

08-1434-CD  
Capital One vs Richard Gulish al

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

CAPITAL ONE BANK (USA), NA

Plaintiff

No: 2008-1434-CD

vs.

COMPLAINT IN CIVIL ACTION

RICHARD S GULISH  
AKA RICHARD SCOTT GULISH

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  
06767984 C N Pit BLK

**FILED**

m 1:50 P.M. GK

AUG 04 2008

NOCC

COMPL. TO SHFF

William A. Shaw

Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff  
vs.

Civil Action No

RICHARD S GULISH  
AKA RICHARD SCOTT GULISH

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 (USA), N.A. 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:

RICHARD S GULISH  
940 SUE ST  
HOUTZDALE, PA 16651

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXXXXXX9506 .

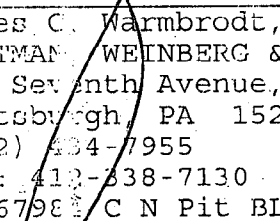
4. Defendant made use of said credit card and has a current balance due of \$1495.07 , as of June 13, 2008 .

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 27.600% per annum on the unpaid balance from June 18, 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, RICHARD S GULISH, INDIVIDUALLY, in the amount of \$1495.07 with continuing interest thereon at the rate of 27.600% per annum from June 18, 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  
06767988 C N Pit BLK

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.



RICHARD S GULISH

**YOU'RE BEHIND BY**  
**6**  
**PAYMENTS**

## NOT PAYING YOUR DEBT DOESN'T MAKE IT GO AWAY.

500013

In fact, even if we report your account as charged off, you'll still be responsible for paying your debt. So why not call us to see what we can do together to keep you from receiving such a serious mark on your credit record?

We're here to help. Please contact us to  
find a solution that's right for you.

You can make a payment with our **free** check by phone service  
or speak to an associate by calling 1.800.955.6600.

Make sure you call or pay the amount due on your statement within 30 days to keep your account from being charged off.

© 2006 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

500013-08503

Previous Balance	Payments & Credits	FINANCE CHARGE	Transactions	New Balance	Minimum Payment	Due Date
\$1,150.64	\$0.00	\$26.62	\$39.00	\$1,216.26	\$466.26	Nov. 07, 2007

Sep. 14, 2007 — Oct. 13, 2007

Page 1 of 1

PLEASE PAY AT LEAST THIS AMOUNT

**MasterCard Platinum Account**  
5178-0525-0100-9506

### Your Account Information

TOTAL CREDIT LINE	\$750.00
TOTAL AVAILABLE CREDIT	\$0.00
CREDIT LINE FOR CASH	\$750.00
AVAILABLE CREDIT FOR CASH	\$0.00

Your account is six payments behind. If we charge off your account due to late payments, we will report the charged-off status to several national credit bureaus, and the Purchase APR as reflected on this statement will be applied to all your outstanding balances. Act now to prevent this from happening. Please pay the amount due on your statement or give us a call at 1.800.955.6600. We'll work with you so you can take control of your account and start rebuilding your credit with Capital One.

**\*\*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.

Finance Charges (Please see reverse for important information)				
	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
Purchases	\$1,145.72	0.07575% D	27.65%	\$26.04
Cash	\$25.45	0.07575% D	27.65%	\$0.58
ANNUAL PERCENTAGE RATE applied this period: 27.65%				

### Payments, Credits & Adjustments

#### Transactions

1 08 OCT PAST DUE FEE \$39.00



**At Your Service 1-800-903-3637**  
To call Customer Relations or to report a lost or stolen card:



**Send payments to:**  
Capital One Bank • P.O. Box 70884 • Charlotte, NC 28272-0884



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



**Have a question about a charge on your statement?**  
Please refer to the Billing Rights Summary on the back of your statement or visit [www.capitalone.com/disputes](http://www.capitalone.com/disputes).

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.

**EXHIBIT**

6056 506

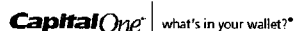
1 07 13 071013

PAGE 1 of 1

OIDM6056

PLEASE RETURN PORTION BELOW WITH PAYMENT OR LOG ON TO [WWW.CAPITALONE.COM](http://WWW.CAPITALONE.COM) TO MAKE YOUR PAYMENT ONLINE

0 5178052501009506 13 1216260061930466269



New Balance	Minimum Payment	Due Date
\$1,216.26	\$466.26	Nov. 07, 2007

PLEASE PAY AT LEAST  
THIS AMOUNT

Amount Enclosed

Capital One Bank  
P.O. Box 70884  
Charlotte, NC 28272-0884



Account Number: 5178-0525-0100-9506

Please print address or phone number changes below using blue or black ink.

Address

Home Phone

Alternate Phone

E-mail address

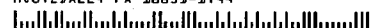
@

#902879505295483# MAIL ID NUMBER

RICHARD S GULISH

740 SUE ST

HOUTZDALE, PA 16653-1744



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.

