

08-1143-CD
Capital One vs William B. Hamm

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

FILED

JUN 23 2008

m 11:40 (4)

William A. Shaw

Prothonotary/Clerk of Courts

CPL + TO

MATT &

SHTFR

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. 2008-1143-C0

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

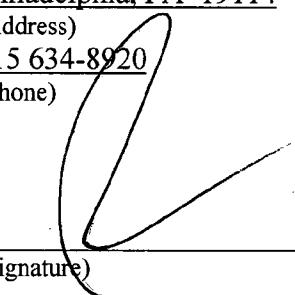
Filed on Behalf of:

WILLIAM B HAMM
(Defendant)
130 LYNN ST
(Street Address)
MADERA, PA 16661
(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)
215 634-8920
(Phone)

(Signature)



Our File No.: 158175
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.

WILLIAM B HAMM
130 LYNN ST
MADERA, PA 16661

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
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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.

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

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 Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff.

vs.

WILLIAM B HAMM
130 LYNN ST
MADERA, PA 16661

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 Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.

2. Defendant(s) is/are WILLIAM B HAMM, an adult individual residing at 130 LYNN ST
MADERA, CA 93637.

3. At the special instance and request of Defendant, Plaintiff, CAPITAL ONE BANK (USA), N.A., issued to Defendant(s), Account #5291071494977323

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 \$2,037.14. 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 \$2,037.14 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. Apothaker

Dated: 6/13/2008

Our File No.: 158175

VERIFICATION

Henry 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.

Henry Fabij

DATE:

The Deal You've Been Waiting For ...

003

FREE MOTOROLA RAZR V3

- > FREE* Wireless Camera Phone
- > BONUS Free Bluetooth® Headset (\$60 Value)
- > FREE Shipping & Handling

cingular
raising the bar...sm

after rebate and 2-year service agreement

WIREFLY
The Wireless Superstore

ACT NOW
Limited Time Offer
for Capital One®
Cardholders

CapitalOne

Account Summary

Previous Balance	\$1,122.20
Payments, Credits and Adjustments	\$0.00
Transactions	\$35.00
Finance Charges	\$25.87
 New Balance	 \$1,183.07
Minimum Amount Due	\$1,183.07
Payment Due Date	November 03, 2005
 Total Credit Line	 \$700
Total Available Credit	\$0.00
Credit Line for Cash	\$700
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: Send inquiries to:
Attn: Remittance Processing Capital One
Capital One Bank Capital One
P.O. Box 790216 P.O. Box 30285
St. Louis, MO 63179-0216 SLC, UT 84130-0285

Important Account Information

Twelve unsung heroes of college athletics are competing for the honor of Capital One National Mascot of the Year - and you can help decide who wins! Each week, the mascots go head-to-head in competition, but only one will win the coveted title and \$10,000 for their school. Go to capitalone.com where you can vote daily for your favorite mascot - and don't forget to tune in to the Capital One Bowl on ABC on Monday, January 2, 2006, to see who wins!

8007

MASTERCARD ACCOUNT

5291-0714-9497-7323

SEP 04 - OCT 03, 2005

Page 1 of 1

Payments, Credits and Adjustments

Transactions

1	03 OCT	PAST DUE FEE	\$35.00
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We appreciate your business and are converting your account to Platinum status as of October 17, 2005. So, be on the lookout for the arrival of your new Platinum card at your next reissue. Until then, you will receive Platinum benefits when you use your current card. For details about your new Platinum benefits, visit www.capitalone.com/creditcards and click on the Guide to Benefits link. Thanks for choosing Capital One.

You were assessed a past due fee of \$35.00 on 10/03/2005 because your minimum payment was not received by the due date of 10/03/2005. 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	\$691.30	.07600% P	27.74%	\$15.76
CASH	\$443.34	.07600% P	27.74%	\$10.11

ANNUAL PERCENTAGE RATE applied this period

27.74%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne

0000000 0 5291071494977323 03 1183070021001183075

New Balance	\$1,183.07
Minimum Amount Due	\$1,183.07
Payment Due Date	November 03, 2005
Total enclosed	\$ <input type="text"/>
Account Number:	5291-0714-9497-7323

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		

006007

#9027744017595953# MAIL ID NUMBER

WILLIAM B HAMM
PO BOX 150
MADERA PA 16661-0150

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

Capital One Bank
P.O. Box 790216
St. Louis, MO 63179-0216

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1143-CD

CAPITAL ONE BANK (USA) N.A.
VS
WILLIAM B. HAMM

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/23/2008 HEARING: PAGE: 104321

FILED

07/31/2008
JUL 07 2008
LW

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: WILLIAM B. HAMM
ADDRESS: 130 LYNN ST.
MADERA, PA 16661

