

08-2014-CD  
Capital One vs James Cornman

2007-1190

08-2014-CD

CAPITAL ONE BANK VS JAMES L. CORNMAN

1. COMPLAINT WITH NOTICE
2. SHERIFF'S RETURN
3. MOTION FOR CHANGE OF VENUE WITH CERTIFICATE OF SERVICE.
4. ORDER OF COURT (ORDERED, ADJUDGED, AND DECREED THAT THIS ACTION BE AND HEREBY IS TRANSFERRED TO CLEARFIELD COUNTY.)

June 25, 2008 Document  
Reinstated/Reissued to Sheriff Attorney  
for service.  
William A. Shaw  
Deputy Prothonotary

5 **FILED** Atty. Molczan  
m 10/25/08 Billed for  
OCT 21 2008 x 75.00  
(LM) Filing Fee  
William A. Shaw  
Prothonotary/Clerk of Courts

Centre County Prothonotary  
Room 102 Courthouse  
Bellefonte, PA 16823  
(814) 355-6796

Page Number: 1  
Case Number: 07-1190

GENERAL  
CIVIL ACTION

Filed..... 04-02-2007  
01:10  
Sat/Dis/Gntd.

-----  
Litigants  
-----

Plaintiff(s)

CAPITAL ONE BANK  
6851 JERICHO TURNPIKE #190  
SYOSSET, NY 11791

Lawyer(s) for the Plaintiff(s)

WARMBRODT, JAMES C.  
WELTMAN, WEINBERG & REIS CO, LPA  
436 SEVENTH AVENUE SUITE 2718  
PITTSBURGH PA 15219  
(412) 434-7955 (412) 338-7130 FAX

Defendant(s)

CORNMAN, JAMES L.  
291 HORTON ST  
PHILIPSBURG, PA 16866

Lawyer(s) for the Defendant(s)

-----  
Proceedings  
-----

04-02-2007 COMPLAINT WITH NOTICE, FILED. (GAVE A COPY TO THE SHERIFF FOR SERVICE 4/4/07)  
04-17-2007 SHERIFF'S RETURN, FILED. (NOT SERVED)  
09-15-2008 MOTION FOR CHANGE OF VENUE WITH CERTIFICATE OF SERVICE, FILED.  
(MAILED COPY TO ATTY. MOLCZAN IN ENVELOPE PROVIDED - 9/15/08)  
(SENT TO JUDGE - 9/15/08)  
09-19-2008 ORDER OF COURT, FILED. (IT APPEARING THAT THE PROPER VENUE FOR THIS ACTION IS CLEARFIELD COUNTY, PENNSYLVANIA, IT IS ORDERED, ADJUDGED AND DECREED THAT THIS ACTION BE AND HEREBY IS TRANSFERRED TO CLEARFIELD COUNTY.) (TIME-STAMPED COPY MAILED TO ATTORNEY MOLCZAN/ATTORNEY WARMBRODT; AND, DEFENDANT ON 09-24-2008.)  
10-20-2008 ENTIRE RECORD MAILED TO CLEARFIELD COUNTY PER "ORDER OF COURT" VIA "CERTIFIED" MAIL ON 10-20-2008.

-----  
Fees  
-----

CIVIL ACTION  
SHERIFF

95.00pd 04-04-2007  
9.00pd 04-17-2007

=====

104.00

===== End of case print-out =====

CERTIFIED from the records as entered  
and filed in this office

20<sup>th</sup> day of Oct, A.D. 2008  
Della C. Jammel  
Prothonotary and Clerk of the Court

Molczan  
Corman



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

CAPITAL ONE BANK,

Plaintiff,

No. 2007-1190

vs.

JAMES L CORNMAN,

Defendant..

ORDER OF COURT

AND NOW, this 19th day of September, 2008, it appearing to the

Court that the proper venue for this action is Clearfield County, Pennsylvania, it is ORDERED, ADJUDGED and DECREED that this action be and hereby is transferred to Clearfield County.

By the Court,

FILED FOR RECORD

2008 SEP 19 P 3:53

REGINA C. IRVING  
PHOTOCOPY  
CENTRE COUNTY, PA

WWR No. 05414419

(4)



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

CAPITAL ONE BANK,

Plaintiff,

v.

JAMES L CORNMAN,

Defendant.

