



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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

ANN E ENGLISH

Defendant

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 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06385090 C N Plt ABR

FILED  
APR 23 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Any pd. \$95.00  
1005herff

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

ANN E ENGLISH

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 filling 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 (USA), NA is a corporation with offices at 15000 CAPITAL ONE DRIVE RICHMOND , VA 23238 .

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

ANN E ENGLISH  
649 WOODLAND BIGLER HWY  
WOODLAND, PA 16881

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX2513 .


4. Defendant made use of said credit card and has a current balance due of \$1199.54 , as of March 20, 2008 .

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 29.200% per annum on the unpaid balance from March 20, 2008 . A copy of Plaintiff's STATEMENT OF ACCO UNT 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 , ANN E ENGLISH , INDIVIDUALLY , in the amount of \$1199.54 with continuing interest thereon at the rate of 29.200% per annum from March 20, 2008 plus costs.



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James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
06385090 C N Pit ABR

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.

| Previous Balance                        | Payments & Credits | FINANCE CHARGE | Transactions | New Balance | Minimum Payment | Due Date     |
|---|--------------------|----------------|--------------|-------------|-----------------|--------------|
| \$735 37                                | \$0 00             | \$20 97        | \$88 00      | \$844 34    | \$344 34        | Nov 05, 2006 |
| Sep 05, 2006 — Oct 10, 2006 Page 1 of 1 |                    |                |              |             |                 |              |

MasterCard Platinum Account  
5178-0524-7029-2513

**Your Account Information**  
TOTAL CREDIT LINE \$500 00  
CREDIT LINE FOR CASH \$0 00  
AVAILABLE CREDIT FOR CASH \$500 00

**Finance Charges** (Please see reverse for important information)  
Balance rate Periodic Corresponding FINANCE  
applied to rate APR CHARGE  
Purchases \$747 98 0 08011% P 29 24% \$20 97  
Cash \$0 00 0 08011% P 29 24% \$0 00  
ANNUAL PERCENTAGE RATE applied this period: 29.24%

At Your Service 1-800-803-3637  
To call Customer Relations or to report a lost or stolen card

Send payments to:  
Capital One Bank, P.O. Box 7084, Charlotte, NC 28222-0884

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

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

**Payments, Credits & Adjustments**

| Transactions                    |         |
|---------------------------------|---------|
| 1 10 OCT PAST DUE FEE           | \$29 00 |
| 2 10 OCT CAPITAL ONE MEMBER FEE | \$59 00 |

PLEASE PAY AT LEAST THIS AMOUNT

6056 506 1 7 5 061010 PAGE 1 OF 1 COLR233B O1BC6056  
PLEASE RETURN PORTION BELOW WITH PAYMENT

**Capital One** what's in your wallet?  
0 5178052470292513 05 0844340308000344344

New Balance Minimum Payment Due Date

\$844 34 \$344 34 Nov 05, 2006

PLEASE PAY AT LEAST THIS AMOUNT

Amount Enclosed

Capital One Bank  
P.O. Box 7084  
Charlotte, NC 28222-0884

Account Number: 5178-0524-7029-2513  
Please print address or phone number changes below using blue or black ink.  
Address  
Home Phone Alternate Phone  
E-mail address @  
\*902649316735421578 MAIL ID NUMBER  
ANN E ENGLISH  
649 WOODLAND BIGLER  
HUY  
WOODLAND, PA 15683-6154

**EXHIBIT**


VERIFICATION

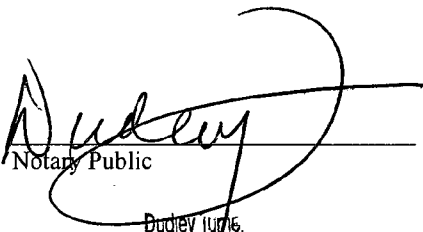
CAPITAL ONE BANK (USA), N.A., successor-in-interest to Capital One Bank

VS

ENGLISH, ANN E

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 (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.

