

08-1901-CD
Capital One Bank vs Phyllis Gallaher

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

CAPITAL ONE BANK (USA), N.A.

(Plaintiff)

c/o Apothaker & Associates, P.C.

520 Fellowship Road C306

(Street Address)

Mount Laurel, NJ 08054

(City, State, ZIP)

CIVIL ACTION

No. 08-1901-CDType of Case: CIVILType of Pleading: PLEADING

VS.

Filed on Behalf of:

PHYLLIS J GALLAHER

(Defendant)

1844 DORSEY AVE

(Street Address)

IRVONA, PA 16656-8031

(City, State, ZIP)

CAPITAL ONE BANK (USA),N.A.

(Plaintiff)

David J. Apothaker, Esq.
Apothaker & Associates, P.C.

(Filed by)

520 Fellowship Road C306

Mount Laurel, NJ 08054

(Address)

800-672-0215

(Phone)

(Signature)

5
FILED
 M 10:00 AM
 OCT 06 2008
 Attn: pd
 C 95.00
 (ln.)
 1CC Atty
 1CC Sheriff
 William A. Shaw
 Prothonotary/Clerk of Courts

Our File No.: 177205
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire, Esq.
Attorney I.D.#38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff

CAPITAL ONE BANK (USA), N.A.
c/o Apothaker & Associates, P.C.
520 Fellowship Road C306
Mount Laurel, NJ 08054
Plaintiff,

vs.

PHYLLIS J GALLAHER
1344 DORSEY AVE
IRVONA, PA 16656-8031
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:
)
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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.

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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
§14-765-2641

Our File No.: 177205
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apotheker, Esquire, Esq.
Attorney I.D.#38423
520 Fellowship Road C305
Mount Laurel, NJ 08054
(800) 672-0215
Attorneys for Plaintiff

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS
c/o Apotheker & Associates, P.C.) CLEARFIELD COUNTY
520 Fellowship Road C306)
Mount Laurel, NJ 08054) NO.:
Plaintiff,)
vs.)
PHYLLIS J GALLAHER)
1844 DORSEY AVE)
IRVING, PA 16656-8031)
Defendant.)

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is CAPITAL ONE BANK (USA), N.A. c/o Apcthaker & Associates, P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054.
2. Defendant(s) is/are PHYLLIS J GALLAHER, an adult individual residing at 1844 DORSEY AVE IRVONA, PA 16656-8031.
3. At the special instance and request of Defendant, Plaintiff, CAPITAL ONE BANK (USA), N.A., issued to Defendant(s), Account #5178052134699350.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$10,260.13. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
5. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$10,260.13 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.
Attorney for Plaintiff
A Law Firm Engaged in Debt Collection

BY:

David J. Apotheker, Esquire

Dated: 9/29/2008

Our File No.: 177205

VERIFICATION

Andy Feltz, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Andy Feltz

DATE:

CAPITAL ONE BANK (USA), N.A.

PHYLLIS J GALLAHER
1844 DORSEY AVE
IRVONIA, PA 16656-8031

STATEMENT OF ACCOUNT

Debtor's Name: PHYLLIS J GALLAHER

Account Number: 5178052134699350

Balance Due: \$10,260.13

Our File No.: 177205

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1901-CD

CAPITAL ONE BANK (USA) N.A.

vs
PHYLLIS J. GALLAHER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/05/2008

HEARING:

PAGE: 104757

DEFENDANT: PHYLLIS J. GALLAHER
ADDRESS: 1844 DORSEY AVE.
IRVONA, PA 16656

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED
012:20PM
OCT 21 2008
S
William A. Shaw
OCOURT DEPUTY/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, 10-20-08 AT 10:33 AM / PM SERVED THE WITHIN

COMPLAINT ON PHYLLIS J. GALLAHER, DEFENDANT

BY HANDING TO Phyllis J. Gallaher

Def

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

ADDRESS SERVED 1844 Dorsey Ave
IrVONA, PA. 16656

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR PHYLLIS J. GALLAHER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO PHYLLIS J. GALLAHER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature

James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104757
NO: 08-1901-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.
vs.
DEFENDANT: PHYLLIS J. GALLAHER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	108277	10.00
SHERIFF HAWKINS	APOTHAKER	108277	49.59

FILED
9/2/00cm
JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

Day of 2008



Chester A. Hawkins
Sheriff

Our File No.: 177205
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 572-0215

Attorney for Plaintiff

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY
vs.)
PHYLLIS J GALLAHER) NO.: 08-1901-CD
Defendant.) Civil Action

)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, PHYLLIS J GALLAHER, in the default of an Answer, in the amount of \$10,628.37 computed as follows:

Amount claimed in complaint:	\$10,260.13
Amount Paid:	- \$0.00
Interest from September 29, 2008 to 05/14/09 at the legal interest rate of 6.00% per annum	\$213.65
Costs	\$154.59
Attorney fees	<u>\$0.00</u>
 TOTAL	 \$10,628.37

I hereby certify that the appropriate Notices of Default, as attached, have been mailed in accordance with Pa.R Civ.P. 237.1 on the dates indicated on the Notices.

