

08-1848-CD  
Capital One vs Lisa Polachek

FILED 

SEP 29 2008

m/12/45(w)

William A. Shaw  
Prothonotary/Clerk of Courts

1 cent to Sitter

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

)

Plaintiff

)

NO. 2008-1848-CD

v.

)

LISA POLACHEK

)

Defendant(s)

)

)

**COMPLAINT IN CIVIL  
ACTION**

Filed on behalf of:

CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO.
	)	
	)	
v.	)	
	)	
LISA POLACHEK	)	
	)	
Defendant(s)	)	
	)	

**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.

Usted ha sido demandado en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted fall de tomar accion como se describe anteriormente, el caso pude proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad au otros derechos importantes para usted.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO

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.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSO A PERSONAS QUE CALIFICAN.

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
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230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO.
	)	
	)	
v.	)	
	)	
LISA POLACHEK	)	
	)	
Defendant(s)	)	
	)	

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , by and through its attorney, GREGG MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , is a corporation and for the purpose of this litigation, maintaining a place of business c/o PATENAUME AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is LISA POLACHEK, an adult individual, believed to currently reside at 640 DEER CREEK ROAD MORRISDALE, PA 16858-8406.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4862362623033324, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of March 15, 2007, Defendant(s) owes \$880.57 on said account plus interest at 28.10 %.
5. Plaintiff maintains accurate books of account recording all credits and debits for this account.

6. The Defendant(s) have/has received monthly billing statements from Plaintiff setting forth the nature and amount of all charges made by Defendant(s), and the transactions between Plaintiff and Defendant(s) give rise to an account stated, upon which Plaintiff has relied.

7. The Defendant(s) made payments, but have/has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the sum of \$880.57, plus interest and costs.

8. By failing to object or dispute the statements, Defendant(s) have/has assented to and agreed to the correctness of the balance due on the credit card account so as to constitute and account stated.

9. Despite repeated demands, Defendant(s) have/has failed to make the required installment payments when due and therefore the full amount of the account is now due and payable.

**WHEREFORE**, Plaintiff demands Judgment in its favor, and against Defendant(s), in the amount of \$880.57, plus interest as set forth herein from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully submitted:  
Patenaude & Felix, A.P.C.

Date: July 15, 2008

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Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

## **VERIFICATION**

The undersigned, Gregg L. Morris, 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 the 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 statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: July 15, 2008

\_\_\_\_\_  
Gregg L. Morris, Esquire  
Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1848-CD

CAPITAL ONE BANK (U.S.A.) N.A.

vs  
LISA POLACHEK

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/29/2008

HEARING:

PAGE: 104720

DEFENDANT: LISA POLACHEK  
ADDRESS: 640 DEER CREEK ROAD  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

ATTEMPTS \_\_\_\_\_

FILED  
OCCUPIED *10/5/08*  
S OCT 03 2008 *GEH*

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW This 3rd day of OCT 2008 AT 10:50 AM PM SERVED THE WITHIN  
COMPLAINT ON LISA POLACHEK, DEFENDANT  
BY HANDING TO LISA POLACHEK *Ref. 10/5/08 AM*

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

ADDRESS SERVED 640 Deer Creek Road

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

COMPLAINT FOR LISA POLACHEK

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

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

I MAKE RETURN OF **NOT FOUND** AS TO LISA POLACHEK

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*George T. DeHaen*

Deputy Signature

*George T. DeHaen*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104720  
NO: 08-1848-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.) N.A.  
vs.  
DEFENDANT: LISA POLACHEK

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	26641	10.00
SHERIFF HAWKINS	PATENAUME	26641	33.21

5  
FILED  
6/10/50 LM  
JAN 20 2009  
William A. Shan  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

5  
FILED pd \$2000 Atty  
m 12:15pm ICC+notice to deft  
FEB 06 2009 Statement to Atty  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

)

Plaintiff

) NO. 2008-1848

v.

)

LISA POLACHEK

)

Defendant(s)

)

)

**PRAECIPE FOR DEFAULT  
JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 2008-1848  
v. )  
LISA POLACHEK )  
Defendant(s) )

**PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT**

TO: PROTHONOTARY

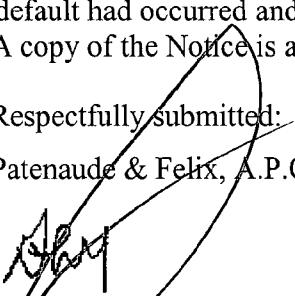
Please enter a judgment against the defendant, above named, for failure to file an Answer to Plaintiff's complaint.

