

08-657-CD

Capital One vs C. Lingenfelter

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

CAPITAL ONE BANK

Plaintiff

vs.

COURTNEY LINGENFELTER

Defendant

No. 2008-657-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

JAMES C. WARMBRODT
PA I.D. 42524
WELTMAN, WEINBERG & REIS CO.
1400 KOPPERS BLDG.
436 7TH AVE.
PITTSBURGH, PA 15219
(412) 434-7955

WWR#06376718

FILED
M 11:40 AM CK
APR 10 2008
William A. Shaw
Prothonotary/Clerk of Courts
ICC Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.

COURTNEY LINGENFELTER

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 15000 CAPITAL ONE DRIVE RICHMOND, VA 23238.

2. Defendant is an adult individual residing at 303 E PARK AVE DU BOIS, PA 15801.

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXX2999.

4. Defendant made use of said credit card and has currently a balance due and owing to Plaintiff, as of FEBRUARY 20, 2008, in the amount of \$1168.48. 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 25.900% 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, COURTNEY LINGENFELTER individually, in the amount of \$1168.48 with continuing finance charges thereon at the rate of 25.900% per annum from FEBRUARY 20, 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

PA I.D. 42524

WELTMAN, WEINBERG & REIS CO.

1400 KOPPERS BLDG.

436 7TH AVE.

PITTSBURGH, PA 15219

(412) 434-7955

WWR#:06376718

Capital One

PLATINUM VISA ACCOUNT
4862-3625-4660-2999

AUG 04 - SEP 03, 2006
Page 1 of 1

Account Summary

Previous Balance \$768.11
Payments, Credits and Adjustments \$0.00
Transactions \$23.00
Finance Charges \$17.08

New Balance \$814.19
Minimum Amount Due \$814.19
Payment Due Date October 03, 2006

Total Credit Line \$400
Total Available Credit \$0.00
Credit Line for Cash \$400
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:
Attn: Remittance Processing
Capital One Bank
P.O. Box 78884
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.

Payments, Credits and Adjustments

Transactions
1 03 SEP PAST DUE FEE \$29.00

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 1-800-903-3637. 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 \$29.00 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.

EXHIBIT

Finance Charges

Please see reverse side for important information
Balance rate applied to Periodic rate Corresponding APR
PURCHASES \$776.34 0.00% 25.90% \$17.08
CASH \$0.00 0.00% 25.90% \$4.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

Capital One

PLEASE RETURN PORTION BELOW WITH PAYMENT
00000000 0 4862362546602999 03 0814190030000814194

New Balance \$814.19
Minimum Amount Due \$814.19
Payment Due Date October 03, 2006
Total enclosed \$
Account Number: 4862-3625-4660-2999

Please print mailing address and/or e-mail changes before using blue or black ink.
Street Apt. #
City State ZIP
Home Phone Alternate Phone
E-mail Address

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

#9024610880542245# MAIL ID NUMBER
COURTNEY LINGENFELTER
PO BOX 160
DU BOIS PA 15801-0160

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

vs

LINGENFELTER, COURTNEY

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, TRACY TAYLOR, Authorized Agent, of 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.


TRACY TAYLOR



Notary Public

4862362546602999

A049

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

ANTHONY WATSON
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMMISSION EXPIRES OCT 20, 2011

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 # **104021**

CAPITAL ONE BANK

Case # 08-657-CD

vs.

COURTNEY LINGENFELTER

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 COURTNEY LINGENFELTER, DEFENDANT. MOVED TO: 1519 ZION RD., BELLEFONTE, PA..

SERVED BY: /

FILED

0/3:00 cm
JUL 23 2008

Return Costs

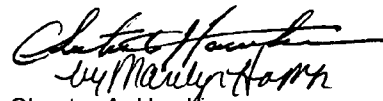
PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8672135	10.00
SHERIFF HAWKINS	WELTMAN	8672135	33.19

William A. Shaw
Prothonotary/Clerk of Courts

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.

COURTNEY LINGENFELTER

Defendant

No. 2008-657-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

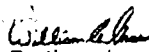
JAMES C. WARMBRODT
PA I.D. 42524
WELTMAN, WEINBERG & REIS CO.
1400 KOPPERS BLDG.
436 7TH AVE.
PITTSBURGH, PA 15219
(412) 434-7955

WWR#06376718

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

APR 10 2008

Attest.


Prothonotary/
Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.

