

08-1511-CD  
Capital One vs Mark Sommer

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

**CIVIL ACTION -- (LAW) (EQUITY)**

CAPITAL ONE AUTO FINANCE  
Plaintiff(s)

No. 2008-1511-CD  
Type of Case: Civil  
Type of Pleading: Complaint in Civil Action

Filed on Behalf of: Plaintiff

v.

MARK SOMMER  
Defendant(s)

Counsel of Record for this Party:

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 11, 2008

**FILED**  
m 2:27 p.m. GK ICC ATTY  
AUG 14 2008 1 COMPL. SHFF  
William A. Shaw  
Prothonotary/Clerk of Courts ATTY PAID 95.00

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 AUTO FINANCE	:	CLEARFIELD COUNTY
	:	
Plaintiff(s)	:	
v.	:	
	:	
MARK SOMMER	:	
	:	
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 corte. 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. See avisado que si usted no se defiende, la corte tomara medidas y puede continuar le 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 SUFICIENTE 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  
NUDLEMAN, NUDELMAN, & ZIERING, P.C.  
425 EAGLE ROCK AVENUE  
ROSELAND, NJ 07068  
973-618-0000  
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE AUTO FINANCE, INC.

CLEARFIELD COUNTY

Plaintiff(s)

v.

MARK SOMMER

Defendant(s)

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, CAPITAL ONE AUTO FINANCE, INC. , 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 AUTO FINANCE, INC., is a corporation licensed to do business in the State of Pennsylvania.

2. Defendant, MARK SOMMER, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at , 1238 TREASURE LK, DU BOIS PA 15801-9029.

3. At the request and insistence of the Defendant, the aforesaid Defendant entered into a written Automobile Retail Installment Contract (hereinafter "Contract") to purchase a "Vehicle" from a dealer (Seller).

4. Seller thereafter assigned the Contract to Plaintiff, Capital One Auto Finance, Inc.
5. Pursuant to the terms of the Contract, Defendant was to make payments to Plaintiff.
6. The terms of the Contract provide for termination upon satisfaction by Defendant of all obligations provided thereunder.
7. Plaintiff avers that Defendant defaulted under the Contract by failing to make payments to Plaintiff as promised.
8. Due to Defendant's default under the Contract, Plaintiff exercised its rights to terminate the Contract and retake possession of the vehicle.
9. After calculating early termination charges due to Plaintiff, and proceeds from sale, if any, Plaintiff avers that a deficiency balance of \$10,061.75 is due from Defendant as of the present date.
10. The terms of the Contract provide that Defendant will pay Plaintiff's reasonable attorney's fees.
11. Defendant's has made payments totaling \$.00 and are entitled to credit for said payments.
12. Despite repeated request, Defendant has willfully failed and/or refused to pay the aforesaid sum due.

Wherefore, Plaintiff demands Judgment in its favor and against the Defendant in the amount of \$10,061.75, plus attorney fees of \$2,716.67, 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.

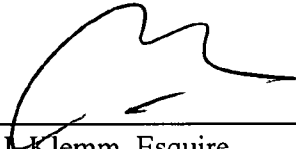
A handwritten signature in black ink, appearing to be 'Paul J. Klemm', written over a horizontal line.

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: June 9, 2008

  
\_\_\_\_\_  
Paul J. Klemm, Esquire  
Nudleman, 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: 08-1511-CD

CAPITAL ONE AUTO FINANCE

vs

MARK SOMMER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 09/13/2008

HEARING:

PAGE: 104542

DEFENDANT:

MARK SOMMER

ADDRESS:

1238 TREASURE LK

DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

311-9571 Sec 2 Lot 1 mature

15 @ 11" 14 on mature - 2 on 15

SHERIFF'S RETURN

NOW, 08-27-08 AT 2:45 AM / PM SERVED THE WITHIN

COMPLAINT ON MARK SOMMER, DEFENDANT

BY HANDING TO MELINDA Sommer / DEFENDANTS Ex-WIFE

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

ADDRESS SERVED Sec 2 Lot 1 TREASURE LK DUBOIS, PA

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

COMPLAINT FOR MARK SOMMER

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

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

I MAKE RETURN OF NOT FOUND AS TO MARK SOMMER

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Condriest  
Deputy Signature

MARK A. CONDRIEST  
Print Deputy Name

FILED

08:45 a.m. 6/2  
AUG 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104542  
NO: 08-1511-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE AUTO FINANCE  
vs.  
DEFENDANT: MARK SOMMER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NUDELMAN	021230	10.00
SHERIFF HAWKINS	NUDELMAN	021230	40.23

FILED  
01/30/08  
JAN 30 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

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 AUTO FINANCE, INC	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
MARK SOMMER	:	NO. 2008-01511-CD

**PRAECIPE TO ENTER JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff(s), CAPITAL ONE AUTO FINANCE, INC and against Defendant(s), MARK SOMMER, in the above- captioned matter, in the amount of \$12,923.65, for failure to answer the Complaint in twenty (20) days as required by Pennsylvania Rules of Civil Procedure.



