

08-878-CD
Capital One vs Chad McDermott

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

CAPITAL ONE BANK- (USA) , NA

Plaintiff No: 08-878-CD
vs. COMPLAINT IN CIVIL ACTION

CHAD M MCDERMOTT

Defendant

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
06495828 C N Pit BLK

FILED 1cc Sheriff
MAY 12 2008 Atty pd.
William A. Shaw \$95.00
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK- (USA) , NA

Plaintiff No: 08-878-CD
vs. COMPLAINT IN CIVIL ACTION

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FILED 1CC Sheriff
MAY 12 2008
Atty pd. \$195.00
William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff
vs. Civil Action No

CHAD M MCDERMOTT

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 (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:

CHAD M MCDERMOTT
433 SCHOFIELD ST
CURWENSVILLE, PA 16833

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXX1557 .

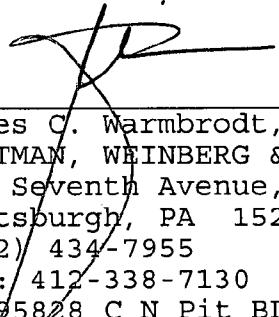
4. Defendant made use of said credit card and has a current balance due of \$1846.66 , as of April 08, 2008 .

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 April 08, 2008 . A copy of Plaintiff's STATEMENT 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 , CHAD M MCDERMOTT , INDIVIDUALLY , in the amount of \$1846.66 with continuing interest thereon at the rate of 29.200% per annum from April 08, 2008 plus costs.


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
06495828 C N Pit BLK

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	\$1,213.54	Payments & Credits	\$0.00	FINANCE CHARGE	\$31.56	Transactions	\$74.00	New Balance	\$1,319.10	Minimum Payment	\$569.10	Due Date	Dec 23, 2006
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Oct 24, 2006 — Nov 24, 2006 Page 1 of 1

MasterCard Platinum Account 5178-0524-9388-5587

Your Account Information

TOTAL CREDIT LINE	\$750.00
TOTAL AVAILABLE CREDIT	\$0.00
CREDIT LINE FOR CASH	\$750.00
AVAILABLE CREDIT FOR CASH	\$0.00

Finance Charges (Please see reverse for important information)

Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
Purchases	0.05128	0.00011% P	\$26.96
Cash	\$179.76	0.00011% P	\$4.61
ANNUAL PERCENTAGE RATE applied this period. 29.44%			

At Your Service 1-800-932-3537
To call Customer Relations or to report a lost or stolen card

Send payments to:
Capital One Bank P.O. Box 70884 Charlotte, NC 28272-9884

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

?

PLEASE PAY AT LEAST THIS AMOUNT
"Important Notice" Under the terms we previously disclosed to you, your account is now eligible for an increase in Annual Percentage Rates (APRs) effective immediately. However, Capital One has elected not to raise your APRs at this time. Please be advised that if you fail to keep your account in good standing, Capital One reserves the right to raise your APRs in the future.

Payments, Credits & Adjustments

Transactions	PAST DUE FEE	
1 24 NOV	CAPITAL ONE MEMBER FEE	\$56.00
2 24 NOV		\$39.00

"Important Notice" Under the terms we previously disclosed to you, your account is now eligible for an increase in Annual Percentage Rates (APRs) effective immediately. However, Capital One has elected not to raise your APRs at this time. Please be advised that if you fail to keep your account in good standing, Capital One reserves the right to raise your APRs in the future.

EXHIBIT

6056 5056 1 7 23 061124 PAGE 1 OF 1 PLEASE RETURN PORTION BELOW WITH PAYMENT 01BC6056

0 5178052493881557 23 1319100100000569102

CapitalOne what's in your wallet?

New Balance	\$1,319.10	Minimum Payment	\$569.10	Due Date	Dec 23, 2006
-------------	------------	-----------------	----------	----------	--------------

PLEASE PAY AT LEAST THIS AMOUNT

Amount Enclosed
-----------------	-------

Home Phone
Alternate Phone
E-mail address

*903271543227# MAIL ID NUMBER
CHD N MDER01T
420 LARKSPUR LN
LEBANON, PA 17042-9111,
1-800-932-3537

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

VERIFICATION

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

vs

MCDERMOTT, CHAD M

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

JAMELA SINGLETARY
NOTARY PUBLIC
GEORGIA, DEKALB COUNTY
MY COMMISSION EXPIRES NOV 4, 2011

5178052493881557
A049
WELTMAN, WEINBERG & REIS CO., L.P.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-878-CD

CAPITAL ONE BANK (USA), NA
vs
CHAD M. McDERMOTT

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/11/2008 HEARING: PAGE: 104162