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON WILLIAM B. HAMM, 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 WILLIAM B. HAMM

AT (ADDRESS) _____

NOW 7-7-08 AT 10:00 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO WILLIAM B. HAMM

REASON UNABLE TO LOCATE According To P.O., Def Moved Left No Address

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

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

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

JUN 23 2008

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. 2008-1143-C0Type of Case: CIVIL

William Hamm
Prothonotary/
Clerk of Courts

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

WILLIAM B HAMM
(Defendant)
130 LYNN ST
(Street Address)
MADERA, PA 16661
(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)
215 634-8920
(Phone)

[Signature]
(Signature)

Our File No.: 158175
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.)
WILLIAM B HAMM)
130 LYNN ST)
MADERA, PA 16661)
Defendant.)

)

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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.

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COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641

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BY: David J. Apothaker, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

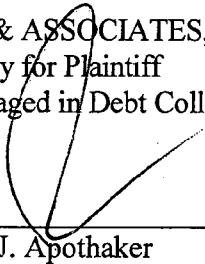
CAPITAL ONE BANK (USA), N.A. c/o Apothaker & Associates, P.C. 2417 Welsh Road, Suite 21 #520 Philadelphia, PA 19114)	COURT OF COMMON PLEAS
)	CLEARFIELD COUNTY
)	
)	NO.:
Plaintiff,)	
vs.)	
)	
WILLIAM B HAMM)	
130 LYNN ST)	
MADERA, PA 16661)	
Defendant.)	
)	

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FIRST COUNT**

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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 \$2,037.14 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. Apothaker

Dated: 6/13/2008

Our File No.: 158175

VERIFICATION

Frank Fabij, hereby states that I am Att 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.

Frank Fabij

DATE:

The Deal You've Been Waiting For ...

003

FREE MOTOROLA RAZR V3

- > FREE* Wireless Camera Phone
- > BONUS Free Bluetooth® Headset (\$60 Value)
- > FREE Shipping & Handling

after rebate and 2-year service agreement

cingular
raising the bar. smile

WIREFLY®
The Wireless Superstore

ACT NOW
Limited Time Offer
for Capital One®
Cardholders

CapitalOne®

MASTERCARD ACCOUNT

SEP 04 - OCT 03, 2005

Page 1 of 1

Account Summary

Previous Balance	\$1,122.20
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Transactions	\$35.00
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Minimum Amount Due	\$1,183.07
Payment Due Date	November 03, 2005
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Total Available Credit	\$0.00
Credit Line for Cash	\$700
Available Credit for Cash	\$0.00

Payments, Credits and Adjustments

Transactions

1	03 OCT	PAST DUE FEE	\$35.00
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You were assessed a past due fee of \$35.00 on 10/03/2005 because your minimum payment was not received by the due date of 10/03/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

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: Send inquiries to:
Attn: Remittance Processing Capital One
Capital One Bank P.O. Box 30285
P.O. Box 790216 SLC, UT 84130-0285
St. Louis, MO 63179-0216

Important Account Information

Twelve unsung heroes of college athletics are competing for the honor of Capital One National Mascot of the Year - and you can help decide who wins! Each week, the mascots go head-to-head in competition, but only one will win the coveted title and \$10,000 for their school. Go to capitalone.com where you can vote daily for your favorite mascot - and don't forget to tune in to the Capital One Bowl on ABC on Monday, January 2, 2006, to see who wins!

6007

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
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CASH	\$443.34	.07600% P	27.74%	\$10.11

ANNUAL PERCENTAGE RATE applied this period

27.74%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

CapitalOne®

0000000 0 5291071494977323 03 1183070021001183075

New Balance	\$1,183.07
Minimum Amount Due	\$1,183.07
Payment Due Date	November 03, 2005
Total enclosed	\$ <input type="text"/>
Account Number:	5291-0714-9497-7323

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 790216
St. Louis, MO 63179-0216

006007

#9027744017595953# MAIL ID NUMBER
WILLIAM B HAMM
PO BOX 150
MADERA PA 16661-0150

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

DOCKET # 104321
NO: 08-1143-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.

vs.

DEFENDANT: WILLIAM B. HAMM

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	94164	10.00
SHERIFF HAWKINS	APOTHAKER	94164	38.57

S
FILED
010-22671
AUG 04 2009
WMA
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

Chester A. Hawkins

Chester A. Hawkins
Sheriff

Our File No.: 158175
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
)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
WILLIAM B HAMM)	NO. 2008-1143-CD
)	
Defendant.)	
)	

PRAEICE 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: 1/29/2010

FILED
FEB 09 2010
S
William A. Shaw
Prothonotary/Clerk of Courts
60

FILED

FEB 09 2010

William A. Shaw
Prothonotary/Clerk of Courts