

08-622-CD

Capital One vs James D. Rittenhouse

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

JAMES D RITTENHOUSE

Defendant

No: 2008-622-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  
06376901 C N Pit SMI

**FILED** ATTY PAID 95.00  
M 1:21 PM GK  
APR 04 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Sheriff

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No

JAMES D RITTENHOUSE

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:

JAMES D RITTENHOUSE  
724 TREASURE LK  
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX6578 .

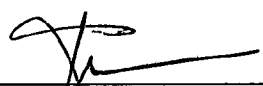
4. Defendant made use of said credit card and has a current balance due of \$2443.51 , as of March 06, 2008 .

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 28.150% per annum on the unpaid balance from March 06, 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 , JAMES D RITTENHOUSE , INDIVIDUALLY , in the amount of \$2443.51 with continuing interest thereon at the rate of 28.150% per annum from March 06, 2008 plus costs.



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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  
06376901 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	\$1,644.71
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$39.78
New Balance	\$1,719.49
Minimum Amount Due	\$1,719.49
Payment Due Date	October 03, 2006
Total Credit Line	\$1,250
Total Available Credit	\$0.00
Credit Line for Cash	\$1,250
Available Credit for Cash	\$0.00

## At your service

To call Customer Relations or to report a lost or stolen card:

**1-800-903-3637**

For free online account service and special customer offers, log on to:

[www.capitalone.com](http://www.capitalone.com)

Send inquiries to:

Attn: Remittance Processing  
Capital One Bank  
P.O. Box 70884  
Charlotte, NC 28272-0884

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	03 SEP	PAST DUE FEE	\$35.00
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Your account is six payments behind. If we charge off your account due to late payments, we will report this to several national credit bureaus which may have a serious impact on your credit record. Act now to prevent this from happening. Please pay the amount due on your statement or give us a call at 1.800.955.6600. We'll work with you so you can take control of your Capital One account and start rebuilding your credit.

**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 \$35.00 on 09/03/2006 because your minimum payment was not received by the due date of 09/02/2006. 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

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,663.87	.07712% D	28.15%	\$19.78
CASH	\$0.00	.07712% D	28.15%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

28.15%

PLEASE RETURN PORTION BELOW WITH PAYMENT

0000000 0 5291492144696578 03 1719490050001719495

Capital One

New Balance	\$1,719.49
Minimum Amount Due	\$1,719.49
Payment Due Date	October 03, 2006
Total enclosed	\$
Account Number:	5291-4921-4469-6578

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

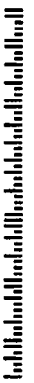
Street	Apt. #
City	State
Home Phone	Alternate Phone
Email Address	



#9024675158639734# MAIL ID NUMBER  
JAMES D RITTENHOUSE  
724 TREASURE LK  
DU BOIS PA 15801-9015



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



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), N.A., successor-in-interest to Capital One Bank

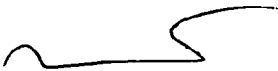
vs

RITTENHOUSE, JAMES 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, ARYONNE MABSON, Authorized Agent, of CAPITAL ONE BANK (USA), N.A., 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.



ARYONNE MABSON



Notary Public

MARIA DAVIS  
HENRY COUNTY, CLERK  
BY  
CLERK

5291492144696578

A049

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

**FILED**

**APR 04 2008**

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



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103999  
NO: 08-622-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA), NA  
vs.  
DEFENDANT: JAMES D. RITTENHOUSE

SHERIFF RETURN

NOW, April 11, 2008 AT 10:58 AM SERVED THE WITHIN COMPLAINT ON JAMES D. RITTENHOUSE DEFENDANT AT SEC. 1 LOT 23, BAY ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LISA RITTENHOUSE, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

FILED

010:57:04  
JUL 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3339372	10.00
SHERIFF HAWKINS	WELTMAN	3339372	37.19

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*  
*My Mailing Name*

Chester A. Hawkins  
Sheriff

FILED *e*

AUG 22 2008  
*W/ 1:20/*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*came to DEFT.*

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

*W/ note on*

CAPITAL ONE BANK (USA), NA

Plaintiff

No. 2008-622-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

JAMES D RITTENHOUSE

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 Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6376901  
Judgment Amount \$ 2643.15

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

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 2008-622-CD

JAMES D RITTENHOUSE

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, JAMES D RITTENHOUSE above named, in the default of an Answer, in the amount of \$2643.15 computed as follows:

Amount claimed in Complaint	\$2443.51
Interest from 3/6/08 to 8/6/08 at the legal interest rate of 28.150% per annum	\$199.64
TOTAL	\$2643.15

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 Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#6376901

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: 724 TREASURE LK DU BOIS, PA 15801

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 2008-622-CD

JAMES D RITTENHOUSE

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 Aug. 22, 2008

(xx)    Assumpsit Judgment in the amount  
         of \$2643.15 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.

(xx)    Entry of Judgment of  
         ☐ Court Order  
         ☐ Non-Pros  
         ☐ Confession  
         ☒ Default  
         ☐ Verdict  
         ☐ Arbitration  
         Award

Prothonotary

By:   
PROTHONOTARY (OR DEPUTY)

JAMES D RITTENHOUSE  
724 TREASURE LK  
DU BOIS, PA 15801

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 CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CAPITAL ONE BANK (USA), NA

Plaintiff

Case # 2008-622-CD

JAMES D RITTENHOUSE

Defendant(s)

IMPORTANT NOTICE


TO: JAMES D RITTENHOUSE  
724 TREASURE LK  
DU BOIS, PA 15801

Date of Notice: 7/28/08  
WWR#: 06376901

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

BY:   
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 KOPPERS BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

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

CAPITAL ONE BANK (USA), NA

Case no: 2008-622-CD

Plaintiff

**NON-MILITARY AFFIDAVIT**

vs.

JAMES D RITTENHOUSE

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, JAMES D RITTENHOUSE 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, JAMES D RITTENHOUSE is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 6<sup>th</sup> day  
of August, 2008

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Jennifer M. Borowski, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Feb. 22, 2012  
Member, Pennsylvania Association of Notaries

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.

Department of Defense Manpower Data Center

AUG-06-2008 07:33:25



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
RITTENHOUSE	JAMES	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. Snavelly-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 RE:

**Lisa A. Rittenhouse,**

## Debtors

**Case No. 08-71090**

## Chapter 7

**Lisa A. Rittenhouse,**

## Movants

**Related to Docket No. 21**

**Hearing Date and Time:**

**VS.**

**Capital One Bank (USA),**

**Respondent**

and

**Lisa M. Swope, Esquire,  
Chapter 7 Trustee,**

## Additional

**Respondent**

5 FILED

O 1:50 P.M. 6K

**AUG 28 2015**

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

## ORDER

AND NOW, this 12<sup>th</sup> day of August, 2015, upon the

Motion to Avoid Judgment Held by Capital One Bank (USA), which impaired an exemption of the Debtors, it is hereby ORDERED and DECREED as follows:

1. The judgment obtained by Capital One Bank (USA), referenced as civil action number 2008-00622-CD in the Court of Common Pleas of Clearfield County, Pennsylvania, in the Debtor's household and personal goods be and hereby is, avoided.

BY THE COURT:

FILED  
8/12/15 9:50 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

United States Bankruptcy Judge  
**JEFFERY A. DELLER**



FILED

AUG 28 2015

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS