

08-1047-CD
Capital One Bank vs Steven Brown

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

CAPITAL ONE BANK, (USA), NA, :
Plaintiff, : CIVIL ACTION
vs. : No. 1047 ~~508~~ CD 2008
STEVEN H. BROWN, :
: Type of Pleading:
: **ANSWER TO COMPLAINT**
Defendant. : Filed on behalf of: Defendant
: Counsel of Record for this
: Party: None/Pro Se
: STEVEN H. BROWN
: P.O. Box 296
: DuBois, PA 15801
: 814-590-0631
:

FILED acc deft
07/11/30cm
JUL 31 2008
WAS

William A. Shaw
Prothonotary/Clerk of Courts

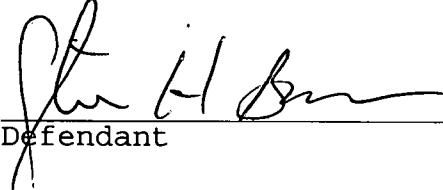
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK, (USA), NA, :
Plaintiff, : CIVIL ACTION
vs. : No. 1047 CD 2008
STEVEN H. BROWN, :
Defendant. :

NOTICE TO PLEAD

YOU ARE HEREBY hereby notified to plead to the enclosed New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

7-31-08
Date


Defendant

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

CAPITAL ONE BANK, (USA), NA, :
Plaintiff, : CIVIL ACTION
vs. : No. 1047 CD 2008
STEVEN H. BROWN, :
Defendant. :
:

ANSWER

AND NOW, comes the Defendant and files the following Answer to the Plaintiffs Complaint:

1. Denied. The Defendant specifically denies that the Plaintiff has ever done business nor is its principle place of business at the Offices of the Law Firm which has filed the Complaint in this action. Strict proof demanded at time of Trial.

2. Admitted.

3. Denied. The Defendant denies that he ever had any account with the Plaintiff Capital One Bank, (USA), NA.

4. Denied. The Defendant denies that he ever had an account with the Plaintiff Capital One Bank, (USA), NA.

5. Denied. The Defendant denies that he ever had an account with the Plaintiff Capital One Bank, (USA), NA. By way of further response, Defendant avers that the Plaintiffs Exhibit A reflects an account with Capital One, F.S.B., and/or Capital One Services.

6. Denied. The Defendant denies that any credits on his account are accurately reflected and strict proof of the same is demanded at time of Trial in this matter.

7. Admitted. The Defendant admits that demand has been made on him and that he has failed to make payment to the Plaintiff herein as the Defendant maintains that he has no contractual relationship with the Plaintiff.

WHEREFORE, the Defendant requests that the Plaintiffs Complaint be dismissed and Judgment be entered in his favor along with such other relief as this Court may deem appropriate.

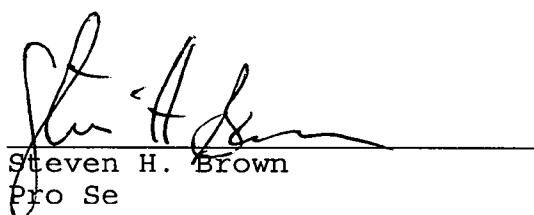
NEW MATTER

8. The Defendant incorporates the foregoing paragraphs herein by reference thereto.

9. The Defendant avers that the Plaintiffs claims are, in whole or in part, barred by the Statute of Limitations and/or Laches.

WHEREFORE, the Defendant requests that the Plaintiffs Complaint be dismissed and Judgment be entered in his favor along with such other relief as this Court may deem appropriate.

Respectfully submitted,



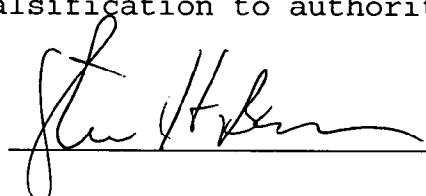
Steven H. Brown
Pro Se

VERIFICATION

I, Steven H. Brown, hereby state that I am the Defendant in this action and verify that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated:

7.31.08



COURT OF COMMON PLEAS OF ELK COUNTY
PENNSYLVANIA

CAPITAL ONE BANK, :
Plaintiff, : CIVIL ACTION
vs. : No. 512 CD 2008
STEVEN H. BROWN, :
Defendant. :
:

CERTIFICATE OF SERVICE

I, Steven H. Brown, do hereby certify that a true and correct copy of the within Answer was served upon the following by U. S. First Class Mail, Postage Prepaid:

David J. Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Date: 7.31-08



Steven H. Brown
Pro Se

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104256
NO: 08-1047-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.
VS.
DEFENDANT: STEVEN H. BROWN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	92850	10.00
SHERIFF HAWKINS	APOTHAKER	92850	57.38

FILED
0125761
OCT 06 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

Our File No.: 150203
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
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
Plaintiff,) CLEARFIELD COUNTY
vs.)
STEVEN H BROWN) NO. 2008-1047-CD
Defendant.)

)
)

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:

David J. Apothaker, Esquire

Dated: 1/7/2010

FILED *cc: Atty*
1/7/2010 3:30pm
JAN 19 2010
WAM
S
William A. Shaw
Prothonotary/Clerk of Courts

**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. 2008-1047-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

STEVEN H BROWN
(Defendant)
200 MONTEGO BAY DR
(Street Address)
DU BOIS, PA 15801
(City, State, ZIP)

CAPITAL ONE BANK (USA),
N.A.
(Plaintiff)

pd \$95.00 Atty
FILED ICC SNFF
M 12:15pm ICC Atty.
JUN 09 2008


William A. Shaw
Prothonotary/Clerk of Courts

David J. Apothaker, Esq.
Apothaker & Associates, P.C.
(Filed by)
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(Address)
215 634-8920
(Phone)


(Signature)

Our File No.: 150203
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.)
STEVEN H BROWN)
200 MONTEGO BAY DR)
DU BOIS, PA 15801)
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 páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante 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 SUFFICIENTE 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

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

CAPITAL ONE BANK (USA), N.A.
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

vs.

STEVEN H BROWN
200 MONTEGO BAY DR
DU BOIS, PA 15801

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
)
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**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 STEVEN H BROWN, an adult individual residing at 200 MONTEGO BAY DR DU BOIS, PA 15801.

3. At the special instance and request of Defendant, Plaintiff, CAPITAL ONE BANK (USA), N.A., issued to Defendant(s), Account #4791241906967984.

4. Defendant received, accepted and used the account to its benefit.

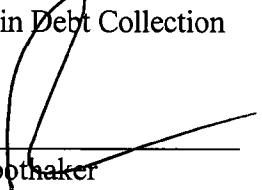
5. This account is in default and Defendant(s) has an unpaid balance of \$1,900.18. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".

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 \$1,900.18 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY: 
David J. Apotheker

Dated: 6/3/2008

Our File No.: 150203

VERIFICATION

Kathy Fabij, hereby states that I am Agent 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 Fabij

DATE:

Save time ... Give employees access to your account!

MALAMAR IMAGING
SYSTEMS
Account #: 4791241906967984

Give your employees access to your account so they can make payments, purchases and more. Simply fill out the back of this form and return it with your monthly payment. Be sure to designate each employee's level of access.

ACCOUNT OWNER

Has all the rights and authority over the account. The primary account owner can designate others to have owner level access.

ACCOUNT MANAGER

Can access account information and make payments over the phone or Internet. Cannot change terms (APR, credit limit) or add employees to the account. Must also be an Authorized User to receive own card.

AUTHORIZED USER

Can make purchases on the account.



Please fill out Access Authorization Form on reverse



Account Summary

Previous Balance	\$1,735.32
Payments, Credits and Adjustments	\$0.00
Transactions	\$74.00
Finance Charges	\$38.61
 New Balance	 \$1,847.93
Minimum Amount Due	\$1,847.93
Payment Due Date	May 27, 2005
Total Credit Line	\$1,300
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:
1-800-867-0904

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

Send payments to:	Send inquiries to:
Attn: Remittance Processing	Capital One Services
Capital One, F.S.B.	P.O. Box 85015
P.O. Box 790217	Richmond, VA 23285-5015
St. Louis, MO 63179-0217	

VISA ACCOUNT

4791-2419-0696-7984

MAR 28 - APR 27, 2005

Page 1 of 1

Payments, Credits and Adjustments

Transactions

1	27 APR	CAPITAL ONE MEMBER FEE	\$39.00
2	27 APR	PAST DUE FEE	35.00

Your account has recently been past due, overlimit, or has had a returned payment. We request that you keep your account in good standing. We value you as our customer and appreciate your business. Thank you for choosing Capital One.

You were assessed a past due fee of \$35.00 on 04/27/2005 because your minimum payment was not received by the due date of 04/27/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

51895A

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,735.17	.07096%	25.99%	\$38.61
CASH	\$0.00	.07096%	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



0000000 7 4791241906967984 27 1847930038001847932

New Balance	\$1,847.93
Minimum Amount Due	\$1,847.93
Payment Due Date	May 27, 2005
Total enclosed	\$ <input type="text"/>
Account Number:	4791-2419-0696-7984

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		

#9011893498792304# MAIL ID NUMBER

MALAMAR IMAGING SYSTEMS
STEVEN H BROWN
PO BOX 296
DU BOIS PA 15801-0296

051885

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

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.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1047-CD

CAPITAL ONE BANK (USA) N.A.

vs

STEVEN H. BROWN

COMPLAINT

SERVE BY: 07/09/2008

HEARING:

PAGE: 104256

DEFENDANT: STEVEN H. BROWN
ADDRESS: 200 MONTEGO BAY DR.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS Not Found
06-18-08 IN T.L. System

6-30-08 - Lives at Above address - Night Service

SHERIFF'S RETURN

NOW, 07-01-2008 AT 8:50 AM SERVED THE WITHIN

COMPLAINT ON STEVEN H. BROWN, DEFENDANT

BY HANDING TO STEVEN H. BROWN

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

ADDRESS SERVED CLEARFIELD County SHERIFF'S OFFICE
1 NORTH SECOND STREET, CLEARFIELD

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR STEVEN H. BROWN

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO STEVEN H. BROWN

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

____ DAY OF 2008

SERVICE # 1 **FILED**

08:58 A.M. 6K

JUL 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

6/20/08 per atty

TRY 931 Maple Ave

590-0631 Cell PHONE
MARY R BROWN

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CAS

Deputy Signature

RE Snyder

Print Deputy Name