COURTNEY LINGENFELTER

Defendant

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

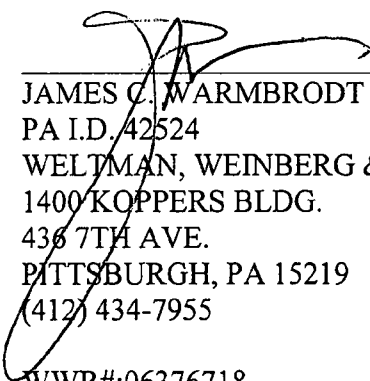
COMPLAINT

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SHALL BE USED FOR THAT PURPOSE.**

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



JAMES C. WARMBRODT

PA I.D. 42524

WELTMAN, WEINBERG & REIS CO.

1400 KOPPERS BLDG.

436 7TH AVE.

PITTSBURGH, PA 15219

(412) 434-7955

WWR#:06376718

Capital One

PLATINUM VISA ACCOUNT
4862-3625-4660-2999

Account Summary

Previous Balance	\$768.11
Payments, Credits and Adjustments	\$0.00
Transfers	\$29.00
Finance Charges	\$17.08
New Balance	\$814.19
Minimum Amount Due	\$814.19
Payment Due Date	October 03, 2006
Total Credit Line	\$400
Credit Line for Cash	\$400
Available Credit for Cash	\$400

At your service

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

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

Send inquiries to:
Capital One
P.O. Box 30285
SIC, UT 84120-0285
Charlotte, NC 28272-0884

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.

Payments, Credits and Adjustments

Transactions
1 03 SEP PAST DUE FEE

\$29.00

Your account is set up with automatic payments. 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 1.800.955.6650. 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 \$29.00 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.

EXHIBIT

Finance Charges	Balance rate	Period	Compounding	APR	FINANCE CHARGE
	9.99% to 14.99%	10/01/06 to 09/30/06	Monthly	25.90%	\$17.08
PURCHASES	\$776.34	\$776.34	\$776.34	25.90%	\$17.08
CASH	\$1.00	\$1.00	\$1.00	25.90%	\$0.00

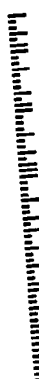
ANNUAL PERCENTAGE RATE applied this period

Capital One

PLEASE RETURN PORTION BELOW WITH PAYMENT
00000000 0 4862362546602999 03 0814190030000814194

New Balance \$814.19
Minimum Amount Due \$814.19
Payment Due Date October 03, 2006
Total enclosed \$
Account Number 4862-3625-4660-2999

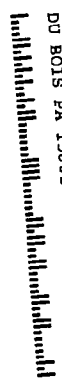
Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884



016587



#9024610880542245# MAIL ID NUMBER
COURTNEY LINGENFELTER
PO BOX 160
DU BOIS PA 15801-0160



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

VERIFICATION

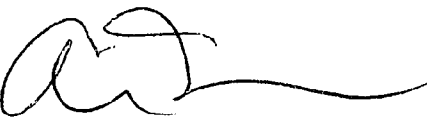
CAPITAL ONE BANK

vs

LINGENFELTER, COURTNEY

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, TRACY TAYLOR, Authorized Agent, of 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.


TRACY TAYLOR



Notary Public

4862362546602999

A049

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

ARVONNE MARRON
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMMISSION EXPIRES OCT 26, 2015

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

COURTNEY LINGENFELTER

Defendant

No. : 2008-657-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

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#6376718

FILED

DEC 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc: 1 Cert.
of Disc. to
Atty
(610)

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. : 2008-657-CD

COURTNEY LINGENFELTER

Defendant

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Settle, Discontinue and End the above-captioned matter upon the records of the Court without
prejudice to refile and mark the costs paid.

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

By: 

Attorney for Plaintiff
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#6376718

SWORN TO AND SUBSCRIBED

before me this 24 day

of November, 2008


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Wayne A. Jones, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires June 29, 2010
Member, Pennsylvania Association of Notaries

FILED

DEC 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

Capital One Bank (USA), NA

Vs.

No. 2008-00657-CD

Courtney Lingenfelter

CERTIFICATE OF DISCONTINUATION

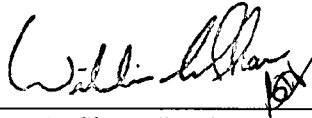
Commonwealth of PA
County of Clearfield

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 December 5, 2008, marked:

Settled, Discontinued and Ended without Prejudice to Refile

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 5th day of December A.D. 2008.

A handwritten signature in black ink, appearing to read 'William A. Shaw', is written over a horizontal line. There is a small mark to the right of the signature.

William A. Shaw, Prothonotary