No. 2007-1190

**MOTION FOR CHANGE OF VENUE**

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO.,  
L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

FILED FOR RECORD

2007 SEP 15 A 11:12

DEBRA C. IMMEL  
PROTHONOTARY  
CENTRE COUNTY, PA

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

CAPITAL ONE BANK

Plaintiff,

No. 2007-1190

vs.

JAMES L CORNMAN,

Defendant..

FILED FOR RECORD

2008 SEP 15 A 11:12

REBRA C. HIMMEL  
PROTHONOTARY  
CENTRE COUNTY, PA

MOTION FOR CHANGE OF VENUE

AND NOW, comes the Plaintiff, by and through its attorneys, Weltman, Weinberg & Reis, Co., L.P.A., and files the following Motion for Change of Venue:

1. On or about April 02, 2007 Plaintiff filed a Complaint in the Court of Common Pleas of Centre County, Pennsylvania.
2. On or about April 24, 2007, Plaintiff learned that No Service had been made on the Defendant.
3. On or about September 25, 2007 Plaintiff was notified by Post-Office Check that the Defendant's address is that of 291 Horton Street, Philipsburg, Pa. 16866, which is under the jurisdiction of Clearfield County, Pennsylvania.
4. On or about July 24, 2008 Plaintiff contacted the Tax Assessment office of Clearfield County and confirmed that the Defendant's address of 291 Horton Street, Philipsburg, Pa. 16866 is under the jurisdiction of Clearfield County, Pennsylvania.

CERTIFICATE OF SERVICE

A true and correct copy of the within Motion has been served by U.S. Mail, Postage Pre-Paid, on

11<sup>th</sup> of September, 2008 upon the following:

James L Cornman

291 Horton St

Philipsburg, Pa 16866

BY: Willie Molczan  
William T. Molczan, Esquire  
PA I.D. #47437  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

FILED FOR RECORD

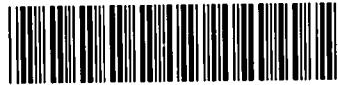
2008 SEP 15 A 11:12

DEBRA C. IMMEL  
PROTHONOTARY  
CENTRE COUNTY, PA

# SHERIFF'S OFFICE

CENTRE COUNTY

WELT



Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

## SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) Capital One Bank	2. Case Number 07-1190
3. Defendant(s) James L Cornman	4. Type of Writ or Complaint: Complaint 102158

SERVE → { 5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold.  
James L Cornman

AT { 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)  
291 Horton St., Philipsburg, PA 16866

7. Indicate unusual service:  Reg Mail  Certified Mail  Deputize  Post  Other

Now, 20 I, SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

Sheriff of Centre County

## 8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator WELTMAN WEINBERG & REIS CO., L.P.A. 323 LAKESIDE AVE. WEST CLEVELAND OHIO 44113 CLEVELAND OHIO 44113-1099	10. Telephone Number (412) 434-7955	11. Date
	12. Signature	

## SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
--	--	----------------	-----------------------------

## TO BE COMPLETED BY SHERIFF

16. Served and made known to \_\_\_\_\_, on the 11 day of April 2007, at 10:45 AM o'clock, m., at 291 Horton St., Philipsburg, PA 16866

Commonwealth of Pennsylvania, in the manner described below:

Defendant(s) personally served.  
 Adult family member with whom said Defendant(s) resides(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant's residence.  
 Manager/Clerk of place of lodging in which Defendant(s) resides(s).  
 Agent or person in charge of Defendant's office or usual place of business.  
 and officer of said Defendant company.

Other \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock, M.

Defendant not found because:

Moved  Unknown  No Answer  Vacant  Other Not found

Remarks: Address is in Clearfield County

Advance Costs 75.00	Docket 9.00	Service	Sur Charge	Affidavit	Mileage 0.00	Postage	Misc.	Total Costs 9.00	Costs Due or Refund (66.00)
------------------------	----------------	---------	------------	-----------	-----------------	---------	-------	---------------------	--------------------------------

17. AFFIRMED and subscribed to before me this 17

So Answer.

