

08-722-CD

Capital One vs Daniel Mitchell

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A.

(Plaintiff)

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

CIVIL ACTION

No. 08-722-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

DANIEL G MITCHELL

(Defendant)

1054 WALKER RD

(Street Address)

CLEARFIELD, PA 16830

(City, State, ZIP)

CAPITAL ONE BANK (USA),

N.A.

(Plaintiff)

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)

FILED

APR 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

Any pd. \$95.00
ICC Any
ICC Sheriff

(Signature)

1. Plaintiff, CAPITAL ONE BANK (USA), N.A. is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is DANIEL G MITCHELL, an adult individual residing at 1054 WALKER RD CLEARFIELD, PA 16830.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$9,182.12.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$9,182.12 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

SECOND COUNT

9. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "B".

10. Defendant received and accepted the goods and/or services described in Exhibit "B".

11. The prices set forth in Exhibit "B" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.

12. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "B".

13. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$24,040.18.

14. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$24,040.18 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$33,222.30 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____
David J. Apothaker

Dated: 3/28/2008

Our File No.: 78637

VERIFICATION

Andy Kelly, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Andy Kelly

DATE:

CAPITAL ONE BANK (USA), N.A.
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DANIEL G MITCHELL
1054 WALKER RD
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name:	DANIEL G MITCHELL
Account Number:	4305721800731338
Balance Due:	\$9,182.12

Our File No.: 78637

EXHIBIT "A"

CAPITAL ONE BANK (USA), N.A.
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DANIEL G MITCHELL
1054 WALKER RD
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name: DANIEL G MITCHELL

Account Number: 7812602150185144

Balance Due: \$24,040.18

Our File No.: 106094

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104068
NO: 08-722-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.
vs.
DEFENDANT: DANIEL G. MITCHELL

SHERIFF RETURN

NOW, May 07, 2008 AT 1:04 PM SERVED THE WITHIN COMPLAINT ON DANIEL G. MITCHELL DEFENDANT AT WORK 312 SOUTH ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DANIEL MITCHELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

FILED
JUL 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	83782	10.00
SHERIFF HAWKINS	APOTHAKE	83782	24.06

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

Our File No.: 78637
APOTHAKER & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED pd \$20.00 AM
m/12:16pm 1cc+notice to
SEP 11 2009 debt

William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK (USA), N.A.

Plaintiff

vs.

DANIEL G MITCHELL

Defendant

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

NO.: 08-722-CD

Civil Action

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, DANIEL G MITCHELL, in the default of an

Answer, in the amount of \$20,402.87 computed as follows:

Amount claimed in complaint:	\$	33,222.30
Less: Amount Paid:		(3,647.00)
Plus: Interest from March 28, 2008 to September 3, 2009 at the legal interest rate of 6.00% per annum		2,661.78
Costs		129.06
TOTAL	\$	20,402.87

I certify that Defendant, DANIEL G MITCHELL, last known address is 1054 WALKER
RD CLEARFIELD, PA 16830.

David J. Apothaker, Esq.
Attorney for Plaintiff

Dated: September 3, 2009

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

TO: DANIEL G MITCHELL
1054 WALKER RD
CLEARFIELD, PA 16830

CAPITAL ONE BANK (USA), N.A.

Plaintiff

vs.

DANIEL G MITCHELL

Defendant

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

NO.: 08-722-CD

Civil Action

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT

___ JUDGMENT IN REPLEVIN

___ JUDGMENT BY CONFESSION

___ JUDGMENT FOR POSSESSION

___ JUDGMENT ON AWARD OF ARBITRATORS

___ JUDGMENT ON VERDICT

___ JUDGMENT ON COURT FINDINGS

___ JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apothaker, Esq. at this telephone number: 800-672-0215

William L. Harrison
Prothonotary 9-11-2009

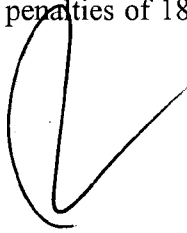
Our File No.: 78637
APOTHAKE & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

CAPITAL ONE BANK (USA), N.A.)	COURT OF COMMON PLEAS OF
)	CLEARFIELD COUNTY
Plaintiff)	
vs.)	NO.: 08-722-CD
DANIEL G MITCHELL)	
)	Civil Action
Defendant)	

CERTIFICATION PURSUANT TO RULE 237.1

Pursuant to PA Rule Civil Procedure 237.1, I certify that a copy of the NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT has been sent to the Defendant or the Attorney of Record.