DEFENDANT: CHAD M. McDERMOTT
ADDRESS: 433 SCHOFIELD ST.
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

FILED
03:30PM 6/6
JUN 06 2008 NO CC

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 5-19-08 2:23 PM -N/H- LOST Note 5-30-08 2:19 PM -N/H- 6-4-08 6:28 PM -N/H-
5-23-08 2:20 PM -N/H 6-4-08 3:32 PM -N/H 6-5-08 10:42 AM -N/H

SHERIFF'S RETURN

NOW, 6-6-08 AT 1:25 AM PM SERVED THE WITHIN

COMPLAINT ON CHAD M. McDERMOTT, DEFENDANT

BY HANDING TO CHAD M. McDERMOTT Def.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 433 S Schofield ST.
Curwenville, Pa. 16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR CHAD M. McDERMOTT

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO CHAD M. McDERMOTT

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104162
NO: 08-878-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA), NA
vs.
DEFENDANT: CHAD M. McDERMOTT

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3388147	10.00
SHERIFF HAWKINS	WELTMAN	3388147	54.36

FILED
0/31/2008
SEP 19 2008
W.A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK (USA), NA

Plaintiff No. 08-878-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

CHAD M MCDERMOTT

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#06495828
Judgment Amount \$ 2,072.55

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

FILED Atty pd.
M 13 2008 2000
DEC 01 2008 ICC Notice
40 Def.
William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty
(610)

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-878-CD

CHAD M MCDERMOTT

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, CHAD M MCDERMOTT above named, in the default of an Answer, in the amount of \$2,072.55 computed as follows:

Amount claimed in Complaint	\$1,846.66
Interest from April 08, 2008 to November 14, 2008 at the legal interest rate of 29.20% per annum	\$225.89
TOTAL	\$2,072.55

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: W.T. Molczan

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#06495828

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendant is: 433 SCHOFIELD ST, CURWENSVILLE, PA 16833

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

CAPITAL ONE BANK (USA), NA

Case no: 08-878-CD

Plaintiff
vs.
NON-MILITARY AFFIDAVIT

CHAD M MCDERMOTT

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.

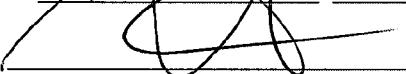
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, CHAD M MCDERMOTT is not in the military service.

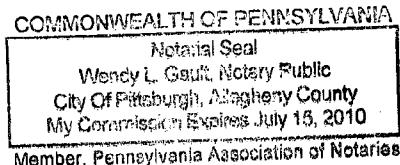
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, CHAD M MCDERMOTT is not in the military service.

Further Affiant sayeth naught.


AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 18th day
of November, 2008.


NOTARY PUBLIC



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

NOV-04-2008 11:55:54



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MCDERMOTT	CHAD		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, 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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BJTNUARLHP**

https://www.dmdc.osd.mil/scra/owa/scra.prc_Select

11/4/2008

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case # 08-878-CD

CHAD M MCDERMOTT

Defendant (s)

IMPORTANT NOTICE

TO: CHAD M MCDERMOTT
433 SCHOFIELD ST
CURWENSVILLE, PA 16833

Date of Notice: 10/7/2008
WWR#: 06495828

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRIT APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAIN UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MLOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO 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 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

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

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

CC
Copy

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-878-CD

CHAD M MCDERMOTT

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on 12/1/08

Assumpsit Judgment in the amount
of \$2,072.55 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.

Entry of Judgment of
 Court Order
 Non-Pro
 Confession
 Default
 Verdict
 Arbitration
 Award

Prothonotary

By: William B. Weltman
PROTHONOTARY (OR DEPUTY)

CHAD M MCDERMOTT
433 SCHOFIELD ST
CURWENSVILLE, PA 16833

Plaintiff's address is:

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

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

Copy

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

No.: 2008-00878-CD

Real Debt: \$2,072.55

Atty's Comm: \$

Vs.

Costs: \$

Chad M. McDermott
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 1, 2008

Expires: December 1, 2013

Certified from the record this 1st day of December, 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