18. Signature of Dep. Sheriff

19. Date

4/13/07

21. Signature of Sheriff

22. Date

SHERIFF OF CENTRE COUNTY

Amount Pd. Page

20. day of April 2007

23. *Christine Peters*

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

My Commission Expires H. Peters, Notary Public

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE  
OF AUTHORIZED AUTHENTICATION EXP. SEPT. 5, 2009

25. Date Received



Law Offices of  
Weltman, Weinberg & Reis Co., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955

March 13, 2007

RE: CAPITAL ONE BANK vs. JAMES L CORNMAN

COURT #: 2007-1190

TO THE SHERIFF OF CENTRE COUNTY:

PLEASE SERVE THE DEFENDANT(S) AT THE FOLLOWING ADDRESS(ES) :

JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG, PA 16866

Please confirm service by sending notice to:

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130

05414419 C A Pit BNT

FILE COPY  
RECORDED

100 APR - 2 P 1:10

CENTRE COUNTY  
COURT OF COMMON PLEAS

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

CAPITAL ONE BANK

Plaintiff

No: 2007-1190

vs.

COMPLAINT IN CIVIL ACTION

JAMES L CORNMAN

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05414419 C A Pit BNT

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No 2007-1190  
JAMES L CORNMAN  
Defendant

COMPLAINT AND 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.

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.

CENTRE COUNTY COURT ADMINISTRATOR  
CENTRE COUNTY COURTHOUSE  
BELLEFONTE, PA 16823  
(814) 355-6727

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK is a corporation with offices at 6851 JERICHO TURNPIKE #190 SYOSSET , NY 11791 .

2. Defendant is adult individual(s) residing at the address listed below:

JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG, PA 16866

3. Defendant applied for and received a credit card bearing the account number 4388641651191012 .

4. Defendant made use of said credit card and has a current balance due of \$2854.13 , as of March 13, 2007 .

5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.

6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from March 13, 2007 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant , JAMES L CORNMAN , INDIVIDUALLY , in the amount of \$2854.13 with continuing interest thereon at the rate of 25.900% per annum from March 13, 2007 plus costs.

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05414419 C A Pit BNT

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

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- Spam Controls
- Smarter Smart Dialer Technology
- More Email Addresses
- Internet Call Waiting

### SPECIAL LIMITED-TIME OFFER FOR CAPITAL ONE® CARDHOLDERS!

**CapitalOne®**

VISA GOLD ACCOUNT

4388-6416-5119-1012

NOV 14 - DEC 13, 2003

Page 1 of 1

#### Account Summary

Previous Balance	\$1,564.22
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$34.27
 New Balance	 \$1,662.49
Minimum Amount Due	\$1,662.49
Payment Due Date	January 13, 2004
Total Credit Line	\$800
Total Available Credit	\$0.00
Credit Line for Cash	\$800
Available Credit for Cash	\$0.00

#### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

#### Transactions

1	14 NOV	OVERLIMIT FEE	\$29.00
2	13 DEC	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 12/13/2003 because your minimum payment was not received by the due date of 12/13/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

#### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

Send payments to:  
Attn: Remittance Processing  
Capital One Services  
P.O. Box 85147  
Richmond, VA 23276

Send inquiries to:  
Capital One Services  
P.O. Box 85015  
Richmond, VA 23285-5015

**EXHIBIT**

550985

#### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,609.72	.07096%	25.90%	\$34.27
CASH	\$0.00	.07096%	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne®**

0000000 0 4388641651191012 13 1662490300001662497

New Balance	\$1,662.49
Minimum Amount Due	\$1,662.49
Payment Due Date	January 13, 2004
Total enclosed	\$ <input type="text"/>
Account Number:	4388-6416-5119-1012

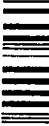
Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt #	
City	State	ZIP
Home Phone	Alternate Phone	
Email Address: <input type="text"/>		

#9034888083884766# MAIL ID NUMBER  
JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG PA 16866-8567

Capital One Bank  
P.O. Box 85147  
Richmond, VA 23276

055098



Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Sara Rubin

Agent of Capital One Bank, plaintiff herein, that  
(COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.



(SIGNATURE)



FILED FOR RECORD

2001 AFF -2 P I: 10

CLERK'S OFFICE  
CENTRE COUNTY, PA

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

CAPITAL ONE BANK

Plaintiff

No: 2007-1190

vs.

