

08-1373-CD

Capital One vs Robert Powell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAPITAL ONE BANK

Plaintiff

No: 08-1373-CD

vs.

COMPLAINT IN CIVIL ACTION

ROBERT POWELL

Defendant

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 *Atty pd. \$95.00*
JUL 11 2008
JUL 28 2008
W.A. Shaw
Clerk of Courts
William A. Shaw
Prothonotary/Clerk of Courts
CC 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 XXXXXXXXXXXXXXXXX7169 .

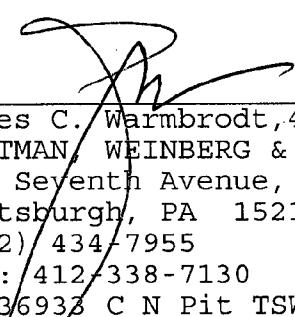
4. Defendant made use of said credit card and has a current balance due of \$3238.59 , as of February 19, 2008 .

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

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.

FILED

03:43 P.M. 6/6

AUG 06 2008

(GIC)

William A. Shaw
Prothonotary/Clerk of Courts

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 Lakes, 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:

Mark A. Cawret
Deputy Signature

Mark A. Cawret
Print Deputy Name

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
0/2:30pm
DEC 26 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



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 Atty pd. 20.00
M 12:15 PM
APR 02 2009 1CC9 Notice
to Def.
William A. Shaw
Prothonotary/Clerk of Courts

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

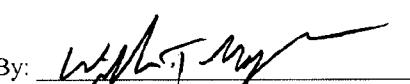
TO THE PROTHONOTARY:

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 7th 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

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.

Entry of Judgment of
 Court Order
 Non-Pro
 Confession
 Default
 Verdict
 Arbitration
Award

Prothonotary

By: William H. Haze

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 7th 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
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.

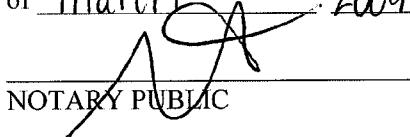
Affiant further states that based upon investigation it is the affiant's belief that the Defendant, ROBERT POWELL is not in the military service.

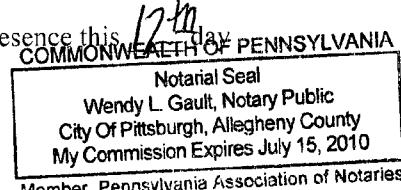
Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, ROBERT POWELL is not in the military service.

Further Affiant sayeth naught.


AFFIANT

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


NOTARY PUBLIC



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. 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

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
MAY 20 2009
William A. Shaw
Prothonotary/Clerk of Courts
S NO
CC
66

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.

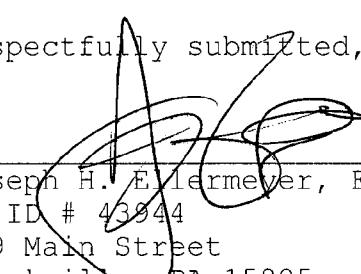
3. This action is founded on a claim from which a discharge would be a release or that seeks to impose a charge on the property of the estate.

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 3/15/09


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,

v.

CASE NO: 2008 - 1373

ROBERT POWELL

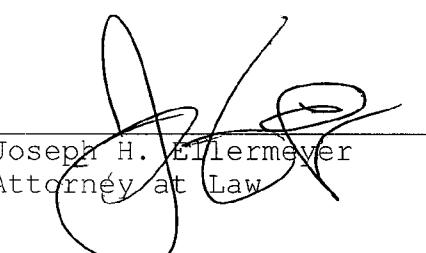
Defendant.

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

01/13/2011
AUG 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

610

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 3rd 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

AUG 3 2009

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAPITAL ONE BANK (USA), NA

CIVIL ACTION - LAW

Plaintiff,

v.

CASE NO: 01373 CD 2008

ROBERT POWELL,

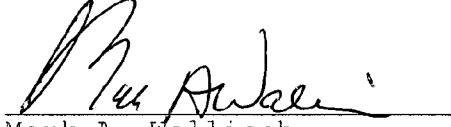
Defendant.

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