

08-683-CD

Capital One vs. Tracy J. Yarger

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

CAPITAL ONE BANK

Plaintiff

vs.

TRACY J YARGER

Defendant

No: 2008-683-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 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06059370 C N Pit SGM

FILED ^{pd \$95.00} ^{Att}
m/11:15 am ICC Shff
APR 14 2008
(M)

William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff
vs.

Civil Action No

TRACY J YARGER

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 is a corporation with offices at 140 EAST SHORE DR GLEN ALLEN , VA 23059 .

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

TRACY J YARGER
95 ALEXANDER LN
HOUTZDALE, PA 16651

3. Defendant applied for and received a credit card bearing the account number 4388641896366833 .

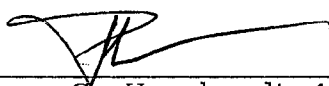
4. Defendant made use of said credit card and has a current balance due of \$6279.23 , as of December 17, 2007 .

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 28.240% per annum on the unpaid balance from December 17, 2007 . A copy of Plaintiff's 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 , TRACY J YARGER , INDIVIDUALLY , in the amount of \$6279.23 with continuing interest thereon at the rate of 28.240% per annum from December 17, 2007 plus costs.



James O. Warmbrodt, 42524
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436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06059370 C N Pit SGM

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.

Your account is about to charge off as a bad debt.

- We report an R9 rating to credit bureaus when an account charges off.
- Lenders and employers nationwide can access credit bureau reports.
- An R9 will limit our ability to offer you financial solutions.
- You will still be responsible for repaying the debt.

Good news – it's not too late.

- Call 1-800-955-6600 for payment options.
- Pay with our free Check by Phone service.
- If you have online account access, log on to your account and pay now at www.capitalone.com.
- If you prefer, simply use the remittance coupon below.

The purpose of this letter is to collect a debt. Any information obtained will be used for that purpose.
© 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

045-0404



PLATINUM VISA ACCOUNT

4388-6418-9636-6833

6059370

JAN 24 - FEB 23, 2006

Page 1 of 1

Account Summary

Previous Balance	\$3,951.62
Payments, Credits and Adjustments	\$0.00
Transactions	\$39.00
Finance Charges	\$95.90
New Balance	\$4,086.52
Minimum Amount Due	\$4,086.52
Payment Due Date	March 23, 2006
Total Credit Line	\$3,500
Total Available Credit	\$0.00
Credit Line for Cash	\$1,750
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

Send payments to:
Attn: Remittance Processing
Capital One Bank
P.O. Box 790216
St. Louis, MO 63179-0216

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

Payments, Credits and Adjustments**Transactions**

1	23 FEB	CAPITAL ONE MONTHLY MEMBER FEE	\$4.00
2	23 FEB	PAST DUE FEE	35.00

As a valued Capital One customer, you are eligible to receive a free Year-End Summary for this specific account that recaps your 2005 charges, provided your account is in good standing and you have made transactions during the calendar year. Please go to www.capitalone.com and access your account to request your Year-End Summary online or call 1-877-794-4487 before March 31, 2006, to reserve your copy. Orders will be mailed out by the end of April 2006.

You were assessed a past due fee of \$35.00 on 02/23/2006 because your minimum payment was not received by the due date of 02/23/2006. 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	FINANCE CHARGE
PURCHASES	\$1,788.14	.07737% P	28.24%	\$42.89
CASH	\$249.56	.07737% P	28.24%	\$5.99
SPECIAL TRANSFERS	\$1,960.24	.07737% P	28.24%	\$47.02

ANNUAL PERCENTAGE RATE applied this period

28.24%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



0000000 0 4388641896366833 23 4086520080004086525

New Balance \$4,086.52
Minimum Amount Due \$4,086.52
Payment Due Date March 23, 2006

Total enclosed \$
Account Number: 4388-6418-9636-6833

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 790216
St. Louis, MO 63179-0216
064231

#9005533807893058# MAIL ID NUMBER
TRACY J YARGER
301 SYLVAN ACRES
TYRONE PA 16686-1103
064231

VERIFICATION

CAPITAL ONE BANK

vs

YARGER, TRACY J

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, 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

MAISHA DAVIS
HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES
OCTOBER 24, 2011

4388641896366833

A049

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

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **104047**

CAPITAL ONE BANK

Case # 08-683-CD

vs.

TRACY J. YARGER

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW July 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO TRACY J. YARGER, DEFENDANT. DEFENDANT RESIDES@ GLENDALE YEARROUND, CAMBRIA CO..

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8672463	10.00
SHERIFF HAWKINS	WELTMAN	8672463	32.18

FILED
0/3:30Lm
JUL 28 2008

Sworn to Before me This

_____ Day of _____ 2008

So Answers,

William A. Shaw
Prothonotary/Clerk of Courts


Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK

Plaintiff

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No: 2008-683-CD

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FAX: 412-338-7130
06059370 C N Pit SGM

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

APR 14 2008

Attest.

William B. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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CAPITAL ONE BANK

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06059370 C N Pit SGM

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Your account is about to charge off as a bad debt.

- We report an R9 rating to credit bureaus when an account charges off.
- Lenders and employers nationwide can access credit bureau reports.
- An R9 will limit our ability to offer you financial solutions.
- You will still be responsible for repaying the debt.

Good news – it's not too late.

- Call 1-800-955-6600 for payment options.
- Pay with our free Check by Phone service.
- If you have online account access, log on to your account and pay now at www.capitalone.com.
- If you prefer, simply use the remittance coupon below.

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 © 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

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www.capitalone.com

Send payments to:
 Attn: Remittance Processing
 Capital One Bank
 P.O. Box 790216
 St. Louis, MO 63179-0216

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

Payments, Credits and Adjustments

Transactions

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ANNUAL PERCENTAGE RATE applied this period

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▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



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 Total enclosed \$
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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 790216
 St. Louis, MO 63179-0216



064231



#9005533807893058# MAIL ID NUMBER
 TRACY J YARGER
 301 SYLVAN ACRES
 TYRONE PA 16686-1103



VERIFICATION

CAPITAL ONE BANK

vs

YARGER, TRACY J

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ARYONNE MABSON



Notary Public

WELTMAN, WEINBERG & REIS CO., L.P.A.
HENRY J. WEINBERG
MY OFFICE IS IN THE CITY OF PHILADELPHIA

4388641896366833

A049

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

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

CAPITAL ONE BANK(USA) N.A.

Plaintiff

vs.

TRACY J YARGER

Defendant

No. 2008-683-CD

PRAECIPE TO DISCONTINUE AND END
WITHOUT PREJUDICE TO REFILE

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
(412) 434-7955

WWR#6059370

5
FILED ICE & Icert
m/11:55 am of disc issued
FEB 02 2009 to Atty Molczan

William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK(USA) N.A.

Plaintiff

vs.

Civil Action No. 2008-683-CD

TRACY J YARGER

Defendant

PRAECIPE TO DISCONTINUE AND END
WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

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: W. A. Jones
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#6059370

SWORN TO AND SUBSCRIBED

before me this 19TH

of JANUARY, 2009

Wayne A. Jones
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

Q Q Q L

Capital One Bank

No. 2008-00683-CD

Tracy J. Yarger

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 February 2, 2009, marked:

Discontinued and ended without prejudice to refile

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of February A.D. 2009.

Will. L. Shaw

LM

William A. Shaw, Prothonotary