

08-1866-CD
Capital One vs James T. Kyler

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

JAMES T KYLER

Defendant(s)

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NO. 08-1866-CD

**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

FILED Any pd.
m/1:59:30
SEP 29 2008 \$45.00
William A. Shaw
Prothonotary/Clerk of Courts
1cc Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

JAMES T KYLER

Defendant(s)

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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

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

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

CLEARFIELD COUNTY COURTHOUSE
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PA 16830
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)	
)	
Plaintiff)	NO.
)	
v.)	
)	
JAMES T KYLER)	
)	
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 PATENAUDE & 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 PATENAUDE AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is JAMES T KYLER, an adult individual, believed to currently reside at 276 NORRIS RD CURWENSVILLE, PA 16833-6523.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4388641853994924, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of November 07, 2006, Defendant(s) owes \$856.36 on said account plus interest at 29.20 %.
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 \$856.36, 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 an 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 \$856.36, 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:
Patenau & Felix, A.P.C.

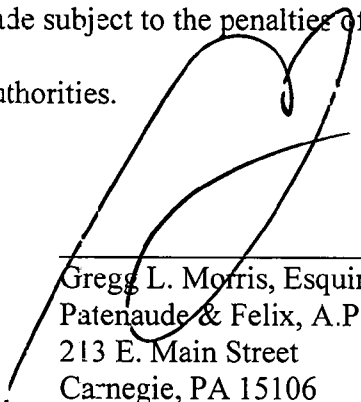
Date: August 09, 2008

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
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: 08-1866-CD

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

vs

JAMES T. KYLER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/29/2008 HEARING: PAGE: 104737

DEFENDANT: JAMES T. KYLER
ADDRESS: 276 NORRIS RD
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 10-20-08-9:00^{Am}-N/H 10-23-08-2:30^{Pm}-N/H
10-21-08-1:30^{Pm}-N/H

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON JAMES T. KYLER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR JAMES T. KYLER

AT (ADDRESS) _____

NOW 11-13-08 AT 3:31 AM (PM) AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO JAMES T. KYLER

REASON UNABLE TO LOCATE Nobody AT Home

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

FILED
013:3561
DEC 03 2008
William A. Shaw
Prothonotary/Clerk of Courts

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104737**

DEAR JAMES T. KYLER

Would you please contact the Sheriff's Office EXTENSION **1360** concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104737**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

SEP 29 2008

Attest.

William A. Khan
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

JAMES T KYLER

Defendant(s)

NO. 08-1866-C.D

**COMPLAINT IN CIVIL
ACTION**

Filed on behalf of:
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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

I HEREDY CERTIFY THAT
THIS IS A TRUE AND
CORRECT COPY OF
THE ORIGINAL AS FILED

GREGG L. MORRIS, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

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

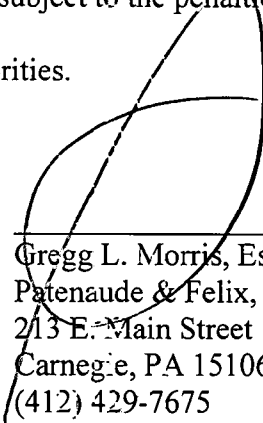
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Date: August 09, 2008



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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

DOCKET # 104737
NO: 08-1866-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.), N.A.
vs.
DEFENDANT: JAMES T. KYLER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUDE	27807	10.00
SHERIFF HAWKINS	PATENAUDE	27807	35.06

9
FILED
9/10:50Lm
JAN 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CAPITAL ONE BANK (USA) N.A.,
Plaintiff

vs.


JAMES T. KYLER
Defendant

* NO. 2008-1866-CD
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ORDER

NOW, this 26th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED No CC

0/9:16cm
JUN 28 2013

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5 William A. Shaw
Prothonotary/Clerk of Courts 6K

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FILED
M/11/15
JUN 11 2020
NOC

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

JAMES T KYLER

Defendant(s)

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NO. 08-1866

**PRAECIPE TO
DISCONTINUE WITHOUT
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
Timothy Graham, Esquire
Pa I.D. #325822
Patenaude & Felix, A.P.C.
501 Corporate Drive
Southpointe Center, Ste 205
Canonsburg, PA 15317
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

JAMES T KYLER

Defendant(s)

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PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE

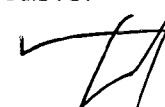
TO: Prothonotary

Please discontinue the matter captioned above without prejudice upon payment of costs only. Thank you.

Respectfully submitted:

Patenaude & Felix, A.P.C.

/S/



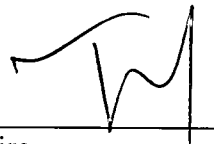
Date: June 08, 2020

Gregg L. Morris, Esquire
Timothy Graham, Esquire
501 Corporate Drive
Southpointe Center, Suite 205
Canonsburg, PA 15317
(412) 429-7675

I, Gregg L. Morris or Timothy Graham, 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:

JAMES T KYLER
276 NORRIS RD
CURWENSVILLE PA 168336523

Date: June 08, 2020

/S/ 

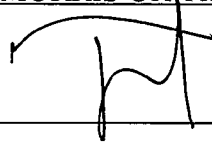
Gregg L. Morris, Esquire
Timothy Graham, Esquire
Paternaude & Felix, A.P.C.
501 Corporate Drive
Southpointe, Suite 205
Canonsburg, PA 15317
(412) 429-7675

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of the Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: GREGG L MORRIS OR TIMOTHY GRAHAM

Signature: /S/

A handwritten signature in black ink, appearing to be a stylized 'T' or 'M' with a horizontal stroke, positioned over the signature line.

Name: GREGG L MORRIS OR TIMOTHY GRAHAM

Attorney No. (if applicable) #69006 or #325822