

08-1510-CD
Capital One vs Roberta McGary et al

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

CIVIL ACTION -- (LAW) (EQUITY)

No. 2008-1510-CD

Type of Case: Civil

Type of Pleading: Complaint in Civil Action

CAPITAL ONE BANK (USA), N.A.

Plaintiff(s)

Filed on Behalf of: Plaintiff

v.

Counsel of Record for this Party:

ROBERTA J MCGARY

and

MCGARY ELECTRICAL & PLUMBING

Defendant(s)

Paul J. Klemm, Esquire
Nudelman, Nudelman, & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
973-618-0000 tel
973-618-0647 fax
Attorney ID # 92125

Dated: August 8, 2008

FILED
in 2:10 p.m. GK Aug 14 2008
ATTY PAID 95.00
ICC Atty
2 COMPL. SHFF
William A. Shaw
Prothonotary/Clerk of Courts

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID # 92125**

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK (USA), N.A. : CLEARFIELD COUNTY

Plaintiff(s) :

v.

**ROBERTA J MCGARY
and
MCGARY ELECTRICAL & PLUMBING
Defendant(s) :**

COMPLAINT IN CIVIL ACTION

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.

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

AVISO

Le han demandado a usted en la carta. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se aviso que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla 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

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

| | | |
|-------------------------------|---|-------------------|
| CAPITAL ONE BANK (USA), N.A., | : | CLEARFIELD COUNTY |
| | : | |
| | : | |
| Plaintiff(s) | : | |
| | : | |
| v. | : | |
| | : | |
| | : | |
| ROBERTA J MCGARY | : | |
| and | : | |
| MCGARY ELECTRICAL & PLUMBING | : | |
| Defendant(s) | : | |

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, CAPITAL ONE BANK (USA), N.A., by and through its attorney, Paul J. Klemm and the law offices of Nudelman, Nudelman & Ziering, P.C., and files the following **Complaint in Civil Action** and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK (USA), N.A., is a corporation licensed to do business in the State of Pennsylvania.
2. Defendant, ROBERTA J MCGARY, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at , 845 STATE ST, CURWENSVILLE PA 16833-1038.
3. Defendant, MCGARY ELECTRICAL & PLUMBING, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at 1293 GRICE RD, OLANTA PA 16863-8012.

4. At the special insistence and request of the Defendants, Defendants were issued a credit card by CAPITAL ONE BANK (USA), N.A., account number 4802137108884919.

5. The Defendants are responsible for an unpaid balance in the amount of \$5,919.03 and interest in the amount of \$1,905.96.

6. Plaintiff has made demand to Defendants for \$7,824.99, but Defendants have willfully failed and/or refused to reimburse Plaintiff for the aforesaid sum due.

Wherefore, Plaintiff demands Judgment in its favor and against the Defendants in the amount of \$7,824.99, plus attorney fees of \$1,302.19 and interest from the date of breach, with continuing interest thereon at the legal rate from the date of Judgment plus anticipated court costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully Submitted:

NUDELMAN, NUDELMAN & ZIERING, P.C.



Paul J. Klemm, Esquire
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

VERIFICATION

The undersigned, Paul J. Klemm, Esquire, hereby states that he is the attorney for Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. Counsel has signed this verification at the request of Plaintiff as a matter of time and convenience. Plaintiff has represented to counsel that there is a debt due and owing from Defendant to Plaintiff in the amount as set forth within the foregoing pleading. Plaintiff has provided counsel with all relevant information in order to allow counsel to sign this verification. Plaintiff agrees to provide a verification signed by Plaintiff upon request by Defendant. The undersigned understands that the statements herein are made subject to the penalties of 19 Pa.C.S.A Section 4904 relating to unsworn falsification to authorities.