COMPLAINT IN CIVIL ACTION

JAMES L CORNMAN

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05414419 C A Pit BNT

(1)

COMPLAINT

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No 2007-1190  
JAMES L CORNMAN  
Defendant

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CENTRE COUNTY COURT ADMINISTRATOR  
CENTRE COUNTY COURTHOUSE  
BELLEFONTE, PA 16823  
(814) 355-6727

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- Pop-Up Blocker™
- Spam Controls
- Smarter Smart Dialer Technology
- More Email Addresses
- Internet Call Waiting

### SPECIAL LIMITED-TIME OFFER FOR CAPITAL ONE® CARDHOLDERS!

**CapitalOne**

VISA GOLD ACCOUNT

4388-6416-5119-1012

NOV 14 - DEC 13, 2003

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**1-800-903-3637**

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Attn: Remittance Processing  
Capital One Services  
P.O. Box 85147  
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Send inquiries to:  
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Richmond, VA 23285-5015

**EXHIBIT**

650985

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Please see reverse side for important information

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CASH	\$0.00	.07096%	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne**

0000000 0 4388641651191012 13 1662490300001662497

New Balance	\$1,662.49
Minimum Amount Due	\$1,662.49
Payment Due Date	January 13, 2004
Total enclosed	\$ <input type="text"/>
Account Number:	4388-6416-5119-1012

Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	( <input type="text"/> )
Email Address		

Capital One Bank  
P.O. Box 85147  
Richmond, VA 23276



055098

#903488083884766# MAIL ID NUMBER  
JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG PA 16866-8567



Please write your account number on your check or money order made payable to Capital One Bank and mail in the enclosed envelope.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Sara Rubin

Agent of Capital One Bank, plaintiff herein, that  
(COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

  
(SIGNATURE)

WWR#

Date: 10/21/2008 Clearfield County Court of Common Pleas NO. 1926442  
Time: 10:25 AM Receipt Page 1 of 1

Received of: Molczan, William T. (attorney for Capita \$ 0.00

Zero and 00/100 Dollars

Case: 2008-02014-CD	Plaintiff: Capital One Bankvs.James L. Co	Amount
Civil Complaint - Transfer from Another County		0.00
Total:		0.00

Payment Method: Cash William A. Shaw, Prothonotary/Clerk of Cou  
Amount Tendered: 0.00 By: \_\_\_\_\_  
Clerk: BHUDSON Deputy Clerk

08-2014-CD

PLEASE REMIT:

**Bill for service -**

**Copy**

October 21, 2008 Transfer of case from Centre County,  
Re: Capital One Bank  
vs.  
James L. Corman

Cost: \$75.00

Remit to: Clearfield County Prothonotary, PO Box 549, Clearfield, PA 16830

William T. Molczan, Esq:

Please remit \$75.00 for transferring the above listed case to Clearfield County at your earliest convenience. No further paperwork can be accepted in this case until the fee is paid. If you have any questions, please contact my office at (814) 765-2641, ext. 1330. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

## Enclosures

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

CAPITAL ONE BANK

Plaintiff No. 2008-02014-CD

vs. PRAECIPE TO REINSTATE COMPLAINT

JAMES L CORNMAN

Defendant(s) FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, Esquire  
PA ID #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Buidling  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5414419 lxr

5 **FILED** Atty pd. 7.00  
M 7/1/4 (6/20)  
JUN 25 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
C/C & Compl.  
Reinstated  
to Sheriff

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2008-02014-CD

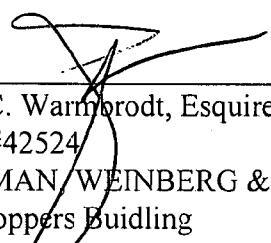
JAMES L CORNMAN

Defendant(s)

**PRAECIPE TO REINSTATE COMPLAINT**

Kindly reinstate the Complaint in the above captioned matter.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:   
James C. Warmbrodt, Esquire  
PA ID #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR #5414419

08-2014-CD

FILED  
RECEIVED  
CLERK OF COURT  
CENTRE COUNTY  
PA  
10/1/08  
10:10 AM  
2008-1190

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

CAPITAL ONE BANK

Plaintiff

No: 2008-1190

vs.

COMPLAINT IN CIVIL ACTION

JAMES L CORNMAN

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05414419 C A Pit BNT

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

CAPITAL ONE BANK

Plaintiff  
vs. Civil Action No

JAMES L CORNMAN

Defendant

COMPLAINT AND 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.

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.

CENTRE COUNTY COURT ADMINISTRATOR  
CENTRE COUNTY COURTHOUSE  
BELLEFONTE, PA 16823  
(814) 355-6727

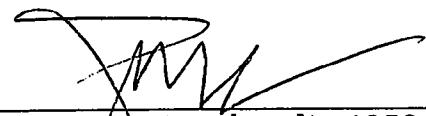
COMPLAINT

1. Plaintiff, CAPITAL ONE BANK is a corporation with offices at 6851 JERICHO TURNPIKE #190 SYOSSET , NY 11791 .
2. Defendant is adult individual(s) residing at the address listed below:

JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG, PA 16866
3. Defendant applied for and received a credit card bearing the account number 4388641651191012 .
4. Defendant made use of said credit card and has a current balance due of \$2854.13 , as of March 13, 2007 .
5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.
6. Plaintiff is entitled to the addition of interest at the rate of 25.900% per annum on the unpaid balance from March 13, 2007 . A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof.

