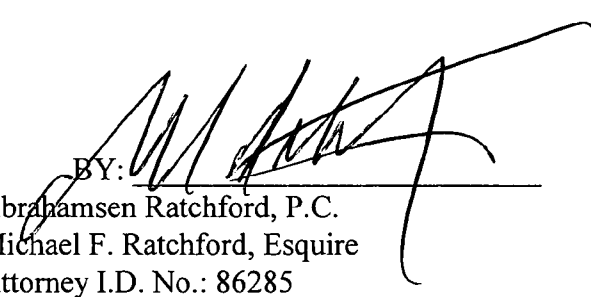
BY: 
Abrahamsen Ratchford, P.C.
Michael F. Ratchford, Esquire
Attorney I.D. No.: 86285

EXHIBIT "A"

Our file No.: 150138 - 2
APOTHAKE & ASSOCIATES, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff
Attorney ID# 38423

FILED *ice AH*
my 11:37 AM *Cavallaro*
MAY 17 2010

William A. Shaw *WAS*
Prothonotary/Clerk of Courts

CAPITAL ONE BANK

Plaintiff,

vs.

ERICK YAZWINSKI

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 08-509-CD
)
) Civil Action
)
) STIPULATION IN LIEU OF JUDGMENT
)
)

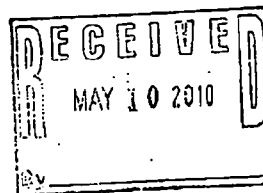
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Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054



Our file No.: 150138

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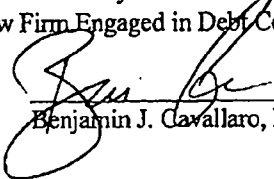
We hereby consent to the form and entry of the within Stipulation.

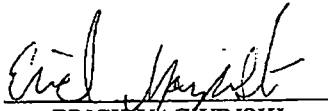
APOTHAKE & ASSOCIATES, P.C.

Attorneys for Plaintiff

A Law Firm Engaged in Debt Collection

By:


Benjamin J. Cavallaro, Esquire


ERICK YAZWINSKI

CAPITAL ONE BANK (USA), N.A.

Plaintiff

vs.

ERICK YAZWINSKI

Defendant

In the Court of Common Pleas of
CLEARFIELD County, Pennsylvania
Civil Division

NO: 08-509-CD

NOTICE OF FILING JUDGMENT

Notice is hereby given that a money judgment in the above-captioned matter has been entered against you in the amount of \$ 4819.96 on 2/19/2015.

By: 

If you have any questions regarding this notice, please contact the filing party:

Abrahamsen Ratchford, P.C.
120 North Keyser Avenue
Scranton, PA 18504

Telephone: (570)-558-5510

(Notice is given in accordance with PA Supreme Court Rule of Civil Procedure No. 236)