

08-897-CD

Capital One vs Shelly Caine

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

SHELLY A CAINE

Defendant

No: 2008-897-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 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
06523951 C N Pit ABR

FILED ATTY PAID 95.00
M 2:05 P.M. GK
MAY 14 2008 ICC SHERIFF
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

SHELLY A CAINE

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:

SHELLY A CAINE
189 COOK RD
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX1576 .

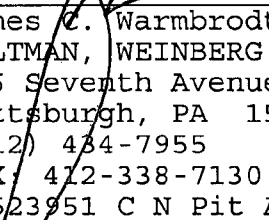
4. Defendant made use of said credit card and has a current balance due of \$1386.33 , as of April 09, 2008 .

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 25.900% per annum on the unpaid balance from April 09, 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 , SHELLY A CAINE , INDIVIDUALLY , in the amount of \$1386.33 with continuing interest thereon at the rate of 25.900% per annum from April 09, 2008 plus costs.



James C. Warmbrodt, 42524
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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.

FINANCE CHARGE

Previous Balance

Payments & Credits

Transactions

New Balance

Minimum Payment

Due Date

\$1,087.41 - \$0.00 + \$23.42 = \$1,145.83

\$35.00

\$1,145.83

\$345.83

Jan 07, 2007

Nov 08, 2006 - Dec 07, 2006 Page 1 of 1

PLEASE PAY AT LEAST THIS AMOUNT

MasterCard Platinum Account
5291-0716-0400-1576

Your Account Information

TOTAL CREDIT LINE \$800.00
TOTAL AVAILABLE CREDIT \$0.00
CREDIT LINE FOR CASH \$800.00
AVAILABLE CREDIT FOR CASH \$0.00

Finance Charges (Please see reverse for important information)

Balance rate	Periodic rate	Corresponding APR	FINANCE CHARGE
Purchases	\$1,038.92	0.07096%	\$22.12
Cash	\$60.91	0.07096%	\$1.30
ANNUAL PERCENTAGE RATE applied this period.			25.90%

At Your Service 1-800-955-7070

To call Customer Relations or to report a lost or stolen card

Send payments to:

Capital One Bank P.O. Box 70864 Charlotte, NC 28272-0984

Send inquiries to:

Capital One P.O. Box 30265 Salt Lake City, UT 84130-0265

EXHIBIT

6056 506 1 7 7 061207 PAGE 1 OF 1 01BC5055

PLEASE RETURN PORTION BELOW WITH PAYMENT

0 5291071604001576 07 1145830020000345834

Capital One

what's in your wallet?

New Balance

Minimum Payment

Due Date

\$1,145.83

\$345.83

Jan 07, 2007

PLEASE PAY AT LEAST THIS AMOUNT

Amount Enclosed

Account Number: 5291-0716-0400-1576

Please print address or phone number changes below using blue or black ink

Address

Home Phone

Alternate Phone

E-mail address

#03425855097085# MAIL ID NUMBER

SHELLY A CAINE

169 COOK RD

BU BOST, PA 15803-5603

Capital One Bank

P.O. Box 70864

Charlotte, NC 28272-0864

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

CAINE, SHELLY A

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

5291071604001576

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-897-CD

CAPITAL ONE BANK (USA) NA

vs

SHELLY A. CAINE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/13/2008

HEARING:

PAGE: 104170

DEFENDANT: SHELLY A. CAINE
ADDRESS: 189 COOK RD
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

06-05-08 (MOVED)

FILED
013:35cm
JUN 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON SHELLY A. CAINE, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR SHELLY A. CAINE

AT (ADDRESS) _____

NOW THIS 16th DAY OF JUNE 2008 AT 10:00 (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO SHELLY A. CAINE

REASON UNABLE TO LOCATE MOVED NO-FORWARDING

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Neuling
Deputy Signature

Jerome M. Neuling
Print Deputy Name

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

SHELLY A CAINE

Defendant

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436 Seventh Avenue, Suite 1400
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(412) 434-7955
FAX: 412-338-7130
06523951 C N Pit ABR

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

MAY 14 2008

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

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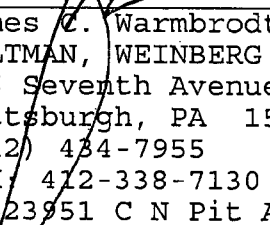
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06523951 C N Pit ABR

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FINANCE CHARGE

Previous Balance

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Payments & Credits

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+

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FINANCE CHARGE

Transactions

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New Balance

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Jan 07, 2007

Nov 08, 2006 — Dec 07, 2006 Page 1 of 1

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TOTAL AVAILABLE CREDIT \$0.00
CREDIT LINE FOR CASH \$800.00
AVAILABLE CREDIT FOR CASH \$0.00

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Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
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Cash	\$60.91	0.07056%	25.90%
ANNUAL PERCENTAGE RATE applied this period:			25.90%

At Your Service 1-800-955-7070

To call Customer Relations or to report a lost or stolen card

Send payments to:

Capital One Bank P.O. Box 70884 Charlotte, NC 28272-0884

Send inquiries to:

Capital One P.O. Box 30285 Salt Lake City, UT 84130-0285

EXHIBIT

6056 506

1 7 7 061207

PAGE 1 of 1

01BC6056

PLEASE RETURN PORTION BELOW WITH PAYMENT

0 5291071604001576 07 1145830020000345834

Capital One what's in your wallet?

New Balance

\$1,145.83

Minimum Payment

\$345.83

Due Date

Jan 07, 2007

PLEASE PAY AT LEAST THIS AMOUNT

Amount Enclosed

Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884

09034265855097085# MAIL ID NUMBER
SHELLY A CAINE
169 COOK RD
DU BOIS, PA 15803-5603

Account Number: 5291-0716-0400-1576

Please print address or phone number changes below using blue or black ink

Address

Home Phone

Alternate Phone

E-mail address

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

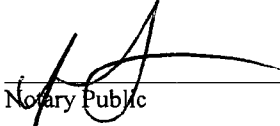
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VS

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TRACY TAYLOR


Notary Public

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

5291071604001576

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104170
NO: 08-897-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) NA
vs.
DEFENDANT: SHELLY A. CAINE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3390559	10.00
SHERIFF HAWKINS	WELTMAN	3390559	33.19

FILED
08:20 AM
SEP 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

vs.

SHELLY A CAINE

Defendant(s)

No. 2008-897-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#6523951 CFR

^S FILED ICC & Cert of
m/1:46pm disc issued
JUL 22 2009 to Atty Warmbrodt

William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 2008-897-CD

SHELLY A CAINE

Defendant(s)


PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF Clearfield COUNTY:

SIR:

Kindly settle, discontinue and end without prejudice to refile the above-captioned matter upon the records
of the Court and mark the costs paid.

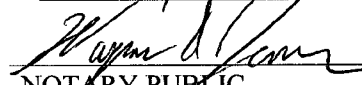
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

SWORN TO AND SUBSCRIBED

before me this 9th day

of July, 2009


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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Capital One Bank (USA), NA

Vs.

No. 2008-00897-CD

Shelly A. Caine

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 July 22, 2009, marked:

Settled, discontinued and ended without prejudice to refile

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of July A.D. 2009.

William A. Shaw, Prothonotary