I certify Defendant, PHYLLIS J GALLAHER, last known address is 1844 DORSEY AVE IRVONA, PA 16656-8031.

APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

By:

David J. Apothaker

Dated: 5/14/2009

FILED Atty pd. 20.00
MAY 20 2009 10:29 AM
S MAY 20 2009 ICC Notice to Def.
William A. Shaw
Prothonotary/Clerk of Courts
GJW

Our File No.: 177205
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38423
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

CAPITAL ONE BANK (USA), N.A.)	COURT OF COMMON PLEAS OF
)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	NO.: 08-1901-CD
PHYLLIS J GALLAHER)	
)	Civil Action
Defendant.)	
)	

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

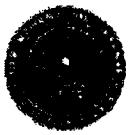
David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 1844 DORSEY AVE IRVONA, PA 16656-8031.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixen, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military

David J. Apothaker
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
GALLAHER	PHYLLIS J		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOE, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

CAPITAL ONE BANK (USA), N.A.

vs.

PHYLLIS J GALLAHER

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO. 08-1901-CD
)

To: PHYLLIS J GALLAHER
1844 DORSEY AVE
IRVONA, PA 15656-8031

NOTICE, RULE 237.5

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

Date of Notice: April 24, 2009

IMPORTANT NOTICE

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 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.

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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641


DAVID J. APOTHAKER, ESQUIRE
APOTHAKER & ASSOCIATES, PC
A Law Firm Engaged in Debt Collection
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CAPITAL ONE BANK (USA) N.A. NO: 08-1901-CD
vs
PHYLLIS J. GALLAHER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/05/2008 HEARING: PAGE: 104757

(Copy)

DEFENDANT: PHYLLIS J. GALLAHER
ADDRESS: 1844 DORSEY AVE.
IRVONA, PA 16656

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 10-30-08 AT 10:33 AM / PM SERVED THE WITHIN

COMPLAINT ON PHYLLIS J. GALLAHER, DEFENDANT

BY HANDING TO Phyllis J. Gallaher, Det

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

ADDRESS SERVED 1844 Dorsey Ave
Irvinia, PA 16656

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR PHYLLIS J. GALLAHER

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO PHYLLIS J. GALLAHER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature

James E. Davis
Print Deputy Name

DAY OF 2008

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

COPY

TO: PHYLLIS J GALLAHER
1844 DORSEY AVE
IRVONA, PA 16656-8031

CAPITAL ONE BANK (USA), N.A.) COURT OF COMMON PLEAS OF
Plaintiff,) CLEARFIELD COUNTY
vs.)
PHYLLIS J GALLAHER)) NO.: 08-1901-CD
Defendant.)) Civil Action

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT
 JUDGMENT IN REPLEVIN
 JUDGMENT BY CONFESSION
 JUDGMENT FOR POSSESSION
 JUDGMENT ON AWARD OF ARBITRATORS
 JUDGMENT ON VERDICT
 JUDGMENT ON COURT FINDINGS
 JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

Willie J. Apotheker 5/20/09
BD

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

IN RE CONDEMNATION BY:

T. W. PHILIPS PIPELINE CORP.

Petitioner

vs.

DONALD R. SMEAL and
NANCY K. SMEAL

Respondents

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*
*
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No. 09- 893 -CD

ENTRY OF APPEARANCE

FILED ON BEHALF OF
Respondents,

COUNSEL OF RECORD FOR
THIS PARTY:

TIMOTHY E. DURANT, ESQ.
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711 Telephone

OPPOSING COUNSEL: for petitioner

JAY W. DAWSON, ESQUIRE
Pa. I.D. No. 30689
205 North Main Street
Butler, PA 16001
724-287-2751 Telephone
724-287-5021 Facsimile

ROBERT M. HANAK, ESQUIRE
Pa I.D. No. 05911
Hanak, Guido & Taladay
528 Liberty Boulevard, P.O. Box 487
DuBois, PA 15801
814-371-7768 Telephone

FILED
01/15/2009 3CC
MAY 20 2009 Atty. Durant

William A. Shaw
Prothonotary/Clerk of Courts

Copy to CIA

(66)

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

IN RE CONDEMNATION BY:

T. W. PHILIPS PIPELINE CORP.

Petitioner

vs.

DONALD R. SMEAL and
NANCY K. SMEAL

Respondents

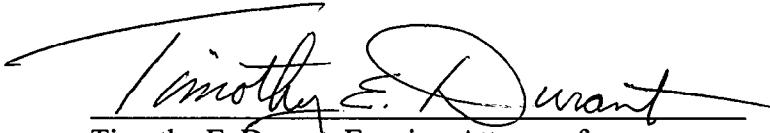
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No. 09- 893 -CD

To: The Prothonotary

ENTRY OF APPEARANCE

Kindly enter my appearance in the above captioned matter on behalf of Donald R. Smeal and
Nancy K. Smeal.



Timothy E. Durant
Timothy E. Durant, Esquire, Attorney for
Respondents, Donald R. Smeal & Nancy K. Smeal
201 North Second Street
Clearfield, PA 16830

Dated: May 20, 2009