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



David J. Apothaker, Esq.
Attorney for Plaintiff

Dated: September 3, 2009

Our File No.: 78637
APOTHAKE & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

CAPITAL ONE BANK (USA), N.A.)	COURT OF COMMON PLEAS OF
)	CLEARFIELD COUNTY
Plaintiff)	
vs.)	NO.: 08-722-CD
DANIEL G MITCHELL)	
)	Civil Action
Defendant)	

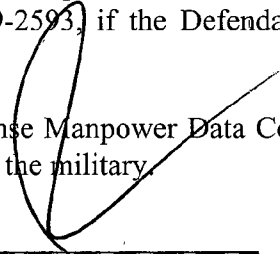
AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 1054 WALKER RD CLEARFIELD, PA 16830.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavelly-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.



David J. Apothaker, Esq.
Attorney for Plaintiff

I verify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MITCHELL	DANIEL G	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

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/fag/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:YHEQJCYDHE

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

CAPITAL ONE BANK (USA), N.A.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY

vs.

)

DANIEL G MITCHELL

) NO. 08-722-CD
)

To: DANIEL G MITCHELL
1054 WALKER RD
CLEARFIELD, PA 16830

NOTICE, RULE 237.5
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: August 19, 2008


IMPORTANT NOTICE

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 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 ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641



DAVID J. APOTHAKE, ESQUIRE
APOTHAKE & ASSOCIATES, PC
A Law Firm Engaged in Debt Collection
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff
Attorney ID #38423

78637

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104068
NO: 03-722-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.
vs.
DEFENDANT: DANIEL G. MITCHELL

SHERIFF RETURN

NOW, May 07, 2008 AT 1:04 PM SERVED THE WITHIN COMPLAINT ON DANIEL G. MITCHELL DEFENDANT AT WORK 312 SOUTH ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DANIEL MITCHELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

FILED
JUL 21 2008
William A. Shaw
Prothonotary Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	83782	10.00
SHERIFF HAWKINS	APOTHAKE	83782	24.06

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by *Marilyn Harris*
Chester A. Hawkins
Sheriff

RECEIVED
AUG 10 2008



CAPITAL BANK ONE (USA) NA

Plaintiff

vs.

DANIEL G MITCHELL

Defendant

In the Court of Common Pleas of
CLEARFIELD County, Pennsylvania
Civil Division

NO: 08-722-CD

Praeipe to Satisfy the Judgment

PRAEPIPE TO SATISFY THE JUDGMENT

To the Prothonotary of CLEARFIELD County Pennsylvania:

Please enter the above Praeipe to Satisfy the Judgment.

Thank you,

Michael F. Ratchford, Esquire
Edwin A. Abrahamsen & Associates, P.C.
Lawyer ID # 86285
120 N. Keyser Avenue
Scranton PA 18504

⁵
FILED

APR 30 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

m/1200/1315

pd. 700 lcc Atty Ratchford

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

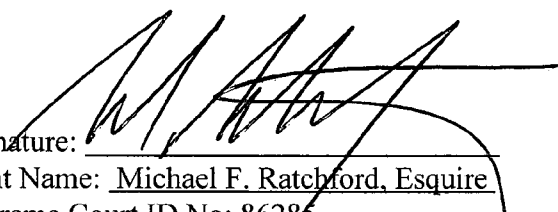
CAPITAL BANK ONE (USA) NA	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	
vs.	:	NO: <u>08-722-CD</u>
	:	
DANIEL G MITCHELL	:	
	:	
Defendant	:	
	:	
	:	

PRAECIPE FOR ENTRY OF APPEARANCE

To the Prothonotary of CLEARFIELD County:

Kindly enter my appearance on behalf of CAPITAL BANK ONE (USA) NA in the above-captioned matter.

Date: April 28, 2014

Signature: 
Print Name: Michael F. Ratchford, Esquire
Supreme Court ID No: 86285
Address: 120 North Keyser Avenue
Scranton, PA 18504
Telephone No: (570) 558-5510

⁵
FILED

APR 30 2014 *AS*

**BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS**

*M/12w/2014
1cc Atty Ratchford*