

08-1373-CD  
Capital One vs Robert Powell

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

CAPITAL ONE BANK

Plaintiff

vs.

ROBERT POWELL

Defendant

No: 08-1373-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  
06436933 C N Pit TSW

FILED Any pd  
1/11/08 95.00  
JUL 28 2008  
W A Shaw  
Prothonotary/Clerk of Courts  
ICC Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No

ROBERT POWELL

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 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:

ROBERT POWELL  
38 TREASURE LK  
DU BOIS, PA 15801

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX7169 .

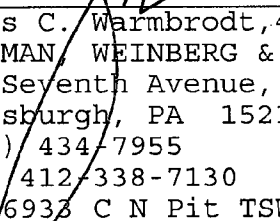
4. Defendant made use of said credit card and has a current balance due of \$3238.59 , as of February 19, 2008 .

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 29.200% per annum on the unpaid balance from February 19, 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 , ROBERT POWELL , INDIVIDUALLY , in the amount of \$3238.59 with continuing interest thereon at the rate of 29.200% per annum from February 19, 2008 plus costs.



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  
06436933 C N Pit TSW

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.

Law Offices of  
Weltman, Weinberg & Reis Co., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955

February 19, 2008

RE: CAPITAL ONE BANK vs. ROBERT POWELL

COURT #:

TO THE SHERIFF OF CLEARFIELD COUNTY:

PLEASE SERVE THE DEFENDANT(S) AT THE FOLLOWING ADDRESS(ES):

ROBERT POWELL  
38 TREASURE LK  
DU BOIS, PA 15801

Please confirm service by sending notice to:

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130

06436933 C N Pit TSW

# EXHIBIT

Previous Balance	Payments & Credits	FINANCE CHARGE	Transactions	New Balance	Minimum Payment	Due Date
\$2,259.11	\$0.00	\$56.81	\$35.00	\$2,350.92	\$650.92	Dec 03, 2006

Oct 04, 2006 — Nov 03, 2006 Page 1 of 1

Visa Platinum Account  
4121-7416-1397-7169

### Your Account Information

TOTAL CREDIT LINE	\$1,700.00
TOTAL AVAILABLE CREDIT	\$0.00
CREDIT LINE FOR CASH	\$1,700.00
AVAILABLE CREDIT FOR CASH	\$0.00

### Finance Charges (Please see reverse for important information)

Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
Purchases	\$498.68	0.08011% P	\$12.38
Cash	\$0.00	0.08011% P	\$0.00
SpecialTrans	\$1,788.91	0.08011% P	\$44.43
ANNUAL PERCENTAGE RATE applied this period: 29.24%			

At Your Service 1-800-803-3637  
To call Customer Relations or to report a lost or stolen card

Send payments to:  
Capital One Bank, P.O. Box 650007, Dallas, TX 75285-0007

Send inquiries to:  
Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285

6056 506 1 7 3 061103 PAGE 1 OF 1  
PLEASE RETURN PORTION BELOW WITH PAYMENT

Capital One what's in your wallet?  
Account Number: 4121-7416-1397-7169 0 4121741613977169 03 2350920104000650928

New Balance	Minimum Payment	Due Date
\$2,350.92	\$650.92	Dec 03, 2006

Amount Enclosed  
PLEASE PAY AT LEAST THIS AMOUNT

Capital One Bank  
P.O. Box 650007  
Dallas, TX 75285-0007

"Important Notice" Under the terms we previously disclosed to you, your account is now eligible for an increase in Annual Percentage Rates (APRs) effective immediately. However, Capital One has elected not to raise your APRs at this time. Please be advised that if you fail to keep your account in good standing, Capital One reserves the right to raise your APRs in the future.

### Payments, Credits & Adjustments

Transactions	
03 NOV PAST DUE FEE	\$35.00

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

Account Number: 4121-7416-1397-7169  
Please print address or phone number changes below using blue or black ink  
Address  
Home Phone  
Alternate Phone  
E-mail address

\*90306336269494\* MAIL ID NUMBER  
ROBERT FOWELL  
15501 BALLAST PKWY  
STE 700  
ADDISON, TX 75002-3365

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

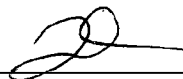
VERIFICATION

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

vs

POWELL, ROBERT

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

4121741613977169

A049

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

ARYONNE MABSON  
NOTARY PUBLIC  
DEKALB COUNTY, GEORGIA  
MY COMMISSION EXPIRES OCT. 29, 2011



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1373-CD

CAPITAL ONE BANK  
vs  
ROBERT POWELL

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 08/27/2008

HEARING:

PAGE: 104462

371-5832

DEFENDANT: ROBERT POWELL Sec 1 Lot 191  
ADDRESS: 38 TREASURE LK  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

Electric Fence Dogs.