---

PAUL J. KLEMM, ESQUIRE  
Attorney for Plaintiff

NN22053

**FILED** *Att. pd.*  
*7/11/09* *20.00*  
OCT 13 2009 *1cc Notice*  
*to Def.*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*1cc to Att.*  
*(60)*

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 AUTO FINANCE, INC	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
MARK SOMMER	:	NO. 2008-01511-CD


**ASSESSMENT OF DAMAGES**

TO THE CLERK:

Please assess damages against Defendant(s) as follows:

Real Debt	\$10,061.75
Interest	\$ .00
Attorney Fees	\$2,716.67
Costs	\$145.23
TOTAL	\$12,923.65

Damages are assessed as above in the sum of \$12,923.65.

  
10/3/09  
PRO CLERK

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 AUTO FINANCE, INC : CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
v. :  
:  
MARK SOMMER : NO. 2008-01511-CD

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD :

The undersigned, being duly sworn according to law, deposes and says that the Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended;

That Defendant, MARK SOMMER, is over eighteen (18) years of age and resides at 260 W RHEA AVE, SPRING CITY TN 37381-5114.

  
\_\_\_\_\_  
PAUL J. KLEMM, ESQUIRE  
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6th DAY  
OF October 2009.

  
NOTARY

NN22053

KATHERINE E. DIETERLE  
Notary Public, State of New Jersey  
My Commission Expires  
July 27, 2010

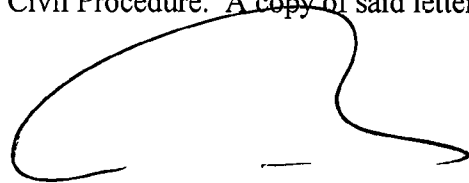
PAUL J. KLEMM, ESQUIRE  
NUDELMAN, NUDELMAN, & ZIERING, P.C.  
425 EAGLE ROCK AVENUE  
ROSELAND, NJ 07068  
973-618-0000  
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE AUTO FINANCE, INC	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
MARK SOMMER	:	NO. 2008-01511-CD

**CERTIFICATION**

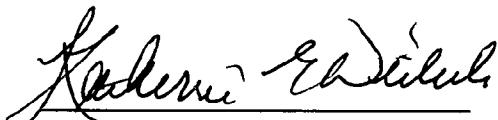
I, Paul J. Klemm, Esquire, Attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States mail a letter notifying the Defendant(s) that Judgment would be entered against them after ten (10) days from the date of said letter in accordance with Rule 237.1 of Pennsylvania Rules of Civil Procedure. A copy of said letter is attached hereto and marked Exhibit "A".



**PAUL J. KLEMM, ESQUIRE**  
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6<sup>th</sup> DAY  
OF October 2009.

  
NOTARY

KATHERINE E. DIETERLE  
Notary Public, State of New Jersey  
My Commission Expires  
July 27, 2010

NN22053

**EXHIBIT “A”**

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 AUTO FINANCE, INC.	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff(s)	:	
v.	:	
MARK SOMMER	:	
Defendant(s)	:	NO. 2008-01511-CD

To:

MARK SOMMER  
1238 TREASURE LK  
DU BOIS PA, 15801-9029

Date of Notice : JUL 07 2009

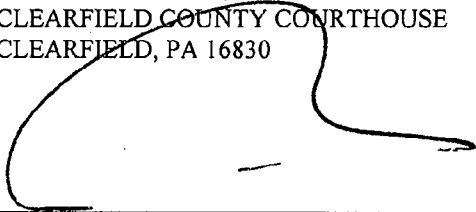
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

YOU SHOULD TAKE THIS NOTICE TO A 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.

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

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



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

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

COPY

PROTHONOTARY

TO: MARK SOMMER  
260 W RHEA AVE  
SPRING CITY TN 37381-5114

---

CAPITAL ONE AUTO FINANCE, INC	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
MARK SOMMER	:	NO. 2008-01511-CD

**NOTICE**

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in the above proceeding as indicated below.

  
10/13/09  
PROTHONOTARY

X  JUDGMENT BY DEFAULT

MONEY JUDGMENT

JUDGMENT IN REPLEVIN

JUDGMENT FOR POSSESSION

If you have any questions concerning this Judgment, please call Paul J. Klemm, Esquire at 973-618-0000.