

08-1511-CD
Capital One vs Mark Sommer

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION -- (LAW) (EQUITY)

No. 2008-1511-CD

Type of Case: Civil

Type of Pleading: Complaint in Civil Action

CAPITAL ONE AUTO FINANCE
Plaintiff(s)

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 1CC A CTY
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 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. See avisado 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 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
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973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE AUTO FINANCE, INC. : CLEARFIELD COUNTY

Plaintiff(s) :
v.
Defendant(s) :
MARK SOMMER

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.

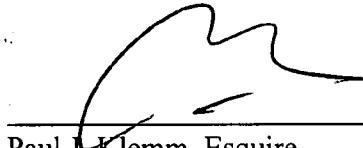


Paul J. Klemm, Esquire
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

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
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: 08-1511-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 Matura RE 2 T" 1 on matura - 2 on 2

SHERIFF'S RETURN

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

COMPLAINT ON MARK SOMMER, DEFENDANT

BY HANDING TO M BLINDA Sommer 1 DEFENDANT'S 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. Condriet
Deputy Signature

Mark A. Condriet
Print Deputy Name

FILED
08:45 a.m. 62
AUG 28 2008
LM

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

File
01/30/08
J-107701
WM

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins

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**

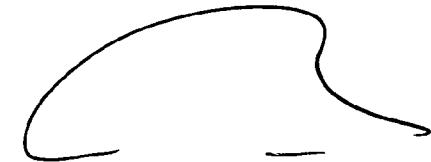
ATTORNEY FOR PLAINTIFF

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 Atty pd.
MTH:pa/bt 20.00
OCT 13 2009 ICC Notice
S William A. Shaw to Def.
Prothonotary/Clerk of Courts
1 CC to Atty
(61)

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

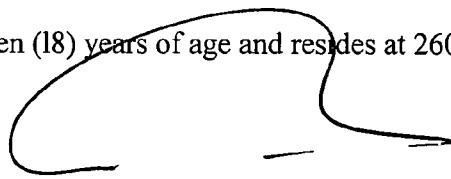
CAPITAL ONE AUTO FINANCE, INC : CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: .
: .
: .
: .
v. : .
: .
: .
MARK SOMMER : NO. 2008-01511-CD

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.

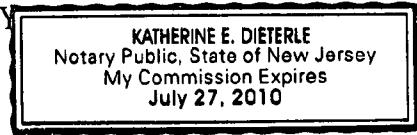

PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED

BEFORE ME THIS *6th* DAY
OF *October* 2009.

Katherine E. Dieterle
NOTARY

NN22053



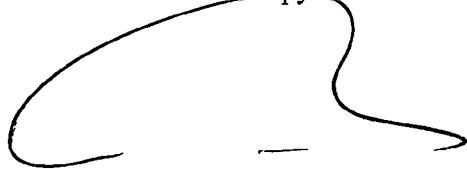
**PAUL J. KLEMM, ESQUIRE
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ID #92125**

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".

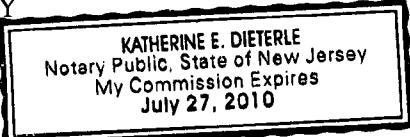


**PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff**

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6th DAY
OF October 2009.

Katherine E. Dieterle
NOTARY



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

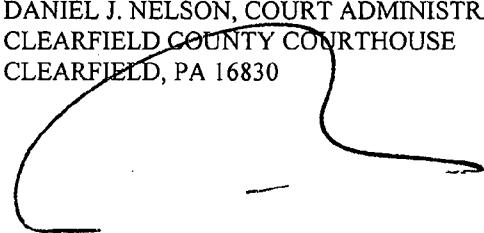
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

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.