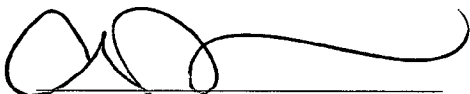
VS

GULISH, RICHARD S

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., 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

5178052501009506

A049

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

ARVINI MASON  
NOTARY PUBLIC  
DEPARTMENT OF REVENUE  
MY COMMISSION EXPIRES OCT 29 2011

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1434-CD

CAPITAL ONE BANK (USA) NA  
vs  
RICHARD S. GULISH aka RICHARD SCOTT GULISH  
COMPLAINT

SERVICE # 1 OF 1

SERVE BY: 09/03/2008 HEARING: PAGE: 104503

DEFENDANT: RICHARD S. GULISH aka RICHARD SCOTT GULISH  
ADDRESS: 940 SUE ST.  
HOUTZDALE, PA 16651  
ALTERNATE ADDRESS

FILED

03:20 PM  
AUG 13 2008

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_  
\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 8-13-08 AT 1:50 AM ☒ PM SERVED THE WITHIN

COMPLAINT ON RICHARD S. GULISH aka RICHARD SCOTT GULISH, DEFENDANT

BY HANDING TO Richard S. Gulish, Def.

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

ADDRESS SERVED 940 Sue St.  
Houtzdale, Pa

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

COMPLAINT FOR RICHARD S. GULISH aka RICHARD SCOTT GULISH

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

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

I MAKE RETURN OF **NOT FOUND** AS TO RICHARD S. GULISH aka RICHARD SCOTT GULISH

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

SWORN TO BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: James E. Davis  
Deputy Signature

Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104503  
NO: 08-1434-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) NA  
vs.  
DEFENDANT: RICHARD S. GULISH aka RICHARD SCOTT GULISH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3504107	10.00
SHERIFF HAWKINS	WELTMAN	3504107	39.06

<sup>5</sup>  
**FILED**  
0/9:00LM  
JAN 06 2009  
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. 2008-1434-CD

vs.

PRAECIPE FOR DEFAULT JUDGMENT

RICHARD S GULISH AKA  
RICHARD SCOTT GULISH

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#6767984  
Judgment Amount \$ 1742.22

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

**FILED** Att'y pd. 20.00  
MTI:5581  
APR 02 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Notice to Def.

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

CAPITAL ONE BANK (USA) ,NA

Plaintiff

vs.

Civil Action No. 2008-1434-CD

RICHARD S GULISH AKA  
RICHARD SCOTT GULISH

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

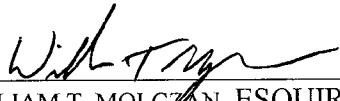
TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, RICHARD S GULISH AKA  
RICHARD SCOTT GULISH above named, in the default of an Answer, in the amount of \$1742.22 computed  
as follows:

Amount claimed in Complaint	\$1495.07
Interest from JUNE 18, 2008 TO MARCH 9, 2009 at the legal interest rate of 27.600% per annum	\$247.15
TOTAL	\$1742.22

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. MOLCHAN, 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#6767984

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: 940 SUE ST, HOUTZDALE, PA 16651

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

COPY

CAPITAL ONE BANK (USA) ,NA

Plaintiff

vs.

Civil Action No. 2008-1434-CD

RICHARD S GULISH AKA  
RICHARD SCOTT GULISH

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 \$1742.22 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  
         (xx) Default  
         ☐ Verdict  
         ☐ Arbitration  
         Award

Prothonotary

By: William L. Hargis

PROTHONOTARY (OR DEPUTY)

RICHARD S GULISH  
940 SUE ST  
HOUTZDALE, PA 16651

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: 2008-1434-CD

Plaintiff

NON-MILITARY AFFIDAVIT

vs.

RICHARD S GULISH AKA  
RICHARD SCOTT GULISH

Defendant

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

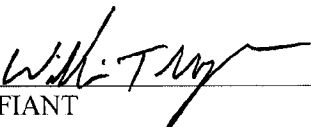
That he/she is the duly authorized agent of the Plaintiff in the within matter.

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, RICHARD S GULISH AKA RICHARD SCOTT GULISH 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, RICHARD S GULISH AKA RICHARD SCOTT GULISH 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.

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

CAPITAL ONE BANK (USA), NA

Plaintiff

Case No. 2008-1434-CD

vs.

RICHARD S GULISH  
AKA RICHARD SCOTT GULISH

Defendant

IMPORTANT NOTICE

TO:  
RICHARD S GULISH  
940 SUE ST  
HOUTZDALE, PA 16651

Date of Notice: 2/19/09

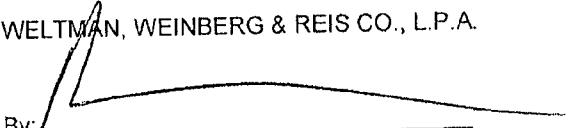
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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  
6767984 N PIT B4I

Department of Defense Manpower Data Center

MAR-09-2009 11:40:34



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

← Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
GULISH	RICHARD	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.

A handwritten signature in cursive script that reads "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