7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for judgment in its favor and against Defendant , JAMES L CORNMAN , INDIVIDUALLY , in the amount of \$2854.13 with continuing interest thereon at the rate of 25.900% per annum from March 13, 2007 plus costs.

  
James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
05414419 C A Pit BNT

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

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- Pop-Up Blocker™
- Spam Controls
- Smarter Smart Dialer Technology
- More Email Addresses
- Internet Call Waiting

## SPECIAL LIMITED-TIME OFFER FOR CAPITAL ONE® CARDHOLDERS!

**CapitalOne®**

VISA COLD ACCOUNT

4388-6416-5119-1012

NOV 14 - DEC 13, 2003

Page 1 of 1

### Account Summary

Previous Balance	\$1,564.22
Payments, Credits and Adjustments	\$0.00
Transactions	\$64.00
Finance Charges	\$34.27
 New Balance	 \$1,662.49
Minimum Amount Due	\$1,662.49
Payment Due Date	January 13, 2004
 Total Credit Line	 \$800
Total Available Credit	\$0.00
Credit Line for Cash	\$800
Available Credit for Cash	\$0.00

### Payments, Credits and Adjustments

This is our third and final notice that your account is seriously past due. Payment must be received within 72 hours to avoid action by our collection department.

### Transactions

1	14 NOV	OVERLIMIT FEE	\$29.00
2	13 DEC	PAST DUE FEE	35.00

You were assessed a past due fee of \$35.00 on 12/13/2003 because your minimum payment was not received by the due date of 12/13/2003. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

### At your service

To call Customer Relations or to report a lost or stolen card:  
**1-800-903-3637**

Send payments to:  
Attn: Remittance Processing  
Capital One Services  
P.O. Box 85147  
Richmond, VA 23276

Send inquiries to:  
Capital One Services  
P.O. Box 85015  
Richmond, VA 23285-5015

**EXHIBIT**

### Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,609.72	.07096%	25.90%	\$34.27
CASH	\$0.00	.07096%	25.90%	\$0.00

ANNUAL PERCENTAGE RATE applied this period

25.90%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT. ▼

**CapitalOne®**

0000000 0 4388641651191012 13 1662490300001662497

New Balance	\$1,662.49
Minimum Amount Due	\$1,662.49
Payment Due Date	January 13, 2004
Total enclosed	\$ <input type="text"/>
Account Number:	4388-6416-5119-1012

Please print mailing address and/or e-mail changes below using blue or black ink.

Street	Apt. #	
City	State	ZIP
Home Phone	Alternate Phone	
Email Address: <input type="text"/>		

Capital One Bank  
P.O. Box 85147  
Richmond, VA 23276

055098



#9034888083884766# MAIL ID NUMBER  
JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG PA 16866-8567

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he/she is Sara Rubin

Agent of Capital One Bank, plaintiff herein, that  
(COMPANY)

he/she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his/her knowledge, information and belief.

  
(SIGNATURE)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2014-CD

CAPITAL ONE BANK

vs

JAMES L. CORNMAN

SERVICE # 1 OF 1

COMPLAINT & PRAECIPE

SERVE BY: 07/25/2009

HEARING:

PAGE: 105842

DEFENDANT: JAMES L. CORNMAN  
ADDRESS: 291 HORTON ST.  
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS

7-1-09-11:05-AM-N/H

7-2-09-9:45-AM-N/H

*S* FILED

JUL 02 2009

07/04/09  
William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 7-2-09 AT 10:16 AM SERVED THE WITHIN

COMPLAINT & PRAECIPE ON JAMES L. CORNMAN, DEFENDANT

BY HANDING TO Kim Cornman, Leife

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

ADDRESS SERVED 291 Horton St.