  
\_\_\_\_\_  
TRACY TAYLOR

  
\_\_\_\_\_  
Notary Public  
Dudley Turner  
Notary Public, DeKalb County, Georgia  
My Commission Expires January 19, 2009

5178052470292513

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104079  
NO: 08-739-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) NA  
vs.  
DEFENDANT: ANN E. ENGLISH

SHERIFF RETURN

NOW, May 07, 2008 AT 11:50 AM SERVED THE WITHIN COMPLAINT ON ANN E. ENGLISH DEFENDANT AT 649 WOODLAND BIGLER HWY., WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ANN E. ENGLISH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED  
9/3/21/08  
AUG 04 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

| PURPOSE         | VENDOR  | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | WELTMAN | 3361721 | 10.00  |
| SHERIFF HAWKINS | WELTMAN | 3361721 | 23.05  |

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 (USA), NA

Plaintiff

No. 08-739-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

ANN E ENGLISH

Defendant

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#06385090  
Judgment Amount \$ 1,311.48

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**FILED**

m/11:05 AM  
OCT 06 2008

Att'y pd. 2000  
ICC Notice to  
Def.

William A. Shaw  
Prothonotary/Clerk of Courts

Statement to Att'y

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-739-CD

ANN E ENGLISH

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, ANN E ENGLISH above named, in the default of an Answer, in the amount of \$1,311.48 computed as follows:

|                             |            |
|-----------------------------|------------|
| Amount claimed in Complaint | \$1,199.54 |
|-----------------------------|------------|

|  |          |
|--|----------|
| Interest from March 20, 2008 to September 16, 2008<br>at the legal interest rate of 29.20% per annum | \$111.94 |
|--|----------|

|       |            |
|-------|------------|
| TOTAL | \$1,311.48 |
|-------|------------|

I hereby certify that appropriate Notices of Default, as attached have been mailed in accordance with PA R.C.P. 237.1 on the dates indicated on the Notices.

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

By: 

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#06385090

Plaintiff's address is: -

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219

And that the last known address of the Defendant is: 649 WOODLAND BIGLER HWY, WOODLAND, PA 16881

COPY

Plaintiff

**VS.**

ANN E ENGLISH

Defendant

TO:     ☐ Plaintiff  
         ☒ Defendant  
         ☐ Garnishee

(xx) Assumpsit Judgment in the amount of \$1,311.48 plus costs.

( ) Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

( ) If not satisfied within sixty (60) days, your motor vehicle operator's license and/or registration will be suspended by the Department of Transportation, Bureau of Traffic Safety, Harrisburg, PA.

|      |                      |
|------|----------------------|
| (xx) | Entry of Judgment of |
|      | ( ) Court Order      |
|      | ( ) Non-Pros         |
|      | ( ) Confession       |
| (xx) | Default              |
|      | ( ) Verdict          |
|      | ( ) Arbitration      |
|      | Award                |

Prothonotary

By:

PROTHONOTARY (OR DEPUTY)

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

CAPITAL ONE BANK (USA), NA

Case no: 08-739-CD

Plaintiff

**NON-MILITARY AFFIDAVIT**

vs.

ANN E ENGLISH

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, ANN E ENGLISH is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, ANN E ENGLISH is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 22<sup>nd</sup> day  
of September, 2008.

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Wendy L. Gault, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2010  
Member, Pennsylvania Association of Notaries

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.

Department of Defense Manpower Data Center

SEP-16-2008 12:48:55



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

| ◀ Last Name | First/Middle | Begin Date   | Active Duty Status | Service/Agency |
|-------------|--------------|--|--------------------|----------------|
| ENGLISH     | ANN E        | 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/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case # 08-739-CD

ANN E ENGLISH

Defendant(s)

IMPORTANT NOTICE

TO: ANN E ENGLISH  
649 WOODLAND BIGLER HWY  
WOODLAND, PA 16881

Date of Notice: 09/05/08  
WWR#: 06385090

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

BY: Patrick Thomas Woodman  
PATRICK THOMAS WOODMAN  
PA I.D. #34507  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 KOPPERS BLDG, 436 7TH AVE.  
PITTSBURGH, PA 15219

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Capital One Bank (USA), NA  
Plaintiff(s)

No.: 2008-00739-CD

Real Debt: \$1,311.48

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Ann E. English  
Defendant(s)

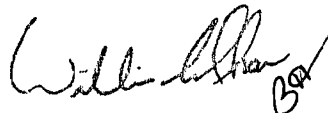
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 6, 2008

Expires: October 6, 2013

Certified from the record this 6th day of October, 2008.



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney