

08-656-CD

Capital One vs Curtis Hetherton

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

CAPITAL ONE BANK

Plaintiff

vs.

CURTIS N HETHERTON

Defendant

No. *2008-656-CD*

COMPLAINT IN CIVIL ACTION

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.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05528301

FILED *pt \$95.00*
m/10:52 am *Att'y*
icc shff
APR 10 2008
(m)

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.

CURTIS N HETHERTON

Defendant

COMPLAINT IN CIVIL ACTION 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

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

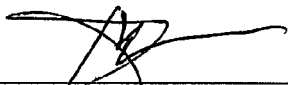
COMPLAINT

1. Plaintiff is a corporation with offices in 140 EAST SHORE DR
GLEN ALLEN, VA 23059-0000.
2. Defendant is an adult individual residing at 121 TOBACCO RD
WOODLAND, PA 16881.
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account
number 4862362435521763.
4. Defendant made use of said credit card and has currently a balance due and owing to
Plaintiff, as of JANUARY 15, 2008, in the amount of \$2,348.96. A true and correct copy of Plaintiff's
Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
5. Defendant is in default of the terms of the cardholder Agreement having not made monthly
payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides that Plaintiff is
entitled to the addition of finance charges at the rate of 14.4% per annum on the unpaid balance.
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or
refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment in its favor and against Defendant, CURTIS N
HETHERTON individually, in the amount of \$2,348.96 with continuing finance charges thereon at the
rate of 14.4% per annum from JANUARY 15, 2008 plus costs.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
SHALL BE USED FOR THAT PURPOSE.**

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



JAMES C-WARMBRODT, Esquire
PA I.D. #42524

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WWR# 05528301

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CapitalOne

PLATINUM VISA ACCOUNT
4862-3624-3552-1763

JUN 14 - JUL 13, 2005
Page 1 of 1

Account Summary

Previous Balance	\$1,562.91
Payments, Credits and Adjustments	\$5.00
Transactions	\$38.00
Finance Charges	\$18.61
New Balance	\$1,619.52
Minimum Amount Due	\$1,619.52
Payment Due Date	August 13, 2005
Total Credit Line	\$1,000
Total Available Credit	\$500
Credit Line for Cash	\$500
Available Credit for Cash	\$500

At your service

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

Send payment to:	Sending inquiries to:
Attn: Remittance Processing	Capital One
Capital One Bank	P.O. Box 30285
P.O. Box 790216	SLC, UT 84130-0285
St. Louis, MO 63179-0216	

Payments, Credits and Adjustments

Transactions

1	13 JUL	CAPITAL ONE MONTHLY MEMBER FEE	\$3.00
2	13 JUL	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 07/13/2005 because your minimum payment was not received by the due date of 07/13/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

EXHIBIT

Finance Charges Please see reverse side for important information

	Balance applied	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,229.91	.03534%	12.90%	\$13.04
CASH	\$342.07	.05425%	19.80%	\$5.57

ANNUAL PERCENTAGE RATE applied this period 14.40%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne

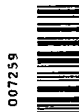
0000000 0 4862362435521763 13 1619520117261619526

New Balance	\$1,619.52
Minimum Amount Due	\$1,619.52
Payment Due Date	August 13, 2005
Total enclosed \$	
Account Number:	4862-3624-3552-1763

Please print mailing address and use mailing label on the back of this card.

Street	Appt#
City	State ZIP
Home Phone	Alternate Phone
Email Address	@

Capital One Bank
P.O. Box 790216
St. Louis, MO 63179-0216



#9019517431506651# MAIL ID NUMBER
CURTIS N HETHERTON
1740 SHADY PLAIN RD
APOLLO PA 15613-8979

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

Mention Offer Code: GOLD
Visit: www.peoplepc.com/go/gold

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Important Notice: Payments you mail to us will be credited to your accounts if the business we receive it from provides proof of payment. If you send the bottom portion of this statement and your check in the enclosed return envelope paid (2) your payments received from our processing center by 3 p.m. ET (noon PT) the following day, we will process your payment immediately. Payments received by us at other locations or in any other manner may not be credited until the next business day. Our business days are Monday through Friday, excluding holidays. Please do not use stop orders, restrictions, or post-dated checks. When you send us a check(s), you authorize us to make an anti-money-laundering transfer directly from your bank account for the amount(s) of the check. This authorization covers all checks received under the billing agreement sent by someone else. If we cannot process the transfer you authorize us to make, check your bank's return policy for information regarding the check, a paper draft or otherwise.

VERIFICATION

CAPITAL ONE BANK (USA), N.A., successor-in-interest to Capital One Bank

vs

HETHERTON, CURTIS N

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), 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.


JAMELA SINGLETARY
Notary Public

ARYONNE MABSON
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMMISSION EXPIRES OCT. 29, 2011

4862362435521763

A049

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

FILED

APR 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **104020**

CAPITAL ONE BANK

Case # 08-656-CD

vs.

CURTIS N. HETHERTON

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW July 23, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO CURTIS N. HETHERTON, DEFENDANT. WHEREABOUTS UNKNOWN.

SERVED BY: /

FILED

9/3:00 AM
JUL 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

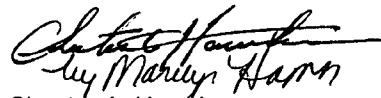
Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8672038	10.00
SHERIFF HAWKINS	WELTMAN	8672038	19.05

Sworn to Before me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

CURTIS N HETHERTON

Defendant

No. 2008-656-GD

COMPLAINT IN CIVIL ACTION

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.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05528301

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

APR 10 2008

Attest.

William A. B.
Prothonotary
Clerk of Courts

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

CAPITAL ONE BANK

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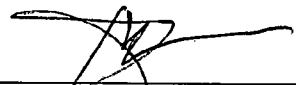
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JAMES C. WARMBRODT, Esquire

PA I.D. #42524

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

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- Smarter Smart Dialer Technology
- More Email Addresses
- Internet Call Waiting

Or, Surf up to 5x faster with PeoplePC Online Accelerated for a few dollars more.

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P.O. Box 790216
St. Louis, MO 63179-0216

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P.O. Box 30285
SLC, UT 84130-0285

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14.40%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne

0000000 0 4862362435521763 13 1619520117261619526

New Balance **\$1,619.52**
Minimum Amount Due **\$1,619.52**
Payment Due Date **August 13, 2005**
Total enclosed \$
Account Number: **4862-3624-3552-1763**

Please print mailing address and use mail bag below using 11x16 or 16x11 card.

Street Apt
City State ZIP
Home Phone Alternative Phone
Email Address

Capital One Bank
P.O. Box 790216
St. Louis, MO 63179-0216

#9019517431506651# MAIL ID NUMBER
CURTIS N BETHERTON
1740 SHADY PLAIN RD
APOLLO PA 15613-8979

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

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OILGLBAK

Important Notice: Payments you mail to us will be credited to your accounts of the business day we receive it, provided 1) you send the bottom portion of this statement and your check in the enclosed remittance envelope and 2) your payments received on our processing center by 3 p.m. ET (12 noon PT). Please allow at least five (5) business days for portable video payments received by us at any other location. In any other form, your payment may be credited to your account on the business day following the date of receipt. If you are sending us a check (3) you authorize us to make one or more electronic transfers from your bank account for the amount of the check. This authorization permits all checks received during the billing cycle if sent by someone else. If we cannot process the transfer, you authorize us to make a charge against your account on the business day we check a paper return for payment.

VERIFICATION

CAPITAL ONE BANK (USA), N.A., successor-in-interest to Capital One Bank

vs

HETHERTON, CURTIS N

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), 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.


JAMELA SINGLETARY
Notary Public

ARYONNE MABSON
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMMISSION EXPIRES OCT. 29, 2011

4862362435521763

A049

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

FILED

JUL 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

BY: Sarah E. Ehasz

Attorney for Plaintiff(s)

I.D. No. 86469

436 Seventh Avenue 1400 Koppers Building

Pittsburgh, PA 15219

Phone: (412) 434-7955

Fax: (412) 338-7130

File # 5528301 SEE/ABR

CAPITAL ONE BANK (USA), NA

Clearfield County

Court of Common Pleas

v.s.

No.: 2008-656-CD

CURTIS N HETHERTON

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss the above matter without prejudice .

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

By 

Sarah E. Ehasz, Esquire
Attorney for Plaintiff

FILED 1 CC Atty
m/ 12:33pm Ehasz
OCT 26 2011

William A. Shaw
Prothonotary/Clerk of Courts



FILED

OCT 26 2011

William A. Shaw
Prothonotary/Clerk of Courts