

**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. 08-961-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

DAVID STALEY

(Defendant)

26 CIRCLE RD

(Street Address)

DU BOIS, PA 15801-6808

(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)

215 624-8920

(Phone)

(Signature)

FILED

MAY 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. \$95.00

ICC Atty

ICC Sheriff

Our File No.: 158251
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.)	
DAVID STALEY)	
26 CIRCLE RD)	
DU BOIS, PA 15801-6808)	
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 paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia 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 tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del edemandante 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
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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.)	
DAVID STALEY)	
26 CIRCLE RD)	
DU BOIS, PA 15801-6808)	
Defendant.)	

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is CAPITAL ONE BANK (USA), N.A. c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are DAVID STALEY, an adult individual residing at 26 CIRCLE RD DU BOIS, PA 15801-6808.
3. At the special instance and request of Defendant, Plaintiff, CAPITAL ONE BANK (USA), N.A., issued to Defendant(s), Account #5291492396547396.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$14,529.63. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) 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 \$14,529.63 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: 5/13/2008

Our File No.: 158251

VERIFICATION

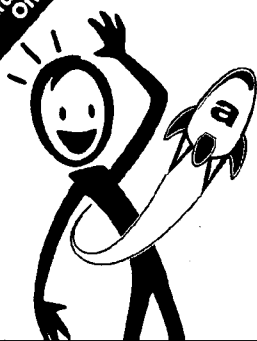
Kathy Kelly, hereby states that I am Ag. 1 for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Kathy Kelly

DATE:

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\$9.95/mo. thereafter

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Capital One

PLATINUM MASTERCARD ACCOUNT
5291-4923-9654-7396

JAN 22 - FEB 21, 2005
Page 1 of 1

Account Summary

Previous Balance	\$7,705.14
Payments, Credits and Adjustments	\$0.00
Transactions	\$41.00
Finance Charges	\$173.59
New Balance	\$7,919.73
Minimum Amount Due	\$7,919.73
Payment Due Date	March 21, 2005
Total Credit Line	\$6,500
Total Available Credit	\$0.00
Credit Line for Cash	\$1,300
Available Credit for Cash	\$0.00

At your service

To call Customer Relations or to report a lost or stolen card:
1-800-903-3637

For free online account service and special customer offers, log on to:
www.capitalone.com

Send payments to:
Attn: Remittance Processing
Capital One Services
P.O. Box 85147
Richmond, VA 23276

Send inquiries to:
Capital One Services
P.O. Box 85015
Richmond, VA 23285-5015

Payments, Credits and Adjustments

Transactions

1	21 FEB	CAPITAL ONE MONTHLY MEMBER FEE	\$6.00
2	21 FEB	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 02/21/2005 because your minimum payment was not received by the due date of 02/21/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$6,286.26	.07189% P	26.24%	\$140.10
CASH	\$1,502.73	.07189% P	26.24%	\$33.49

ANNUAL PERCENTAGE RATE applied this period 26.24%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

Capital One

0000000 0 5291492396547396 21 7919730200007919732

New Balance \$7,919.73
Minimum Amount Due \$7,919.73
Payment Due Date March 21, 2005
Total enclosed \$
Account Number: 5291-4923-9654-7396

Please print mailing address and/or e-mail changes below using blue or black ink.

Street Apt. #
City State ZIP
Home Phone Alternate Phone
Email Address @

Capital One Bank
P.O. Box 85147
Richmond, VA 23276



007310



#9005332698732487# MAIL ID NUMBER
DAVID STALEY
PO BOX 211
FRENCHVILLE PA 16836-0211

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-961-CD

CAPITAL ONE BANK (USA) N.A.

vs

SERVICE # 1 OF 1

DAVID STALEY

COMPLAINT

SERVE BY: 06/22/2008

HEARING:

PAGE: 104208

DEFENDANT: DAVID STALEY

ADDRESS: 26 CIRCLE RD

DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

FILED

0/8:30am

JUN 04 2008

William A. Shaw

Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, THIS 3RD DAY OF JUNE 2008 AT 1:32 AM / PM SERVED THE WITHIN

COMPLAINT ON DAVID STALEY, DEFENDANT

BY HANDING TO JUSTIN BAILEY / LIVE IN FRIEND

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

ADDRESS SERVED 26 CIRCLE ROAD, DUBOIS, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR DAVID STALEY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO DAVID STALEY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nixline
Deputy Signature

Jerome M. Nixline
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104208
NO: 08-961-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.
vs.
DEFENDANT: DAVID STALEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	90327	10.00
SHERIFF HAWKINS	APOTHAKE	90327	37.19

FILED

0/3:15 Lm
SEP 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Our File No.: 158251

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.

Plaintiff,

vs.

DAVID STALEY

Defendant.

) COURT OF COMMON PLEAS OF

) CLEARFIELD COUNTY

) NO.: 08-961-CD

) Civil Action

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, DAVID STALEY, in the default of an Answer, in the amount of

\$15,092.33 computed as follows:

Amount claimed in complaint: \$14,529.63

Amount Paid: - \$(0.00)

Interest from May 13, 2008 to 04/01/09

at the legal interest rate of 6.000 per annum \$420.51

Costs \$142.19

Attorney fees \$0.00

TOTAL \$15,092.33

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

I certify Defendant, DAVID STALEY, last know address is 26 CIRCLE RD DU BOIS, PA 15801-6808.

APOTHAKE & ASSOCIATES, P.C.

Attorneys for Plaintiff

A Law Firm Engaged in Debt Collection

By:

David J. Apothaker

Dated: 4/1/2009

FILED

APR 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

Any pd.
20.00
icc & Notice
to Def.

icc Any
(60)

Our File No.: 158251
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.: 08-961-CD
DAVID STALEY)	
	)	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 26 CIRCLE RD DU BOIS, PA 15801-6808.

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. Snively-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
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 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
STALEY	DAVID	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 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: BZRTDHISHMX

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

CAPITAL ONE BANK (USA), N.A.

vs.

DAVID STALEY

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)

) NO. 08-961-CD
)

To: DAVID STALEY
26 CIRCLE RD
DU BOIS, PA 15801-6808

NOTICE, RULE 237.5

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: October 20, 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

151

DAVID J. APOTHAKE, ESQUIRE
APOTHAKE & ASSOCIATES, PC
A Law Firm Engaged in Debt Collection
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-907-CD

CAPITAL ONE BANK (USA) N.A.

VS

ROSEMARY M. STALEY & DAVID STALEY
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 06/14/2008

HEARING:

PAGE: 104177

COPY

DEFENDANT: DAVID STALEY
ADDRESS: 26 CIRCLE RD
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW THIS 3RD DAY OF JUNE 2008 AT 1:30 AM/PM SERVED THE WITHIN

COMPLAINT ON DAVID STALEY DEFENDANT

BY HANDING TO JUSTIN BAILEY I LIVE IN FRIEND

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

ADDRESS SERVED 26 CIRCLE ROAD, DUBOIS, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR DAVID STALEY

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO DAVID STALEY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Newlin
Deputy Signature

Jerome M. Newlin
Print Deputy Name

FILED

APR 08 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS**

TO: DAVID STALEY
26 CIRCLE RD
DU BOIS, PA 15801-6808

CAPITAL ONE BANK (USA), N.A.	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
	)	NO.: 08-961-CD
DAVID STALEY)	
)	
Defendant.	)	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: 215-634-8920