

08-2349-CD

Capital One Bank vs M Harkleroad

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

Plaintiff

) NO. 2008-2349-CD

v.

MIRANDA HARKLEROAD

Defendant(s)

5 \$ FILED pd \$95.00
m 11:45 am (S) A44,
DEC 08 2008 CCR/SH/PL

William A. Shaw
Prothonotary/Clerk of Courts

**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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO.
)
)
)
)
v.)
)
)
MIRANDA HARKLEROAD)
)
)
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 ABOUT HIRING A LAWYER

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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.)
MIRANDA HARKLEROAD)
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 PATENAUME & 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 PATENAUME AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is MIRANDA HARKLEROAD, an adult individual, believed to currently reside at 1815 HARKLEROAD RD MAHAFFEY, PA 15757-7537.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 5178052103420515, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of March 18, 2008, Defendant(s) owes \$1,542.00 on said account plus interest at 15.90 %.
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 \$1,542.00, 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 \$1,542.00, 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: November 11, 2008

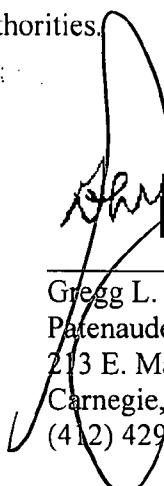
Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

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: November 11, 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
NO: 08-2349-CD

CAPITAL ONE BANK (U.S.A.), N.A.
vs
MIRANDA HARKLEROAD

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/07/2009 HEARING: PAGE: 105031

DEFENDANT: MIRANDA HARKLEROAD
ADDRESS: 1815 HARKLEROAD RD
MAHAFFEY, PA 15757-7537

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

FILED
01/08/2008
DEC 11 2008

William A. Shaw
Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON MIRANDA HARKLEROAD, 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 MIRANDA HARKLEROAD

AT (ADDRESS) _____

NOW 12-10-08 AT 10:40 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO MIRANDA HARKLEROAD

REASON UNABLE TO LOCATE Above Address is in Indiana Co.

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

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

Plaintiff

)
NO. 2008-2349-CD

v.

MIRANDA HARKEROAD

Defendant(s)

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

)
DEC 08 2008

)
Attest.

W.M. Morris
Prothonotary/
Clerk of Courts

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 ORIGINAL AS FILED.
GREGG L. MORRIS, ESQUIRE

P&F File No. 08-63031

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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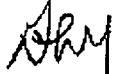
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Date: November 11, 2008



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Carnegie, PA 15106
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105031
NO: 08-2349-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (U.S.A.), N.A.
vs.
DEFENDANT: MIRANDA HARKLEROAD

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	30537	10.00
SHERIFF HAWKINS	PATENAUME	30537	39.74

S
FILED
013:00pm
MAR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

FILED *(E)*

MAY 28 2009
ml 12-35/

William A. Shaw
Prothonotary/Clerk of Courts

No Court.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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

)

Plaintiff

)

NO. 2008-2349

)

)

v.

)

)

MIRANDA HARKLEROAD

)

)

Defendant(s)

)

)

**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.
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PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.)
Plaintiff) NO. 2008-2349
v.)
MIRANDA HARKLEROAD)
Defendant(s))

PRAECIPE TO DISCONTINUE WITHOUT PREJUDICE

TO: Prothonotary

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

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

Date: May 26, 2009

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

Sworn to and subscribed before me this

26 day of May, 2009.

Carolyn J. Stewart
Notary Public

