

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

CAPITAL ONE BANK

Plaintiff

vs.

TIMOTHY N SHUEY individually and
D/B/A WATER PRO

Defendant

No. 08-1020-CD

COMPLAINT IN CIVIL ACTION

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#06398015

FILED Att'y pd. \$95.00
M 112:5201
JUN 04 2008 2 cc Sheriff
(LS)
William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No.

TIMOTHY N SHUEY individually and
D/B/A WATER PRO

Defendant

COMPLAINT IN CIVIL ACTION 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

CLEARFIELD COUNTY

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
(814) 765-2641, ext. 50-51

COMPLAINT

1. Plaintiff is a corporation with offices at 15000 CAPITAL ONE DRIVE RICHMOND, VA 23238.
2. Defendant, TIMOTHY N SHUEY , is an adult individual engaged in business as WATER PRO with a last known address of 3215 SIX MILE RD PHILIPSBURG,PA 16866.
3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXXX8348 .
4. Defendant made use of said credit card and has a current balance due and owing to Plaintiff, as of April 15, 2008, in the amount of \$3,147.84. A true and correct copy of Plaintiff's Statement of Account is attached hereto, marked as Exhibit "1" and made a part hereof.
5. Defendant is in default of the terms of the cardholder Agreement having not made monthly payments to Plaintiff thereby rendering the entire balance immediately due and payable.
6. Plaintiff avers that the Cardholder Agreement between the parties provides the Plaintiff is entitled to the addition of finance charges at the rate of 25.90% per annum on the unpaid balance.
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the principal balance, finance charges or any part thereof to Plaintiff.

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendant, TIMOTHY N SHUEY individually and D/B/A WATER PRO , in the amount of \$3,147.84 with continuing interest thereon at the rate of 25.90% per annum from April 15, 2008 plus costs.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.

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



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#:06398015

Account Summary

Previous Balance	\$2,956.25
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$66.38
New Balance	\$3,086.63
Minimum Amount Due	\$412.00
Payment Due Date	September 01, 2005
Total Credit Line	\$2,700
Total Available Credit	\$0.00
Credit Line for Cash	\$2,700
Available Credit for Cash	\$0.00

At your service

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

1-800-867-0904

Visit www.capitalone.com today to manage your account online and receive valuable offers.

Send payments to:

Attn: Remittance Processing

Capital One, F.S.B.

P.O. Box 790217

St. Louis, MO 63179-0217

Send inquiries to:

Capital One

P.O. Box 30285

SLC, UT 84130-0285

Payments, Credits and Adjustments

Transactions

1	02 JUL	OVERLIMIT FEE	\$29.00
2	01 AUG	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 08/01/2005 because your minimum payment was not received by the due date of 08/01/2005. 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	\$2,787.89	.07096%	25.90%	\$61.33
CASH	\$229.35	.07096%	25.90%	\$5.05

ANNUAL PERCENTAGE RATE applied this period

25.90%

PLEASE RETURN PORTION BELOW WITH PAYMENT

CapitalOne

00000000 7 4115072184968348 01 3086630090000412008

New Balance	\$3,086.63
Minimum Amount Due	\$412.00
Payment Due Date	September 01, 2005

Total enclosed \$
Account Number: 4115-0721-8496-8348

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

Street	Age #
City	State
Home Phone	Alternate Phone
Email Address	

#9021471502739039# MAIL ID NUMBER

WATER PRO
TIMOTHY N SHUEY
3215 SIX MILE RD
PHILIPSBURG PA 16866



61090

Capital One, F.S.B.
P.O. Box 790217
St. Louis, MO 63179-0217



EXHIBIT

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


VERIFICATION

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


vs

SHUEY, TIMOTHY N

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

MAISHA DAVIS
HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES
10/01/2021

4115072184968348

A049

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1020-CD

CAPITAL ONE BANK

vs

TIMOTHY N. SHUEY individually and d/b/a WATER PRO
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 07/04/2008

HEARING:

PAGE: 104246

DEFENDANT: TIMOTHY N. SHUEY Ind.
ADDRESS: 3215 SIX MILE RD
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

FILED

JUN 11 2008

0/3:36/w
William A. Shaw

Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6/11/08 AT 944 PM SERVED THE WITHIN

COMPLAINT ON TIMOTHY N. SHUEY Ind., DEFENDANT

BY HANDING TO Tim Shuey, self

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

ADDRESS SERVED 3215 Six Mile rd Philipsburg Pa

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR TIMOTHY N. SHUEY Ind.

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO TIMOTHY N. SHUEY Ind.

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter
Deputy Signature

S. Hunter

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1020-CD

CAPITAL ONE BANK

vs

TIMOTHY N. SHUEY individually and d/b/a WATER PRO
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 07/04/2008

HEARING:

PAGE: 104246

DEFENDANT: TIMOTHY N. SHUEY d/b/a WATER PRO

ADDRESS: 3215 SIX MILE RD
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 6/11/08 AT 943 AM/PM SERVED THE WITHIN

COMPLAINT ON TIMOTHY N. SHUEY d/b/a WATER PRO, DEFENDANT

BY HANDING TO Tim Shuey, self

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

ADDRESS SERVED 3215 Six Mile rd Philipsburg PA

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR TIMOTHY N. SHUEY d/b/a WATER PRO

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO TIMOTHY N. SHUEY d/b/a WATER PRO

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answered: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter
Deputy Signature

S. Hunter

Print Deputy Name

FILED

JUN 11 2008

013:36/William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

TIMOTHY N SHUEY individually and
D/B/A WATER PRO

Defendant

No. 2008-1020-CD

PRAECIPE TO SETTLE, DISCONTINUE
& END WITH PREJUDICE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
Pa. I.D. No. 47437
Weltman, Weinberg & Reis, Co, LLC
1400 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#06398015

FILED

m/11/17/08
AUG 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

NoCC
Cert. of Disc.
to Atty
(60)

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2008-1020-CD

TIMOTHY N SHUEY individually and
D/B/A WATER PRO


Defendant


PRAECIPE TO SETTLE DISCONTINUE AND END WITH PREJUDICE

TO THE PROTHONOTARY OF COUNTY:

Please kindly Settle Discontinue and End the above captioned matter with Prejudice upon the records of the Court and mark the cost paid.

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

By: 
William T. Molczan, Esquire
Pa. I.D. No. 47437
Weltman, Weinberg & Reis, Co, LLC
1400 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#06398015

Sworn to and subscribed
Before me the 
Day of July, 2008


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Heidi J. Kelly, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 4, 2009
Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Capital One Bank (USA), NA

Vs.

No. 2008-01020-CD

Timothy N. Shuey, individually
and d/b/a Water Pro

CERTIFICATE OF DISCONTINUATION

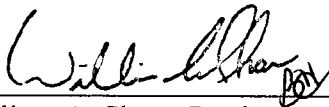
Commonwealth of PA
County of Clearfield

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 August 1, 2008, marked:

Settled, Discontinued, and Ended with Prejudice

Record costs in the sum of \$95.00 have been paid in full by William T. Molczan, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of August A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104246
NO: 08-1020-CD
SERVICES 2
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK

vs.

DEFENDANT: TIMOTHY N. SHUEY individually and d/b/a WATER PRO

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8676797	20.00
SHERIFF HAWKINS	WELTMAN	8676797	40.16

FILED
01310351
SEP 29 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff