

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)

(Signature)

FILED Atty pd. \$95.00

APR 21 2008

W.M.

ICC Atty

ICC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

Our File No.: 78637
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS
c/o Apotheker & Associates, P.C.) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
DANIEL G MITCHELL)
1054 WALKER RD)
CLEARFIELD, PA 16830)
Defendant.)

NOTICE

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 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.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
814-765-2641

APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS
c/o Apothaker & Associates, P.C.) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
DANIEL G MITCHELL)
1054 WALKER RD)
CLEARFIELD, PA 16830)
Defendant.)
)

**CIVIL ACTION COMPLAINT
FIRST COUNT**

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.

APOTHAKER & 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 Felix, hereby states that I am Legal 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 Felix

DATE:

CAPITAL ONE BANK (USA), N.A.
c/o Apotheker & 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
d2.5831
JUL 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

*Chester A. Hawkins
by Marley Hahn*
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

pd \$20.00 A/H
FILED
m 12 16 cm
SEP 11 2009
S William A. Shaw
Prothonotary/Clerk of Courts
LS

CAPITAL ONE BANK (USA), N.A.

) COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Plaintiff

) vs.

DANIEL G MITCHELL

) Civil Action

Defendant

)
)
)
)
)
)

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.) COURT OF COMMON PLEAS OF
Plaintiff) CLEARFIELD COUNTY
vs.) NO.: 08-722-CD
DANIEL G MITCHELL) Civil Action
Defendant)

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. Apotheker, Esq. at this telephone number: 800-672-0215

Willie J. Apotheker
Prothonotary 9-11-2009

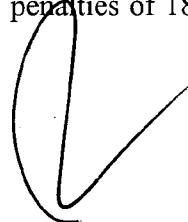
Our File No.: 78637
APOTHAKER & ASSOCIATES, P.C.
By: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

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
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

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. Snavely-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. Snavely-Dixon

Mary M. Snavely-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 point-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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: PHEQJCYDHE

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS
vs.)) CLEARFIELD COUNTY
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. APOTHAKER, ESQUIRE
APOTHAKER & 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 CCMPLAINT 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
COPY
e2-5831
JUL 3 1 2008
William A. Shaw
Prothonotary Clerk of Courts

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

Sworn to Before Me This

____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

RECEIVED
AUG 10 2008



CAPITAL BANK ONE (USA) NA

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

vs.

DANIEL G MITCHELL

Defendant : NO: 08-722-CD

: Praeclipe to Satisfy the Judgment

PRAECLYPE TO SATISFY THE JUDGMENT

To the Prothonotary of CLEARFIELD County Pennsylvania:

Please enter the above Praeclipe 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

S
FILED *as*
APR 30 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

M/1200/1315
pd. 700 1c Atty Ratchford

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

CAPITAL BANK ONE (USA) NA

: CIVIL ACTION

Plaintiff :

vs.

: NO: 08-722-CD

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: 86286

Address: 120 North Keyser Avenue

Scranton, PA 18504

Telephone No: (570) 558-5510

FILED

APR 30 2014

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

*M/12w/sks
Ice Atty Ratchford*