Date: July 24, 2008

Paul J. Klemm, Esquire
Nudelman, Nudelman & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1510-CD

CAPITAL ONE BANK (USA) N.A.

vs

ROBERT J. MCGARY and MCGARY ELECTRICAL & PLUMBING
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 09/13/2008 HEARING: PAGE: 104541

FILED

07/25/08
AUG 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: MCGARY ELECTRICAL & PLUMBING
ADDRESS: 1293 GRICE RD
OLANTA, PA 16863

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8-19-08-2:08 -Pm -N/H _____

SHERIFF'S RETURN

NOW, 8-20-08 AT 11:15 AM SERVED THE WITHIN

COMPLAINT ON MCGARY ELECTRICAL & PLUMBING, DEFENDANT

BY HANDING TO Kurt McGary, Def-C Owner

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

ADDRESS SERVED 1293 Grice Rd.
Olanta, Pa. 16863

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR MCGARY ELECTRICAL & PLUMBING

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MCGARY ELECTRICAL & PLUMBING

REASON UNABLE TO LOCATE _____

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1510-CD

CAPITAL ONE BANK (USA) N.A.

vs
ROBERT J. MCGARY and MCGARY ELECTRICAL & PLUMBING
COMPLAINT

SERVE BY: 09/13/2008 HEARING: PAGE: 104541

FILED

DEFENDANT: ROBERTA J. MCGARY
ADDRESS: 845 STATE ST.
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

AUG 29 2008

09/18/2008

William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 8-28-08 - 11:31 - AM N/H - Left Date

SHERIFF'S RETURN

NOW, 8-28-08 AT 1:36 AM PM SERVED THE WITHIN

COMPLAINT ON ROBERTA J. MCGARY, DEFENDANT

BY HANDING TO Roberta J. McGary, Defendant

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

ADDRESS SERVED 845 State Street, Curwenville, PA
16833

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ROBERTA J. MCGARY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ROBERTA J. MCGARY

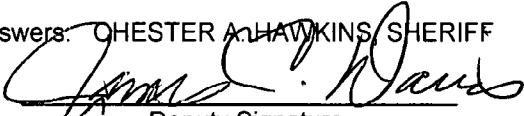
REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

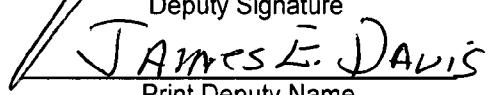
DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:



Deputy Signature


JAMES E. DAVIS

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104541
NO: 08-1510-CD
SERVICES 2
COMPLAINT

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

vs.

DEFENDANT: ROBERTA J. MCGARY and MCGARY ELECTRICAL & PLUMBING

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|----------|---------|--------|
| SURCHARGE | NUDELMAN | 024365 | 20.00 |
| SHERIFF HAWKINS | NUDELMAN | 024365 | 56.76 |

S
FILED
03/30/08
J.A. 07 2008
LSM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

FILED

JUL 24 2009

William A. Shaw
Prothonotary/Clerk of Courts
w w c/c

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK (USA), N.A. : CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: :
v. : :
: : NO. 2008-01510-CD

ROBERTA J MCGARY

ORDER TO DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter as discontinued and ended upon payment of
your costs only.

Date: July 22, 2009

Respectfully Submitted:

NUDELMAN, NUDELMAN & ZIERING, P.C.



Paul J. Klemm, Esquire
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

NN20364

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Capital One Bank (USA), N.A.

Vs. No. 2008-01510-CD
Roberta J. McGary
McGary Electrical & Plumbing

CERTIFICATE OF DISCONTINUATION

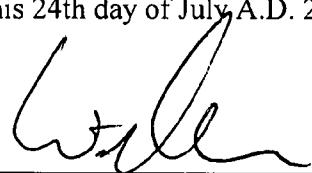
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 24, 2009, marked:

Discontinued

Record costs in the sum of \$ 171.76 have been paid in full by Nudelman, Nudelman & Aiering, P.C..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 24th day of July A.D. 2009.



William A. Shaw, Prothonotary