Amount claimed in Complaint	\$880.57
Interest from March 15, 2007	\$409.13
Less payments received	\$0.00
Attorney's fees	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$1,289.70</b>

With continuing interest on the principal amount of \$1,289.70, with interest at the legal rate, plus costs of suit.

I hereby certify that a written notice of intention to file this praecipe was mailed to the defendants and defendants' counsel (if known), after the default had occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the Notice is attached.

Respectfully submitted:  
Patenaude & Felix, A.P.C.

  
\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

Date: February 02, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 2008-1848  
v. )  
LISA POLACHEK )  
Defendant(s) )

**PLAINTIFF'S AFFIDAVIT OF NON-MILITARY SERVICE AND MAILING OF**  
**NOTICE PURSUANT TO PA.R.C.P. 1037(b)**

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF CLEARFIELD )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared GREGG MORRIS, attorney for and authorized representative of Plaintiff, who being duly sworn according to law, deposes and states that the defendant(s), LISA POLACHEK, is not in the military service of the United States of America to the best of his knowledge, information and belief and certifies that Notice of Intent to take Default Judgment was mailed in accordance with Pa.R.C.P.257.1, as evidenced by the attached copy.

Respectfully submitted,

Patenaude & Felix, A.P.C.

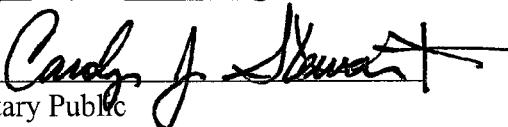


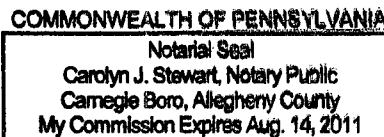
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Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

Date: February 02, 2009

Sworn to and subscribed before me this  
2 day of Feb., 2009.

  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO. 2008-1848
	)	
	)	
v.	)	
	)	
LISA POLACHEK	)	
	)	
Defendant(s)	)	
	)	

**IMPORTANT NOTICE**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.), N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO. 2008-1848
	)	
	)	
v.	)	
	)	
LISA POLACHEK	)	
	)	
Defendant(s)	)	
	)	

To: LISA POLACHEK  
640 DEER CREEK ROAD  
MORRISDALE PA 16858-8406

Date of Notice: January 23, 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.

Clearfield County Courthouse  
David S. Meholick, Court Administrator 230 East Market Street  
Clearfield PA 16830  
814-765-2641

Respectfully submitted  
Patenaude & Felix, A.P.C.

\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

Date: January 23, 2009

I, GREGG MORRIS, attorney for Plaintiff, CAPITAL ONE BANK (U.S.A.), N.A. , hereby certify  
that a true and correct copy of foregoing document was served this date by ordinary mail upon the following:

Lisa Polacheck  
640 Deer Creek Road  
Morrison PA 16858-8406

Date: January 23, 2009

Gregg L. Morris, Esquire  
218 E. Main Street  
Carnegie PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 2008-1848  
v. )  
LISA POLACHEK )  
Defendant(s) )

**NOTICE OF ORDER, DECREE  
OR JUDGMENT**

Filed on behalf of:  
CAPITAL ONE BANK (U.S.A.),  
N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 2008-1848  
v. )  
LISA POLACHEK )  
Defendant(s) )

**NOTICE OF ORDER, DECREE OR JUDGMENT**  
**AGAINST LISA POLACHEK ONLY**

TO: ( ) Plaintiff ( x ) Defendant ( ) Garnishee ( ) Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on February 6, 2009.

( ) Decree Nisi in Equity  
( ) Final Decree in Equity  
(X) Judgment of ( ) Confession ( ) Verdict ( ) Court Order  
(X) Default ( ) Non-suit  
( ) Non-Pros ( ) Arbitration Award

( X ) Judgment in the amount of \$1,289.70, plus costs.  
(   ) District Justice Transcript of Judgment in the amount of \$ \_\_\_\_\_, plus costs.  
(   ) If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation.

Prothonotary William H. Chan cm  
By \_\_\_\_\_ Deputy \_\_\_\_\_

If you have questions concerning the above, please Contact:

Name of Attorney: GREGG MORRIS, Esquire  
213 East Main St  
Carnegie PA 15106  
(412)-429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Capital One Bank (USA) N.A.  
Plaintiff(s)

No.: 2008-01848-CD

Real Debt: \$1,289.70

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Lisa Polacheck  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 6, 2009

Expires: February 6, 2014

Certified from the record this February 6, 2009



im

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney