

2008-1997-CD

Capital One Bank vs. Ann L. O'Dell et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

v.

ANN L ODELL and STEPHANIES DOLL HOUSE

Defendant(s)

NO. 08-1997-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

OCT 17 2008

Atty pd.
\$ 95.00
2cc sheriff

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.

ANN L ODELL and STEPHANIES DOLL HOUSE

Defendant(s)

NO.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUENTE 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 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 COURTHOUSE
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PA 16830
814-765-2641

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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.)	
)	
ANN L ODELL and STEPHANIES DOLL HOUSE)	
)	
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 ANN L ODELL, an adult individual, believed to currently reside at 57 MAPLE MUNSON, PA 16860-9439.
3. Defendant is STEPHANIES DOLL HOUSE, an adult individual, believed to currently reside at 57 MAPLE ST MUNSON, PA 16860-9439.
4. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4115071620996749, for the purchase of good and services.
5. The Defendant(s) has/have made or authorized a number of purchases and as of July 14, 2006, Defendant(s) owes \$5,943.51 on said account plus interest at 25.90 %.

6. Plaintiff maintains accurate books of account recording all credits and debits for this account.

7. 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.

8. 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 \$5,943.51, plus interest and costs.

9. 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.

10. 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 \$5,943.51, 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: 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
Paternaude & 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: 08-1997-CD

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

vs

ANN L. ODELL AND STEPHANIES DOLL HOUSE
CIVIL ACTION & NOTICE

SERVICE # 1 OF 2

SERVE BY: 11/15/2008 HEARING: PAGE: 104800

DEFENDANT: ANN L. ODELL
ADDRESS: 57 MAPLE STREET
MUNSON, PA 16860-9439

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, THIS 4th day of Nov 2008 AT 2:46 AM / PM SERVED THE WITHIN

CIVIL ACTION & NOTICE ON ANN L. ODELL, DEFENDANT

BY HANDING TO ANN L. ODELL, Def.

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

ADDRESS SERVED 57 MAPLE St MUNSON

NOW _____ AT _____ AM / PM POSTED THE WITHIN

CIVIL ACTION & NOTICE FOR ANN L. ODELL

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ANN L. ODELL

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

NO: 08-1997-CD

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

vs

ANN L. ODELL AND STEPHANIES DOLL HOUSE

CIVIL ACTION & NOTICE

SERVICE # 2 OF 2

SERVE BY: 11/15/2008

HEARING:

PAGE: 104800

5 FILED

DEC 09 2008

0/8:46/2

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: STEPHANIES DOLL HOUSE

ADDRESS: 57 MAPLE STREET

MUNSON, PA 16860-9439

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, This 4th day Nov 2008 AT 2:46 AM / PM **SERVED** THE WITHIN

CIVIL ACTION & NOTICE ON STEPHANIES DOLL HOUSE, DEFENDANT

BY HANDING TO

ANN L. O'Dell

Ref

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

ADDRESS SERVED

57 Maple St Munson

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

CIVIL ACTION & NOTICE FOR STEPHANIES DOLL HOUSE

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO STEPHANIES DOLL HOUSE

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 # 104800
NO: 08-1997-CD
SERVICES 2
CIVIL ACTION & NOTICE

PLAINTIFF: CAPITAL ONE BANK (U.S.A.), N.A.
vs.
DEFENDANT: ANN L. ODELL AND STEPHANIES DOLL HOUSE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUDE	28906	20.00
SHERIFF HAWKINS	PATENAUDE	28906	43.89

S
FILED
0/3:30LM
FEB 04 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

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

Plaintiff

v.

ANN L ODELL and STEPHANIES DOLL HOUSE

Defendant(s)

NO. 08-1997

PRAECIPE TO DISCONTINUE WITH PREJUDICE

TO: Prothonotary

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

Respectfully submitted:

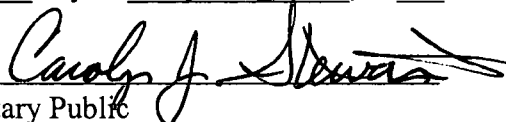
Patenaude & Felix, A.P.C.

Date: February 11, 2009

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

Sworn to and subscribed before me this

11 day of Feb., 2009.


Notary Public


COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carolyn J. Stewart, Notary Public
Carnegie Boro, Allegheny County
My Commission Expires Aug. 14, 2011
Member, Pennsylvania Association of Notaries

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:

Ann L Odell
57 Maple
Munson PA 16860-9439

Stephanies Doll House
57 Maple St
Munson PA 16860-9439

Date: February 11, 2009



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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Capital One Bank (U.S.A.), N.A.

Vs.

No. 2008-01997-CD

Ann O'Dell
Stephanies Doll House

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 17, 2009, marked:

Discontinued with prejudice

Record costs in the sum of \$95.00 have been paid in full by Gregg L. Morris Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of February A.D. 2009.



William A. Shaw, Prothonotary

LM