SHERIFF'S RETURN

NOW, 08-06-08 AT 2:30 AM (PM) SERVED THE WITHIN

COMPLAINT ON ROBERT POWELL, DEFENDANT

BY HANDING TO Robert Powell / DEFENDANT

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

ADDRESS SERVED Sec 1 Lot 191 TREASURE LAKE, DUBOIS, PA. 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR ROBERT POWELL

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF NOT FOUND AS TO ROBERT POWELL

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Mark A. Choquet

Print Deputy Name

FILED

03:43 PM 08

AUG 06 2008

(SIC)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104462  
NO: 08-1373-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: ROBERT POWELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8727948	10.00
SHERIFF HAWKINS	WELTMAN	8727948	40.23

*S* FILED  
012:30Lm  
DEC 26 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

No. 08-1373-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

ROBERT POWELL

Defendant

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 Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#6436933  
Judgment Amount \$ 3947.34

**THIS LAW FIRM IS ATTEMPTING TO COLLECT THIS DEBT FOR ITS CLIENT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

FILED  
M 12:15 PM  
APR 02 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
Att'y pd. 20.00  
ICC Notice  
to Def.

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1373-CD

ROBERT POWELL

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

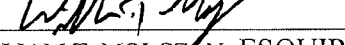
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, ROBERT POWELL above named, in the default of an Answer, in the amount of \$3947.34 computed as follows:

Amount claimed in Complaint	\$3238.59
Interest from FEBRUARY 19, 2008 TO MARCH 9, 2009 at the legal interest rate of 29.200% per annum	\$705.75
TOTAL	\$3947.34

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

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

By:   
WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#6436933

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 38 TREASURE LK, DU BOIS, PA 15801

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

CAPITAL ONE BANK (USA), NA

Plaintiff

vs.

Civil Action No. 08-1373-CD

ROBERT POWELL

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:    ☐ Plaintiff  
         ☒ Defendant  
         ☐ Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 4/21/09

(xx)    Assumpsit Judgment in the amount  
         of \$3947.34 plus costs.

(    )    Trespass Judgment in the amount  
         of \$ \_\_\_\_\_ plus costs.

(    )    If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

(xx)    Entry of Judgment of  
         ☐ Court Order  
         ☐ Non-Pros  
         ☐ Confession  
         ☒ Default  
         ☐ Verdict  
         ☐ Arbitration  
         Award

Prothonotary

By: William H. Hays  
PROTHONOTARY (OR DEPUTY)

ROBERT POWELL  
38 TREASURE LK  
DU BOIS, PA 15801

Plaintiff's address is:  
c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

CAPITAL ONE BANK (USA), NA

Case no: 08-1373-CD

Plaintiff

**NON-MILITARY AFFIDAVIT**

vs.

ROBERT POWELL

Defendant

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

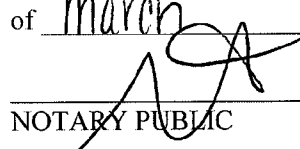
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, ROBERT POWELL is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, ROBERT POWELL is not in the military service.

Further Affiant sayeth naught.

  
AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 12<sup>th</sup> day  
of March, 2009.

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Wendy L. Gault, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires July 15, 2010  
Member, Pennsylvania Association of Notaries

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.

Department of Defense Manpower Data Center

MAR-09-2009 12:17:54



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
POWELL	ROBERT	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. Snavelly-Dixon*

Mary M. Snavelly-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

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case No. 08-1373-CD

vs.

ROBERT POWELL

Defendant

**IMPORTANT NOTICE**

TO:  
ROBERT POWELL  
38 TREASURE LK SEC 1, LOT #181  
DU BOIS, PA 15801

Date of Notice: 2/19/09

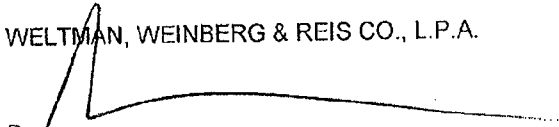
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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, EXT 50-51

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

By:   
Matthew Urban  
P.A.I.D.# 90963  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, 1400 Koppers Building  
Pittsburgh, PA 15219  
Phone: (412) 434-7955  
6436933 N PIT KM3



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 2008 CD 1373

V.

ROBERT POWELL

SUGGESTION OF BANKRUPTCY

Filed on Behalf of :

**DEFENDANT**

Defendant.

**FILED**

MTB:5601 CC  
MAY 20 2009

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 2008 - 1373

V.

ROBERT POWELL

Defendant.

**SUGGESTION OF BANKRUPTCY**

AND NOW, comes the Defendant, Robert Powell, by and through his attorney, Joseph H. Ellermeyer, and respectfully represents and would show this Court:

1. The Defendant, Robert Powell, has filed a Chapter 7 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 09 - 70552 WWB.

