

08-1852-CD  
Capital One vs Kathleen Conklin

**FILED**

1:02 P.M. 6K NO CC  
SEP 29 2008 1 COMPL. 54 FF

William A. Shaw  
Prothonotary/Clerk of Courts Atty PA10 95.00  
*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

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

)

Plaintiff

)

NO. 2008-1852-CD

)

)

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)

)

KATHLEEN CONKLIN

)

)

)

)

)

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. )  
KATHLEEN CONKLIN )  
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 falla de tomar accion como se describe anteriormente, el caso puede 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

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CAPITAL ONE BANK (U.S.A.), N.A.	)	
	)	
Plaintiff	)	NO.
	)	
	)	
v.	)	
	)	
KATHLEEN CONKLIN	)	
	)	
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 KATHLEEN CONKLIN, an adult individual, believed to currently reside at 111 FLEGAL RD CLEARFIELD, PA 16830-7204.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4862362587719504, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of September 18, 2006, Defendant(s) owes \$855.56 on said account plus interest at 28.15 %.
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 \$855.56, 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 \$855.56, 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:  
Paterno & Felix, A.P.C.

Date: August 09, 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: August 09, 2008

\_\_\_\_\_  
Gregg L. Morris, Esquire  
Paterno & 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: 08-1852-CD

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

VS  
KATHLEEN CONKLIN

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/29/2008 HEARING: PAGE: 104725

DEFENDANT: KATHLEEN CONKLIN  
ADDRESS: 111 FLEGAL RD  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

*07-11-08*  
**FILED**  
*OCT 10 2008*  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, his 10th day of Oct 2008 AT 1:47 AM / PM SERVED THE WITHIN

COMPLAINT ON KATHLEEN CONKLIN, DEFENDANT  
BY HANDING TO KATHLEEN CONKLIN, Def.

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

ADDRESS SERVED 111 FLEGAL Road.

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

COMPLAINT FOR KATHLEEN CONKLIN

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

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

I MAKE RETURN OF **NOT FOUND** AS TO KATHLEEN CONKLIN

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*George F. DeHaven*  
Deputy Signature

*George F. DeHaven*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104725  
NO: 08-1852-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.) N.A.  
vs.  
DEFENDANT: KATHLEEN CONKLIN

**SHERIFF RETURN**

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RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	27803	10.00
SHERIFF HAWKINS	PATENAUME	27803	20.00

5  
FILED  
01/16:50pm  
JAN 20 2008  
WAM  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

FILED

FEB 02 2009

~11:50 (~  
William A. Shaw  
Prothonotary/Clerk of Courts  
~~ C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.	)
	)
Plaintiff	) NO. 2008-1852
	)
	)
v.	)
	)
KATHLEEN CONKLIN	)
	)
Defendant(s)	)
	)

**PRAECIPE TO  
DISCONTINUE WITH PREJUDICE**

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,  
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CAPITAL ONE BANK (U.S.A.), N.A. )  
Plaintiff ) NO. 2008-1852  
v. )  
KATHLEEN CONKLIN )  
Defendant(s) )

**PRAECIPE TO DISCONTINUE WITH PREJUDICE**

TO: Prothonotary

Please discontinue the matter captioned above with prejudice. Thank you.

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

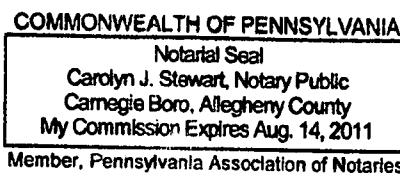
Date: January 26, 2009

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

Sworn to and subscribed before me this

26 day of Jan., 2009.

Carolyn J. Stewart  
Notary Public



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:

KATHLEEN CONKLIN  
111 FLEGAL RD  
CLEARFIELD PA 16830

Date: January 26, 2009

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

FILED  
FEB 02 2009  
William A. Sims  
Prothonotary/Clerk of Court