

08-2424-CD
Capital One Bank vs Jessie Wray

4

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DEC 19 2008
(im)
William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK (USA), NA

Plaintiff

No: 2008-2424-CD

vs.

COMPLAINT IN CIVIL ACTION

JESSIE WRAY

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 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
07005792 C N Pit REA

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

CAPITAL ONE BANK (USA), NA

Plaintiff
vs.
JESSIE WRAY
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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, CAPITAL ONE BANK (USA), NA is a corporation with offices at 15000 CAPITAL ONE DRIVE RICHMOND , VA 23238 .

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

JESSIE WRAY
707 HARMONY RD
WESTOVER, PA 16692

3. Defendant applied for and received a credit card bearing the account number XXXXXXXXXXXX1276 .

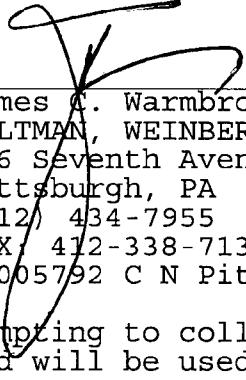
4. Defendant made use of said credit card and has a current balance due of \$1448.37 , as of October 15, 2008 .

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 28.100% per annum on the unpaid balance from October 15, 2008 . 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 , JESSIE WRAY , INDIVIDUALLY , in the amount of \$1448.37 with continuing interest thereon at the rate of 28.100% per annum from October 15, 2008 plus costs.


James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 1400
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
07005792 C N Pit REA

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.

Previous Balance	Payments & Credits	FINANCE CHARGE	Transactions	New Balance	Minimum Payment	Due Date
\$825.27	\$0.00	\$20.01	\$68.00	\$913.28	\$413.28	May 02, 2007

Mar 03, 2007 — Apr 02, 2007

Page 1 of 1

PLEASE PAY AT LEAST THIS AMOUNT

MasterCard Platinum Account
5178-0525-4131-1276

Your Account Information

TOTAL CREDIT LINE	\$500.00
TOTAL AVAILABLE CREDIT	\$0.00
CREDIT LINE FOR CASH	\$500.00
AVAILABLE CREDIT FOR CASH	\$0.00

You're behind by five payments so we've permanently suspended your charging privileges. If you don't make a sufficient payment within 30 days of the Payment Due Date shown on this statement, we'll charge off your account and report the charged-off status to the national credit bureaus. Please don't let this happen. If you're feeling overwhelmed, call us at 1 800 955 6600. We'll work with you to resolve this matter.

Payments, Credits & Adjustments

Transactions

1	02 APR	PAST DUE FEE	\$29.00
2	02 APR	CAPITAL ONE MEMBER FEE	\$39.00

Under terms previously disclosed to you, some or all of your Annual Percentage Rates (APRs) have been increased since your account was past due twice in the past 12 billing cycles. If your rates have already increased, subsequent delinquencies extended the duration of the increased rates. Remember, if we receive your minimum monthly payment on time for 12 consecutive billing cycles, this account will be reviewed for a possible return to your Non-Introductory APR.

Your account is 90 days past due and your Payment Protection coverage has been suspended. As stated in your Payment Protection agreement, your coverage and monthly charge will be reinstated once your account is no longer 90 days past due. You may still be eligible for benefits to be paid to your account for loss events described in your Payment Protection agreement. Call Stonebridge Benefit Services at 1-888-527-6904 to see if your situation qualifies for benefits.

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

Finance Charges (Please see reverse for important information)

Balance applied to	Periodic rate	Corresponding APR	FINANCE CHARGE	
Purchases	\$837.08	0.07712% D	28.15%	\$20.01
Cash	\$0.00	0.07712% D	28.15%	\$0.00

ANNUAL PERCENTAGE RATE applied this period. 28.15%

At Your Service 1-800-803-3637
To call Customer Relations or to report a lost or stolen cardSend payments to:
Capital One Bank P.O. Box 70884 Charlotte, NC 28272-0884Send inquiries to:
Capital One P.O. Box 30285 Salt Lake City, UT 84130-0285

EXHIBIT

6056 506

1 7 2 070402

PAGE 1 of 1

01BC6056

PLEASE RETURN PORTION BELOW WITH PAYMENT

CapitalOne

what's in your wallet?

0 5178052541311276 02 0913280050000413282

Account Number: 5178-0525-4131-1276

Please print address or phone number changes below using blue or black ink

Address

Home Phone

Alternate Phone

E-mail address

@

#900398030047464# MAIL ID NUMBER

JESSIE WRAY
228 N LAU ST

ALLENTOWN, PA 18102-4153

Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884

7005792

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

CAPITAL ONE BANK (USA), N.A.,
Plaintiff,

v.

JESSIE WRAY
Defendant(s).

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, that he/she is an authorized agent of **CAPITAL ONE BANK (USA), N.A.**, Plaintiff herein, and that he/she is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.

Dated: 10/30/08

Wandi Glover
Wandi Glover

A049
WELTMAN, WEINBERG & REIS CO., L.P.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 2008-2424-CD

CAPITAL ONE BANK (USA), NA
vs
JESSIE WRAY

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/18/2009 HEARING: PAGE: 105077

DEFENDANT: JESSIE WRAY
ADDRESS: 707 HARMONY RD
WESTOVER, PA 16692

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 1-8-09 - 10:44 ^{AM} - N/H 1-13-09 - 1:30 ^{PM} - N/H
1-12-09 - 9:30 ^{AM} - N/H

SHERIFF'S RETURN

NOW, 1-16-09 AT 9:46 AM SERVED THE WITHIN

COMPLAINT ON JESSIE WRAY, DEFENDANT

BY HANDING TO Evelyn Pierce Grammister

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

ADDRESS SERVED 707 Harmony Rd.
Westover, Pa. 16692

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JESSIE WRAY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JESSIE WRAY

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
CIVIL DIVISION

CAPITAL ONE BANK (USA),NA

Plaintiff No. 2008-2424-CD

vs. PRAEICE FOR DEFAULT JUDGMENT

JESSIE WRAY

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#7005792
Judgment Amount \$ 1619.82

FILED Atty pd.
MAY 29 2009 20.00
S MAY 29 2009 ICC Notice
William A. Shaw
Prothonotary/Clerk of Courts to Def.
(G)

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

CAPITAL ONE BANK (USA) ,NA

Plaintiff

vs.

Civil Action No. 2008-2424-CD

JESSIE WRAY

Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter Judgment against the Defendant, JESSIE WRAY above named, in the default of an Answer, in the amount of \$1619.82 computed as follows:

Amount claimed in Complaint	\$1448.37
Interest from OCTOBER 15, 2008 TO MAY 14, 2009 at the legal interest rate of 28.100% per annum	\$171.45
TOTAL	\$1619.82

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
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#7005792

Plaintiff's address is:

c/o Weltman, Weinberg & Reis Co., L.P.A., 1400 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219
And that the last known address of the Defendant is: 707 HARMONY RD, WESTOVER, PA 16692

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

CAPITAL ONE BANK (USA), NA

Case no: 2008-2424-CD

Plaintiff **NON-MILITARY AFFIDAVIT**
vs.

JESSIE WRAY

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, JESSIE WRAY 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, JESSIE WRAY is not in the military service.

Further Affiant sayeth naught.

William T. Maloy
AFFIANT

AFFIANT

SWORN TO AND SUBSCRIBED in my presence this 15th day
of May, 2009.

~~Notary Public~~

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Wayne A. Jones, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 28, 2010
Member, Pennsylvania Association of Notaries

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

CAPITAL ONE BANK (USA),NA

Plaintiff

Case No. 2008-2424-CD

vs.

JESSIE WRAY

Defendant

IMPORTANT NOTICE

TO:

JESSIE WRAY
707 HARMONY RD
WESTOVER, PA 16692

Date of Notice:

4/15/09

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
7005792 N PIT M4C

Department of Defense Manpower Data Center

APR-29-2009 07:21:33



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
WRAY	JESSIE		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, 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 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 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.

Report ID: **YLOZLGQUTD**

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

COPY

CAPITAL ONE BANK (USA) ,NA

Plaintiff

vs.

Civil Action No. 2008-2424-CD

JESSIE WRAY

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 May 29, 2009

Assumpsit Judgment in the amount
of \$1619.82 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-Pros
 Confession
 Default
 Verdict
 Arbitration
Award

Prothonotary

By: Weltman
PROTHONOTARY (OR DEPUTY)

JESSIE WRAY
707 HARMONY RD
WESTOVER, PA 16692

Plaintiff's address is:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105077
NO: 08-2424-CD
SERVICES 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA), NA
vs.
DEFENDANT: JESSIE WRAY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	3721723	10.00
SHERIFF HAWKINS	WELTMAN	3721723	90.00

s
FILED
OB:Ola
JUN -2 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

Chester A. Hawkins

Chester A. Hawkins
Sheriff