

08-1948-CD
Capital One vs John R. Selvage

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION -- (LAW) (EQUITY)

No. 08-1948-CD

Type of Case: Civil

Type of Pleading: Complaint in Civil Action

CAPITAL ONE BANK USA NA
Plaintiff(s)

Filed on Behalf of: Plaintiff

v.

Counsel of Record for this Party:

JOHN R SELVAGE
Defendant(s)

Paul J. Klemm, Esquire
Nudelman, Nudelman, & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
973-618-0000 tel
973-618-0647 fax
Attorney ID # 92125

Dated: October 3, 2008

S
FILED *Atty pd.*
m/8/30/08 *95.00*
OCT 13 2008
cc Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
1CC Atty

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID # 92125**

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK USA NA

CLEARFIELD COUNTY

Plaintiff(s)

v.

JOHN R SELVAGE

Defendant(s)

COMPLAINT IN CIVIL ACTION

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, 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.

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE
Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Avics 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 aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

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.

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 COSTO A PERSONAS QUE CUALIFICAN.

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK USA NA, : CLEARFIELD COUNTY

Plaintiff(s) :

v. :

JOHN R SELVAGE :

Defendant(s) :

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, CAPITAL ONE BANK USA NA, by and through its attorney, Paul J. Klemm and the law offices of Nudelman, Nudelman & Ziering, P.C., and files the following **Complaint in Civil Action** and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK USA NA, is a corporation licensed to do business in the State of Pennsylvania.
2. Defendant, JOHN R SELVAGE, is an individual and citizen of the Commonwealth of Pennsylvania, who is believed to currently reside at , 490 N RAILROAD ST, HOUTZDALE PA 16651-8841.
3. At the special insistence and request of the Defendant, Defendant was issued a credit card by CAPITAL ONE BANK USA NA, account number 5178052493591933.

4. The Defendant is responsible for an unpaid balance in the amount of \$6,645.55 and interest in the amount of \$1,204.64.

5. Plaintiff has made demand to Defendant for \$7,350.19, but Defendant has willfully failed and/or refused to reimburse Plaintiff for the aforesaid sum due.

Wherefore, Plaintiff demands Judgment in its favor and against the Defendant in the amount of \$7,850.19, plus attorney fees of \$1,462.02 and interest from the date of breach, with continuing interest thereon at the legal rate from the date of Judgment plus anticipated court costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully Submitted:

NUDELMAN, NUDELMAN & ZIERING, P.C.



Paul J. Klemm, Esquire
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

VERIFICATION

The undersigned, Paul J. Klemm, Esquire, 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 this 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 undersigned understands that the statements herein are made subject to the penalties of 19 Pa.C.S.A Section 4904 relating to unsworn falsification to authorities.

Date: September 15, 2008



Paul J. Klemm, Esquire
Nudelman, Nudelman & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
(973) 618-0000

0
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1948-CD

CAPITAL ONE BANK USA NA
vs
JOHN R. SELVAGE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 11/12/2008 HEARING: PAGE: 104779

DEFENDANT: JOHN R. SELVAGE
ADDRESS: 490 N RAILROAD ST.
HOUTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

FILED

01/21/2008

OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

OCCUPIED

SHERIFF'S RETURN

NOW, 10-20-08 AT 11:11 AM / PM SERVED THE WITHIN

COMPLAINT ON JOHN R. SELVAGE, DEFENDANT

BY HANDING TO Lisa Selvage, Wife

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

ADDRESS SERVED 490 N. Railroad St.
Houtzdale, Pa. 16651

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JOHN R. SELVAGE

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN R. SELVAGE

REASON UNABLE TO LOCATE _____

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104779
NO: 08-1948-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK USA NA
vs.
DEFENDANT: JOHN R. SELVAGE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NUDELMAN	028792	10.00
SHERIFF HAWKINS	NUDELMAN	028792	39.06

5
FILED
01305201
JAN 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK USA NA : CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: :
v. : :
: :
JOHN R SELVAGE : NO. 2008-01948

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff(s), CAPITAL ONE BANK USA NA and against Defendant(s), JOHN R SELVAGE, in the above- captioned matter, in the amount of \$9,456.27, for failure to answer the Complaint in twenty (20) days as required by Pennsylvania Rules of Civil Procedure.



PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff

PKN11149

FILED Atty Pd.
MARCH 12 2010 \$20.00
MAR 12 2010

William A. Shaw
Prothonotary/Clerk of Courts
S to Def.

1CC to Atty

610

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK USA NA	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
JOHN R SELVAGE	:	NO. 2008-01948

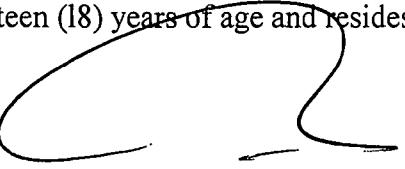
AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

The undersigned, being duly sworn according to law, deposes and says that the Defendant is not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended;

That Defendant, JOHN R SELVAGE, is over eighteen (18) years of age and resides at 490 N RAILROAD ST, HOUTZDALE PA 16651-8841.



**PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff**

SWORN TO AND SUBSCRIBED

BEFORE ME THIS *26* DAY
OF *March* 2010.

Katherine E. Dieterle
NOTARY

PKN11149



PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

COPY

CAPITAL ONE BANK USA NA	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
JOHN R SELVAGE	:	NO. 2008-01948

ASSESSMENT OF DAMAGES

TO THE CLERK:

Please assess damages against Defendant(s) as follows:

Real Debt	\$6,645.55
Interest	\$1,204.64
Attorney Fees	\$1,462.02
Costs	\$144.06
TOTAL	\$9,456.27

Damages are assessed as above in the sum of \$9,456.27.

Willie Shango 3/12/10
PRO CLERK

**PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125**

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK USA NA	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
	:	
v.	:	
	:	
JOHN R SELVAGE	:	NO. 2008-01948

CERTIFICATION

I, Paul J. Klemm, Esquire, Attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States mail a letter notifying the Defendant(s) that Judgment would be entered against them after ten (10) days from the date of said letter in accordance with Rule 237.1 of Pennsylvania Rules of Civil Procedure. A copy of said letter is attached hereto and marked Exhibit "A".



**PAUL J. KLEMM, ESQUIRE
Attorney for Plaintiff**

SWORN TO AND SUBSCRIBED

BEFORE ME THIS *9th* DAY
OF *March* 2010.

Katherine E. Dieterle
NOTARY

PKN11149

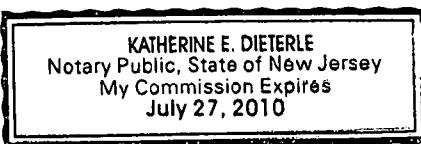


EXHIBIT "A"

PAUL J. KLEMM, ESQUIRE
NUDELMAN, NUDELMAN, & ZIERING, P.C.
425 EAGLE ROCK AVENUE
ROSELAND, NJ 07068
973-618-0000
ID #92125

ATTORNEY FOR PLAINTIFF

CAPITAL ONE BANK (USA), N.A.	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff(s)	:	
v.	:	
JOHN R SELVAGE	:	
Defendant(s)	:	NO. 2008-01948

To:

JOHN R SELVAGE
490 N RAILROAD ST
HOUTZDALE PA 16651-8841

Date of Notice : JUL 07 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.

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

Paul J. Klemm, Esq.
Nudelman, Nudelman & Ziering, P.C.
425 Eagle Rock Avenue
Roseland, NJ 07068
(973)618-0000

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

COPY

PROTHONOTARY

TO: JOHN R SELVAGE
490 N RAILROAD ST
HOUTZDALE PA 16651-8841

CAPITAL ONE BANK USA NA	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
v.	:	
JOHN R SELVAGE	:	NO. 2008-01948

NOTICE

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in the above proceeding as indicated below.

Will Shantz 3/12/10
PROTHONOTARY

JUDGMENT BY DEFAULT

MONEY JUDGMENT

JUDGMENT IN REPLEVIN

JUDGMENT FOR POSSESSION

If you have any questions concerning this Judgment, please call Paul J. Klemm, Esquire at 973-618-0000.