2. Relief was ordered on May 1, 2009.

3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

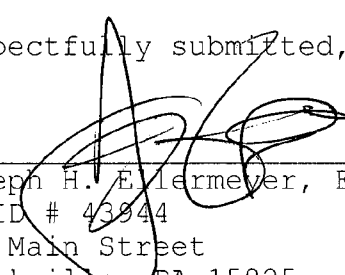
4. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant, Robert Powell, suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date

5/15/09

  
Joseph H. Ellermeyer, Esquire  
PA ID # 43944  
379 Main Street  
Brookville, PA 15825  
814/849-6701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 2008 - 1373

V.

ROBERT POWELL

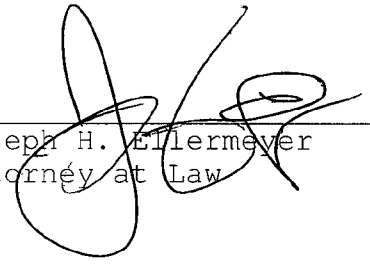
Defendant.

**CERTIFICATE OF SERVICE**

I, Joseph H. Ellermeyer, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

Matthew D. Urban, Esquire  
Weltman, Weinberg & Reis Co., LPA  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219

Dated: May 15, 2009

  
\_\_\_\_\_  
Joseph H. Ellermeyer  
Attorney at Law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 01373 CD 2008

V.

ROBERT POWELL,

SUGGESTION OF BANKRUPTCY

Filed on Behalf of :

**DEFENDANT**

Defendant.

**FILED**

01/11/13/01  
AUG 10 2009

William A. Shaw  
Prothonotary/Clerk of Courts

2cc  
Amy Wallisch

(10)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA Plaintiff,	CIVIL ACTION - LAW
V.	CASE NO: 01373 CD 2008
ROBERT POWELL, Defendant.	

**SUGGESTION OF BANKRUPTCY**

AND NOW, comes the Defendant, Robert Powell, by and through her attorney, Mark A. Wallisch, and respectfully represents and would show this Court:

1. The Defendant, Robert Powell, has filed a Chapter 7 petition for relief under Title 11, United States Code, in the United States Bankruptcy Court for the Western District of Pennsylvania which bears the Case No. 09 - 70552 WWB.

2. Relief was ordered on May 1, 2009.

3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

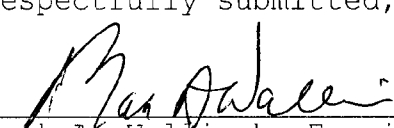
4. On August 3, 2009, a Default Order was issued in the Debtor's Bankruptcy releasing the lien imposed by the Plaintiff's Judgment.

5. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, the Defendant, Robert Powell, suggests that this action has been stayed by the operation of 11 U.S.C. Section 362.

Respectfully submitted,

Date 8/10/2009

  
Mark A. Wallisch, Esquire  
PA ID # 23658  
379 Main Street  
Brookville, PA 15825  
814/849-6701

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ROBERT W. POWELL d/b/a  
ROBERT POWELL & SONS,

DARLENE S. POWELL,  
Debtors.

\*\*\*\*\*

ROBERT W. POWELL d/b/a  
ROBERT POWELL & SONS,

DARLENE S. POWELL,  
Movants,

vs.

CAPITAL ONE BANK (USA), NA,  
Respondent.

CASE NO. 09 - 70552 BM

CHAPTER 7

*Doc. # 20*

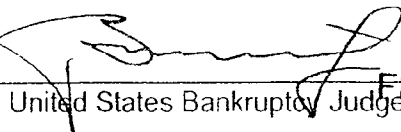
DEFAULT ORDER ON MOTION FOR AVOIDANCE  
OF LIENS OR SECURITY INTERESTS

THIS 3<sup>rd</sup> day of August, 2009, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's certification of service and certification of no objection, it is

ORDERED that the above-captioned Motion is granted and the property of the Debtor, as described therein, shall be, and hereby is, released from the liens and/or security interests as requested in the Motion.

Movant shall, within 5 days hereof, serve a copy of the within Order on parties in interest and file a certificate of service.

BY THE COURT

  
United States Bankruptcy Judge

FILED

cc Joseph H. Ellermeyer, Esquire  
379 Main Street  
Brookville, PA 15825

AUG 3 2009

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

CASE NO: 01373 CD 2008

V.

ROBERT POWELL,

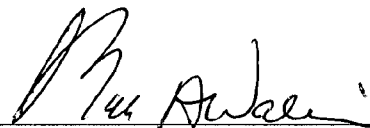
Defendant.

**CERTIFICATE OF SERVICE**

I, Mark A. Wallisch, Esquire, do hereby certify that a true and correct copy of the within Suggestion of Bankruptcy was served via first class mail, postage prepaid, addressed as follows:

Matthew D. Urban, Esquire  
Weltman, Weinberg & Reis Co., LPA  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

Dated: August 10, 2009

  
\_\_\_\_\_  
Mark A. Wallisch  
Attorney at Law