

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

No: 08-540-CD

vs.

COMPLAINT IN CIVIL ACTION

GARY L JOHNSTON

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 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06487354 C N Pit SMI

FILED, Atty PD
M/1/08
MAR 25 2008
JW
ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

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 XXXXXXXXXXXXXXX6776 .

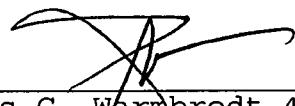
4. Defendant made use of said credit card and has a current balance due of \$1245.12 , as of March 03, 2008 .

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 , INDIVDUALY , 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
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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.

CapitalOne®PLATINUM VISA ACCOUNT
4862-3624-2590-6776AUG 16 - SEP 15, 2006
Page 1 of 1

Account Summary		Payments, Credits and Adjustments	
Previous Balance	\$790.07		
Payments, Credits and Adjustments	\$1.00		
Transactions	\$29.00		
Finance Charges	\$17.57		
		1 15 SEP PAST DUE FEE	\$29.00
New Balance	\$826.64		
Minimum Amount Due	\$336.64		
Payment Due Date	October 14, 2006		
Total Credit Line	\$500		
Total Available Credit	\$0.00		
Credit Line for Cash	\$500		
Available Credit for Cash	\$0.00		
At your service			
Send payments to:		Send inquiries to:	
Attn: Remittance Processing		Capital One®	
Capital One Bank		P.O. Box 30285	
P.O. Box 70884		S.L.C., UT 84130-0285	
Charlotte, NC 28277-0884			
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.			

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

Send payments to:
Attn: Remittance Processing
Capital One Bank
P.O. Box 70884
Charlotte, NC 28277-0884

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

/

Finance Charges		Please see reverse side for important information		
		Balance rate	Periodic	Compounding
		applied to	rate	CHARGE
PURCHASES	\$452.19	.07096%	25.99%	\$9.95
CASH	\$346.34	.07096%	25.99%	\$7.63
ANNUAL PERCENTAGE RATE applied this period			25.99%	

151268

CapitalOne

00000000 0 4862362425906776 15 0836640464000336640

New Balance	\$826.64
Minimum Amount Due	\$336.64
Payment Due Date	October 14, 2006
Total enclosed	\$ <input type="text"/>
Account Number:	4862-3624-2590-6776

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

Street	Apartment
City	State
Zip	
Home Phone	Alternate Phone
Email Address <input type="text"/>	

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 15612-2212

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

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 No. 08-540-CD

vs. PRAECIPE TO SETTLE, DISCONTINUE
AND END WITH PREJUDICE

GARY L JOHNSTON

Defendants

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

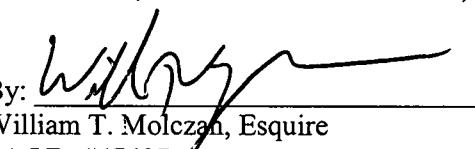
Defendants

PRAECIPE TO SETTLE DISCONTINUE AND END WITH PREDJUDICE

TO THE PROTHONOTARY OF COUNTY:

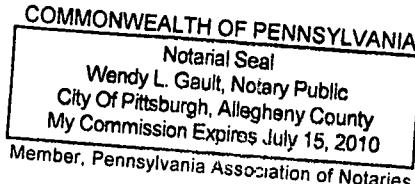
Please kindly Settle Discontinue the above captioned matter upon the records of the Court with prejudice and mark the cost paid.

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 9
Day of MAY, 2008

NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Capital One Bank (USA), NA

Vs. **No. 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
0/2:40 CM
JUL 14 2008
LM

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