

08-540-CD
Capital One vs Gary L. Johnston

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

GARY L JCHNSTON

Defendant

No: 08-540-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06487354 C N Pit SMI

FILED
MAR 25 2009
m/1:04/09
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 95.00
ICC Sheriff

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No

GARY L JOHNSTON

Defendant

COMPLAINT AND NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK (USA), NA is a corporation with offices at 15000 CAPITAL ONE DRIVE RICHMOND , VA 23238 .

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

GARY L JOHNSTON
112 W SCRIBNER AVE
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX6776 .


4. Defendant made use of said credit card and has a current balance due of \$1245.12 , as of March 03, 2008 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from March 03, 2008 . 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 , GARY L JOHNSTON , INDIVIDUALLY , in the amount of \$1245.12 with continuing interest thereon at the rate of 25.900% per annum from March 03, 2008 plus costs.



James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 484-7955
FAX: 412-338-7130
06487354 C N Pit SMI

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.

Account Summary	
Previous Balance	\$790.07
Payments, Credits and Adjustments	\$4.00
Transactions	\$29.00
Finance Charges	\$17.57
New Balance	\$836.64
Minimum Amount Due	\$336.64
Payment Due Date	October 14, 2006
Total Credit Line	\$500
Total Available Credit	\$500
Credit Line for Cash	\$500
Available Credit for Cash	\$4.00

At your service

To call Customer Relations or to report a lost or stolen card:
1-800-903-3637

Send payments to:
Auto-Renewal Processing
Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884

Send inquiries to:
Capital One
P.O. Box 30285
SLC, UT 84130-0285

Important Account Information

Beginning October 1st, 2006, based on your account activity you may be assessed more than two late, overlimit, or returned check fees that occur during any billing period.

EXHIBIT

Payments, Credits and Adjustments

Transactions	
1 15 SEP PAST DUE FEE	\$29.00

You're behind by five payments - so we've permanently suspended your charging privileges. If you don't make a sufficient payment in the next 60 days, we'll charge off your account. If your account is reported to national credit bureaus as charged off, it'll have a serious impact on your credit record. Please don't let this happen. You can prevent any further damage to your credit by paying the amount due on your statement. If you're feeling overwhelmed, give us a call at 1.800.955.6600. We'll work with you to resolve this matter.

NOTICE: Look for a new statement design for your Capital One credit card beginning next month. A summary of the key changes will be provided with your new statement.

You were assessed a past due fee of \$29.00 on 09/15/2006 because your minimum payment was not received by the due date of 09/15/2006. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

Finance Charges

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$452.19	.07096%	25.90%	\$9.95
CASH	\$346.34	.07096%	25.90%	\$7.62

ANNUAL PERCENTAGE RATE applied this period

25.90%

PLEASE RETURN PORTION BELOW WITH PAYMENT

0000000 0 4862362425906776 15 0836640464000336640

New Balance \$836.64
Minimum Amount Due \$336.64
Payment Due Date October 14, 2006
Total enclosed \$
Account Number: 4862-3624-2590-6776

Please print mailing address and/or e-mail changes below using blue or black ink.

Street Apt #
City State ZIP
Home Phone Alternate Phone
Email Address

Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884

#9025984925677483# MAIL ID NUMBER
GARY L JOHNSTON
112 W SCRIBNER AVE
DU BOIS PA 15801-2212

VERIFICATION


CAPITAL ONE BANK USA , NA, successor-in-interest to Capital One Bank

vs

JOHNSTON, GARY L

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 BANK USA , NA, successor-in-interest to Capital One Bank, 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

MAISHA DAVIS
HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES
OCTOBER 24TH, 2010

4862362425906776

A049

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

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

CAPITAL ONE BANK

Plaintiff

vs.

GARY L JOHNSTON

Defendants

No. 08-540-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITH PREJUDICE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA I.D. #47437
Weltman, Weinberg & Reis, CO L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

WWR#6487354

FILED 1cc + 1 Cert
m/12:05pm of disc issued
MAY 14 2008 to Atty
Molczan
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. 08-540-CD

GARY L JOHNSTON

Defendants

PRAECIPE TO SETTLE DISCONTINUE AND END WITH PREJUDICE

TO THE PROTHONOTARY OF COUNTY:

Please kindly Settle Discontinue the above captioned matter upon the records of the Court with prejudice and mark the cost paid.

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

By: 

William T. Molczan, Esquire

PA I.D. #47437

Weltman, Weinberg & Reis, CO L.P.A

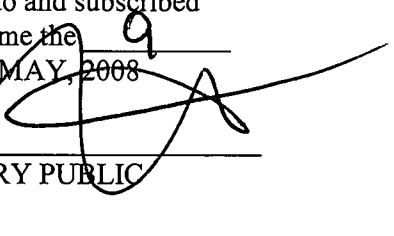
1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

WWR#6487354

Sworn to and subscribed

Before me the 

Day of MAY, 2008

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Wendy L. Gault, Notary Public

City Of Pittsburgh, Allegheny County

My Commission Expires July 15, 2010

Member, Pennsylvania Association of Notaries

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

CIVIL DIVISION

COPY

Capital One Bank (USA), NA

Vs.

Nc. 2008-00540-CD

Gary L. Johnston

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 14, 2008, marked:

Settled, Discontinued and Ended with Prejudice

Record costs in the sum of \$95.00 have been paid in full by James C. Warmbrodt Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of May A.D. 2008.



LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103953
NO: 08-540-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) NA
vs.
DEFENDANT: GARY L. JOHNSTON

SHERIFF RETURN

NOW, April 02, 2008 AT 12:56 PM SERVED THE WITHIN COMPLAINT ON GARY L. JOHNSTON DEFENDANT AT 112 W. SCRIBNER AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GARY JOHNSTON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3333059	10.00
SHERIFF HAWKINS	WELTMAN	3333059	37.19

FILED
0/2:40cm
JUL 14 2008
(initials)

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff