

08-1868-CD
Capital One vs Nancy L. McIntosh

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

) NO. 08-1868-CD

v.

NANCY L MCINTOSH

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. McRris, Esquire
Pa I.D. #69006

Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7575

2010
Jan 4, 2010 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
William A. Shaw
Prothonotary

FILED ICC Sheriff
M/2/04/01
SEP 29 2008 Atty fee \$95.00
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.
)
)
v.)
)
NANCY L MCINTOSH)
)
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 AECUT 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

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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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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)	
)	
Plaintiff)	NO.
)	
)	
v.)	
)	
NANCY L MCINTOSH)	
)	
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 NANCY L MCINTOSH, an adult individual, believed to currently reside at 334 OLIVE AVENUE DU BOIS, PA 15801-1928.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4862362210008291, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of May 16, 2005, Defendant(s) owes \$2,861.28 on said account plus interest at 26.74 %.
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 \$2,861.28, 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 \$2,861.28, 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

Craig 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 16, 2003

Gregg L. Morris, Esquire
Patenaude & Felix, A.P.C.
213 E. Main Street
Carnegie, PA 15106
(412) 429-7575

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1868-CD

CAPITAL ONE BANK (U.S.A.) N.A.
vs
NANCY L. MCINTOSH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/29/2008 HEARING: PAGE: 104739

DEFENDANT: NANCY L. MCINTOSH
ADDRESS: 334 OLIVE AVENUE
DUBOIS, PA 15801

S FILED

08-5134
NOV 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 10-17-08 - N/H 11:08 AM 10/21/08 - 10:17 AM - N/H Expired
left notice
10/20/08 10:56 AM
N/H

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON NANCY L. MCINTOSH, 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 NANCY L. MCINTOSH

AT (ADDRESS) _____

NOW 11-14-08 AT 8:09 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO NANCY L. MCINTOSH

REASON UNABLE TO LOCATE Defendant not home

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevin
Deputy Signature

Jerome M. Nevin
Print Deputy Name

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

SEP 29 2008

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

NANCY L MCINTOSH

Defendant(s)

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NO. 08-1868-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

I HEREBY CERTIFY THAT
THIS IS A TRUE AND
ACCURATE COPY OF THE
FOREGOING STATEMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO.
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NANCY L MCINTOSH)
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Defendant(s))
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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.)
NANCY L MCINTOSH)
Defendant(s))

COMPLAINT IN CIVIL ACTION

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

Date: July 16, 2008

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 229-7675

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 16, 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

DOCKET # 104739
NO: 08-1868-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.) N.A.
VS.
DEFENDANT: NANCY L. MCINTOSH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	27808	10.00
SHERIFF HAWKINS	PATENAUME	27808	80.69

S
FILED
01/05/2008
JAN 20 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 08-1868
v.)
NANCY L MCINTOSH)
Defendant(s))

**PRAECIPE TO
REINSTATE
COMPLAINT**

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

Counsel of Record for This Party:

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

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

5
FILED Atty pd.
M 11/17/2011 7.00
JAN 04 2010 1 (Comp). Reinstated
William A. Shaw to Sheriff
Prothonotary/Clerk of Courts
(610)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 08-1868
v.)
NANCY L MCINTOSH)
Defendant(s))

PRAECIPE TO REINSTATE COMPLAINT

TO: Prothonotary

Please reinstate Complaint in Civil Action on behalf of Plaintiff, CAPITAL ONE BANK
(U.S.A.), N.A. and against Defendant(s), above named. Thank you.

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

Date: December 23, 2009

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1868-CD

CAPITAL ONE BANK (U.S.A.), N.A.
vs
NANCY L. MCINTOSH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 02/03/2010 HEARING: PAGE: 106617

DEFENDANT: NANCY L. MCINTOSH
ADDRESS: 334 OLIVE AVENUE
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 01-18-10 N/A^{Not} 01-20-10 N/A 01-22-10 N/A
01-19-10 11:07 AM 01-21-10 N/A

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON NANCY L. MCINTOSH, 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 NANCY L. MCINTOSH

AT (ADDRESS) _____

NOW 2-16-10 AT 8:52 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO NANCY L. MCINTOSH

REASON UNABLE TO LOCATE Defendant not home when Deputies Stopped

SWORN TO BEFORE ME THIS

DAY OF February 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevin
Deputy Signature

Jerome M. Nevin
Print Deputy Name

FILED
01/19/2010 10:06 AM
FEB 16 2010

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

v.

NANCY L MCINTOSH

Defendant(s)

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NO. 08-1868-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

I HEREBY CERTIFY THAT
THIS IS A TRUE AND
CORRECT COPY OF
THE COMPLAINT FILED

GREGG L MORRIS, ESQUIRE

11/4/2010 Document
Reinstated/Released to Sheriff Attorney
for service.

Willie L. Hayes
Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
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Plaintiff) NO.
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CLEARFIELD COUNTY COURTHOUSE
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)	
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NANCY L MCINTOSH)	
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Defendant(s))	
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Respectfully submitted:
Patenaude & Felix, A.P.C.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 106617
NO: 08-1868-CD
SERVICES 1

COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.), N.A.
vs.
DEFENDANT: NANCY L. MCINTOSH

5 FILED
08:52 am
SEP 21 2010

William A. Shaw
Prothonotary Clerk of Court

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	46200	10.00
SHERIFF HAWKINS	PATENAUME	46200	90.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2010



Chester A. Hawkins
Sheriff

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

CAPITAL ONE BANK (USA) N.A. * NO. 2008-1868-CD
Plaintiff *
vs. *
NANCY L. MCINTOSH *
Defendant *
*

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 two 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
6/9/16cm
2 JUN 28 2013
S William A. Shaw 66
Prothonotary/Clerk of Courts

FILED

JUN 28 2013

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. 08-1868

v.

)

NANCY L MCINTOSH

)

Defendant(s)

)

)

2-TFW09
5 m/bris (RM)
Nance Atty. Morris

**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

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

FILED

2016 FEB 22 AM: 05
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) NO. 08-1868
v.)
NANCY L MCINTOSH)
Defendant(s))

PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE

TO: Prothonotary

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

Date: February 18, 2016

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

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
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