Philipsburg, PA 16866

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT & PRAECIPE FOR JAMES L. CORNMAN

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO JAMES L. CORNMAN

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*James A. Hawkins*  
Deputy Signature

*James E. Davis*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105842  
NO: 08-2014-CD  
SERVICES 1  
COMPLAINT & PRAECIPE

PLAINTIFF: CAPITAL ONE BANK  
VS.  
DEFENDANT: JAMES L. CORNMAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8873146	10.00
SHERIFF HAWKINS	WELTMAN	8873146	53.20

FILED  
01/14/2009  
OCT 13 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009



Chester A. Hawkins  
Sheriff

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

CAPITAL ONE BANK

Plaintiff No. 2008-02014-CD

vs. PRAECIPE FOR DEFAULT JUDGMENT

JAMES L CORNMAN

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE  
PA I.D.#47437  
Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#5414419  
Judgment Amount \$ 5011.03

pd \$ 20.00 Atty  
m 12:17 pm  
FEB 24 2010  
FILED ICC & notice to  
deft  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2008-02014-CD

JAMES L CORNMAN

Defendant

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, JAMES L CORNMAN above named, in the default of an Answer, in the amount of \$5011.03 computed as follows:

Amount claimed in Complaint	\$2854.13
Interest from MARCH 13, 2007 TO FEBRUARY 09, 2010 at the legal interest rate of 25.900% per annum	\$2156.90
<b>TOTAL</b>	<b>\$5011.03</b>

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

WELTMAN, WEINBERG & REIS CO., L.P.A.

By:

  
WILLIAM T. MOLCZAN, ESQUIRE

PA I.D.#47437

Weltman, Weinberg & Reis Co., L.P.A.  
1400 Koppers Bldg.  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955  
WWR#5414419

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
And that the last known address of the Defendant is: 291 HORTON ST PHILIPSBURG,PA 16866

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

CAPITAL ONE BANK

Plaintiff

vs.

Civil Action No. 2008-02014-CD

JAMES L CORNMAN

Defendant

NOTICE OF JUDGMENT OR ORDER

TO:  Plaintiff  
 Defendant  
 Garnishee

You are hereby notified that the following  
Order or Judgment was entered against you  
on 2.24.2010

Assumpsit Judgment in the amount  
of \$5011.03 plus costs.

Trespass Judgment in the amount  
of \$\_\_\_\_\_ plus costs.

If not satisfied within sixty (60)  
days, your motor vehicle operator's license and/or registration  
will be suspended by the Department of Transportation, Bureau  
of Traffic Safety, Harrisburg, PA.

Entry of Judgment of  
 Court Order  
 Non-Pro  
 Confession  
 Default  
 Verdict  
 Arbitration  
Award

Prothonotary

By: Waltman cm

PROTHONOTARY (OR DEPUTY)

JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG, PA 16866

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7<sup>th</sup> Avenue, Pittsburgh, PA 15219  
1-888-434-0085

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

CAPITAL ONE BANK

Plaintiff

Case No. 2008-02014-CD

vs.

JAMES L CORNMAN

Defendant

**IMPORTANT NOTICE**

TO:  
JAMES L CORNMAN  
291 HORTON ST  
PHILIPSBURG, PA 16866

Date of Notice: 10/23/09

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, EXT 50-51

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: \_\_\_\_\_

Matthew Urban

P.A.I.D.# 90963

WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, 1400 Koppers Building

Pittsburgh, PA 15219

Phone: (412) 434-7955

5414419 A PIT SMP

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

CAPITAL ONE BANK

Case no: 2008-02014-CD

Plaintiff  
vs.

## **NON-MILITARY AFFIDAVIT**

JAMES L CORNMAN

**Defendant**

The undersigned, who first being duly sworn, according to law, deposes and states as follows:

That he/she is the duly authorized agent of the Plaintiff in the within matter.

Affiant further states that the within Affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 521.

Affiant further states that based upon investigation it is the affiant's belief that the Defendant, JAMES L CORNMAN is not in the military service.

Affiant further states that this belief is supported by the attached certificate from the Defense Manpower Data Center (DMDC), which states that the Defendant, JAMES L CORNMAN is not in the military service.

Further Affiant sayeth naught.

## AFFIANT

SWORN TO AND SUBSCRIBED in my presence this \_\_\_\_\_ day  
Of \_\_\_\_\_, 2009.

FEB 16 2010

~~NOTARY PUBLIC~~

Notarial Seal  
Wayne A. Jones, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires June 29, 2010  
Member, Pennsylvania Association of Notaries

Department of Defense Manpower Data Center

Feb-12-2010 13:49:40



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
CORNMAN	JAMES L		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

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 Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*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 DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as 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 status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, 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 **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

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

Report ID:JRNU2C1M9G